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Legal Divorces During the Pandemic in the Religious Court of Sukoharjo, Indonesia

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Abstract

The purpose of this research is to describe and explain the meaning of divorce, the impact of divorce, the causes of divorce, and efforts to reduce divorce in PA Sukoharjo. This research method is descriptive qualitative with seven research subjects consisting of five widows and two widowers who experienced divorce during the pandemic at Sukoharjo PA. The results of this study are the emergence of divorce between husband and wife can have a major impact on the social status of women in society. Even though the marriage bond between husband and wife has been broken, the position and both parties towards children are the same in terms of maintenance and care education for children until the child is married or have grown up. Divorce in Sukoharjo PA was caused by infidelity, domestic violence, disputes and fights, as well as economic factors (the double burden of a wife and husband not providing a living). Divorce can have a negative impact on a child's psychological condition. Reducing divorce cases can be done by limiting the age of marriage, pre-marital counseling for prospective brides, and effectiveness of the KKB (Population and Family Planning) and PK (Family Development) program activities.

Keywords

Divorce, COVID-19 Pandemic, Sukoharjo

Introduction

At the end of 2019, the world was shocked by the news of an outbreak of a disease thought to have originated in animals. The virus is thought to have mutated so that it can infect humans and has very fast transmission. This virus later became known as SARS-CoV-2, also called CoV-19. Basically, it is a viral RNA that can cause the sufferer to suffer from acute respiratory disease (COVID-19), which will seriously infect the lower respiratory tract, and is followed by symptoms of bronchitis, pneumonia, and fibrosis (Conti et al . , 2020) . The symptoms of this virus will be stronger if the sufferer has a weak immune system. Apart from having an impact on human health, it turns out that the emergence of this pandemic also has an impact on the country's economic sector, even the global economy (Burhanuddin & Abdi, 2020)

The existence of the Covid-19 case is certainly very disturbing for every human being in all corners of the world. Covid-19 itself has had a big impact on changing people's daily habits, starting from advising them to stay at home to carrying out new normal activities that require people to wear masks when traveling, practice social distancing , to remind everyone not to forget to wash frequently. hands and carry hand sanitizer and use personal equipment when traveling. Apart from causing anxiety for the community, the other consequences of the large spread of Covid-19 cases are of course very many, ranging from stress due to economic problems, loss of jobs, high rates of domestic violence cases, to increasing divorce cases. (Dalvi & Hermaleni, 2021) .

Of the many negative impacts during the Covid-19 pandemic, this research will focus on divorce cases during the pandemic. According to data obtained from the Sukoharjo Religious Court, in 2020 there were 1,079 filings for divorce in Sukoharjo with 386 divorce cases, while in 2021 there were 1,089 divorce cases, while 382 divorce cases (Putri & Ermawati, 2022).

Divorce is part of marriage, because there is no divorce without starting marriage first. Divorce, although permissible in Islamic law , is an act that is hated by Allah WT. This solution is given if there is no other way out to solve problems that occur between husband and wife in a household. As formulated in Article 38 of Law Number 1 of 1974 concerning Marriage which reads: Marriages can be dissolved due to: (a) death, (b) divorce, (c) by a Court decision.

Shocks in the household often occur when one of the husband's rights and obligations the wife can't be carried out properly, so it ends with divorce. Divorce can occur with many factors. Divorce last few years In the midst of society, more and more things are happening, what is getting more confusing is when the Covid-19 Virus (or Corona Virus) which has appeared for the first time in the city of Wuhan China at the end of 2019. After appearing, in its development the spread of this

virus continues to go global until finally, on Wednesday 11 March 2020, the world health organization, the World Health Organization (WHO), determined that the level of spread had reached the level of a pandemic. Covid-19 which has begun to spread throughout the world, especially Indonesia, so that it is in this pandemic situation that more and more divorces occur (Mauliza et al ., 2021)

Many families do experienced an economic shock as a result a pandemic that made them difficult to make ends meet and many of them solve this problem by divorce. Various events occurs suddenly which then has an impact on economic conditions and household welfare, such as policies The Lockdown and Social Distancing issued by the government had an impact positive and negative (Alghifari, et al ., 2020) . The positive impact, the policy can break the chain of spread of the virus and minimize exposure to the virus but on the other hand the policy makes society is limited even up can't work at all, because it's quiet then many businesses closed, either while it could even be forever (Alghifari, et al ., 2020)

According to Law No. 1 of 1994 Article 16, divorce occurs when it is no longer possible to reconcile the husband and wife to live in harmony in a household. Article 18 states that divorce is counted when the divorce is declared before the court. The court tries to reconcile the couple who is about to divorce and divorce occurs when the court is unable to reconcile the two

There are many factors that cause married couples to finally decide to divorce, including economic factors (Harjianto & Jannah, 2019; Rokan et al ., 2018) . The economic changes that have occurred as a result of the Covid-19 pandemic cannot be accepted by all families. There are families who do not have enough savings to deal with emergencies. In the end, conflicts often occur, each of them has desires and ideas to be recognized and implemented, while other parties have different expectations. Ego and high recognition are sometimes difficult to contain between husband and wife. There are those who are able to handle the conflict well, but there are also those who make the problem even more protracted. This caused his family's resilience to weaken and ended in divorce (Kesuma & Hashim, 2021) . Apart from economic factors, divorce can also occur due to disagreements (Matondang, 2014) , presence of a third party or infidelity (Harjianto & Jannah, 2019) , lack of offspring (Gravningen et al ., 2017) , domestic violence (Gravningen et al. al ., 2017; Hawkins et al ., 2012; Prianto, Wulandari, & Rahmawati, 2013) , loss of harmony in the household or family disharmony (Harjianto & Jannah, 2019; Rokan et al ., 2018; Siburian, 2019) , responsibility answer (Harjianto & Jannah, 2019; Rokan et al., 2018) , to differences in principle (Gravningen et al. , 2017; Matondang, 2014) .

Methods

This research is a qualitative research where data is collected in the form of reports and analysis. Qualitative research is a research procedure that produces descriptive data in the form of written and spoken words from people and observable behavior (Moleong, 2012). This research uses a qualitative descriptive approach, meaning that researchers try to uncover, analyze, and interpret data or

information in the field by describing words (Bachri, 2010) . There were seven research subjects consisting of five widows and two widowers who experienced divorce during the pandemic at PA Sukoharjo. Qualitative research methods are the right choice to be used as the development of theoretical aspects as well as aspects of practical benefits. (Sukardi, 2013:183)

The author also uses text books, scientific journals, statistical references, research results in the form of theses, theses, dissertations, and the internet, as well as other relevant sources (Sanusi, 2016:32-33) . Sources of data used in this study were obtained from browsing on the internet, reading various literature, results of studies from previous researchers, lecture notes and relevant sources (Nazir, 2013: 56)

In this research, the main material data collection is in the form of literature books, laws and regulations, norms that live and develop in society, magazines, articles, newspapers, seminar results, and other sources that are directly related to the object under study (Ali, 2009:18) Data analysis in this literature research is *content analysis content analysis* , namely research that is in-depth discussion of the contents of written or printed information. Content analysis is a research tool focused on the actual content and internal features of media. In this analysis all the data that has been analyzed is in the form of text.

Results and discussion

The Meaning of Divorce

Divorce is a complex process that can be seen in many ways perspective. This is troubling the couple economically, and mentally abusive affect their status in society. Of course there will also be social problems faced by women after divorce which leads to their social status in social life, because divorce affects the all levels of family and society because marriage is a social contract (Eyo, 2018: 175) .

Loss of social support, reduction of social relationships, feelings of not being safety, exclusion, negative moral attitudes of society, social labels, feedback negative people overt and covert gender based harassment and violence is the loss experienced by women after divorce in society. Several women's stories reveal that divorce results social rejection, that they are treated as part of that group different because of their divorce (Rathi & Pachauri, 2018:208) .

Divorce results in the emergence of custody of children in particular children who are underage, but the occurrence of divorce does not cause differences in rights to children, both husband and wife both have rights the same in parenting. That both parents still have obligations in the care and education of children based on interests for children. If between the two parents occurs dispute over custody of the child, then the next court decide. As a husband who used to be in charge of earning a living, of course also obliged to be responsible for the maintenance and the child's life needs as a father, but if the obligation cannot be met by the father, the court can decide that the mother shares responsibility for meeting the child's needs. In

addition , the court may also decide that in the event of a divorce, the ex-husband must also share living expenses or other obligations against his ex-wife. same obligations towards their children to maintain them as best as possible, and the obligation to maintain and education for children will continue to apply until the child is married or When they reach adulthood, this obligation will continue even though they are married between husband and wife is broken. Likewise in position. as holders of parental authority over children, both have rights and equal status.

Based on these provisions, it is clear that the position and rights of husband and wife are equal in the household. Husband as the head of the household has obligations in terms of happiness and providing and fulfilling a living physically and mentally to the wife, that in married life, everything something must be discussed together and carried out by deliberation between both partners. The Marriage Law adheres to the principle of equality between husband and wife followed by KHI provisions which also adhere to the principle of equality in between the two, the provisions of Article 79 KHI state that the husband is the head of the family, and the wife is a housewife. Husband and wife have equal rights and positions in family or household life and social life, as well in carrying out legal actions. The same is true of the provisions in the Act Marriage, also emphasized in Article 92 KHI that acts on property requires the consent of both parties

Factors Causing the Increase in Divorce Cases

From the results of interviews with seven research subjects, it was found that each subject revealed multiple reasons when asked about the factors that triggered them to decide to divorce. There are four main reasons for the final subject deciding to divorce, namely third parties or infidelity, domestic violence, disputes or quarrels, and finally economic factors.

Affair (Third party)

Some of the subjects the researchers interviewed found their partners having an affair, one of the subjects admitted having an affair. The first research subject with the initials NS, a 36-year-old woman, revealed that her husband had had an affair more than once

"Mmmh, what husband huh .. he 's playing with another girl, there's a third party.. it 's an affair .. more than once."

third subject , MH, a 35-year-old man said that he had had an affair which was one of the reasons for the breakdown of his household relationship with his partner

"In the past, my brother used to play with high school kids, from there he often quarreled with his ex"

Furthermore the subject of the 25 year old FA said

"Actually it 's wrong on both sides, but after being investigated, it turns out that he already has another woman outside"

Finally, the subject who revealed his partner's infidelity, RE, a 28-year - old man

"The reason for divorce brother? He's cheating, but when asked, he's evasive. Sometimes he goes out with his male friends and what's worse is that the boys are different. She has lots of male friends, and being close to her is not normal, according to you, for a woman who is married and has children."

Domestic Violence

One of the research subjects revealed that the husband committed acts of domestic violence continuously within 5 years of marriage, since he was pregnant with his first child until he finally decided to divorce .

" From the first child he has experienced domestic violence once, the second child has had one or two times. When the second child is not harmonious anymore. When my sister's second child was 9 months old, sis already asked for a divorce, now she 's the one filing for it. Then until my sister was pregnant with her third child, anyway, sis left the rented house twice because she was often beaten and sworn at."

Disputes and Quarrel

Disputes and continual quarrels are the most frequent factors causing divorce from the results of interviews with the subject of the researcher. The reason is, from the main factors causing divorce, couples tend to experience quarrels and disputes after the main conflict arises. Like the problem of infidelity or economic factors that eventually cause couples to experience disputes and fights that never stop.

The third subject revealed "from there they often argued with him, fought all the time, argued almost every day. It's almost a year when we fight, we keep bringing up my brother's mistakes." Next is the narrative of the fourth subject

"Yes, we keep fighting, we keep on disagreeing, then he's honest, he should be honest about today's income, but he's not being honest"

The sixth and seventh subjects said respectively

" Then when my sister was pregnant for the third time, anyway, sis, I left the rented house twice, went back to my sister's parents' house, 3 months and 3 months, I was picked up by her again. . I was well advised by Gamau , in the end a dispute arose for several months, it was not harmonious anymore, finally divorced "

Economic Factors

Economic problems are indeed still the dominant conflict trigger for husband and wife whether or not there is a *Covid-19 pandemic*, but with the existence of this *Covid-19 pandemic* especially it has a negative impact on the economic aspects of the family so that the continuity of the household economy suffers, the

implication of social restrictions is the loss or reduced family income, for example due to massive layoffs by companies, reduced purchasing power of the people, even business people and medium-sized businesses suffer losses. The impact triggers conflict between husband and wife and ends in divorce, while the increase in divorce cases during the *Covid-19 Pandemic* is as follows

Double Burden of the Wife

One of the factors causing the increase in the divorce rate in Sukoharjo Regency is the result of economic problems which experienced a decline during the *Pandemic Covid-19*, divorce due to domestic conflict caused by problems the economy during *the Covid-19 Pandemic* is something that is interconnected. This happens because many husbands have been laid off, so that it has an impact on the family's economic sector, this condition will trigger stress and emotions on the husband's side for thinking about the cost of daily living.

An increase in divorce cases during the pandemic also occurred for several married couples in Indonesia Sukoharjo Regency as a result of the husband not working so that the wife gets a double role, wife who take care of the household on a daily basis also work to make ends meet, while the husband does not try to find other work besides working at PT Karyatama Mitra Sejati and working as a farmer whose prices have increased during the pandemic fertilizer so that it has an impact on the inability of farmers to grow crops. wife who share time working at home taking care of family and also working in the public sector feel a husband is no longer fulfilling responsibilities as the head of the family, such as which was revealed by AD's mother, one of the informants who divorced her husband, AD's mother express that

you haven't been given any money since your husband stopped working at PT Mitra Keri PT Karyatama Mitra Sejati nci, even though you need money, it's okay he doesn't have a job because he was fired, but at least there is an effort to find another job, he is the breadwinner for the family, plus a working mother washing other people's clothes while taking care of the household, this mother's husband doesn't feel the slightest bit guilty, sometimes when she comes home she washes other people's clothes this mother's husband asks money to buy cigarettes angrily, because of that she doesn't accept it anymore, then she sues her husband for a divorce

Based on information from some of the informants above, it can be seen that the reason the wife filed for divorce from her husband was caused by economic factors during *the Covid-19 Pandemic*, the wife has a dual role, where the wife previously only worked as a housewife but during the pandemic also worked to earn a living for the family, because the husband does not get a living and the husband does not help with the housework while the wife is working outside resulting in the wife being unable to endure what she feels and supporting the child with her own business so that the wife thinks the husband has neglected his duties as the breadwinner in the family.

If in a marital relationship Homans' theory explains that there is no exchange between rights and obligations in a husband and wife relationship. There is no balance in the exchange process and one party is harmed and ends in divorce. If in the household the husband and wife do not receive the desired compensation, there will be injustice and family dysfunction. If the *costs and rewards* given are rights and obligations, where the wife's right to earn a living and the husband's obligation to provide a living is not the wife who gets a double burden in the household. So when both parties provide *costs and rewards* are carried out and given, the husband and wife relationship will run well. On the other hand, rights and obligations are unbalanced or unfair, so the husband-wife relationship will not run harmoniously, because there is injustice or one party feels disadvantaged, this will lead to divorce.

Husband does not provide a living

As a result of the pandemic that hit and the issuance of the PSBB policy by the government, it had a significant impact on people's patterns of life. Communities are prohibited from interacting outside the home and out of town, this causes a decrease in economic income in various sectors of life, Sungai Pagu Subdistrict which is a subdistrict where the majority of people depend on the agricultural sector, and work for companies such as PT Karyatama Mitra Sejati and PT Rachmasari Group feel the impact from *the Pandemic Covid-19* caused purchasing power to decline, and company layoffs occurred. *The Covid-19 pandemic* has caused the husband to lose his job as the backbone family so that they don't provide any more support to the family, as expressed by WY's mother could not stand the problem so she asked for a divorce. Here's an expression interview from YW's mother:

"... since your husband was laid off by PT Rachmasari Group which reduced employees *due to the Covid-19 pandemic*, your husband no longer provides a living, he goes and comes home as he pleases, has no responsibility, and neglects the children by not giving pocket money and educational expenses. (Interview, November 7, 2022).

Based on the observations of researchers on November 7 at PA Sukoharjo, husbands who work at PT Rachmasari Group are where the majority of husbands look for breadwinner and breadwinner for the family. However, depending on his livelihood working as an employee at PT Rachmasari Group due to *the Covid-19 pandemic* PT Rachmasari Group as a source of livelihood for the family experienced a reduction in employees, it caused the layoffs of employees so that impact on the inability of a husband to provide a living for his wife or family.

Based on the information from some of the informants above, it can be seen that the reason the wife sued for divorce from her husband was because she did not get a living from her husband which would result in the wife being unable to endure what she felt and supporting the child with her own business so that the wife considered the husband had neglected his duties as a breadwinner. family. If

this is related to the economic conditions that hit during *the Covid-19 Pandemic*, it is difficult for the wife to find additional money to make a living so that the wife sues her husband for divorce.

The Impact of the COVID-19 Pandemic on an Increase in Divorce Cases

One of the foundations so that society can be strong is a marriage, if the marriage collapses then the foundations of society also collapse. Therefore a marriage must be kept intact, and also husband and wife must be kind in building a household (Hasanah, 2019: 21-22) . If you face a problem, you must solve it carefully, because if there is a small problem but you can't solve it properly, it will result in divorce.

The COVID-19 pandemic that has hit the world has had a huge impact on household life. One of the influential impacts is the economy, because workers cannot work as usual or have decreased hours or even days, therefore their salaries have decreased and also income in every factory or company has also decreased. Then there are many divorces nowadays, one of the causes is economic problems, we meet many workers who have been laid off and then they cannot meet the needs of their families which eventually causes small fights and ends in divorce (Fauziah *et al.* , 2020: 188) .

The current high rate of divorce will lead to an increase in the number of children who are neglected or children who behave naughty as a result of divorced parents and no good guidance from parents. So this is tantamount to us destroying the nation's future because children are the greatest treasure for the nation's successors in the future, if children are not educated properly now, what kind of children will they become in the future.

The impact of divorce on husband and wife is that if they are divorced not based on applicable laws and only based on Islamic law (through words) then they do not have a divorce certificate or evidence saying that they are officially divorced, it will cause difficulties when they are going to remarry other people (Hayati, 2015) . Because the religious court will not allow it until there is a valid letter from the court. Then it will also affect the child's maintenance, if there is no letter stating the official divorce and then the father does not routinely provide maintenance, the mother also cannot be forced to provide maintenance for the child regularly (Fauziah *et al.* , 2020: 189).

Basically, the family is the first step for children to know love, the meaning of life, and socialization. Then, if there is a problem in the family and causes a divorce, it will have a big impact, especially if the husband and wife already have children, the parents' love for the child will disappear and also the loss of a father or mother figure which will cause psychological problems in the child and will hinder the child's development because if Children who do not get good guidance from their parents will most likely commit bad deeds (Hasanah, 2019:21-22) .

The impact of divorce on children, for children who have entered their teens and are also victims of their parents' divorce, the psychology of the child will be problematic. Such as feelings of shame, sensitivity, and low self-esteem which cause the child to not like to mingle with the surrounding environment and withdraw from the environment. Then the things found in children as a result of their parents' divorce are feelings of insecurity, being unwanted by their parents, sad and lonely, angry, and even being able to blame themselves for feeling guilty, the cause of the divorce (Untari *et al.* , 2018) . And what we often encounter is that children will be bullied by their friends because they do not have a complete family. This has a huge impact on the child's psychological condition.

At the emotional level children also have a big impact, after their parents divorce they tend to be shy and insecure children, from this emotional change if the child enters his teens it can plunge the child into juvenile delinquency or even become a drug addict (Azizah, 2017: 169-170) Then if the child feels happiness in the previous family life it will cause severe trauma. Likewise, if there was no happiness in the previous family, then the child considers divorce as a way out of this problem (Fauziah *et al.* , 2020) .

According to Siregar (2015: 168) , divorce can have an impact on the validity of the divorce, the meaning here is that if they divorce based on tradition in Islam and are not in line with Indonesian legislation, the divorce does not have a marriage certificate which will cause the husband to want to remarry with another woman and then they have a child, it will be difficult for the child to get legal recognition, that the child is the child of the couple, because the second marriage has no legal force or does not have an official document saying that they are legally married.

Divorce also has an impact on family assets or what is often heard is joint property. In fiqh, we do not actually recognize joint property, but the scholars say that *qiyas* is like the law of *tirkah* in a business which does not have to be divided equally but according to contribution. However, in Indonesia, Article 126 of the Criminal Code says "if there is a divorce, where the joint property is dissolved by law by dividing the joint property, their joint wealth is divided in half between the husband and wife. And this is what is often used in Indonesia, which is also referred to as mutual property. and also again will have an impact on children. Sometimes the child whose custody rights fall on the mother is often the mother forbids her child from meeting her biological father and vice versa. Because the parents' selfishness will damage the child's mentality and the child's own future, in fact the child still needs love from both sides even though the parents are divorced (Fauziah *et al.* , 2020: 190) .

In fact, society considers divorced people as violating the sacred values of marriage so that divorced people are seen as lacking in ethics and morals (Surbakti, 2008: 326) . And it is also very difficult for divorced people to get support, sympathy or empathy from their closest community, therefore they will tend to withdraw from society (Fauziah *et al.* , 2020: 190)

Efforts to Reduce Divorce Cases

No couple wants to experience a rift in their household life which ends in divorce (Tristanto, 2020) . Someone who feels wronged in a relationship tends to be express their emotions angrily. Anger being part of the beginning of experienced dissatisfaction. Because it dragged on and did not find the point meeting then separating is a step to resolve injustice in household relations (Kesuma & Hasyim, 2021) . The existence of divorce can have a significant impact on husbands, wives and children (Hasanah, 2019) . According to *Equity Theory* in Devito (2013) , balance in a relationship is needed in maintaining a relationship. The balance in question is not only material, but can be in the form of attention, sacrifice, and division of tasks in relationships. If the balance is not realized, then the integrity of the relationship can be threatened. Various preventive efforts have been made by the government in addressing the increase in divorce cases as follows:

Limitation on the age of marriage, limit for men and women over 19 years. Furthermore, the National Population and Family Planning Agency (BKKBN, 2013) as a government agency that focuses on population issues both in quantity and quality has a limit in terms of marriage, namely 21 years for women while 25 years for men. Consideration of 21 years for women because women over the age of 20 are considered mature in terms of reproduction so that they are suitable for marriage. In addition, at that age , couples are expected to have sufficient income so that they are already well-established from an economic standpoint.

In terms of marriage, through BKR (Youth Family Development) parents are able to guide their teenagers not to marry young and prepare everything before marriage, so that it becomes a preventive measure to avoid divorce. Another preventive effort made by the government is pre-marital counseling for the bride and groom, so that they can consult themselves both in terms of health, finances, and others so that they can understand each other's prospective partners.

According to BKKBN (2013), the Center for Information and Counseling for Youth/Students (PIK R/M) is a forum for the activities of the KKB (Population and Family Planning) and PK (Family Development) programs which are managed from, by, and for adolescents to provide information and counseling on population, family planning and family development

Conclusion

The emergence of divorce between husband and wife can have a major impact on the social status of women in society. Even though the marriage bond between husband and wife has been broken, the position and both parties towards children are the same in terms of maintenance and care education for children until the child is married or have grown up. Divorce in Sukoharjo PA was caused by infidelity, domestic violence, disputes and fights, as well as economic factors (the double burden of a wife and husband not providing a living). Divorce can have a

negative impact on a child's psychological condition. Reducing divorce cases can be done by limiting the age of marriage, pre-marital counseling for prospective brides, and effectiveness of the KKB (Population and Family Planning) and PK (Family Development) program activities.

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