

the High Rate of Divorce Amid the Covid-19 Pandemic: an Legal Empiric Observation

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Abstrak

Perceraian terjadi akibat perselisihan dan pertengkaran terus menerus. Faktor ekonomi menjadi alasan perceraian yang paling tinggi di Pengadilan Agama Ternate pada saat masa pandemi Covid-19. Penelitian ini bertujuan untuk menganalisis faktor-faktor yang menyebabkan meningkatnya angka perceraian serta dampak utama meningkatnya angka perceraian di masa pandemi di Kota Ternate. Metode penelitian yang digunakan adalah metode yuridis normatif yang merupakan penelitian kepustakaan yang mengkaji dokumen. Hasil penelitian menunjukkan bahwa perceraian merupakan alternatif terakhir. Status ekonomi merupakan faktor yang sering dijadikan alasan untuk istri untuk mengajukan perceraian, dimana pihak suami tidak sanggup memberi nafkah kepada istri sehingga timbulah konflik dalam keluarga yang mengakibatkan perceraian. Faktor yang kedua adalah maraknya putusnya hubungan kerja. Hal ini menjadi salah satu penyebab meningkatnya perceraian di masa pandemi Covid-19.

Kata Kunci: Covid-19, perceraian, faktor, Ternate.

Abstract

Divorce happens due to continuous disputes and fights due to economic reasons. The economic factor has become the highest cause of divorce in the Ternate Religious Court amid the Covid-19 pandemic. This research aims to analyze the factors causing the increasing rate of divorce as well as its main causes amid the pandemic in Ternate City. This paper employed the normative juridical method which is a literary study that studies documents. Results showed that divorce is the last resort. Economic status is the factor that wives often use to file for a divorce, as husbands are no longer able to provide for the wife, causing family conflicts that lead to divorce. The second factor is the rampant cases of work termination. This has become one of the main causes of divorce amid the Covid-19 pandemic.

Keywords: Covid-19, divorce, factor, Ternate.

INTRODUCTION

Last Name, First Author Name 1 and Author Name 2, "Title," Name of Journal volume, no. (Date Month Year Published):
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Marriage is a promise of loyalty. A husband and a wife both have responsibilities in performing their tasks as a partner for the sake of the security and happiness of the household. The aim of marriage is stated in the Republic of Indonesia's Law No.1 of 1974 on Marriage. But not everyone can create these idealized families as there are cases of divorce, including death divorce, *talaaq* divorce (an Islamic divorce which the husband initiated), or divorce under the decision of the judge. In Indonesia, non-Muslim couples legalize divorce in the District Court, while Muslim couples legalize divorce in the Religious Court.

As shown from the research of Kurniawan,¹ according to civil law, divorce is the elimination of marriage based on the decision of the judge due to the demand of one of the parties in the marriage. The worsening economic situation during the Covid-19 pandemic became one of the strongest reasons which caused conflicts in the relationship between husbands and wives. Many husbands had their jobs terminated during the pandemic, causing financial instability in the household which may end in a divorce. This paper aims to fill the research gap by

analyzing the divorce rates of married couples in Ternate City amid the Covid-19 pandemic.

A pandemic is defined as an infectious plague that simultaneously occurs everywhere, encompassing a wide geographical area. The pandemic can be defined from several aspects. Based on the area of its spread, the pandemic refers to a disease that spreads in an extensive geographic area. The movement of the disease or its spread through infections can be tracked from one place to another, such as what historically happened for centuries. But a disease can only be said as a pandemic if its level of severity is quite high and it spreads within a short time. Apart from that, the amount of the population that is immune to that disease is categorized as minimum. Moreover, diseases that are deemed as pandemic are usually those that are new, or at least those that are related to a new variant of a previously existing organism.²

This research is urgent because divorce is the last resort. It is an emergency exit that can be used when the household's unity and continuity can no longer be maintained, but Allah hates it.³ By conducting research on the rates of divorce amid the pandemic, people can be more aware of the effects of great

¹ I Gede Hartadi Kurniawan, "Pengaruh Pandemi Covid 19 Terhadap Maraknya Kasus Perceraian Di Berbagai Pengadilan Agama," *Jurnal Abdimas* 7 (2021): 65.

² Hastinia Apriasari et al., "Divorce in the Covid-19 Pandemic Era: An Integrative Study: Perceraian Di Era Pandemi Covid-19: Sebuah Kajian Integratif," *Proceeding of Inter-Islamic University Conference on Psychology* 1, no. 1 (2021): 1–11.

³ Ety Dian Mayasari, "Tinjauan Yuridis Adanya Kekerasan Dalam Rumah Tangga Sebagai Alasan Untuk Melakukan Perceraian," *Jurnal Mimbar Hukum* 25, no. 3 (2013).

problems such as the pandemic towards marriages. It can also prepare people to protect their households from various factors that may lead to divorce.

The Class 1 A Religious Court of Ternate is a first-level religious court that is part of the courtly environment under the judicial power that handles divorce cases. The Class 1 A Religious Court of Ternate is a legal institution which handles cases for civilians who seek justice, especially those who embrace the Islamic religion, in the legal area of Ternate. Concerning divorce cases in the Religious Court of Ternate, the cases of *gugat* divorce (a divorce application initiated by the wife) always dominate *talak* divorce cases (a divorce application initiated by the husband). There are various factors behind the divorce, such as fights and conflicts, alcoholism, infidelity, domestic abuse, polygamy, and an unstable economy.⁴

There were 716 cases of divorce filed to the Ternate Religious Court in 2022, consisting of 498 cases that were filed by the woman or *gugat* divorce and 218 cases that were filed by the man or *talaq* divorce. From these 716 cases, 702 have been decided by the

Ternate Religious Court. Therefore, in 2022, the number of divorce cases highly increased compared to the previous years as in 2021, there were 629 cases of divorce. As explained by the Committee of the Ternate Religious Court, Irsan Alham Gafur⁵ factors causing divorce include jealousy, affairs, as well as domestic violence. Such issues cause fights that lead to divorce.⁶

An interesting issue to be analyzed in this research is the juridical analysis of the increase in the divorce rate amid the Covid-19 pandemic in Ternate City. The research problems are: (1) What factors cause the increasing rate of divorce amid the Covid-19 pandemic in Ternate City and (2) What are the legal efforts to decrease the rate of divorce amid the Covid-19 pandemic in Ternate City

METHODS

This was juridical empiric legal research.⁷ It used primary data as observation and some secondary data such as legal regulations, court decisions, legal theories, as well as opinions of legal graduates.⁸ This research employed the observation approach and the conceptual approach.⁹ The

⁴ Andi Waci, *Data Jumlah Perkara Cerai Gugat Dan Cerai Talak Untuk 2016 s.d 2020* (Ternate: Pengadilan Agama Kelas I A Ternate, 2021).

⁵ "Karena Orang Ketiga 702 Wanita Muda Di Kota Ternate Menjanda," Penamalut, 2023, <https://penamalut.com/2023/01/03/karena-orang-ketiga-702-wanita-muda-di-kota-terbate-menjada/>.

⁶ The Republic of Indonesia's Government, "Pasal 73 Undang-Undang Nomor 7 Tahun 1989 Tentang Peradilan Agama" (1989).

⁷ Ronny Hanitijo Soemitro, *Metode Penelitian Hukum Dan Jurimetri* (Jakarta: Alumni, 1988), 98.

⁸ S. S. Nugroho, Anik T. Haryani, and Farkhani, *Metodologi Riset Hukum (Legal Research Methodology)* (Surakarta: Oase Pustaka, 2020).

⁹ Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum* (Bandung: Mandar Maju, 2008).

observation approach is used to observing laws and its implementation related to the analyzed legal issue. The conceptual approach is also conducted when relevant laws have not or do not regulate the issues faced.¹⁰

This research employed the qualitative approach with an analytical descriptive approach which utilizes data sourced from scientific articles and other data. The process of this research was carried out as follows: first, the researchers observe at the Religion court at Ternate to learn from its people who came for divorces then collected articles or journals that are relevant to the research question. Then, the authors employed profound analysis.¹¹

Descriptively, this research aims to describe factors causing divorce amid the Covid-19 pandemic. The obtained research data were then analyzed and interpreted to conclude the main factor causing the increase in divorce rates among other factors.

RESULT AND DISCUSSION

Factors causing the increasing rate of divorce

Divorce means the ending of the relationship between a man as a husband and a woman as a wife in the face of the court. It

is the antonym of marriage which is the harmonization of two people in sacred ties.¹²

There must be a serious analysis of the increase in divorce during the Covid-19 pandemic era. This is because divorces tend to have a negative characteristic for the divorced couple, the family, and society in general. Based on Islamic terminology, divorce is a parable to the term *talaq*.¹³

Divorce and all of its consequences (or impacts of that divorce) are already regulated in Indonesian Law. Article 39 of Law No. 1 of 1974 on Marriage states that according to the stipulations of the law, divorce can only be carried out in front of the judge in the court trials after trying to make peace between the two parties. Based on that article, divorce may only be done in court trials by explaining all the arguments supporting the fact that the marriage must end in a divorce.

Divorce may be divided into two, namely *talaq* divorce, which is a divorce demanded by the husband through the Religious Court and *gugat* divorce which is a divorce demanded by the wife through the Religious Court. To divorce means to separate. It means the severing of the relationship between the husband and the

¹⁰ Khudzaifah Dimiyati and Kelik Wardiono, *Metode Penelitian Hukum* (Surakarta: UMS Press, 2014).

¹¹ N. Aeni, "Pandemi COVID-19: Dampak Kesehatan, Ekonomi, & Sosial," *Jurnal Litbang: Media Informasi Penelitian, Pengembangan Dan IPTEK* 17, no. 1 (2021): 17–34, <https://doi.org/10.33658/jl.v17i1.249>.

¹² Jannah Shofiatul, "Penundaan Perkawinan Di Tengah Wabah Covid-19," *Jurnal Ilmiah Ahwal Syakhshiyah*, 2020.

¹³ Dinda Putri Dwiyantri, Tata Fathurohman, and Jejen Hendar, "Peningkatan Jumlah Perceraian Implikasi Dari Masa Pandemi Covid 19 Dikaitkan Dengan Undang-Undang Nomor 16 Tahun 2019," in *Prosiding Ilmu Hukum* (P2ulppm, 2020), 41–46.

wife.¹⁴ According to the National Encyclopedia of Indonesia, divorce is defined as the event of the severing of marital ties whose methods are regulated by the institutions that are authorized for it. Based on this definition, we can understand that a divorce is the separation of the relationship between a husband and a wife. It can only be carried out by authorized institutions or parties, namely the Religious Court and the District Court. This definition is slightly different from the definition of *talaq* or divorce in the context of the Islamic religion, even though the term *talaq* is often used by Indonesian society. Divorce in the Islamic religion originated from the word *ithlaq*, meaning 'to let go' or 'to leave'. Based on its terminology, the word *talaq* means letting go of the ties. In this case, 'the ties' means the ties of marriage as marriage contains the meaning of building ties. *Talaq* essentially means free or unrestricted, i.e., the freeing of the relationship between the husband and the wife. Each party is also free to do anything without the approval of the other.¹⁵

According to *fiqh* (Islamic jurisprudence), *talaq* came from the word *ithlaq*, which means 'letting go' or 'leaving'. According to the Sharia, *talaq* means letting

go of the ties of marriage or ending the relationship between a husband and a wife. Al-Jaziry defined *talaq* as eradicating the ties of marriage or decreasing the release of its ties using certain words. Thus, *talaq* means eradicating the ties of marriage. After the eradication of such ties, the wife is no longer permissible to be consummated by the husband and this happens in the case of *talaq ba'in* (divorce without a chance for a husband to return to his wife).¹⁶ Then, the decrease in the ties of marriage is the decrease of the *talaq* rights for husbands, from three to two, from two to one, and from one to zero. This happens in the case of *talak raj'i* (divorce with a chance for a husband to return to his wife).¹⁷

From the observation cases of marriage often happen due to trivial issues or other problems. Authors came and observed in several weeks and authors heard by himself how the divorces during covid 19 increased, most of them because economic reasons after the government release policy to PSBB and restriction to move.

As in the case of the increase of the divorce rate registered to the Ternate Religious Court, there were 716 cases in 2022, consisting of 498 cases that were filed by the woman or *gugat* divorce and 218 cases that

¹⁴ Departemen Pendidikan dan Kebudayaan, *Kamus Besar Bahasa Indonesia*, 3rd ed. (Jakarta: Balai Pustaka, 2005), 208.

¹⁵ Amir Syarifuddin, *Hukum Perkawinan Islam Di Indonesia* (Jakarta: Kencana, 2003), 108.

¹⁶ The Republic of Indonesia's Government, "Pasal 117 Undang-Undang Nomor 1 Tahun 1991 Tentang Kompilasi Hukum Islam" (1991).

¹⁷ Abd. Rahman Ghazaly, *Fiqh Munakahat* (Jakarta: Kencana, 2006), 192.

were filed by the man or *talaq* divorce. From these 716 cases, 702 have been decided by the Ternate Religious Court. Therefore, in 2022, the number of divorce cases highly increased compared to the previous years as in 2021, there were 629 cases of divorce. As explained by the Committee of the Ternate Religious Court, Irsan Alham Gafur,¹⁸ factors causing divorce include jealousy, affairs, as well as domestic violence. Such issues cause fights that lead to divorce.¹⁹

Then, according to the Indonesian positive law, divorce is mentioned in Law No. 1 of 1974 on Marriage. It is one of the reasons for the end of the marriage between a husband and a wife.

The requirements for divorce are also mentioned in Law on Marriage Article 39, namely:

1. Divorce can only be carried out in the face of Courtly Trials after the aforementioned Court has tried to bring peace to the two parties but failed;
2. To undergo divorce, there must be enough reasons that make the husband and the wife unable to live in harmony any longer;
3. The procedures of divorce in the face of the Court are regulated in the law.

Apart from the requirements that must be fulfilled above, some reasons become the

basis for people to demand a divorce, including a plea for the husband or a lawsuit for the wife.

According to the Compilation of Islamic Laws (CIL) Article 116, the requirements of divorce are as follows:

1. One of the parties committed fornication or became an alcoholic, an opium smoker, a gambler, etc. that is difficult to heal;
2. One of the parties left the other for two consecutive years without permission from the other party and a right reason;
3. One of the parties is imposed with the punishment of imprisonment for 5 years or longer than that during the marriage;
4. One of the parties committed severe abuse which endangered the life of the other party;
5. One of the parties is inflicted with physical disabilities or diseases which are difficult to heal, which results in the neglect of the obligation as a husband or as a wife;
6. There are continuous conflicts and fights between the husband and the wife and there is no hope that they will become harmonious again in the household;
7. The husband violated the *taqlil talaq* (the statement of a husband after marriage vows stated in the marriage documents in

¹⁸ "Karena Orang Ketiga 702 Wanita Muda Di Kota Ternate Menjanda."

¹⁹ The Republic of Indonesia's Government, Pasal 73 Undang-undang nomor 7 Tahun 1989 tentang Peradilan Agama.

the form of divorce that may be carried out in the future due to certain reasons).

Based on Indonesian Civil Law, the ending of a marriage may be caused by the reasons of divorce, death, and courtly decisions.²⁰ CIL becomes the legal basis for the divorce of Muslim citizens in Indonesia. This refers to Article 19 clause 1 and Law No. 1 of 1974. These articles imply that the Judicial Assembly of the Religious Court has the obligation to give time to couples that want a divorce to go through the peace-making process.²¹ But if no peace point can be found, the divorce is legally valid as the last resort to end the marriage.²²

Ramadhani saw that the impacts of the Covid-19 pandemic and the application of the Implementation of Restrictions on Community Activities towards family resilience can strongly be felt. The stress levels of each family rise due to work termination and a decrease in income. Apart from that, online schools cause children and parents to become weary, especially mothers who not only have to manage the household but also act as a teacher.²³

Being together at home for an extensive amount of time may bring stress to all family members. Besides that, couples' unpreparedness in building households may also become a factor in the occurrence of divorce amid the pandemic. Previous literature on the increase in divorce amid the pandemic encompasses three main discourses.²⁴

First, the study perceives that divorces in the pandemic era happen due to economic factors, polygamy, domestic violence, and internal conflicts. Second, the study which perceives that the increase in divorce cases amid the pandemic happened due to many occurrences of work termination which then led to economic problems in households. Third, studies which perceive that the lack of interaction and communication become the factor causing divorce. From the three tendencies above, divorce is analyzed as a social phenomenon that ends in economic problems.²⁵

The statement above explains that the aforementioned couple must declare that they will undergo a divorce through *talaq* statements that must be carried out in the face

²⁰ P.N.H. Simanjuntak, *Hukum Perdata* (Jakarta: Kencana, 2017).

²¹ S. Rasjid, *Fiqh Islam, Hukum Fiqh Islam* (Bandung: Sinar Baru Algesindo, 2012).

²² Mahmud Hadi Riyanto, *Hukum Perceraian Eksistensi Mediasi Dan Penyelesaian Perkara* (Yogyakarta: Genta Publishing, 2020), 60.

²³ S. R. Ramadhani and N. Nurwati, "Dampak Pandemi Covid-19 Terhadap Angka Perceraian," *Jurnal Penelitian Dan Pengabdian Kepada Masyarakat (JPPM)* 2, no. 1 (2021): 88, <https://doi.org/10.24198/jppm.v2i1.33441>.

²⁴ T. K. Susiani et al., "Pandemi Covid-19, Dampak Kehidupan Sosial Budaya Dan Kearifan Lokal Di Bali," *Jurnal Bimbingan Konseling Indonesia* 6, no. 2 (2021): 175–184, <https://doi.org/10.24036/XXXXXXXXXX-X>.

²⁵ M. A. Imaduddin, "Tinjauan Hukum Perceraian Dimasa Pandemi Covid 19," *Jurnal Ilmu Sosial Dan Politik* 5, no. 4 (2021): 1246–1259, <https://doi.org/10.36312/jisip.v5i4.2537/http>.

of the court. It must be understood that *talaaq* is the ending of marital ties between a husband and a wife. It can be filed by the husband, or the wife, or based on an agreement between the two. This is in line with the principle in the Islamic religion which states that marriage is made to last forever. Thus, divorce is a road that can only be carried out by a husband and a wife after they are no longer compatible.²⁶

Divorce is the last resort. It is an emergency exit that can be used when the household's unity and continuity can no longer be maintained, but Allah hates it. Apart from that, divorce is also aimed at saving couples from domestic abuse.²⁷

From several cases found by the writer, it will be difficult for a household to stop domestic abuse if one party is already accustomed to committing abuse that causes physical or psychological wounds.²⁸ Thus, the road that can be taken is going through a divorce, under the condition that the couple must go through the peace-making process beforehand. Divorce is the last resort. Islam shows that before a divorce, there must be peace-making efforts between the two parties, as marital ties are a strong and sacred relationship.

Authors see during the observation that's the economic reasons are one of the reasons that often become the background for a wife to file for a divorce. This is usually because husbands are not able to provide for their wives. Thus, conflicts arise in the family which lead to divorce.

The second factor is the rampant events of job termination due to certain reasons which end the rights and obligations between employers and employees. This may happen due to resignation, termination by the company, or the end of a work contract. This becomes the cause of the increasing rate of divorce especially amid the Covid-19 pandemic.²⁹

Many husbands had their jobs terminated. Thus, they cannot provide for their wives. This leads to prolonged conflicts that lead to divorce.³⁰

The pandemic has had direct impacts on the economy of families. Many families become disharmonic as their daily life needs are not met. Factories terminate the work of many employees and the Large-Scale Social Restrictions were applied. These situations made the Indonesian economy enter a difficult

²⁶ H. K. Abror, *Hukum Perkawinan Dan Perceraian* (Yogyakarta: Ladang Kata, 2020).

²⁷ Mayasari, "Tinjauan Yuridis Adanya Kekerasan Dalam Rumah Tangga Sebagai Alasan Untuk Melakukan Perceraian."

²⁸ Mayasari.

²⁹ Kurniawan, "Pengaruh Pandemi Covid 19 Terhadap Maraknya Kasus Perceraian Di Berbagai Pengadilan Agama," 95-99.

³⁰ Yusnanik Bakhtiar, "Penelantaran Rumah Tangga Sebagai Bentuk Kekerasan Dalam Rumah Tangga Yang Menjadi Alasan Perceraian Di Masa Pandemi Covid-19," *Legitimasi* 9, no. 2 (2020): 281-94.

era. Apart from that, many business owners also experience a sharp decrease in income.³¹

The difficulty in finding job opportunities amid the situation of the Covid-19 pandemic led to conflicts between husbands and wives. It is not seldom that such conflicts lead to divorce. Divorce is deemed as the last resort in cases where the head of the household (the husband) can no longer provide for the wife and children.³²

Conflicts make up the highest rate in the indicators of divorce during 2020 up to 2021 and 2022. The phenomenon of the increase in divorce rates also shows that there is a lack of trust between husbands and wives in facing difficult times. A high lifestyle often refrains someone from accepting reality in facing difficult times.³³

During the pandemic, the government obliged society to undergo physical distancing. This was one of the steps to prevent and control Covid-19. Society was limited from visiting crowded places and they were prohibited from undergoing direct contact with other people. Work and education (schools, colleges) were carried out from home. Therefore, a lot of time was spent together with their spouses and families.

Before the pandemic, it was only 5-6 hours a day but then, it was changed to 24 hours a day.

Thus, sometimes people feel bored with their spouses, leading to a divorce.

The Ministry of Religion through the General Directory of Societal Guidance issued the Circulation Letter No. P-006/DJ.III/HK.00.7/06/2020 on Marital Services to Achieve Productive Societies that are Safe from Covid-19. This Letter was applied amid the new normal era for brides and grooms-to-be. They can undergo online registration through the simak.kemenag.go.id website or directly come to the District Religious Affairs Agency.

Couples were given the chance to get married in the Religious Affairs Office or at home, which was participated by at most 10 (ten) people and by still applying the health protocols. With this policy, it is hoped to prevent and decrease the risk of the spread of the Covid-19 pandemic.³⁴

During the pandemic, there was an increase in divorce cases in every area. This was shown through the increase of case files in every court, especially concerning

³¹ L. N. Anisa, "Keluarga, Agama Dan Kesejahteraan Studi Kasus Perceraian Pada Masa Pandemi Covid-19 Di Kabupaten Situbondo," *Jurnal Ekonomi Dan Bisnis* 5, no. 2 (2021): 45–61.

³² R. Fahlefi, S. Ahmad, and R. Rizal, "Dampak Pandemi Covid-19 Terhadap Perekonomian Masyarakat Di Sektor Informal," *Imara: Jurnal Riset Ekonomi Islam* 4, no. 2 (2020): 160, <https://doi.org/10.31958/imara.v4i2.2379>.

³³ Madhori et al., "Perceraian Era Pandemi Covid-19: Analisis Meningkatnya Perceraian Di Kota Tangerang," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 5, no. 2 (2023): 216–29.

³⁴ Direktorat Jenderal Bimbingan Masyarakat, *Surat Edaran Nomor P-006/Dj.Iii/Hk.00.7/06/2020 Tentang Pelayanan Nikah Menuju Masyarakat Produktif Aman Dari Covid-19* (Jakarta: DJBM, 2020).

divorce.³⁵ Therefore, the court issued policies to minimize the spread of Covid-19. To prevent its spread and to minimize the formation of crowds of justice-seeking society in the Religious Court, the Trial Schedule Management was applied as follows: (1) all guests facing a case that will undergo the trial process will no longer use/take the Trial Queue in the Religious Court, (2) the Trial Hours have been determined and society can check this out on the Religious Court website in each area on the available Schedule Boards, and (3) the Trial Schedule Management will start to be effective on the date determined by the Religious Court in each area.

Based on this, the government applied a policy of Large-Scale Social Restrictions (LSSR) to decrease the spread of Covid-19³⁶. This was regulated in the Regulation of the Minister of Health No. 9 of 2020 on the Guidelines of LSSR to Accelerate the Handling of Covid-19. This regulation states that the LSSR is the restriction of certain activities of people in an area that is suspected of being infected by the Coronavirus Disease 2019 (Covid-19).

The LSSR at least comprises the closing of schools and workplaces, the restriction of religious activities, and/or the restriction of activities in public spaces or

facilities. Article 4 clause (3) of the Governmental Regulation No. 21 of 2020 on the Large-Scale Social Restrictions to Accelerate the Handling of Covid-19 stated, "Restrictions as stipulated in clause (1) letter c is carried out by paying full attention to the basic needs of society." This meant that during the application of the LSSR policy, the government must still pay attention to the basic needs of the people.

Based on the data, it was found that the cases of divorce during the occurrence of the Covid-19 pandemic were as follows:

This divorce data recorded in the Ternate Religious Court showed that in 2018, the number of gugat divorce cases was significantly higher than talaq divorce cases.³⁷

Data before the pandemic showed that the highest cause of divorce in the Ternate Religious Court from 2016 to 2019 was conflicts and fights, with 1,119 cases. (52%), with 523 cases from economic cases. (24%), domestic violence with 257 cases, (12%), alcoholism with 111 cases, (5%) with Another factor causing divorce was the economic factor, with 86 cases (4%). There were 45 other cases with less significant rates (2%), including gambling with 8 cases (0 point some percent), imprisonment with 5 cases (0. %), polygamy with 5 cases (0. %),

³⁵ Robiah Awaliyah and Wahyudin Darmalaksana, "Perceraian Akibat Dampak Covid-19 Dalam Perspektif Hukum Islam Dan Perundang-Undangan Di Indonesia," *Khazanah Hukum* 3, no. 2 (2021): 88–97.

³⁶ Vincensia Esti P. S., "Divorce Prevention Efforts During The Covid-19 Pandemic Dignified Justice Theory Perspective," *Jurnal Kajian Lembaga Ketahanan Nasional Republik Indonesia* 9, no. 1 (2020): 605–624.

³⁷ Religious Court of Ternate City.

adultery with 4 cases (0.%), mandate with 3 cases (0.%), forced marriage with 2 cases (0.%), disability with 1 case (0.%), and apostate with 1 case. Apart from that, another cause was the disturbance from a third party, such as affairs and intervention from family members. These were the factors causing divorce in the Religious Court of Ternate.³⁸

3 Factors Causing the High Rate of Divorce Amid the Covid-19 Pandemic

The number of cases piled up due to the shift in the time to file for a divorce, apart from being caused by other factors such as the worsening economic condition. According to the Head of the Ternate Religious Court, the data on divorce in the last three years as stated in the letter of request data number W29-A1/847/HK.05/VII/2023 is explained in the table below:

Table 1: The Number of Divorce Cases in Ternate City from 2020 to 2022

No	Period	The Number of Gugat Divorces	The Number of Talaq Divorces
1	From January to December 2020	486	208
2	From January to December 2021	410	208
3	From January to December 2022	498	218

*Source: Divorce data recorded in the Ternate Religious Court.*³⁹

In 2020, the number of *gugat* divorces was 486 while the number of *talaq* divorces was 208. It was recorded that the number of *gugat* divorces was higher than *talaq* divorces. Then, in 2021, the number of *gugat* divorces decreased to 410 cases, meanwhile, the number of *talaq* divorces was still at 208 cases. Then, in 2022, the number of *gugat* divorces increased to 498 cases, while the number of *talaq* divorces was 218. Total divorces in 2020 was 694 cases and in the 2021 was 618 and in the 2022 was 716 with total divorces 2032.

Data shown the divorces increased sharply during Covid 19 Pandemic in 2020, 2021 and 2022 with total 2032 cases. Before covid there is 1119 cases in consecutive year from 2016, 2017, 2018 and 2019. The increasing divorces rate skyrocketed by 98% during 3 years covid 19 pandemic compared 4 years before Covid 19.

The increase in divorce cases in 2020 was due to the long hours spent at home during Covid-19, which caused the weak quality of the husband-wife relationship.

³⁸ Jumaidin La Tua, Sahman Nasim, and Marwa, "Fenomena Peningkatan Perceraian Di Pengadilan Agama Kelas 1a Kota Ternate," *Indonesian Journal of Shariah and Justice (IJSJ)* 3, no. 1 (2023): 123–45.

³⁹ Religious Court of Ternate City, *Cakupan Data Perceraian Yang Tercaiat Di Pengadilan Agama Ternate Kelas 1A*.

These divorces were also caused by economic factors, lack of loyalty, and incompatibility.⁴⁰

Fauziah in her research found that amid the Covid-19 pandemic, the rate of divorce in Indonesia increased due to economic difficulties, namely by 5%. The economic changes that happened due to the Covid-19 pandemic cannot be accepted by all families.⁴¹

Most divorce cases start from *gugat* divorce (where the wives apply for divorce). This was confirmed by the data from the Ternate Religious Court. This was due to the decrease in or the loss of the husband's income as the head of the household. Thus, they cannot support the family.⁴²

Some families did not have enough savings to face emergency conditions, and suddenly, they were faced with this pandemic. Then, conflicts often happen. Each party had ideas and desires that sought to be respected and applied, while the other party had different hopes. Between husbands and wives,

it is often difficult to contain ego and self-centeredness.⁴³

The data above showed that the number of divorce cases which happened in the Ternate Religious Court experienced an increase from year to year, starting from the year 2019 when the number of *gugat* divorces was 390, then it increased to 486 in 2020. Then, it decreased to 410 in 2021 and increased again to 498 in 2022.⁴⁴ Therefore, it is proven that the number of divorce cases increased during the Covid-19 pandemic in Ternate City.⁴⁵

The high rate of divorce also has impacts towards the psychology of children. Divorce affects children's psychology as they lose love from both of their parents. This becomes one of the causes that inhibit the child's development.⁴⁶ Children will lack attention, protection, a sense of security, and love from their mother and father. Divorce also has negative impacts towards the emotional condition of children in their development

⁴⁰ Kurniawan, "Pengaruh Pandemi Covid 19 Terhadap Maraknya Kasus Perceraian Di Berbagai Pengadilan Agama."

⁴¹ A. Fauziah and A. Fauzi, "Analisis Maraknya Perceraian Pada Masa Pandemi COVID-19 (IAIN, Surakarta)," *Islamic Law* 4, no. 2 (2020): 181–92.

⁴² U. Wijayanti, "Analisis Faktor Penyebab Perceraian Pada Masa Pandemi COVID-19 Di Kabupaten Banyumas (Semarang, Jawa Tengah)," *Ilmu Keluarga Dan Konsumen* 14, no. 1 (2020): 14–26.

⁴³ A. Alghifari and A. Sofiana, "Faktor Ekonomi Dan Dampaknya Terhadap Kasus Perceraian Era Pandemi COVID-19 Dalam Tinjauan Tafsir Hukum Keluarga Islam (UIN Raden Intan, Lampung)," *Civil and Islamic Family Law* 1, no. 2 (2020): 1689–99.

⁴⁴ Bakhtiar, "Penelantaran Rumah Tangga Sebagai Bentuk Kekerasan Dalam Rumah Tangga Yang Menjadi Alasan Perceraian Di Masa Pandemi Covid-19."

⁴⁵ M. I. Arfandi, "Meningkatnya Kasus Perceraian Pada Masa Pandemi Covid-19," Kumparan, 2021, <https://kumparan.com/muhammad-ilham-arfandi/meningkatnya-kasus-perceraian-pada-masa-pandemi-covid-19-1wfyAjBtWT7/full>.

⁴⁶ R. Rahmatia, "Dampak Perceraian Pada Anak Usia Remaja (Studi Pada Keluarga Di Kecamatan Wonomulyo Kabupaten Polewali Mandar)," UNM, 2019, <http://eprints.unm.ac.id/14772/%0Ahttp://eprints.unm.ac.id/14772/1/ARTIKEL.pdf>.

period. It is not seldom that they show aggressive behavior. Some may even like fighting or on the contrary, they may be too timid.⁴⁷

Children who become victims of divorce face issues as the attention and love given by their parents are no longer complete. Divorce may lead to trauma. The trauma triggered by divorce may be greater than death, as divorce causes chaos or issues that bring emotional pain and pressures both before and after the divorce. This leads to deep emotional pain that needs years to heal.⁴⁸

CONCLUSION

Divorce is the last resort. It is an emergency exit that can be used when the household's unity and continuity can no longer be maintained. Thus, divorce can be carried out under the condition that the couple must go through the peace-making process beforehand. Islam shows that before a divorce, there must be peace-making efforts between the two parties, as marriage is a strong and sacred relationship.

A legal consequence of divorce is that during the Covid-19, there were issues in fulfilling people's basic needs. Economic reasons are one of the reasons that often become the background for a wife to file for a

divorce. This is usually because husbands are not able to provide for their wives. Thus, conflicts arise in the family can which lead to divorce. The second factor is the rampant events of job termination due to certain reasons which end the rights and obligations between employers and employees. This may happen due to resignation, termination by the company, or the end of a work contract. This becomes the cause of the increasing rate of divorce especially amid the Covid-19 pandemic.

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⁴⁷ I. Ismiati, "Perceraian Orangtua Dan Problem Psikologis Anak," *At-Taujih: Bimbingan Dan Konseling Islam* 1, no. 1 (2018): 1–16, <https://doi.org/10.22373/taujih.v1i1.7188>.

⁴⁸ U. Hasanah, "Pengaruh Perceraian Orangtua Bagi Psikologis Anak," *Agenda: Jurnal Analisis Gender Dan Agama* 2, no. 1 (2020): 18, <https://doi.org/10.31958/agenda.v2i1.1983>.

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