

# THE PERCEPTION OF SOCIETIES TOWARDS DIVORCE

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## Abstract

*This study took place in Bantul district since there were many divorce cases in this area, particularly more cases of divorce by litigation compared to those by thalaq every year. Moreover, it had the highest cases in the Special Region of Yogyakarta. According to data from the office of Ministry of Religious Affairs in Bantul, in 2013 the number of divorce by thalaq was recorded 194 cases, while the number of divorce by litigation was 456 cases. In 2014 the number of divorce by thalaq was 186 cases while the number of divorce by litigation was 553 cases. In 2015, there were 55 cases of divorce by thalaq and 198 cases of divorce by litigation. This study aimed at finding out the factors contributing to the high number in cases of divorce by litigation and exploring the perceptions of societies in Bantul towards divorce. This study used qualitative methods, so then data was collected from documents from Bantul Religious Court and Bantul Ministry of Religion, and interviews with women filling for divorce, religious leaders, and public figures. The findings of the study indicated that the factors causing the high number in divorce by litigation were economic factors, level of education, consumptive lifestyles, and changes in societies' perceptions towards divorce. In addition, societies of Bantul regency believed that divorce was a common issue and considered as the best solution in solving family problems.*

**Keywords:** Divorce, Perception, Society

## Abstrak:

*Penelitian ini dilakukan di Kabupaten Bantul, karena wilayah tersebut terjadi lebih banyak kasus perceraian gugat setiap tahun dibandingkan perceraian talak, bahkan tertinggi se-Daerah Istimewa Yogyakarta. Menurut data di Kantor Kementerian Agama Bantul, pada tahun 2013 angka cerai talak tercatat sebanyak 194 perkara, sedangkan cerai gugat 456 perkara. Kemudian pada tahun 2014, cerai talak 186 perkara sedangkan cerai gugat 553 perkara. Pada tahun 2015, cerai talak sebanyak 55 perkara sedangkan cerai gugat 198 perkara. Penelitian ini bertujuan untuk mengungkapkan faktor penyebab meningkatnya perkara gugatan cerai di kabupaten Bantul dan menggali persepsi masyarakat di Kabupaten Bantul tentang perceraian. Dengan menggunakan metode kualitatif, data dihimpun dari dokumen Pengadilan Agama Bantul, Kementerian Agama Bantul dan wawancara dengan perempuan yang mengajukan gugatan cerai, tokoh agama dan tokoh masyarakat. Temuan penelitian menunjukkan bahwa faktor penyebab meningkatnya cerai gugat adalah karena faktor ekonomi, tingkat pendidikan, gaya hidup konsumtif, perubahan persepsi masyarakat terhadap perceraian. Selain itu, masyarakat Kabupaten Bantul berpendapat bahwa cerai merupakan hal yang wajar, karena dianggap sebagai solusi terbaik dalam menyelesaikan permasalahan keluarga.*

**Kata Kunci:** Perceraian, Persepsi, Masyarakat

## A. INTRODUCTION

The resilience of family seems to be getting more challenges. The continuous development of technological advances and an era of competition that is getting tougher make it increasingly difficult for family members to interact well and warmly. Thus, to build “Home Sweet Home” will be more difficult. This is triggered by the widespread associations that violate norms and have no shame to show off their household problems. Both husbands and wives used their household problems as topics for conversation that become “pride”. Therefore, they feel that it is normal and consider it as a common issue. Furthermore, there is an affair which can trigger quarrels and disharmony in the household. Finally, it ends in divorce.<sup>1</sup>

Every couple want the integrity in building a household. However, the reality shows that the divorce rate is high. The existence of social pressure in society that divorce is neither a prohibition nor disgrace in society, divorce has become a common issue.<sup>2</sup>

Divorce is the breaking up of a legal marriage before a court judge based on conditions stipulated by the law. As published in Article 113 of the Compilation of Islamic Law, that one of the reasons for breaking up of a marriage is divorce. In accordance with the law, divorce cannot just happen, but there must be reasons justified by the law to divorce. That is very basic, especially for courts which have the authority to decide whether a divorce is appropriate or not feasible to be implemented, including all the consequences that occur as a result of divorce. Therefore, it is necessary to understand the soul of the divorce regulation and the causes and consequences that may arise after the husband and wife have terminated their marriage.<sup>3</sup>

Another definition of divorce is separation between husband and wife as a result of their failure to carry out their respective role bonds. In this case, divorce is seen as the result of an unstable marriage in which the husband and wife then they live separately and are legally recognized by the applicable law. In other words, divorce is a break in the family because both partners decide to leave each other so that they stop doing their obligations as husband and wife. However, the occurrence of divorce for children is a “sign of death” of the integrity of the family, it feels like half of the “self” of the child has been lost, life will not be the same again after their parents’ divorce and they have to accept the sadness and feelings of deep loss.<sup>4</sup>

The divorce rate in Indonesia is getting more worrisome from time to time. In 2013, the BKKBN asserted that the divorce rate in Indonesia was already the highest in the Asia Pacific region. In fact, in the following years the number of divorces continued to be high.

Data from the Ministry of Religion submitted by the Head of the *Kepenghuluan* Sub-Directorate which was published in the national newspaper are as follows:<sup>5</sup>

No	Year	Number of Marriage	Number of Divorce
1	2009	2.162.268	216.286

<sup>1</sup> A.Y. Agoes, *The Problems in Marriage and In What How to Overcome the Family Problems* (Jakarta: Pustaka Antara, 1996) page 36.

<sup>2</sup> *Ibid*, page 39.

<sup>3</sup> Djumairi Achmad, *Civil Law II*, (Semarang: Walisongo, 1990), page 65.

<sup>4</sup> Syaikh Hasan Ayyub, *Family Fiqh: The Guideline of Building Happy Family According to Shariah*, (East Jakarta: Pustaka Alkautsar, 2001), page 443.

<sup>5</sup> *Harian Republika*, 14 September 2013, page 3.

2	2010	2.207.364	285.184
3	2011	2.319.821	258.119
4	2012	2.291.265	372.577
5	2013	2.218.130	324.527

Source: Republika Newspaper, 14 September 2013

Responding to data, a sample of last two years was taken, namely in 2012 and 2013, then the average divorce rate was taken every year as many as 350,000 cases, it indicated that in a day there were 950 cases or 40 cases of divorce every hour. Then, according to the Deputy Minister of Religion, dealing with the number of divorces, 70% of divorce lawsuits were filed by the wives, it implied that from the 40 divorce cases, 28 cases were proposed by the wife’s side. The female-initiated divorce is called divorce by litigation, while male-initiated divorce is called divorce by *thalaq* or male repudiation.

Then, cases of divorce by litigation occurred in Bantul Regency, Yogyakarta were higher than divorce by *thalaq*. The following is data on cases of divorces in Bantul Regency:<sup>6</sup>

No	Year	Divorce Cases	Divorce by Thalaq	Divorce by Litigation
1	2013	650	194	456
2	2014	719	186	533
3	2015	253	55	198

Source: Kedaulatan Rakyat Newspaper, 23 January 2016

The interesting thing from these data is that the majority of divorce cases were in the urban buffer districts. Meanwhile, based on the district area, in 2013 there were 55 cases of divorce by litigation occurred in Banguntapan district, 70 cases in Kasihan district, and 39 cases in Sewon district. Then in 2014 cases of wife-initiated divorce in Banguntapan district were recorded 79 cases, in Kasihan district 53 cases, in Sewon district 58 cases. In 2015, in Banguntapan district there were 21 cases of divorce by litigation, 49 cases in Kasihan district, and 19 cases in Sewon district. Meanwhile, in other districts the number was below the 3 urban buffer districts.

There are several reasons of divorce. According to the Islamic Law Compilation in the article 116 (Zulkifli, 2018), the reasons of divorce allowed are:

- a. One of the parties commits adultery, drunkenness, gambling, drinking, and others which is difficult to be cured.
- b. One of the parties leaves the other party for 2 years without the permission of the other party and without valid reasons or other matters beyond the capabilities.
- c. Either party gets 5-year imprisonment or a harsher sentence after the marriage.
- d. One party conducts cruelty or serious maltreatment that endangers the other party.
- e. One of the parties gets a physical disability or disease that is difficult to cure which causes the person cannot carry out the obligations as husband or wife.
- f. There is a dispute or quarrel between husband and wife that cannot possibly be reconciled or reconciled again.
- g. Husband prohibits *taklik* divorce.
- h. Religious conversion or apostasy which causes disharmony in the household.

<sup>6</sup> Kedaulatan Rakyat, 23 Januari 2016, page 4.

Perception towards something can influence one to make a decision including decision to file a divorce. Therefore, perception of societies in Bantul regency towards divorce can also influence them in making decision in divorce. Perception (from Latin perception, *percipio*) is the act of compiling, recognizing and interpreting sensory information to provide an overview and understanding about the environment. Perception covers all signals in the nervous system that result from physical or chemical stimulation of the sense organs. For example, vision, in which the light is hitting the retina in the eye, smells use odor or aroma molecules, and hearing which involves sound waves. Perception is not a passive acceptance of cues, but is formed by leaning, memory, hope and attention. Perception depends on the complex functioning of the nervous system, but it appears to be non-existent because it occurs outside of consciousness.<sup>7</sup>

The terms of perception is often referred to as a view, description, or assumption. Because perception relates to the response about one thing or object. Perception also has several definitions, including:

- a. According to Bimo Walgito: perception is a process that is preceded by sensing, which is a process that takes the form of receiving a stimulus by a person through the senses or also called the sensory process.
- b. According to Slameto: perception is a process that involves the entry of messages or information into the human brain.
- c. According to Purwo Darminto: perception is a direct response from an absorption or the process of someone who knows several things through sensing.
- d. In the dictionary of psychology, perception is defined as a process of observing someone's environment by using their own senses so that they become aware of everything in their environment.<sup>8</sup>

Perception has a subjective character, due to it depends on the abilities and circumstances of each individual so that it will be interpreted differently by one individual to another. Thus perception is a process of individual treatment, namely giving responses, meaning, description or interpreting what is seen, heard, felt by the senses in the form of attitudes, opinions, behavior, or referred to as individual behavior.

Selective perception is interpreting selectively what someone sees based on the individual's interest, background, experiences and attitudes. Factors that affect perception are divided into internal factors and external factors. Internal factors contained in the individual include several things, namely:

- a. Physiological: the information that come in through the senses, then the information obtained will influence and complement efforts to give meaning to surrounding environment. The capacity of the sense to perceive each person in different so that interpretations of the environment can also be different.
- b. Attention: namely individuals need a certain amount of energy spent to show or focus on the physical form and mental facilities that exist in an object. Energy of each person is different and this will affect the perception on the object.
- c. Interest: the perception of an object varies depending on how much energy or perceptual vigilance is moved to perceive it. Perceptual vigilance is a person's tendency to pay attention to certain types of stimuli or can be mentioned as the interest.

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<sup>7</sup> Maclin Solso, *Cognitive Psychology*, (Jakarta: Erlangga, 2008) page 13.

<sup>8</sup> Rozalinda. Nurhasanah. *Miqot Vol. XXXVIII No. 2 July-December 2014*. Page 399.

- d. Undirectional needs: this factor can be known from how strong an individual is to look for objects or messages that can provide answers in accordance with itself.
- e. Experience and memory: experience can be said that it depends on memory, it means that to what extent person can remember past events in order to know a stimulus in a broad sense.
- f. Mood: an emotional state affects the behavior of person, this mood shows how feelings at a time can affect a person in receiving, reacting and remembering.<sup>9</sup>

External factors that influence perception are characteristics of the environment and the objects involved in it. These elements can change the perspective of the individual around the world and influence how someone feels or receives it. Meanwhile, external factors that affect perception, including:

- a. Size: the bigger of the size, it is easier to understand, so that it is more effective to form perceptions.
- b. Color: contrasting colors, i.e. objects that have sharper light are easier to understand (to be perceived) than objects that have less sharp light (slightly).
- c. Stimulus uniqueness and contrast: external stimuli whose appearance against the background and surroundings completely outside the expectations of other individuals will attract a lot of attention.
- d. Motion or movement: individuals will pay a lot of attention to moving objects within sight rather than at stationary object.

Based on the explanation above, the writer carried out the research to find out the factors contributing to the high number in cases of divorce by litigation and exploring the perceptions of societies in Bantul towards divorce. This research was expected to give recommendation for the problem of the high number of divorces particularly those by litigation.

## **B. RESEARCH METHODS**

This was a qualitative research conducted in Bantul Regency Yogyakarta. Data collected was data from 2013 to 2015 in Banguntapan District, Kasihan District, and Sewon District. Data was collected through documentations from Bantul Religious Court and Bantul Ministry of Religion, and interviews with women filling for divorce, religious leaders, and public figures.

## **C. DISCUSSION**

Factors Contributing to Divorce by Litigation and Perception of Societies in Bantul towards Divorce

Bantul Regency is located in the south of Yogyakarta Special Region Province, which borders to the north with Yogyakarta City and Sleman Regency, south of the Indonesian Ocean, east to Gunung Kidul Regency and west to Kulon Progo Regency. The total population in Bantul Regency is 919,440 people or 299,722 families, with a population density of 2,012,193 people per kilometers. The population is spread across 17 districts, 75 villages and 933 hamlets, with an area of 506.86 km. From the 17 districts in Bantul area, Banguntapan District has the highest population density, namely, 4,218

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<sup>9</sup> Sudarsono Ardhana. *The Main Points of General Psychology*, (Malang: Usaha Nasional, 1963) page 3.

people per kilometers, it is followed by Sewon District that has of 3,835 people per kilometers, then Kasihan District.

The level of population density in the three districts is due to the large number of immigrants who buy land for residential houses or occupy housing that have emerged in the three districts because the location of these three districts are closest to the city center. Thus, Banguntapan District, Sewon District, and Kasihan District are called Urban Buffer District. The three districts that support the city should have social life dynamics that are different from the other 14 districts in Bantul Regency, in various fields that bring positive and negative consequences. Social dynamics that occur in society are in the form of changes in social values, prevailing norms in society, patterns of individual and organizational behavior, the composition of social institutions, strata or classes in the power and authority. It can be asserted that there have been social changes which include changes in social organization, social status, social institutions and structures.

The findings of the study in three districts in Bantul regency indicated that the factors causing the high number in divorce by litigation were economic factors, level of education, consumptive lifestyles, and changes in societies' perceptions towards divorce. Head of the Office of the Ministry of Religious Affairs in Bantul Regency argued that the high number in cases of wife-initiated divorce was dominated by economic factors. Economic problems often result in disharmony between married couples, then the wife proposes divorce. Besides, the factor of the maturity of the husband and wife is still lacking. Including the lifestyle in the era of freedom and it eases for married couples to choose divorce when their household life is no longer getting along.<sup>10</sup>

The spread of divorce cases from various factors will directly damage the younger generation, such as children of divorced families. Because they live in an unpleasant environment, full of contention, lack of attention and protection. As in Kartini's perspective, there are several causes of juvenile delinquency, one of which is the theory of psychogenesis.<sup>11</sup> This theory emphasizes the causes of delinquent behavior or delinquency from a psychological aspect. Some of the factors that come from the theory of psychogenesis are broken home or divorces parents who started with a cold war in the family.<sup>12</sup>

In the past, the public perception of divorce was that divorce was taboo and shameful. Especially if the divorce occurs at the wish of the wife. A woman who asks for a divorce from her husband is viewed negatively by society. So that divorce is considered something taboo and it is embarrassing in the society. As a majority of people who embrace Islam, the underlying view of divorce is through an understanding of the teaching of Islam itself. Divorce is an act that is hated by God. However, if there is no other alternatives, while divorce is a way out in a marriage that can no longer be maintained.<sup>13</sup>

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<sup>10</sup> Interview with the Head of Ministry of Religion Office Bantul, 25 April 2016.

<sup>11</sup> Kartini-Kartono, *The Family Role in Guiding the Child*, (Jakarta: Rajawali, 1985), page 65.

<sup>12</sup> Muhammad Julijanto. Masrukhin. Ahmad Kholis H. The Divorce Impact and Family Empowerment: Case Study in Wonogiri Regency. *Buana Gender Vol 1 No 1 2016 page 69*.

<sup>13</sup> Abdul Aziz Dahlan, (ed), *Encyclopedia of Islamic Law*. (Jakarta: PT. Ichtiar Baru Van Houve, tt), page 1776.

Factors that affect divorce are there is no existence of *mitsaqan ghalidzan* or the absence of strong marital ties due to the influence of third party intervene and the lack of responsibility of the husband.<sup>14</sup>

Divorce is also shortcut in solving problems that exist in family. According to Ponijah, her husband does not ever think about the needs of the family. If Ponijah asks for money for family needs, for her child's school fees, her husband just promises and never fulfills it.<sup>15</sup>

Apart from being triggered by family problems due to the economy and the lack of responsibility of the husband. Divorce is also caused by an excessive lifestyle. This is due to the influence of newcomers from the city, the majority of which have better economic stability than the original population. So that it affects the thoughts, behavior, attitudes and even appearance of the local person who wants to imitate the newcomers.<sup>16</sup>

This lifestyle also affects the socialization of teenagers. In accordance with the current development, there are many cases of pregnancy before marriage. This seems to be a natural issue due to society's perceptions have begun to change and the decline in ethical values.<sup>17</sup>

The lack of the role of parents as role models for their children and the ease of means of transportation and access to social media encourages the society to do many activities, both positive and negative.<sup>18</sup>

Based on several interviews with various sources of information and data that have been collected, it can be concluded that there is an increase in economic independence and knowledge and social status of women, in this case the wife as a factor in the increase in cases of female-initiated divorce. The educational opportunities for women that are increasingly open are national assets that need to be optimized for its potential. However, on the other hand, the advancement of women's thinking, it gives opportunities for women's independence in various sectors, such as the economic, social, cultural and legal political sectors. By becoming more independent, women are more confident and better prepared to face problems including the decisions to sue for divorce. Responding to this conditions, it is not surprising that the number of female-initiated divorces is always higher than male-initiated divorce.

Although the disharmony of family begins with the husband's irresponsible behavior, and as a source of commotion in the household, the husband does not take the act of divorce. While the wife and children feel depressed and suffer due to the husband's behavior, with all her courage, the wife proposes the decision to initiate divorce for maintaining the peace of the household and children. In addition, societies of Bantul regency believed that divorce was a common issue and considered as the best solution in solving family problems.

Based on the research findings, that perceptions of society toward divorce were highly influenced by:

1. The parenting styles of parents and or other adults for the children and or their students have a very big influence on the development of mental attitudes later when the children or students have been adults.

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<sup>14</sup> Interview, Head of Ministry of Religion Office Bantul, 25 April 2016.

<sup>15</sup> Interview with Ponijah, Peyek Craftswoman, 27 April 2016.

<sup>16</sup> Interview with Sunarsih, Administrator of PKK, 9 May 2016.

<sup>17</sup> Interview with Sidik Pramono, Division Head of Islamic Community Guidance Bantul, 26 May 2021.

<sup>18</sup> Interview with Tri Winarto, Head of Mertosonan Hamlet, 17 July 2016.

2. The atmosphere in the house and the family that is not conducive, the habit of the family is looking for comfort, pleasure, peace outside the home. So that the function of home and family does not need to maintain the comfort and calmness.
3. Divorce is shortcut to break the chain of problems that are entwined in a household. With a divorce: as if' the problem will be resolved. Therefore, when the cracks in the household start to appear and have been going on for a long time and there is no solution that benefits the wife (especially divorce is the last way to be undertaken).
4. The status of a widow or widower is no longer taboo and shameful, but society can accept openly and respect the status decision.
5. The crisis of role model, good advice is easier to be said by anyone, anywhere and anytime. However, the good advice does not give the maximum effect, because people pay more attention and believe in actions seen. Therefore, as role model figures, children look for figures outside the home according to their wishes. Thus, a lot of teenage children who admire artists, public figures who are not necessarily good and in accordance with their personalities and family conditions.
6. The crisis of spiritual, religion is limited to knowledge and it is not an act or personality, so religious value are not a shield of life but merely ceremonial.
7. Social media, various types of social media from Twitter, Facebook, blog, Instagram, path will make it easier for someone to communicate and get information. However, with his convenience, both adults and adolescent, both educated and mediocre, they are less selective and less wise in responding to the advantages of the facilities offered by this information technology.
8. The Era of Women's Independence, Educational opportunities and achievements that have been achieved by woman have encouraged woman to have higher and stronger position in various aspects. By having a high and strong position, women are very independent. The independence of women makes them to have the courage for expressing opinions and making the decisions, as well as when they are treated unfairly.

#### **D. CONCLUDING REMARKS**

The problems of unwise use of social media, early marriage, sexual violence, irresponsible parents, unspoken marriages, consumptive attitudes, and excessive pleasure must be prevented and prohibited. Thus, that the result of this study is expected to contribute thoughts and input to parents in order to provide correct knowledge and understanding of married life to children so that they can form a family that is *sakinah mawaddah wa rahmah* and having the proper perception towards divorce.

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