



## FACTORS CAUSING DIVORCE FOR OLD AGE COUPLES IN SOCIETY (STUDY IN KOTA BANGUN DISTRICT)

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### **Abstract:**

Old age is an age that is very vulnerable to disputes between husband and wife which sometimes just because of trivial things, the two partners will be at odds and some will even cause fights. According to the researchers' observations that there was a divorce in Kota Bangun District where the age of the couple was no longer young. This raises the question, what are the factors contributing to the divorce and how does the impact of divorce affect the two partners? This study uses qualitative research with an empirical normative approach. The results of the research conducted showed that the causes of divorce that occurred for old couples in the Kota Bangun sub-district were caused by financial problems and because the husband was unable to provide all of the income he earned to his wife, causing suspicion for the wife. In addition, disputes are also caused by problems in sexual relations where one party has no desire to have sexual intercourse. And the last one is caused by differences in religious views which have an impact on the emergence of differences in parenting and educating children and this has been buried for years. Then the negative impact that arises as a result of divorce that occurs in old couples is that one partner experiences inner burden and depression because they feel they have failed in building a household. Besides that, it will also cause hostility and discomfort when meeting with ex-spouse or relatives of the former partner. Likewise for children who are still in their teens will experience emotional instability because they see their parents separate. But there is also a positive impact, namely the end of prolonged disputes and both partners will both examine themselves so that they become better individuals.

**Keywords:** Divorce, Old Age Couple

## A. Preliminary

In marriage there is a goal that will be achieved, one of which is to create a household life that is *sakinah*, *mawadah* and *warohmah*. According to Law no. 1 of 1974 Article 2, marriage according to Islamic law is a marriage, namely a very strong contract or *mitssaqan ghalidzan* to obey Allah's commands and carrying it out is worship. It is said that, "the purpose of marriage is to form a happy and eternal family (household) based on Belief in the One and Only God. Marriage is a firm and solid pillar of the family in which there are sacred and religious rights and obligations."<sup>1</sup>

One of the Islamic laws is to maintain the continuity of descent or *Hifzan-nasal* through marriage that is legal according to religion and is recognized by law and accepted as part of the culture of society. With a legal marriage according to religion, the husband and wife have no sin to live together, that they get blessings and rewards. This belief is very meaningful to build a family based on the belief in religious moral values. Every marriage must have different perceptions and expectations. Thus every marriage includes a condition of disharmony rather than living happily without conflict from everyday life.<sup>2</sup>

Conflict in the household is that human character is not the same and stable. This is due to the pressures of life, given the fact that many families are currently getting divorced and the various problems that arise in the household. Family, work and community responsibilities will obviously cause certain pressures on someone at such a time as providing support and motivation from their partner so that there is no conflict in the household.<sup>3</sup>

Divorce caused by *Syiqaq* is generally a mounting problem and occurs between husband and wife in such a way that between the husband and wife there are disagreements and quarrels, and it makes it impossible for the other two parties to meet to resolve it.<sup>4</sup> So the best way between the two is divorce or separation.

Marriage, which should be a place of happiness and peace for husband and wife, does not seem to be able to guarantee the longevity of the household itself, and in fact, some people for various reasons are looking for ways to end household relationships. Islam as a teaching that upholds morality and justice provides various solutions and alternatives to all problems in the household. Islam teaches to endure and be patient until it is unbearable. If the problem is that there is still a feeling of love and not loving anymore has been replaced by an attitude of defiance and distance, then the first step taught by Islam is not divorce. However, there must be ways and efforts made by parties other than the couple to save their household. Allah SWT says:

وَإِنْ أَمْرَةٌ خَافَتْ مِنْ بَعْضِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصَلِّحَا بَيْنَهُمَا صَلَاحًا وَأَصْلَحُ خَيْرٌ وَأَحْضَرْتِ الْآنَفُسَ الشَّخْ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

Terjemahan : "And if you are worried that there is a dispute between the two, then send a judge from the male family and a judge from the

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<sup>1</sup> Abdulkadir Muhammad, *Hukum Perdata Indonesia*, (Bandung, PT.Citra Aditya Bakti, 1990), h. 74-75

<sup>2</sup> Ujang Mahadi, *Komunikasi Keluarga*, (Bogor: PT IPB Press, 2014), h.87

<sup>3</sup> Sa'ad Riyadh, *Psikologi Muslim* (Solo: PT Agama Media Profatika, 2013), h. 171

<sup>4</sup> Timur Djailani, et al, *Fiqh Jilid II*, (Jakarta: IAIN Jakarta, 1985), h. 226

*female family. if the two hakam people intend to make improvements, surely Allah will give taufik to the husband and wife. Verily, Allah is All-Knowing, All-Knowing". (QS. An-Nisa' : 128).<sup>5</sup>*

Divorce also occurs a lot in the people of Kotabangun District. Even though this sub-district is located quite far from the city, the life of the people is considered quite modern because this sub-district has electricity and even internet access is easy to reach. The social life of the people in this sub-district is also still thick with Kutai customs. However, as time went on, social changes in society began to be felt by the people of Kotabangun District with the rise of technological conveniences that had an impact on changes in the family, triggering disputes and even leading to divorce.

Based on the results of observations made by researchers that, the high rate of divorce in Kotabangun District is generally caused by disharmony in the household. Of course, if we look at the negative effects of post-divorce, it will not only harm both partners, but will add to a series of problems that will be miserable for both parties. If the divorce occurs for young couples, even though there is still a negative impact, it is not as big as the impact that occurs if the divorce is carried out by an old couple. Seeing from what is happening in society, especially the people of Kota Bangun, the researchers want to know what factors cause divorce in older couples in Kota Bangun District? Then, what is the impact of the divorce of an old couple in Kota Bangun District on the community?

#### 1. Definition of Marriage

Marriage is a sunnatullah that is general and applies to all creatures, both humans, animals and plants. It is a way chosen by Allah SWT, as a way for his creatures to reproduce and preserve their life.<sup>6</sup>

Marriage according to the language of al-jam'u and ad-adhamu which means group. The meaning of marriage (Zawaj) with al-tazwij which means marriage contract. It can also be interpreted (wat'u al-zaujah) to mean having intercourse with his wife. Rahmad Hakim also put forward a definition similar to the one above, that the word marriage comes from the Arabic language "nikahun" which is masdar or the origin of the word (fi'il madhi) "nahaka", synonymous with "tazawwaja" then translated into Indonesian as marriage.<sup>7</sup>

According to Shaykh Hasan Ayyub, marriage literally means merging and mixing. Meanwhile, according to the term marriage, it means a contract between the male party and the female guardian, therefore the bodily relationship becomes lawful.<sup>8</sup>

Meanwhile, according to syara', marriage is a handover contract between a man and a woman with the aim of mutually satisfying each other and to form a sakinah household ark and a prosperous society.<sup>9</sup>

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<sup>5</sup> Q.S. An-Nisa : 128

<sup>6</sup> Tihami dan Sohari Sahrani, Fikih Munakahat Kajian Fikih Nikah Lengkap, (Jakarta: PT Raja Grafindo Persada, 2009), h. 6.

<sup>7</sup> Tihami dan Sohari, Fikih Munakahat, (Jakarta: PT. Raja Grafindo Persada: 2009) h.7

<sup>8</sup> Syaikh Hasan Ayyub, Fikih Keluarga: Panduan Membangun Keluarga Sakinah Sesuai Syari'a, (Jakarta: Pustaka Al-Kautsar, 2001), Cet. ke-1, hlm. 29

<sup>9</sup> Tihami dan Sohari, Fikih Munakahat, (Jakarta: PT. Raja Grafindo Persada: 2009) h.7

According to Law Number 1 of 1974 article 1, marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on belief in the One Supreme God. Whereas in the Compilation of Islamic Law Article 2, marriage according to Islam is a marriage, namely a very strong contract or mitssaqan ghalidzan to obey Allah's commands and doing so is worship. Whereas in article 3 marriage aims to create a household life that is sakinah, mawaddah, and rahmah.<sup>10</sup> Thus, marriage is a contract whose overall aspects are contained in the word nikah and is a sacred ceremonial speech.

## 2. Legal Basis of Marriage

Marriage is not only a civil matter, but has something to do with religion, so Islam itself regulates the legal basis of marriage:

### a. Al-Quran

Basically God has created male and female humans to maintain silaturrahim relationships. As the word of Allah related to the requirements of the Al-Quran include:

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا

Translation: O people, fear your Lord, who created you from a single person, and from him Allah created his wife; and from both of them God gave birth to many men and women. and fear Allah with (using) His name you ask one another, and (maintain) friendly relations. Verily, Allah always protects and watches over you. ( Q.S. an-Nisa:1 ).<sup>11</sup>

وَأَنْكِحُوا الْأَيَّمَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَسِعٌ عَلِيمٌ

Translation: And marry those who are alone among you, and those who are worthy (married) of your male slaves and your female slaves. if they are poor Allah will enable them with His grace. and Allah is Extensive (His gifts) and All-Knowing.(Q.S. an-Nur,:32)<sup>12</sup>

### b. Hadits

عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ قَالَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ( يَا مَعْشَرَ الشَّبَابِ ! مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ , فَإِنَّهُ أَغْضُ لِلْبَصَرِ , وَأَحْصَنُ لِلْفَرْجِ , وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ ; فَإِنَّهُ لَهُ وَجَاءٌ ) مُتَّفَقٌ عَلَيْهِ

Meaning: Abdullah Ibnu Mas'ud Radliyallaahu 'anhu said: The Messenger of Allah Shallallaahu 'alaihi wa Sallam said to us: "O young generation, whoever among you is able to have a family should marry, because he can lower his gaze and maintain his private parts. Whoever is unable to should fast, for he can control you." (Muttafaq Alaihi).<sup>13</sup>

<sup>10</sup> Undang-Undang No. 1 Tahun 1974 Tentang Perkawinan

<sup>11</sup> Q.S. An-Nisa: 1

<sup>12</sup> Q.S. an-Nur: 32

<sup>13</sup> H.R. Bukhari-Muslim

وَعَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ ( أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَمِدَ اللَّهَ , وَأَثْنَى عَلَيْهِ , وَقَالَ : لِكَيْبِي أَنَا أَصْلِي وَأَنَا , وَأَصُومُ وَأَفْطِرُ , وَأَتَزَوَّجُ الْيَسَاءَ , فَمَنْ رَغِبَ عَن سُنَّتِي فَلَيْسَ مِنِّي ) مُتَّفَقٌ عَلَيْهِ

Meaning: From Anas Ibnu Malik Radliyallaahu 'anhu that the Prophet Shallallaahu 'alaihi wa Sallam after praising Allah and flattering Him said: "But I pray, sleep, fast, break my fast, and marry women. Whoever hates my sunnah, he is not from my people." (Muttafaq Alaihi).<sup>14</sup>

### 3. Marriage According to Positive Law

Marriage affairs are regulated by the State for the purpose of administrative order and regulating marriages carried out in that country, as well as Indonesia has rules or laws that regulate marriage and that is used as the legal basis for marriage according to positive law. The current legal basis for marriage includes: a) Book 1 of the Civil Code, namely Chapter IV to Chapter IX, b) Law No. 1 of 1974 in conjunction with Law no. 16 of 2019 concerning marriage. c) Law No. 7 of 1989 concerning the Religious Courts. d) Government Regulation No. 9 of 1974 concerning the implementation of Law no. 1 of 1974 concerning marriage. e) Government Regulation No. 45 of 1990 concerning changes and additions to Government regulations no. 10 of 1983 concerning marriage and divorce permits for civil servants. f) Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law in Indonesia (article 1-170 KHI).

### 4. The Purpose of Marriage

Islam greatly glorifies marriage. Apart from getting married, it was ordered directly by Allah SWT in some of His words and also the Messenger of Allah. Through his words, marriage also has a number of important purposes. With this important goal, marriage is mandatory for every Muslim. In his book, Rizem Aizid, put forward ten goals of marriage, including:<sup>15</sup>

- a. a. Building a sakinah, mawaddah, wa rahmah family, this is contained in Surah ar-Ruum verse 21.
- b. b. Sunnah of the Apostle.
- c. c. Protect yourself from adultery.
- d. d. Strengthen worship. Islam encourages its people to marry because they want their people to be more diligent and active in worship, so marriage is called half religion.
- e. e. Obtain offspring. Islam orders marriage so that we can have children because it is hoped that later our children and grandchildren will be able to strengthen the Islamic religion.
- f. f. Marriage is an investment in the hereafter. The intended investment is the investment of pious children and useful knowledge.
- g. g. Form of human nature.
- h. h. Opening the door of sustenance. Marriage is the way to the sustenance of Allah SWT. Even wider. By getting married, Allah

<sup>14</sup> H.R. Bukhari-Muslim

<sup>15</sup> Rizem Aizid, Fiqh Keluarga Terlengkap, (Yogyakarta : Laksana, 2018) h. 60

SWT. Will provide sustenance so that we do not need to be afraid and worry about poverty.

- i. i. Avoid slander. The slander in question is approaching adultery, mixing men and women and so on.
- j. j. Biological desire dealer. This one goal cannot be denied. The main goal is to channel biological desires in a way that is lawful for the Shari'a.

Ibrahim Amini also describes the purpose of marriage in his book, which emphasizes that marriage is human nature, that is:<sup>16</sup>

- a. a. Form a family and escape from the worries and destruction of life.
- b. b. Channeling sexual urges. Sexual needs in humans are very crucial and vital. Because of that someone definitely needs a husband or wife as a life partner so that he can make himself safe and comfortable.
- c. c. Sexual needs are something that is natural.
- d. d. Multiply offspring. Through marriage a person can produce many offspring which are one of the pillars of household life, as well as maintaining the calm and serenity of the husband and wife relationship.

Thus, seeing the opinions of some of the experts above in conveying the purpose of marriage, it cannot be denied that we must recognize the importance of the preparatory steps to form a family, one of which is knowing the purpose of marriage. When husband and wife know the purpose of their union. Then they will easily understand how to help each other to achieve that goal. From this, marriage has a clear direction and purpose in the future.

## 5. The divorce

### a. Definition of Divorce

In language, talak (divorce) means releasing, unraveling, or leaving, releasing or reducing the binding ties, such as the binding ties of marriage. As for divorce in terms of fiqh experts it is called talak or furqah. Divorce means breaking the bond or canceling the agreement, while furqah means divorce. Then these two words are often used by fiqh experts as a term which means divorce between husband and wife. The word divorce or furqah in terms of fiqh experts has a general meaning and a special meaning. The general meaning is all forms of divorce imposed by the husband, divorce determined by the judge and natural divorce such as the death of one of the husbands or wives. The special meaning is that divorce is imposed by the husband only.<sup>17</sup>

Divorce is an Indonesian word commonly used in the same sense as talak in the Fiqh term which means the dissolution of a marriage. Therefore, if the regulations regarding divorce in Islamic law always contain education, namely education not to facilitate divorce. Islamic morality wants to make marriage something that is eternal and eternal for life. Only death should be the only reason

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<sup>16</sup> Ibrahim amini, Hak-hak Suami dan istri, (Jakarta: Cahaya, 2007), cet. II, h. 19-21

<sup>17</sup> Zakiah Daradjat, Ilmu Fiqh Jilid 2, Dana Bhakti wakaf, Yogyakarta, 1995, hlm.172

for the separation of men and women who have become one unit as husband and wife.<sup>18</sup>

Thus divorce is nothing but considered a disaster. But at times, it is a necessary disaster. With that, he gives full freedom to both parties to consider everything carefully within the limits that can be accounted for. Because besides the many disasters that can be imagined from a divorce involving the lives of both parties and especially those involving their children, one can also imagine how tormented a person, especially the woman, whose domestic peace can no longer be maintained, but the way of divorce not opened. From some of these meanings it can be concluded that. Divorce or talak is the end of a husband and wife relationship with certain words which mean breaking the marriage cord and having consequences for the husband and wife.

b. The law does Divorce

Regarding this divorce law, the fiqh experts have different opinions in determining the divorce law. The most correct opinion is the opinion that divorce is forbidden. Those who think this way are the Hanafi Imams and Hambali Imams. Divorce is prohibited, because divorce is a form of disbelief against the blessings of Allah SWT, namely marriage. Disbelief in the favors that Allah has given is unlawful, except for emergencies. The emergency category that allows divorce is when the husband doubts the cleanliness of his wife's behavior or because he no longer loves each other. In the view of the scholars of divorce, there are several types of law according to the circumstances and problems faced by the family, sometimes it is obligatory, sunnat, haram and makruh. Therefore, by looking at the benefits and harms, there are four divorce laws in Islam, namely:<sup>19</sup>

1) Fardhu

That is if the husband has sworn that he will no longer have intercourse with his wife until a certain period of time, while he also does not want to pay kafarah, so that the wife is abused because of it.

2) Sunnah

That is if the husband is no longer able to pay and fulfill his obligations (his living), or the woman does not maintain her honor.

3) Haram

That is if it is done without justified reasons, while the wife is menstruating or is pure, even though she had sexual intercourse before.

4) Makruh

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<sup>18</sup> Anwar Harjono, *Hukum Islam Keluasan dan Keadilannya*, (Jakarta: Bulan Bintang, 1987), h. 234

<sup>19</sup> Ahmad Siddiq, *Hukum Talak dalam Agama Islam* (Surabaya: Putra Pelajar 2001), h.

That is, if the husband imposes divorce on a wife who is pious and has good morals, because this can lead to neglect of the wife and child and will cause harm.

c. Statutory Divorce

1) The Causes of Divorce

To be able to file a divorce suit to the Court, it must be accompanied by sufficient reasons in accordance with the reasons specified in UUP Number 1 of 1974, in this case Article 39 paragraph 2 is explained and emphasized in PP Number 9 of 1975 article 19 namely:<sup>20</sup>

- a) One of the parties commits adultery or becomes a drunkard, gambler, and so on which is difficult to cure.
- b) One party leaves the other party for two consecutive years without the other party's permission and without valid reasons or for other reasons beyond his control.
- c) One gets a prison sentence of 5 (five) years or a more severe sentence after the marriage takes place.
- d) One of the parties commits cruelty or serious abuse that harms the other party.
- e) One of the parties gets a disability or illness as a result of not carrying out their obligations as husband or wife.
- f) Between husband and wife there are continuous disputes and fights and there is no hope of living in harmony in the household again.

6. Old Age or Elderly

a. Definition of Elderly

Old age is said to be the final stage of development in the human life cycle. Meanwhile, according to Article 1 paragraph (2), (3), (4) of Law Number 13 of 1988 concerning health it is said that an elderly person is someone who has reached the age of more than 60 years.

Based on the general definition, a person is said to be elderly (elderly) if he is 60 years and over. Elderly is not a disease, but an advanced stage of a life process which is marked by a decrease in the body's ability to adapt to environmental stress. Elderly is a condition characterized by a person's failure to maintain balance against physiological stress conditions. This failure is related to a decrease in the ability to live and an increase in individual sensitivity.

b. Elderly Age Restrictions

According to the opinion of various experts, the age limit that includes the age limit for the elderly is as follows:

- 1) According to Law Number 13 of 1998 in Chapter 1 Article 1 paragraph 2 which reads "Elderly is someone who reaches the age of 60 (sixty) years and over".<sup>21</sup>
- 2) According to the World Health Organization (WHO), old age is divided into four criteria as follows:<sup>22</sup>

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<sup>20</sup> Undang-Undang No. 1 Tahun 1974 Tentang Perkawinan

<sup>21</sup> Undang-Undang Nomor 13 Tahun 1998 Tentang Kesejahteraan Lanjut Usia



- a) a) Middle age is 45-59 years.
  - b) b) Elderly (60-74 years old).
  - c) c) Old age (old) is 75-90 years
  - d) d) Very old age (very old) is over 90 years.
- c. Classification of the Elderly
- The following classifications are five classifications in the elderly consisting of:<sup>23</sup>
- 1) 1) Pre-elderly (pre-senilis), namely someone between the ages of 45-59 years.
  - 2) 2) Elderly, namely someone aged 60 years or more.
  - 3) 3) High-risk elderly, namely someone aged 70 years or more / someone aged 60 years or more with health problems.
  - 4) 4) Potential elderly, namely elderly who are still capable of doing work and/or activities that can produce goods/services.
  - 5) 5) The elderly are not potential, namely the elderly who are powerless to make a living, so their lives depend on the help of others.
- d. Elderly Type
- Several types of elderly depend on their character, life experience, environment, physical, social and economic conditions. These types are described as follows:
- 1) The wise type
    - Rich with wisdom, experience, adapting to changing times, busy, friendly, humble, simple, generous, fulfilling invitations, and being a role model.
  - 2) Independent type
    - Replace lost activities with new ones, be selective in finding work, socialize with friends, and fulfill invitations.
  - 3) Dissatisfied type
    - Physical and inner conflicts oppose the aging process so that they become angry, impatient, easily offended, difficult to serve, critical, and demanding.
  - 4) Surrender type
    - Accepting and waiting for good fortune, participating in religious activities, and doing any kind of work.

## B. Research Method

The type of research used in this research is empirical research with qualitative descriptive analysis. This research was conducted in the District of Kota Bangun. This study uses two data sources, namely primary data sources and secondary data sources. Primary data, namely data obtained from direct observation and research of research subjects in the form of information or observations from research locations, and interviews conducted by researchers to research subjects, especially to couples who carry out divorces.

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<sup>22</sup> Asni Harismi, Risiko Penyakit Berdasarkan Klasifikasi Umur Menurut WHO, dikutip dari [www.sehatq.com](http://www.sehatq.com)

<sup>23</sup> Kementerian Kesehatan, Infodatin, Situasi Lanjut Usia (Lansia) di Indonesia, (Jakarta: tp, 2016)

The primary data sources in this study were old divorcees, the local community, religious leaders, and the Head of Kota Bangun District. They are people who understand the problems that will be studied by researchers and are considered to represent the entire community in Kota Bangun District.

Secondary data, namely data obtained or collected and compiled by previous studies or published by various other agencies. Other Secondary Materials also consist of journals, scientific articles, and other scientific works.

To obtain the necessary data, several techniques are used, namely observation, namely making direct observations in the field to find out directly the object of research. Then the interview is asking informants to explore and obtain the data needed in the research. As for the stages of data processing and analysis, the author presents the data, followed by data reduction, then data verification and drawing conclusions.

## **C. Discussion**

### **1. Factors that cause divorce in old couples in Kota Bangun District**

Among the goals of marriage is to create a comfortable, peaceful and serene household for life. In Islam it has been regulated that if the contract has been pronounced then rights and obligations have arisen between the two parties. This is a consequence of the promised contract. If one party neglects this, then that party is deemed to have neglected the rights that should be fulfilled by the other party

The phenomenon of living a household life is not easy, because there are many problems that arise whether they are caused by economic, psychological, biological, or worldview factors and so on. This is what causes divisions in the household if it cannot be handled properly

Islamic law does not impose coercion on its adherents to continue the marriage if it is no longer sustainable. If the two parties cannot be reconciled and if it continues it will cause great harm, then the last resort that can be done is through divorce. As a wife, they have rights and life guarantees while still in marriage. Likewise, if the marriage ends, according to Islamic law there are rights that must be given to the wife. This shows that if you start a marriage with something good then if it ends it must also be in good condition.

One that is regulated by Islam is that when a husband and wife experience a dispute, they must present a Hakam or mediator who aims to resolve the problem between the two parties and make a decision if the marriage can still be continued or must be terminated based on considerations of justice. An intermediary or Hakam provides an opportunity for both parties to reflect on each other and introspection about the pros and cons of the effects of the divorce that will be undertaken later. Especially if the divorce occurs when both parties have entered their old age, where one must strengthen one another. Of course this looks unique, because divorce is generally not caused by infidelity considering that at old age, of course there is no desire to have an affair anymore. However, this still happens.

Based on the results of the research conducted in Kota Bangun District, the researchers obtained an overview that in general the causes of divorce in older couples are due to several factors including:

a. One of the parties left the obligation

In general, this is normal when one of the parties is no longer able to carry out the obligation to earn a living, which is entering old age. Of course this affects the ability and strength of those who are obliged to make a living. So in general when one party is no longer able to make a living, the other party is obliged to help together to meet their living needs. However, if both parties are old, this obligation is borne by the child to meet the living needs of both parents.

Likewise, for example, on the part of the wife who is no longer able to carry out her obligations as a wife in the form of serving her husband physically and spiritually. Conditions that are sickly and quite weak are conditions that cannot be refused and must happen to every human being, so it is impossible to force someone to continue to carry out their obligations while he is in an unhealthy condition.

Therefore, it is necessary to foster a sense of patience and understanding between the two parties so that they understand each other and understand each other's conditions and continue to try to carry out their obligations in order to avoid divorce.

b. Economic needs are not met

Economic needs are vital needs that must be met, even this is a primary need which, if neglected, will cause great harm. Ideally, when someone establishes a household relationship, there must be readiness in terms of material and mental. The readiness of the material can be interpreted as having a job or income that is constantly there. The mental readiness is having a level of maturity and a sense of responsibility towards his family.

If this need is not met, the biggest consequence is that primary needs or primary needs will not be fulfilled, which will impact household needs. Especially if this condition is experienced by a couple who are in their twilight years, of course it will cause a feeling of not being able to live life as husband and wife. How to make each other happy, while the economic conditions alone are very apprehensive. So that one party is unable to decide to leave their partner.

Therefore, there needs to be attention from the surrounding community, especially local village officials, to pay attention to and guarantee the lives of the elderly who are unable to meet their economic needs. In addition, it is also hoped that the attention of relatives and children who have adequate economic conditions will ease the financial condition of the elderly couple.

c. Arguments that occur continuously and do not end peacefully

Quarrels in the household are normal. This is because two people as husband and wife usually have different mindsets and different points of view in dealing with things. This is what is called a test in living a household life. However, when there is a

quarrel in the household, a husband still has an obligation to fulfill all his responsibilities, and not to commit violence, be it physical violence in the form of beatings or mental violence in the form of blasphemy and insults.

Quarrels that occur in older couples are generally not due to infidelity or because of the economy. The researcher found that these fights were caused by trivial things, such as husbands who often came home at night, husbands who forgot to buy entrusted things for their wives, and some were caused by wives being negligent in doing household chores.

Trivial matters like this should not be exaggerated which lead to breakdowns in household relations considering old age, of course this becomes a problem for families, especially their children, therefore it is necessary to get advice from community leaders or religious leaders as well as efforts from close relatives. to constantly provide views so that the matter can be reconciled.

d. There is a third party that interferes in household life

The unique thing that researchers found from the results of interviews about the factors of divorce for old couples is the involvement of third parties who interfere in the couple's household life. In general, this problem arises in a widower who is married to a widowed woman and is both old. This third party does not interfere in positive matters but rather in a disastrous direction, which provokes one party to leave their partner if their partner makes a small mistake. Some of the third parties even slandered one of the partners so that they both divorced immediately.

This is a big problem and don't let it go. Sometimes the involvement of third parties is also supported by close relatives who do not know the origin of the problems of the two partners. There must be a firm attitude from the elderly couple so that third parties are not too much involved, especially interfering in their second household relationship.

The author is of the view that the factors that led to the divorce if it is associated with the theoretical review above, it seems as if it can be concluded that the legal culture factor greatly influences this phenomenon. Phenomenon in which husband and wife do not feel ashamed to divorce. Yet if we look in the mirror at what happened in the past, divorce seems to be a disgrace that even must be covered up because it is illustrated that they cannot maintain their household life, especially when they are old.

There are three periods in a marriage that have a level of vulnerability that exceeds other years, this is due to the height of differences that absorb more energy for marriage partners to adjust to each other. The three periods are:

- a. Marriage age period 1-5 years. This is a period where the foundation of marriage is not strong enough. And it is precisely at the age of 1-4 years that the demands of matching and adjusting to each other require a lot of energy for this newly married couple. They are required to be able to adjust to their partners, to in-laws and in-laws, to relatives, and to jobs or careers. If they are

successful in adjusting to each other, they will become a better family. But if they fail to adjust it will cause problems to escalate and end in divorce.

- b. The second puberty period or middle age, namely the period of 15-20 years of marriage. This is the period when the age of each husband and wife is between 40-50 years. Various things happened in this period, causing marriage to face a critical age. Among them, children are starting to reach their teenage years, and juvenile delinquency often causes differences in the way of educating and disciplining children and this results in sharper differences between husband and wife, this is where the conflict begins. Also during this period, careers are getting better, finances are getting more stable and fortune is getting more abundant. If it is not handled properly, the relationship between husband and wife is strained because the wife begins to enter menopause and the husband enters the second period of puberty. This is where a lot of the temptation of infidelity occurs.
- c. The retirement period or also known as the "empty nest" period is the period of 30-35 years of marriage. In this period, children are generally married and do not live at home. Husband and wife couples who have not been used to forgiving, appreciating and adjusting to each other well, when they enter retirement must live together 24 hours a day and night and this becomes a momentum for both parties to mingle with each other and return to being a harmonious couple. If there is tension, it can be resolved immediately so that both parties will get back together. But not infrequently, because of selfishness, the two parties will remain in endless conflict.

If a marital relationship, which has been in protracted conflict, is still continued, then the goal of forming a peaceful, happy and peaceful household as prescribed by Islam will not be achieved and it is feared that there will be divisions within a family. Islam, requires that divorce is the last way out for husband and wife who really feel they have failed in building their family or household.

Disputes and fights between husband and wife are indeed one of the reasons for divorce. However, the disputes and quarrels in question are the constant disputes and quarrels between the two and there is no way to reconcile. The reason for the continuous disputes and quarrels is not the main cause, but is the result of other causes that precede it. The researcher concluded that in general among the factors that cause divorce in old couples that occur in the Kota Bangun District community are:

- a. Disputes caused by financial problems, or because the husband does not give all of his income to the wife.
- b. Disputes caused by sexual relations problems.
- c. Disputes caused by differences in religious views give rise to differences in parenting and educating children.

Disputes caused by financial problems are something that does not only happen to old couples but even to young couples, this often becomes a factor in fights. Lack of openness between the two parties

regarding income and expenses will have bad consequences because it seems as if it shows distrust of each partner. If this continues, the dispute will not end. So here the maturity of both parties is needed to be open to each other and not cover up. For husbands, it is clear how much income is received and for wives, it is clear where the money received is used. If this can be done properly then the dispute will not occur.

If the dispute is caused by property problems, then this certainly has a bad influence on the continuation of the husband and wife relationship. The existence of dissatisfaction from one of the partners caused by not venting sexual desire properly, will make one of the partners think of looking for another outlet. Even more so if this happens to an old couple where one party has entered menopause while the other party still needs an outlet for their sexual desires. One way to overcome this problem is by taking medication, or following therapy. And both parties should be open to each other. Convey what you want and what solutions can be done. Thus forming goodness between the two parties.

Meanwhile, if the dispute is caused by differences in religious views, then this needs to be properly addressed and it is necessary to carry out consultations with religious leaders because differences in religious views will affect matters related to politics or culture and carry over to the household. For example, during the election period, the husband supports a certain candidate because he is seen as having good religious observances and the wife supports different candidates with different views. It could also be when the husband tends to be strict in educating children, hitting children with rattan if they don't pray. While his wife did not agree with such actions. If this continues, the dispute will continue. The role of religious leaders in providing direction and advice is urgently needed.

The positive rule states that constant disputes and quarrels are one of the reasons for divorce contained in Article 19 letter (f) of Government Regulation number 9 of 1975 which reads: "between husband and wife there are continuous disputes and quarrels and there is no hope for life harmony in the household". Article 19 letter (f) is the result of causes that trigger household rifts.

Even though one party commits adultery, leaves a husband or wife for a long time and other reasons mentioned in Articles 19 and 116 of the Compilation of Islamic Law, if this can be accepted or forgiven by one of the parties it will end in peace, marriage stay harmonious, because disputes and fights can be avoided. Disputes and fights that occur between husbands and wives, especially when they are old, are caused by various problems that arise in their household that cannot be resolved. So that there is continuous conflict causing one party to leave the house.

The reasons for divorce due to disputes and quarrels are also mandatory according to the scholars. Fiqh scholars detail the law of divorce when viewed from the household conditions that caused the divorce to occur:

- a. Divorce is punished obligatory if between husband and wife often quarrel, and when efforts are made to make peace by being

appointed a hakam (peacemaker), the dispute does not end. Under these circumstances, divorce law is mandatory because marriage aims to establish a harmonious and loving relationship and create peace between the two parties.

- b. Divorce is punished as a sunnah if the wife does not want to obey Allah's laws and does not want to carry out her obligations, both as a servant of Allah (such as praying and fasting) and as a wife (not wanting to serve her husband).
- c. Divorce is considered unlawful when the husband knows that his wife will commit adultery if he divorces his wife. By dropping the divorce, it means that the husband is giving his wife the opportunity to commit adultery. Included in this illegitimate divorce is dropping the wife's divorce during menstruation, childbirth, and in a state of purity (no menstruation and no postpartum) but it has been mixed with it first. Divorce is also forbidden if the husband divorces his wife with the aim of hurting her.
- d. Divorce is considered makruh if the divorce is imposed without any reason at all. This is what is meant by the hadith of the Prophet SAW which was narrated by Imam Abu Dawud, al-Hakim, and Ibn Majah from Abdullah bin Umar. According to the jurists, the notion of "hated" in the hadith shows makruh.
- e. eDivorce is punishable by mubah (permissible) if the divorce is imposed for certain reasons, such as the divorced woman's morals are not good, her service to her husband is not good, and the relationship between the two is not in line, although quarrels can be avoided. In a marriage like this, according to fiqh scholars, the goal of marriage desired by syara' will not be achieved. Therefore, the husband may drop his divorce

Thus the author concludes that the consequences arising from prolonged disputes in old age couples that require them to divorce is a solution so that no greater harm occurs and even if referring to divorce law, divorce law is carried out on old age couples in conflict it is mandatory.

## **2. The impact of the divorce of an old couple in Kota Bangun District on the community**

A divorce that occurs in a household relationship will have many impacts, especially for the husband and wife. Even though the divorce is a way out of the household problems experienced, the impact will still arise. Based on the results of interviews that were conducted with couples who divorced at an old age in Kota Bangun District, the impacts are as follows:

- a. Negative impact
  - 1) Against a divorced couple

There will be feelings of guilt and heartache for both parties and for both parties, especially if the divorce has an impact on the story of the child of one of the parents. Of course this will cause mental burden and depression because it has been considered a failure in building a household.

2) Against the Family

The breakup of family relations between the two parties, which at first between the parents-in-law and the sons-in-law were very harmonious, would end in a rift. One of the parties will defend the person who is close to him compared to the person who has accompanied his relative's life. And what happens in old age couples is the emergence of enmity between in-laws and the divorced party. This hostility will be even greater if it comes to questioning treasures like this and so on.

3) Against the child

The greater the effect will be felt by the child where the child will feel ashamed because his parents are divorced and feelings arise in the child who have not been able to accept the situation and have an impact on uncontrolled good emotions so that sometimes juvenile delinquency occurs as a result of this problem. Children will not get complete love between their parents and it may even be that children can no longer meet one of their parents.

b. Positive impact

In addition to the negative impact, there are also positive impacts that occur for the divorced old age couple including:

- 1) The parties will be released from prolonged disputes and unwanted bad events will not occur because there is no bond between the two parties.
- 2) Both partners will be given time to reflect on each other's mistakes and more time to introspect whether the things that have been done so far are right or not. If this can be properly realized and there is a desire to continue household life, then there is still a chance to reconcile or remarry.

#### **D. Conclusion**

1. 1. In general, old age is a time between husband and wife to spend time together and strengthen the love relationship between the two. But not infrequently in some societies when they reach old age there are conflicts between household relationships that end in divorce. Based on the results of the research, the researchers conducted that the factors causing divorce at old age that occurred in the Kota Bangun sub-district community included financial problems or because the husband did not give all of the income he earned to his wife which aroused the wife's suspicion. Besides that, disputes are also caused by problems in sexual relations where when the couple is old but there is still a feeling or sexual desire and it is not channeled properly it will cause rifts in the household. There is a last factor tree, namely differences in religious views which have an impact on the emergence of differences in parenting and educating children.
2. 2. The results of research from researchers that there are several impacts that arise as a result of divorce that occurs in old couples, including for divorced couples will experience mental burden and depression because there is a feeling of failure in fostering a household that has been for



years. Likewise for the spouse's family there will be hostility and discomfort to the ex-spouse of the relative so that it is not uncommon for hostility to arise. As for children, if the child is still a teenager, it will cause juvenile delinquency which is caused by uncontrollable emotions over the problems that befell both parents. In fact, it is not uncommon for children to not be able to meet one of their parents. However, on the other hand, there are positive impacts arising from the divorce, including ending prolonged disputes and both partners will introspect more on each other so that in the future they will become good individuals.

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