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**Falling Out of Love:
Divorce of Three Acehese *Ubanan* Couples in the Islamic Law Perspective**

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Abstract: “*The most hated of permissible things to Allāh the Exalted is divorce.*” This Prophetic tradition is narrated by Abū Dāwūd and Ibn Mājah. Yet divorce is now on the rise in Aceh where Islamic Shari‘ah is supposedly being implemented; there were 6,823 divorce cases in the province during the first ten months of 2022, with most proposed by young couples. This study examines divorce in mature families aged fifty and above, who have been married for many years in the perspective of Islamic law. We analyze their marriage and the nature of their life leading to divorce, the reasons for falling out of love, and the impact of separation on their well-being and on their loved ones. We review the Islamic sources and academic literature about marriage and divorce, the government, and media reports for statistics, and we interview three couples along with several of their children in order to obtain insights into their experience. We uncover the complexity surrounding marriage and divorce, as well as religious, social, and personal reasons guiding their action or non-action. The study recommends that governments and religious institutions implement premarital courses as a condition of marriage so that divorce rates can be reduced. Such policies must be accompanied by meaningful and well-funded national government programs to save the institution of marriage and be able to maintain family cohesion in Indonesia.

Keywords: Marriage, *ubanan* divorce, social conditions, rights of women, Islamic law

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Abstrak: “Perkara halal yang amat dibenci Allah ta’ala adalah perceraian.” Hadis Rasulullah ini diriwayatkan oleh Abu Daud dan Ibnu Majah. Namun, hari ini perceraian terus beranjak naik di Aceh dimana Syariat Islam sedang diberlakukan; ada 6.823 kasus perceraian di provinsi ini selama sepuluh bulan pertama tahun 2022, yang sebagian besarnya diajukan oleh pasangan muda. Studi ini menelaah perceraian keluarga tua yang suami isteri telah berusia lima puluh tahun atau lebih, dan mereka telah hidup bersama bertahun-tahun dalam perspektif hukum Islam. Kami menganalisa perkawinan mereka, kondisi kehidupan keluarga sebelum perceraian, alasan luntarnya cinta kasih, dan pengaruh perpecahan keluarga terhadap diri dan anak-anak tercinta. Kami mereview sumber Islam, literatur akademik tentang perkawinan dan perceraian, laporan pemerintah dan media tentang statistik perceraian, serta mewawancarai tiga pasangan dan beberapa putera puteri mereka untuk mendapatkan bayangan tentang pengalaman setiap keluarga. Kami menemukan kompleksitas sekitar perkawinan dan perceraian, serta alasan pribadi, agama dan sosial yang mengarahkan mereka untuk bertindak atau tidak bertindak. Kajian ini merekomendasikan agar pemerintah dan lembaga keagamaan untuk melaksanakan kursus pranikah sebagai syarat pernikahan agar tingkat perceraian dapat diturunkan. Kebijakan tersebut harus disertai dengan program pemerintah nasional yang bermakna dan didanai dengan baik untuk menyelamatkan lembaga perkawinan dan dapat mempertahankan kohesi keluarga di Indonesia.

Kata Kunci: Perkawinan, perceraian ubanan, kondisi social, hak-hak perempuan, hukum Islam

Introduction

According to a 2022 report, the rate of divorce in Indonesia is “the highest in Asia and Africa with twenty-eight percent of its marriage ratio.”¹ Although the proportion is slightly lower in Aceh at fifteen percent with 6,448 divorce cases compared to 42,213 *nikāhs* in 2021,² the rate continues to climb. Our critical analysis of the increased fragility of marriage is shaped by both normative and socio-empirical approaches. It is normative as we look at the Islamic legal principles regarding marriage and divorce stipulated by both the Qur’ān and the *hadīth* tradition, as well as at relevant regulations of Indonesian

¹ Statement by Agus Suryo Suropto of the Ministry of Religious Affairs as reported by the West Sumatra Provincial Office of Religious Affairs. “Angka Perceraian Indonesia Tertinggi di Asia Afrika, Ini Tujuh Problema Penyebabnya.” June 2022. <https://sumbar.kemenag.go.id/v2/post/66642/angka-perceraian-indonesia-tertinggi-di-asia-afrika-ini-tujuh-problema-penyebabnya>.

² AJNN, “Angka Perceraian di Aceh Capai 6.448 Perkara, Banyak Isteri Gugat Suami.” 26 January, 2022. <https://www.ajnn.net/news/angka-perceraian-di-aceh-capai-6-448-perkara-banyak-istri-gugat-suami/index.html> and Antara, “Kemenag: 11.071 Pasangan di Aceh Menikah Sepanjang Tahun Ini.” 10 May, 2022. <https://aceh.antaranews.com/berita/285385/kemenag-11071-pasangan-di-aceh-menikah-sepanjang-tahun-ini>.

marriage law. We examine the provisions of these two sources in promoting matrimony and sanctioning divorce, highlighting the impact of these legal stipulations on marriage institution and its dissolution. Our socio-empirical data are collected through the analysis of existing literature on marriage and divorce in order to provide a framework for understanding the marriage characteristics of three participating families and the interlinking factors triggering their marriage dissolutions. Information gained through interviews is an important part of our socio-empirical analysis. It is intended to deepen our comprehension about the experience of these families as well as to substantiate their life journeys in the context of existing theories about marriage and divorce. This research has implications for understanding Islamic law and contemporary Islamic family law, which are not as simple as some might imagine. The cause of divorce in a marriage is due to multi-factors. Our study will be of interest to scholars of Islamic law, Acehnese social conditions, and gender issues.

Theories on the continuing increase of family separation are complex and at times conflicting, depending on sources, type of analysis and date of citation. A number of studies suggest that the couples' age at marriage contributes to increase or decrease of marital stability. A survey by Tim Heaton finds that higher age at first marriage and improved education are responsible for the decline in the divorce rate in America.³ In contrast, marrying too young is one of the reasons for the easy breakup of the family, as is the case in the United Arab Emirates.⁴ Scholars studying divorce statistics in Indonesia also highlight the problem of underage marriage,⁵ while country officials also express similar concerns. Suropto of the Ministry of Religious Affairs emphasizes the massive practice of child *nikāḥ* at about four percent of total marriages nationwide.⁶ His rate of four percent seems to be low, since others put

³ Tim B. Heaton, "Factors Contributing to Increasing Marital Stability in the United States." *Journal of Family Issues* 23, No. 3 (2002), p. 392–340.

⁴ Fakir Al-Gharaibeh & Nicole Bromfield, "An Analysis of Divorce Cases in the United Arab Emirates: A Rising Trend." *Journal of Divorce & Remarriage* 53, No. 6 (2012), p. 436–452. Mursyid Djawas, et.al., "The government's Role in Decreasing Divorce Rates in Indonesia: The Case of Aceh and South Sulawesi," *Ahkam: Jurnal Ilmu Syariah* 21, No. 1 (2021). Rivka Savaya & Orna Cohen, "Divorce among Moslem Arabs Living in Israel: Comparison for Reasons Before and After the Actualization of the Marriage." *Journal of Family Issues* 24, No. 3 (2003), p. 338–351.

⁵ Gavin W. Jones, "Modernization and Divorce: Contrasting Trends in Islamic Southeast Asia and the West." *Population and Development Review* 23, No. 1 (1997), p. 95–114. Gavin W. Jones, et.al., "Divorce in West Java." *Journal of Comparative Family Studies* 25, No. 3 (1994), p. 395–416. Tim B. Heaton, et.al., "Why Is the Divorce Rate Declining in Indonesia?" *Journal of Marriage and Family* 63, No. 2 (2001), p. 480–490.

⁶ Suropto and Kemenag, "Angka Perceraian Indonesia ..."

this ratio at nearly eleven percent (10.8%),⁷ with UNICEF estimating that 1,220,900 girls were married before the age of eighteen in 2018.⁸ This makes Indonesia to have the seventh or eighth highest rate of child marriage globally.⁹

Theory on the impact of modernization on marriage is conflicting. Some scholars assert that easy dissolution of family cohesion and traditional values is related to social changes and employment transformation brought by modernity. The improvement of education, technological advancement and economic growth makes a deep impact on society and the family. Higher female literacy and women engagement in the labor force are some of the positive consequences of this transformation. However, a few studies also show the opposite consequences. Analyzing marriage and divorce in six countries of the Gulf Cooperation Council (GCC),¹⁰ researchers find that social transformation brought by modernity affects family structures and marital stability plaguing the region with high divorce rates. “Since the values of men and women are mostly paternal,¹¹ the advances in the status of women may contradict social norms, traditions, customs, and expectations,”¹² upsetting the very foundation of the traditional family structure that certain societies are not prepared to abandon. Indonesia is also experiencing great pressures of modern life on the family. Laila Setyawati Arifin and others assert that modern lifestyle has shifted gender roles from the traditional configuration where wives were mainly responsible for maintaining the household and rearing children while husbands worked outside

⁷ Muliani Ratnaningsih, *et. al.*, “Child Marriage Acceptability Index (CMAI) as An Essential Indicator: An Investigation in South and Central Sulawesi, Indonesia.” *Glob Health Res Policy* 7, No. 32 (2022).

⁸ UNICEF, “Child Marriage in Indonesia.” January 2020; <https://www.unicef.org/indonesia/media/2816/file/Child-Marriage-Factsheet-2020.pdf>.

⁹ Maila D. H. Rahiem, “COVID-19 and the Surge of Child Marriages: A Phenomenon in Nusa Tenggara Barat, Indonesia.” *Child Abuse & Neglect* 118 (2021). Faorick Pakpahan, “Duh, Indonesia Peringkat 7 Negara dengan Pernikahan Dini Terbanyak.” 27 November, 2020. <https://nasional.sindonews.com/read/247800/15/duh-indonesia-peringkat-7-negara-dengan-pernikahan-dini-terbanyak>; Lengga Pradipta, “Child Marriage in Indonesia Is Illegal. But Why Is It Still Prevalent?” 11 June, 2023. <https://newnaratif.com/child-marriage-in-indonesia/>.

¹⁰ These are Kuwait, Qatar, the United Arab Emirates (UAE), Saudi Arabia, Bahrain, and Oman.

¹¹ Scholars believe that “Divorce is generally lower among patrilineal cultures than among either bilateral or matrilineal groups.” Like other countries of Southeast Asia, Indonesia is predominantly bilateral although the other two systems are also found there. Consult Heaton, Cammack & Young, “Why Is the Divorce Rate Declining ...”

¹² Noora Lari & Maryam Al-Thani, “Divorce Legislation in the Arab Gulf: Trends and Educational Differentials.” *Journal of Arabian Studies* 11, No. 2 (2021), p. 289-313. Tofol Jassim Al-Nasr, “Gulf Cooperation Council (GCC) Women and Misyar Marriage: Evolution and Progress in the Arabian Gulf.” *Journal of International Women's Studies* 12, No. 3 (2013), p. 43-57.

to provide for their family, to “the egalitarian system where men and women are equal in all domains.”¹³

Arifin further emphasizes that modern life demands both incomes of husbands and wives to meet a family’s financial needs. As women entering the workforce engaging in the public domain alongside men, their responsibility of housekeeping and childrearing remains the same, placing women in the “double burden” (*beban ganda*) of both professional and family requirements. “Double burden is believed to be the trigger for widespread *cerai gugat* [divorce] initiated by wives.”¹⁴ Other scholars contradict this argument about the negative impact of modernization and industrialization on the family. For example, the authors of “Why Is the Divorce Rate Declining in Indonesia?” as well as others argue that improved education of women and their engagement in the job market contribute to marriage stability. Women’s independence, delayed marriage, self-selected spouse, and restricted divorce after the adoption of the 1974 Family Law are among the factors that strengthen the union; while arranged and child marriage, and strong economic ties to parents, are among the disruptors of family cohesion.¹⁵

Finally, the theory of divorce among the *ubanan* (white-haired or *rambut putih*) older married men and women is also complex. This separation occurs late in marriage with husbands and wives aged fifty or older. This type of family dissolution is known in America as “Gray Divorce” referring to the gray color of their hair; also called “silver or diamond splitters”.¹⁶ As discussed above, the overall divorce rate in America is declining, but gray family breakup is on the rise.¹⁷ Scholars thus speak of US “gray divorce revolution” with the current

¹³ Laila Setyawati Arifin, *Transformasi Sosial dan Perceraian: Studi Kasus Relasi Keluarga Muslim di Kota Bogor*, A Master’s Thesis Presented to the Graduate School, Syarif Hidayatullah State Islamic University of Jakarta, July 2020, p. 4. Darla R. Botkin, M. O’Neal Weeks & Jeanette E. Morris, “Changing Marriage Role Expectations: 1961–1996.” *Sex Roles Journal* 42 (2000): 933–942.

¹⁴ Laila Setyawati Arifin, *Transformasi Sosial dan Perceraian...*, p. 5.

¹⁵ Heaton, Cammack & Young, “Why Is the Divorce Rate Declining ...”; Jones, “Modernization and Divorce ...”. Jones, Asari & Djuartika, “Divorce in West Java.” Philip Guest, “Marital Dissolution and Development in Indonesia.” *Journal of Comparative Family Studies* 23, No. 1 (1992), p. 95-113. Mursyid Djawas, et.al., “Creating Family Resilience in Indonesia: A Study of Marriage Guidance Program in Aceh and South Sumatera,” *al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, No. 1 (2022).

¹⁶ Ann Gold Buscho, “How is a ‘Gray Divorce’ Different from Other Divorces?” 25 May, 2021. <https://www.psychologytoday.com/us/blog/better-divorce/202105/how-is-gray-divorce-different-other-divorces#>. Marguerita Cheng, “Grey Divorce: Its Reasons & Its Implications.” 26 February, 2019. <https://www.forbes.com/sites/margueritacheng/2019/02/26/grey-divorce-its-reasons-its-implications/?sh=4923c2024acd>.

¹⁷ I-Fen Lin, et al., “Antecedents of Gray Divorce: A Life Course Perspective.” *Journals of Gerontology Series B: Psychological Sciences and Social Sciences* 73, No. 6 (2018), p. 1022–1031. Christy Bieber, “Revealing Divorce Statistics In 2023.” 4 May, 2023.

statistics that one in four Americans who gets divorced is aged 50 and above. Researchers provide conflicting arguments for reasons causing the dissolution of the family after years in marriage. Some argue that the three key life turning points that are emblematic of later adult life—an “empty nest,” retirement and chronic health conditions—affect family stability. As children move away from home to attend college or start work, their “absence...removes a potential barrier to divorce. Children are the glue holding some couples together.” This study finds that an ‘empty nest’ is related to a higher risk of divorce among the middle-aged.¹⁸ Similarly, retirement allows couples to share more time together,¹⁹ and health problems²⁰ can fundamentally alter marital dynamics affecting family stability, and heightening the chances for divorce for some families.

Other researchers find that these three key life turning points are unrelated to the likelihood of *ubanan* divorce,²¹ and assert that these life events can actually bring families closer together. They maintain that risk factors traditionally associated with divorce among younger couples are also salient for older adults including marital duration, marital quality, and economic conditions, and are strongly connected to the divorce of *ubanan* couples as well as to that of younger adults. Thus, gray separation is most likely to occur among couples who are socially and economically deprived. The remarriage family is more vulnerable to divorce than the first marriage union.²² Furthermore, low marriage quality is directly linked to an older couple’s family breakup. Marriage quality demonstrates the reciprocal love, respect and understanding between spouses, making them trust each other and honour each other’s realistic expectations. In the past, couples might have remained in unhappy marriages rather than get divorced, but things have changed. Perceptions of marriage and expectations for “personal fulfilment” have reduced the stigma of divorce. The high value placed on this institution suggests that divorce is a better way out of a bad marriage.²³ As divorce has become more common, people are more

<https://www.forbes.com/advisor/legal/divorce/divorce-statistics/>. Susan L. Brown & I-Fen Lin, “The Gray Divorce Revolution: Rising Divorce among Middle-Aged and Older Adults, 1990-2010.” *Journals of Gerontology Series B: Psychological Sciences and Social Sciences* 67, No. 6 (2012), p. 731–741.

¹⁸ Bridget Hiedemann, et. al., “Economic Independence, Economic Status, and Empty Nest in Midlife Marital Disruption.” *Journal of Marriage and Family* 60, No. 1 (1998), p. 219-231.

¹⁹ Sarah L. Canham, et al., “‘Til Divorce Do Us Part: Marriage Dissolution in Later Life.” *Journal of Divorce & Remarriage*, No. 55 (2014), p. 591–612.

²⁰ Jeremy B. Yorgason, et. al, “Health, Disability, and Marital Quality: Is the Association Different for Younger Versus Older Cohorts?” *Research on Aging* 30, No. 6 (2008): 623–648.

²¹ Susan L. Brown & I-Fen Lin, “The Gray Divorce Revolution.”

²² Susan L. Brown & I-Fen Lin, “The Gray Divorce Revolution.”

²³ Andrew J. Cherlin, *The Marriage-Go-Round*, New York: Knopf, 2009.

accepting of it, including among *ubanan* couples. The “general tolerance of divorce in the society” is an important fact in the Indonesian context.²⁴

No study of *ubanan* divorce has been conducted on Indonesian and Acehnese divorcees and this research intends to fill this gap. While there are no clear statistics on the number of gray family breakups in Indonesia or in Aceh province, it is usually estimated to be low at three to five percent of all divorces. This is most likely to climb. Some factors apparent in the American context may also be found in the Indonesian and Acehnese experience, and we explore the multifaceted dynamics surrounding gray divorce in this province in three sections. First we study marriage and divorce in Islam, analysing Qur’anic verses and *Ḥadīth* stipulations with special reference to the Indonesian and Acehnese context. This allows us to understand the nature and triggers for the increasing family dissolutions. Part two presents life stories of the three Acehnese gray couples, exploring their true experience and that of their children. The underlying factors leading to their separation and impact of divorce on their wellbeing are also examined. The third part analyzes underlying reasons in depth related to theories presented above. We also discuss their comprehension of marriage and divorce in the context of Islamic teachings, highlighting that the cause of separation is truly complex. We conclude with reflections and suggestions both for strengthening future research and for creating a policy to reduce divorce among both older and younger adults.

Marriage and Divorce in Islam Law

One of the most important commandments of Islam is that of marriage. It is a divinely inspired institution enjoining union between a man and a woman with clearly prescribed laws and principles legitimizing action within the marriage. This action is a manifestation of rights and responsibilities of the two marriage individuals as they live as husband and wife. Marriage in Islam is a contract between a man and a woman, and thus not a sacrament. It is described in a number of *āyāt* (verses) of the Qur’ān and modeled after the life of the Prophet Muḥammad PBUH. One verse states: “*And of His signs is that He has created for you spouses from among yourselves so that you might take comfort in them and He has placed between you love and mercy. Indeed in that are signs for those who reflect*” (QS. al-Rūm 31: 21). This verse adorns almost all marriage invitations in contemporary Aceh, including my own in 2000 and those of my family members.

The verse describes that women and men are created of the same substance implying equality and intimacy. It also states one purpose of marriage is to bring emotional peace and spiritual tranquillity due to love and compassion implanted in the heart of husband and wife. The same closeness between the two

²⁴ Jones, “Modernization and Divorce ...”

is also echoed in the following verse: “*They (your wives) are your garment and you are theirs*” (QS. al-Baqarah 2: 187). This highlights the attachment and closeness of the couple as that of a person to their clothes. This image of the garment underscores that “husband and wife are required to play the same role in the relationship.”²⁵ The function of clothing is to conceal blemishes and to protect the person from the harm of heat or cold, and thus husband and wife serve as each other’s protection and sanctuary. If one is lacking in certain things, it is the responsibility of the other to ensure that this is not exposed to others outside their union. If one spouse is feeling vulnerable, the other is there “to wrap their partner in comfort and support,”²⁶ as Khadījah bint Khuwaylid (d. 619) the beloved wife of the Prophet comforted him after his receiving the first revelation in 610. Garments also function as a beautification to augment each other’s physical appearance and spiritual growth. Therefore, marriage is a sanctuary for trust and confidence.

The *sunnah* of the Prophet and his traditions (*Ḥadīth*) also emphasize the essentiality of marriage. “The Messenger of Allah said: ‘O young men, whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding chastity, and whoever cannot, then he should fast for it will be a restraint (*wijā’*) for him’” (*Sunan al-Nasā’ī*, *Ḥadīth* 3209). Another tradition of the Prophet states: “Marriage is part of my sunnah, and whoever does not follow my sunnah is not of my group” (*Sunan Ibn Mājah*, *Ḥadīth* 1846). These two traditions emphasize that there is no celibacy in Islam, and thus the union of a man and a woman is an important act of religiosity as followers of Muḥammad PBUH. Other *Ḥadīths* recognize the human need for physical and sexual fulfilment through legal and spiritual union. Thus, marriage is a form of protection to preserve men and women from illicit sex and from being unchaste. Furthermore, the traditions acknowledge that legal enjoyment of physical attraction and corporal intimacy within a marriage is an act of faith.²⁷ The importance of this pleasure is stated in another *Ḥadīth*: “The whole world is pleasure, and the best pleasure of the world is the righteous woman” (*Ṣaḥīḥ Muslim*, Book 17, *Ḥadīth* 76). The above traditions also acknowledge the significance of reproduction as the natural outcome of marriage. It serves to prolong human existence and to multiply the population of the world. “Oh

²⁵ Malika Kahn, “Marriage in Islam: 8 Quranic Verses About Marriage.” 23 February, 2021. <https://www.getquranic.com/marriage-in-islam-8-quranic-verses-about-marriage/>.

²⁶ Malika Kahn, “Marriage in Islam.”

²⁷ Abū Ḥāmid al-Ghazālī defines *nikāḥ* as “*mu‘ayyin ‘alā al-dīn / an aid in [the fulfillment] of religion,*” *Kitāb Adab al-Nikāḥ* (book 12) of *Iḥyā’ ‘Ulūm al-Dīn*. <https://www.ghazali.org/rrs-ovr/> (Arabic). Madelain Farah, *Marriage and Sexuality in Islam: A Translation of al-Ghazālī’s Book on the Etiquette of Marriage from the Iḥyā’*, Salt Lake City: University of Utah Press, 1984: 46. <https://ghazali.org/books/marriage.pdf>. Fajri M. Kasim, et.al., “The Protection of Women and Children Post-Divorce in Sharia Courts in Aceh: A Sociological Perspective,” *Ahkam: Jurnal Ilmu Syariah* 22, No. 2 (2022).

mankind! Have consciousness of your Lord who has created you from a single soul. From it He created your spouse and through them He populated the land with many men and women” (QS. al-Nisā’ 4:1). Thus, al-Ghazālī thinks of procreation as one of the five advantages of marriage.²⁸ Like any act in Islam, marriage is also enjoined so that husband and wife help one another to be closer to their Creator.

The Qur’ān and the *Ḥadīth* also speak about divorce, yet Islam discourages it. We saw that marriage is an agreement between a man and a woman to provide the two with emotional peace and spiritual tranquillity based on love and compassion, mutual trust and confidence. However, not all marriages meet these expectations, and many actually fall apart due to numerous reasons. Islam provides an escape for falling out of love between the husband and wife by means of divorce. According to Islamic law or Sharī‘ah, divorce is the legal dissolution of a marriage in a procedure that is either initiated by the husband known as *ṭalāq* (*lit.* untie, letting lose, separation), or by the wife termed *khul’* (*lit.* removing, ripping off, deposing). There are a variety of opinions regarding family dissolution depending on the legal school (*madhhab*) and reflecting cultural influences. In Indonesia, the Shāfi‘ī *madhhab* with local interpretations is generally followed, and before we discuss a few points of interest on the issue of marriage and divorce law in the Indonesian context, we shall first review some Qur’ānic verses and Prophetic traditions on the matter.

The Qur’ān speaks of family breakup in this way: “If you divorce women...give them a suitable compensation—the rich according to his means and the poor according to his – A fair compensation is an obligation on the good-doers” (QS. al-Baqarah 2: 236). QS. al- Ṭalāq 65:1 states: “O Prophet! Instruct the believers: ‘When you divorce women, then divorce them with concern for their waiting period [*‘iddah*], and count it accurately. And fear Allāh, your Lord. Do not force them out of their homes, nor should they leave—unless they commit blatant misconduct. These are the limits set by Allāh. And whoever transgresses Allāh’s limits has truly wronged his own soul’.” Verse 2 of the same chapter says: “Once they have almost reached the end of their waiting period, either retain them honorably or separate from them honorably. And call two of your reliable people to witness either way for Allāh.”

There are other important provisions about divorce in the Qur’ān, but for our purpose here these three verses are sufficient to highlight key regulations about *ṭalāq*. It stipulates the rights and responsibilities of men who are the initiators of divorce. First, the *āyāt* regulates the permissibility of *ṭalāq*. Many *Ḥadīths* also describe permissibility and regulations regarding divorce. Second, as “contract breakers” husbands must provide a reasonable provision to women as they have to observe the waiting period of *‘iddah* to ensure paternal certainty.

²⁸ Al-Ghazālī, *Ihyā’ ‘Ulūm al-Dīn...* Farah, *Marriage and Sexuality in Islam...*, p. 53-59.

Although there are various views about this among jurists, they base their arguments, among others, on the following verse: “Divorced women shall keep themselves in waiting for three menstrual cycles and it is unlawful for them ... to hide whatever Allāh might have created in their wombs.” (QS. al-Baqarah 2: 228). Numerous Prophetic traditions also prescribe the *‘iddah*. Third, during this waiting period, the husband and wife can decide to either reconcile thus reconfirming their marriage or finalizing their divorce. Either way, it has to be conducted with respect and decency. Finally, whatever their decision might be, it has to be recorded and witnessed by two sensible witnesses. In another verse, the Qur’ān encourages the conflicting parties to appoint arbitrators, one representing him and the other representing her, “If they both desire reconciliation” (*al-Nisā’* 4:35).

Regarding the divorce initiated by women termed *khul’*, the Qur’ān states: “Divorce may be retracted twice, then the husband must retain his wife with honour or separate from her with grace. It is not lawful for husbands to take back anything of the dowry given to their wives, unless the couple fears not being able to keep within the limits of Allāh. So if you fear they will not be able to keep within the limits of Allāh, there is no blame if the wife compensates the husband to obtain divorce. These are the limits set by Allāh, so do not transgress them. And whoever transgresses the limits of Allāh, they are the true wrongdoers” (QS. al-Baqarah 2: 229). The section that refers to *khul’* is: “So if you fear they will not be able to keep within the limits of Allāh, there is no blame if the wife compensates the husband to obtain divorce.” Another verse is (QS. al-Nisā’ 4: 128): “And if a woman fears from her husband contempt or evasion, there is no sin upon them if they make terms of settlement between them and settlement is best. And present in [human] souls is stinginess. But if you do good and fear Allāh then indeed Allāh is well aware of what you do.” And among the Prophetic traditions about *khul’* is one narrated by Ibn ‘Abbās (d. 68/687) as recorded in *Ṣaḥīḥ al-Bukhārī*, *Hadīth* 5273 describing Jamīlah the wife of Thābit bin Qays²⁹ who complained to the Prophet that she “cannot endure to live with him.” The Prophet PBUH requested that she return the garden given her as a dowry by her husband. Thābit accepted his gift back and divorced her right away.

Both the Qur’ānic verses and the *Hadīth* stipulate that a wife can request separation from her husband by returning the dowry (*mahr*), which in the case of Thābit bin Qays was a garden. Note that in the matter of *ṭalāq* the husband does not normally take back the dowry he has given her.³⁰ In Islamic

²⁹ For the biography of Qays, consult Ibn Ḥajar al-‘Asqalānī, *Al-Iṣābah fī Tamyīz al-Ṣaḥābah*, Vol. I, Beirut: Dārul Kutub al-‘Ilmiyyah, 2010, p. 511–512; for that of Jamīlah, refer to *Ibid.*, Vol. VIII: 66–67.

³⁰ Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur’an, Hadith, and Jurisprudence*, Oxford: OneWorld, 2006: 25.

jurisprudence it is also possible that the wife may not return anything she received from him during their marriage, if the two make such an agreement or if the judge decides so depending on circumstances.³¹ The first one is *khul'* or "divorce for compensation" in which women ransom their own freedom,³² while the second one is known in Islamic jurisprudence as *faskh* (Acehnese, *pasah*).³³ Traditionally, there are several grounds on which a woman can apply for a judicial dissolution of her marriage: failure of maintenance, violence, prolonged physical abandonment, that she was married without her knowledge or consent, and that her husband is afflicted with a dangerous disease, and a few others.³⁴ Jurists discussed the Qur'ānic notion "*within limits of Allāh*" which most take to mean the rights and responsibilities of husbands and wives prescribed by God in the Qur'ān and the traditions of His Prophet. Despite high moral grounds for divorce stipulated in the Qur'ān and *Hadīths* with special concern for decent treatment of women, Muslim jurists were of the opinion that in the case of *ṭalāq* the husband possesses a unilateral right of repudiation of his wife without her consent.³⁵ Similarly, standard interpretations of Shāfi'ī legal doctrine in Indonesia is that a husband can terminate his marriage unilaterally and without explicit grounds by simply uttering the word of *talak* (Ar. *ṭalāq*).³⁶ Women, on the other hand, are instructed to follow strict procedure if they seek to obtain a divorce. In practice, however, wives "have enjoyed a good deal of flexibility in obtaining divorces on favourable terms" due to sympathetic judges or other bargaining strategies.³⁷ Yet, the husband's unrestricted divorce right, and the

³¹ Jamal J. Ahmad Nasir, *The Status of Women Under Islamic Law and Modern Islamic Legislation: Third Edition of the Revised and Updated Work*, Leiden: Brill, 2009, p. 129.

³² Ali, *Sexual Ethics and Islam ...*, p. 34, 36.

³³ Mark E Cammack, Helen Donovan & Tim B. Heaton, "Islamic Divorce Law and Practice in Indonesia." *Islamic Law in Contemporary Indonesia: Ideas and Institution*, eds. R. Michael Feener & Mark E. Cammack, Cambridge: Harvard University Press, 2007: 99–127.

³⁴ For debates on *khul'* among the jurists, consult Ali, *Sexual Ethics and Islam ...*, p. 34–36; Sajal Rasool, "*Khula: A Woman's Absolute Right to Divorce and A Remarkable Development Within the Islamic Legal System.*" 2021. <https://leappakistan.com/wp-content/uploads/2021/05/Khula-A-Womans-Absolute-Right-To-Divorce-And-A-Remarkable-Development-Within-The-Islamic-Legal-System-1.pdf>.

³⁵ Ali, *Sexual Ethics and Islam ...*, p. 26, 34.

³⁶ Donovan and Heaton, "Islamic Divorce Law ...," p. 100. Jumni Nelli, *et al.*, "The Immorality of a Husband as the Cause of a Working Wife to File for Divorce Lawsuit in Indonesia." *JURIS (Jurnal Ilmiah Syariah)* 22, No. 1 (2023), p. 119-132. Firman Wahyudi, "*Ithbāt Ṭalāq: An Offer of Legal Solutions to Illegal Divorce in Indonesia.*" *Al-Ahkam* 32, No 2 (2022), p. 211-232.

³⁷ Ali, *Sexual Ethics and Islam ...*, p. 34. Philip Guest, "Marital Dissolution and Development in Indonesia." *Journal of Comparative Family Studies* 23, No. 1 (1992), p. 95–113.

high rate of family dissolution has given the impetus for reform to marriage law in many Muslim countries since the twentieth century.³⁸

Articles from the edited volume by Michael Feener and Mark Cammack, *Islamic Law in Contemporary Indonesia: Ideas and Institution* (2007) provide an excellent overview of the history and the debates surrounding legal thought and practice, and law reform in Indonesia culminating with the adoption of the 1974 Marriage Act (*Undang-Undang Perkawinan*, No.1/1974). This book highlights the internal dynamics and insights into Indonesian legal thought and judicial institutions. The 1974 Marriage Act has since been improved including the alteration of the legal age for marriage from 16 and 18 years old for girls and boys respectively, to 19 years of age for both sexes. At the insistence of women and other concerned scholars some other positive changes have also been made to the Law through legal interpretations, executive and legislative revision and clarification, with the most important being the promulgation of the 1991 *Kompilasi Hukum Islam* (The Compilation of Islamic Law) through the Presidential Instruction (Inpres No. 1/1991). The Compilation, for example, restricts husbands' unfettered exercise of their right to *talak* with the requirement that such stipulation must be presented to the religious court with clear reasons (article 129). It further provides equal right for women to file a divorce through the court.

The reform has surely given easier access to women's filing for a separation. Although there is a strong argument that the rate of divorce in Indonesia is in decline (see above), the statistics continue to increase year by year. Quoting Cammack³⁹ Laila Setyawati Arifin highlights that in the 1950s fifty percent of Indonesian marriages ended in divorce.⁴⁰ More study is needed to assess Cammack's findings, especially with regard to Aceh province. Snouck Hurgronje in his classic work *Achehnese* states that family separation of *pasah* in Aceh was rare as compared to other areas of the region. Similarly, the divorce of *ṭalāq* of "a woman by her husband is also of less frequent occurrence in Aceh than in other parts of Archipelago."⁴¹ He provides a number of reasons "for the comparative rarity of the *ṭalāq*" including the high position of women in Acehese society, men marrying women of their own social standing, greater freedom of action for women, their knowledge and sound understanding of their own affairs, and the tradition of husbands living with their wives' family after

³⁸ J. N. D. Anderson, "Reforms in the Law of Divorce in the Muslim World." *Studia Islamica*, No. 32, 197, p. 41–52.

³⁹ Heaton, Cammack & Young, "Why Is the Divorce Rate Declining..."; Jones, "Modernization and Divorce ..."; Jones, Asari & Djuartika, "Divorce in West Java."; Guest, "Marital Dissolution ..."

⁴⁰ Arifin, *Transformasi Sosial dan Perceraian...*, 4.

⁴¹ C. Snouck Hurgronje, *The Achehnese*, trans. from *De Atjehers* by A. W. S. O'Sullivan, Vol. I, Leiden: Brill, 1984, p. 367.

marriage.⁴² The fact that “A great number of Acehese ... are practically monogamists”⁴³ might have also contributed to family stability. Even the higher rate of divorce in other areas described by Hurgronje should have not been as high as 50%. If that was the case, he would most likely have said so. What happened between 1891 (day of his arrival in Aceh) and the 1950s with regard to family cohesion that made the institution of marriage so fragile? It is beyond the scope of our study to pursue this question. As for Aceh, it is plausible that the divorce rate continued to be low until our time, so our review of *ubanan* family breakdown may shed some light on this worrying trend.

Acehnese *Ubanan* Couples Falling Out of Love

The three older couples⁴⁴ interviewed for this piece have the following characteristics. One couple Kaka and Firdas⁴⁵ were married for twenty-five years before they separated in 2012. Together they have two children: a son Ismi 34 years old, and a daughter Nasrin aged 30. Ismi himself is a divorcee with a girl child, while Nasrin has three children. Kaka was born in Aceh and Firdas in Bandung. Kaka was married previously to another man who was not only abusive but also polygamous. This marriage lasted for just three months. Five years later she met Firdas and the two were married in 1987. Firdas completed a three-year electrical college education before working for an American company operating in Aceh, while Kaka finished a two-year college in accounting. Firdas came from a wealthy family originally from South Aceh, while Kaka from East Aceh. She is a home-maker (*ibu rumah tangga*) with business interests. The family lived in three different cities in Indonesia before settling down in Banda Aceh.

Kaka believes they had a good life together. “Firdas was a kind husband and a caring father. He was generous, and trusted me entirely with financial management by handing over his full salary to me for proper distribution and spending.” However, Kaka also noticed early in their marriage that he had a “*kelainan*/abnormality.” He was temperamental and became angry easily. His will was extremely strong. “He arranged everything in our house by impulse; if I suggested differently he got angry.” Kaka learned not to contradict him to maintain peace. However, his uncontrolled emotion caused him a serious stroke in 1993 when he was just 40 years old, while Kaka was 30. He received good treatment through his company and was given a sick leave for seven months

⁴² C. Snouck Hurgronje, *The Acehese*, p. 371.

⁴³ C. Snouck Hurgronje, *The Acehese*, p. 360.

⁴⁴ At their request all names and current places of residence have been altered in order to safeguard their identity. I am grateful to all our respondents for their willingness to be interviewed for this study.

⁴⁵ Interviews with Kaka and Firdas, February 2022 and March 2023; phone interview with Kaka, May 2023. Interviews with Ismi, March; with Nasrin, April 2023.

with full pay. “When he returned to work, our life became once again more normal.” Firdas took an early retirement ten years later receiving a generous retirement package as compensation. He was then just fifty years old.

The family made good use of the funds to purchase a house, a car, and a piece of land while saving a certain amount of cash for their expenses. They continued to live a decent happy life as a family. However, Firdas’ retirement gave a new dynamic to their existence. His impulses and episodes of anger became exacerbated as the house became his only center of experience. “We created a room for his technical and machinery interests, but his control of the entire house became a problem.” It was difficult because Kaka was also “concerned about his health if he became excited regularly.” When their money was running out and their assets were sold one by one for their sustenance, children’s education and failed businesses they initiated, their middle class family life was sliding down putting an additional stress on their marriage. Kaka turned to home cooking for income and sold food for private orders while extending her upper house for rental to students and young professionals. “Life became very hard, but our children must finish their college,” states Kaka.

The family struggled with one misfortune after another. In 2010 Firdas suffered another stroke that impeded his movement. A year later Kaka was diagnosed with breast cancer that “made my world as if came to an end. I was scared, yet encouraged by the outpouring of support and love from family and friends.” She highlights: “I could not discuss my illness with him because he was incapable of understanding. Besides, he is a sick man himself.” Kaka reflected what kind of trial (*ujian*) Allah had inflicted on them: she and her husband were sick, their children were still in college, and they had no money to pay for medical bills. “Ismi and Nasrin must finish their education,” was the repeated thought coming to her mind as she reflected on her condition. Kaka wanted to go to Malaysia for surgery but how?⁴⁶ Firdas wanted to sell the house, the very last asset they have, but she disapproved: “Where would we live if we sell it?” Thinking about her illness, she cried. “How would I get the money? Yet, I never lost hope: I believe Allah would not let me down,” she mumbled. Kaka was right. Her parents, sisters and brother together collected about 4,000 dollars for her treatment giving her a renewed hope.⁴⁷ Before she left for Malaysia there was a fight between Kaka and Firdas over money during which the latter suggested a divorce. “That was the first time the idea of separation came to my mind,” utters Kaka. When I asked Firdas about it, he states: “No, I did not mean it. I was upset and could not control myself.” Kaka stayed in Malaysia for one month, and returned to Indonesia with a piece of advice from

⁴⁶ Most Acehnese do not trust their medical facilities and service. Thousands went to Penang and Kuala Lumpur every month for medical treatment. Kaka was one of the many.

⁴⁷ Aceh and Indonesia have recently introduced a free health care. But, its quality is still not very good. Besides, it is only applicable if one gets treatment in the country.

her doctor: “You are going to go through chemotherapy, and you must be calm and free of stress.” Sitting on the airplane to return home, the doctor’s counsel, “you must be calm and free of stress” kept coming to her mind. “I asked myself repeatedly, and the idea of divorce became the most viable candidate.” Kaka reflected on it for weeks, and when she finally decided, she told her parents. They were not prepared, but Kaka was determined. “It would give me *ketenangan* (tranquility). He can no longer control my life. Despite being crippled by strokes his sexual drive was still very strong. I could not handle it, and I did not want to be sinful [*berdausa*] for not fulfilling his corporeal needs. I told him to marry another woman.” When Ismi and Nasrin were informed about her plan for separation, they both said: “Whatever is good for mommy’s health, we support it.” Nasrin adds: “We saw how our mother struggled all these years for our family. She truly needs *ketenangan*.” Firdas cried when Kaka and her parents informed him about divorce, yet he accepted it for her health. He explains: “My love for her is unconditional. Despite being separated, she is my love in this world and in the next.”

This family’s misfortune persists, yet Kaka’s strength is remarkable. After separation and the completion of her treatment, she moved to Jakarta to run a restaurant, while Firdas and the children continued to live in their house along with the tenants on the upper level. Kaka worked there for five years, and then returned to live once again in the same house with Firdas and her children. “We have no other place to go. It is both his house and mine,” she explains. Ismi and Nasrin graduated from the university in the same year, and began to work. However, the job market in Aceh and Indonesia was not good, and thus they were unable to find decent jobs. They soon married and had children. Unfortunately, Ismi’s family life was short-lived: “We fought a lot over little things. We did not have enough means to support our young family.” In contrast, Nasrin’s husband had a successful business and was financially stable until Covid-19. “It destroyed our livelihood,” she says. In 2019 Firdas suffered from another stroke that put him in the hospital for a month. Since then he endured four more attacks, with the most severe in early 2023. This last one was so grave it impaired his ability to speak and placed him completely on his back. Firdas went back and forth to the hospital, and Kaka faithfully took care of him with the help of a care-taker. “He is no longer my husband, and I cannot touch him. So, I hire someone to come regularly to clean and bath him. I have to turn my brain to find money for it.” When asked the reason for her taking care of her former husband, her response: “He has no other place to go, and if I do not look after him, he will be on the street. Besides, he is the father of my children.” Then in late 2022 Kaka herself had another health crisis. Her breast cancer returned and she had it treated with mastectomy. She is truly remarkable. I saw her two months after this surgery as she was cooking food for sale. “I have to make money,” she utters. At around the same time Nasrin returned home to give

birth to her third child in the care of her mother. Now, the house is completely full: Firdas, Ismi, Nasrin with her husband and three children, as well as Kaka as the breadwinner. In spite of her repeated misfortunes Kaka maintains her optimistic attitude and positive energy. She is now working with her son running a small coffee shop in a commercial area of Banda Aceh.

Our second couple are Mita and Musa.⁴⁸ The two were married in 1981, and divorced on mutual agreement in 2022 after forty-one years of their union. The family has two boys and one girl: Isa aged 40, Dema, 38 and their “baby” girl Afra, 34. Two are happily married themselves with children, while Dema is about to get married. His parents’ divorce has affected Dema’s plan according to Isa and Afra. Mita was originally a teacher from West Aceh, and left her teaching position at the request of her husband. Musa came from a humble background in Pidie but became a very successful entrepreneur. They met in Jakarta during college and “were very happy together for many years,” states Musa. However, Mita has a different view: “We were happy from the outside. He was very controlling and thought he was always right. We could not have a conversation with him about anything without being snapped at.” Later in their married life they quarrelled a great deal because Mita “could no longer stand to be just a ‘yes’ woman.” Their agreement to get separated did not make their divorce easier. The problem came on how to divide their fortune. Besides, Mita learned that Musa has a second family in Jakarta, and his polygamy became a real trigger for their family breakup. Musa currently lives in both Banda Aceh and Jakarta, while Mita resides in Banda Aceh and Medan (North Sumatra).

Regarding his first marriage Musa asserts: “We were fortunate to have a good life, good health and healthy children. God gave us provision [*rizq*]. We should be grateful.” Without denying his description, Mita utters: “We had money, and he turned all his money into assets. As for me and the children, he set a minimum limit [*ket-ket*] of allowance. He was not generous to us.” Mita also recognizes that she had a very comfortable existence. Yet, it was not a satisfying one: “I had no say in whatever he decided. His decision, be it right or wrong was final: no discussion.” Isa and Afra agree that their father “was a bit domineering and stingy to our mother. However, he was generous to us, especially as we got older.” When Musa was asked about his lack of generosity toward Mita, his response: “She had everything, she had a big house, an expensive car with a driver; we travelled around the world. What more did she want?” Isa explained to his father: “Bunda resisted that you never gave her sufficient cash, you controlled her life; you would rather give her things [*in-kind*] instead of cash. You never gave her an opportunity to decide. You always

⁴⁸ Interviews with Mita in March, Musa in April, Isa in April and Afra (by phone) in May 2023. Dema is still very angry at his parent’s breakup and is unwilling to be interviewed.

decided for her.” Laughing Musa responds: “She did not need to. Why did she need to decide? She should just accept and be grateful.” Mita emphasizes: “That was the real problem. He denied my humanity by controlling everything in our life. I could not be myself.” Mita continues: “When we travelled, he did not give me any cash. I had to beg for money even for a menial need, such as a cup of juice for children. He was very stingy and controlling. I was tired of being consumed under his wings.” Afra defends her father saying: “Yes, he was controlling and at times rude. But he was not a bad father or husband. We live plentifully [*berkecukupan*].” She adds: “I understand why Bunda was not happy. She was not allowed to do what she wanted or to express her interests. He decided what is good for her. I guess I would have reacted in the same way if I were to be placed in that situation.”

When they decided to separate, Mita and Musa discussed their *hareuta sihareukat* (shared assets). By any Acehnese standard they had a fortune. By law and custom all assets accumulated throughout their marriage are shared equally.⁴⁹ Mita wanted that tradition to be observed. Musa disagreed strongly. He argued that he was the one who worked hard while Mita was only “*terima beres* (just receiving).” Yet, they did not want to pursue an ugly divorce process through court. “We wanted to separate honourably. We have children and grandchildren,” utters Mita, and Musa agrees. They settled the issue outside the court, and Mita accepted about one fifth of their accumulated assets. She received a big house in Banda Aceh, an even bigger one in Medan, three pieces of land of 3,000 meters in total including one piece in Jakarta. She also kept her fancy car, precious stones and cash of about \$75,000. This settlement was finalized by the judicial decision outside Aceh to become final and formal. Musa states about this settlement: “She got a lot more than what she needs. With it she could live a comfortable life for the next fifty years.” When asked if he really wanted to be separated from Mita, he responds: “No, but she wanted to.” He feels that Mita was a real “contract breaker.” About his own polygamy Musa maintains: “Islam allows the man to have more than one wife if he is able and just. I did not do anything wrong. If she cannot accept, it is her problem, not mine.” He quickly adds: “However, I do not want my daughter Afra to be a co-wife. I am glad that she and her husband have a better understanding about marriage life that Mita and I were lacking.” Mita is grateful with the settlement. She is also very happy with her new found freedom to once again become a “real person” with thought, ideas and decisions. “I am very content. I plan to spend the rest of my life dedicated to community service, my family, children and grandchildren.”

⁴⁹ For law on this issue, refer to *Kompilasi Hukum Islam*, Inpres No. 1/1991, XIII: “*Harta Kekayaan dalam Perkawinan*.” On the customary law, consult Hurgronje, *The Acehnese ...*, “*atra sihareukat*,” 365–366.

Our third couple is my dear friend Dinda⁵⁰ and her husband Jamil.⁵¹ The two were married in 1985 and separated in 2019 after 34 years in marriage. Jamil has since remarried and has two young children with his new wife Tuti. Dinda was 25 years old and Jamil 32 when they were married. The latter, born and raised on the outskirts of Banda Aceh, gained a two-year college certificate in accounting and worked for the government until his retirement in 2013 at the age of sixty. Dinda received a three-year college education and was a stay-home mom with cooking talent. This skill helped her make money in times of need. Dinda was born in Meulaboh and grew up in a number of towns in the province with a police father and a stay-home mom. They moved around regularly following the deployment of her father. They lived in the barracks and “always struggled financially. We experienced many juvenile crimes around our barracks,⁵² and my brother and I promised each other to work hard and be successful,” Dinda describes her childhood. “I did not realize my dreams for I failed to finish college.” Their four children: boys Alfa & Azra and girls Nasha & Rifa (all born between 1987 and 1991) are now married with children, except the 32 year old Rifa who is still single. “I will only marry a kind man who is economically stable,” utters Rifa. The three married children struggle financially and are concerned about the stability of their own families.

Recounting her marriage life, Dinda states: “At the beginning of our marriage I was happy, I think. I accepted his unkind treatment of me and his preference for his own family.” Dinda did not mind that he cares for his parents, siblings and their children, but she wanted him to be more balanced. “I think he had money but I did not even know how much he made every month. He was very stingy to me and our children. Because of our scarcity, I got into a catering business. I made sufficient money to support our family.” Jamil explains his devotion to his family: “I have to help my parents and siblings because I am the only son in the family. They have no one else to turn to.” Regarding his lack of spending on his own children, he states: “I wanted them to be frugal and spent less on unnecessary items such as clothes and shoes. I taught them to share with their needy cousins.” When asked if he was kind to his children, his response: “Of course I was kind to my children. I supported their education and got them married.” Yet, he admits that “I did not spend sufficient time with my children

⁵⁰ Dinda was my best friend during high school in Beureunuen, Pidie. I lost contact with her after graduation, but we met again in Banda Aceh after the 2004 Tsunami. Since then, we have kept in-touch and at one point I tried to mediate her marriage without success.

⁵¹ Interviews with Dinda, March 2022, February & April 2023; phone interviews with Jamil, May and June 2023; group interviews with Alfa, Azra, Nasha, and Rifa, March 2023. The four call me “Cek Asna” or Aunty Asna.

⁵² Indonesia’s police and military barracks were then known for their juvenile crimes, involving the “*anggota*” (*lit.* member of a group or club) children and other young gang members.

when they were growing up, or help them with their home work. I was extremely busy with my work. I entrusted that to their mother.” Dinda agrees that taking care of their young children was her responsibility. “But I did not have much time, and tried my best. I had to do catering to earn money.” Dinda continues: “Had he given me enough to pay for our children’s needs, I did not have to work in the kitchen. I could just be a good mom and caring wife.”

Their four children concur with their mother: “Our father was not a very generous man. We did not have a good role model in our life. Of course we love our father,” states Azra. His siblings agree, and Nasha adds: “As kids we were not very proud of our father. We were hurt seeing our mother struggling. We disliked her catering business because she forced us to work. We did not have time to play with our friends.” Azra also remembers: “When other kids spent their after school time in *diniyah* or *les*,⁵³ we were either helping our mother in the kitchen or playing football with local kids.” Alfa recalls: “We did not like our cousins because our father spent money on them while we ourselves were in need.” Nasha highlights: “We have since reconciled with them as we have with our father.” The siblings learn from the experience of their parents, and “we do not want to repeat the mistakes on the way they raised us,” states Azra. Rifa who has been quietly listening recounts: “Cek Asna, we are not talking just about money. Our father never spent time with us when we needed him. He never had good words of encouragement either to our mother or to us. He did not care if we failed or progressed.” Rifa continues: “If I get married my husband and I will spend time together; we share the burden of the household and childrearing. And this is how you make a marriage work.” When I asked if Rifa has had a candidate, smiling she utters: “Insha Allah, please pray for me.” These four siblings supported their mother when she felt that: “she had enough: time to quit!” The final straw was that their father secretly lent their only savings to his sister when Dinda herself was in need of funds to renovate the house. Nasha underlines: “We knew our mother was not happy with our father nor he with her. Unfortunately, our father has not changed even after marrying Auntie Tuti. Luckily, she has her own income.” Rifa adds: “Hopefully, she will stay with him for the sake of her children. We wish the best for our father, his new wife and children. Our mother and all of us are on good terms with them.”

⁵³ *Diniyah* (from Ar. *dīn*, religion, obedience, law) is an afternoon or an after school Islamic class to teach the Qur’ān and basic knowledge and practices of Islam to young kids, aged five to fifteen or a little older. It is run by mosques and other community centers for a small fee. While *les* (from *lesson*) is a tutoring course for certain school subjects such as English or Mathematics, also in the afternoon or early evening, to help children catch up with subjects they are behind in. *Les* is often run privately for children of all age.

Multifaceted Reasons for Divorce

The examples of our three couples indicate that falling out of love is an extremely complex series of life events with multifaceted factors. In some cases, there are clear triggers while in others things are not so obvious. The final straw for our families are quite pronounced: polygamy for Mita, giving away their savings for Dinda, and a severe health crisis along with poor character for Kaka. Yet, the real factors instigating their separation are the interlink of many causes, with one clear fact that their marriage quality was very low. Health crisis and retirement contributed to the deterioration of Kaka's union, while family influence to that of Dinda's. Mita's sense of the denial of her humanity and the impossibility to be a "real person" with her own thoughts, dreams and decisions was a significant factor for the lack of cohesion in her family: she did not find the post-children experience of her marriage to be personally satisfying and fulfilling. All these contributed to their low marriage quality and eventually led to divorce. Thus, our findings demonstrate a combination of reasons causing gray divorce. Factors related to the three key life turning points emblematic of later adult life—an "empty nest," retirement and health chronic conditions, especially the last two—are saliently demonstrated in our study. Yet, the risk factors traditionally associated with divorce among younger adults—marital quality and economic conditions—are also strongly exhibited in the marriage dissolution of our *ubanan* families.

In all three cases economic conditions played a role, although only Kaka was truly deprived; while Mita with her husband's fortune could not touch it until her divorce; and Dinda was somewhere in the middle. Her family probably had money but she was not aware, and it was not decently shared as her former husband had a different priority. Economic deprivation is an important element causing the family to be "*ribut terus menerus*"/quarrelling continuously.⁵⁴ One of the underlying reasons for continued squabbling in the family is the lack of means, as shown in our study. When a household cannot earn enough to cover basic necessities such as food, shelter, and children's education, life becomes socially and economically insecure. Insecurity leads to personal, social and family problems, reducing marriage quality. Jobs are a necessary condition for healthy individuals and the country. The government must create good jobs beyond merely filling the ranks of *pegawai negeri*/public servants in order to give young adults opportunities for steady decent income to raise a family. This is a serious problem, for in spite of the low unemployment rate presented by government statistics of about six percent in 2022,⁵⁵ the real unemployment

⁵⁴ Republika, "Kasus Perceraian di Aceh Capai 6.823 Perkara, Didominasi Istri Gugat Suami." 7 December, 2022. <https://news.republika.co.id/berita/rmh6tp459/kasus-perceraian-di-aceh-capai-6823-perkara-didominasi-istri-gugat-suami#:>

⁵⁵ Raden Jihad Akbar & Anisa Aulia, "Pengangguran di Indonesia Diramal Makin Banyak 2023, Ekonom Ungkap Pemicu Utamanya." 26 December, 2022.

rests in the fact that fifty-nine percent (more than half) of Indonesian workers during this same period work in informal sectors.⁵⁶ A large section of them are unable to earn a reasonable living, as we saw with Kaka's and Dinda's children. If a great many young married adults and *ubanan* couples continue to experience economic deprivation, the divorce statistics will continue to climb. The government must do something meaningful and well-funded if they seek to salvage the marriage institution in Indonesia.

The attitude of our three main males' character is typical of the old type of "*laki-laki Aceh/Acehnese men*": controlling, insensitive to needs of their wives, and thinking of themselves to be always right although in the case of Firdas it may be due to his abnormal temperament. Such a character is often associated with an irascible and irritable personality with whom calm discussion is impossible nor open communication easy. Some men demonstrate such a character at all times, while others display it only when dealing with their intimates, such as wives, siblings, children and close confidants. It seems that the attitude of the "*laki-laki Aceh*" played a major role in making the marriages of our respondents poor in quality. As indicated earlier marriage quality is a condition in which husband and wife exhibit reciprocal love, respect and understanding for each other, making them trust one another and honour each other's expectations and dreams. We have seen that these requirements were missing in the experience of our participating families, especially in the later part of their marriage existence. Dinda, Kaka and Mita were often frustrated and stressful because they could not share their expectations and mutually discuss problems. They stayed in marriage while raising children and quit thereafter.

Their understanding of Islamic injunctions about marriage and divorce also influenced our couples' decision to tie the knot or to separate. They were married because they were attracted to each other. Musa and Jamil met their wives in college, while Firdas and Kaka were introduced to each other by her family. Quoting the *sunnah* of the Prophet, five of the six viewed marriage as following the practice of the Prophet and completion of their Islamic faith. All six also think that marriage is their protection from *dausa* (sins) of illicit sexual acts and *zina mata* (eye adultery), with Mita and Jamil adding the emotional components of mutual support and emotional growth. These two also brought the Qur'anic image of the "garment" regarding the closeness of husband to wife. All six also express their happiness of being parents and now grandparents, with women over-emphasizing this role. Musa and Dinda speak of children: "Our family line continues." They imply that their marriage was their early life

<https://www.viva.co.id/berita/bisnis/1559240-pengangguran-di-indonesia-diramal-makin-banyak-2023-ekonom-ungkap-pemicu-utamanya>.

⁵⁶ Ridhwan Mustajab, "Mayoritas Tenaga Kerja RI dari Sektor Informal pada Agustus 2022." 30 November, 2022. <https://dataindonesia.id/tenaga-kerja/detail/mayoritas-tenaga-kerja-ri-dari-sektor-informal-pada-agustus-2022>.

fulfilment: raising a family. It means that they contributed to the perpetuation of their family and the human race. “When love disappears, and we are no longer a garment to each other, it is time to get out. Life is not worth it if we have too many quarrels in the family,” states Mita. In spite of their failure, they consider marriage to be an “extremely important institution” that needs preservation and protection. Dinda and Mita would remarry if they were still young but as now they “are too old for it.” Kaka on the other hand would remarry if she finds a good match. “He must be willing to accept me and my family, and be able to support me financially.” In short, their Islamic understanding about marriage and divorce also colours the already complex reasons causing their separation.

Modernization bringing social transformations to our life must also be properly understood, as it affects traditional values and gender roles. As women become more educated, they gain the freedom to work outside the house contributing to the wellbeing of their family and society. Their cognitive and professional gains have not gone hand-in-hand with the cultural outlook of their society, especially their male counterparts. While respecting women’s professional careers (especially when women earn income to help the family), many Acehnese men have not shown the willingness to share household and childrearing tasks in order to lighten women’s double-burden. This attitude compromises family cohesion. The other side of this equation is that as wives work outside the house, they become more independent; without a new understanding and constructive communication between husbands and wives, the latter’s freedom may become a source of family tension. In short, modernization has changed women, while most men continue to live in “social vestiges.” Although this condition may affect more of the younger adults, its manifestation can also be glimpsed in the life of our participating families. Dinda, for example, had to both take care of the children and make money; Kaka has to work while also maintaining the household in her current conditions, and this includes providing care for terminally ill Firdas. A new form of partnership between wives and husbands must be forged in order to safeguard the institutions of family and marriage.

The issues of an “empty nest” and the “general tolerance of divorce” also need attention. The former is quite irrelevant to our three cases (and probably to Aceh in general). All three families host their adult children before and after their divorce. One of Mita’s children Isa and his family (wife and two children) live in her house, along with the unmarried son Dema. This is a common form of extended family practiced in Aceh. Her daughter Afra with her family live nearby, with their children spending most of their time in Mita’s house, especially during the day when both Afra and her husband are at work. Mita’s elderly mother also lives in this house. Similarly, Dinda’s married daughter Nasha and her family live at her mother’s home, along with the unmarried Rifa. Unlike Mita’s family with two maids and two nannies, Dinda’s has none. In

fact, she functions as both babysitter and caretaker for Nasha's children, and she does so with happiness, "It is my *hiburan* (entertainment)." Likewise, Kaka's home is residence of her two children Ismi and Nasrin, along with their father Firdas. Although Nasrin is the main caretaker of her three children since she is a stay-home mom, Kaka often helps.

Regarding the general tolerance of divorce, the impact of parents' separation is immense. Researchers argue that divorce is socially contagious, and a study shows that couples are "75% more likely to become divorced if a friend is divorced and 33% more likely to end their marriage if a friend of a friend is divorced." It further states: "So divorce is contagious...and you can catch the divorce bug from your friends—even from a friend of a friend?"⁵⁷ Equally, if a family member is divorced, other members of the household are vulnerable to the same fate. In the case of Kaka, we have already seen that Ismi has been separated. Three of Dinda's married children Alfa, Azra, and Nasha all are concerned about the stability of their own unions. Unfavorable economic conditions are a critical issue for all three, for none of them earns a decent living. So far, they are able to keep their family intact and struggle to raise their children with love and care. Yet, "we do not know what the future holds is. We are aware that our marriage [quality] is *tidak baik-baik kali* (not great)," states Azra. Similarly, Alfa and Nasha express their concern about following the example of their parents: "We work hard to make our marriage work." Likewise, Mita's unmarried son Dema already expressed his concern for a failed marriage before he even enters it. According to Afra, "Dema's attitude toward women has changed since our parents' divorce. On the one hand he is afraid of being like our father toward Bunda, and on the other he is also concerned that women are undependable. They are for our father's money, not for him." Unlike Dema, both Afra and Isa feel that their marriage is solid and "Insha Allah we will be together as family beyond children and grandchildren [*i.e.* til death]," states Isa. Likewise, Kaka's girl Nasrin feels that she and her husband are strongly connected, "God willing we will be together forever." So, the concern of some of these children about a fragile marriage is undeniably strong because divorce is like "a bug" that can be easily transmitted.

Conclusion

Our research on divorce of the three Acehnese *ubanan* families has confirmed the many earlier studies indicating the multifaceted nature of falling out of love. The risk factors associated with gray divorce and those that are traditionally viewed to connect to the family dissolution of younger adults are both prominent in our study. The issues of retirement and chronic health

⁵⁷ Rich Morin, "Is Divorce Contagious?" *Pew Research Center*, 21 October, 2013. <https://www.pewresearch.org/short-reads/2013/10/21/is-divorce-contagious/#:~:text=>

problems are relevant to understanding the marital fragility of our participating families. These two reasons become high risk factors when they are met with economic deprivation. All contribute to low marital quality which is an essential factor against the stability of the marriage. Other complex series of life events triggering divorce are also important. First, a better comprehension about the impact of modernization on family life and the transformation of gender roles is necessary. This includes the Acehese man's attitude toward household tasks and childrearing, which are also critical for the wellbeing of his family and for strengthening marriage quality. Second, family experts suggest that communication is key to a successful family union. Thus, the negative impact of egotistic *laki-laki Aceh* character on marriage has to be spelled out, explained and confronted directly, especially for young Acehese males and our children. Acehese women may no longer accept unkind treatment from people they love, and thus more families will breakup without good communication and understanding between Acehese wife and husband. In the case of *ubanan* divorce, the key turning points during later life (such as health conditions and retirement) must also be comprehended. Older couples must be aware of their consequences and be prepared to constructively cope with them. Furthermore, the government and religious institutions must initiate a prenuptial course and make it a requirement for young to-be married adults. A similar course should also be organized for the gray middle-aged couples, especially in response to a prediction that *ubanan* divorce is increasing at a rapid rate. This policy should be accompanied by nationwide meaningful and well-funded government programs to salvage the marriage institution in Indonesia. Marriage in our contemporary reality is difficult to survive with meager means and lack of sustenance. Thus, policy for job creation must be encouraged since decent income directly impacts on family cohesion. Finally, we are mindful that the result of our study on gray divorce cannot be generalized, given that our sample is extremely small. It could open the door for future research in this area. Studies on the impact of modernization on the family and closer attention to the *laki-laki Aceh* character must be promoted. This will enhance our understanding not only about marriage and divorce but also about the wellbeing of our future generations.

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