



The Impact of Theological Interpretations on Divorces within Muslim Families in Makassar City, Indonesia

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Abstract: One of the factor causing divorce is understanding theology or understanding the teachings of the Islamic religion. Understanding theology can influence views on the roles of husband and wife in marriage. This research uses a qualitative-empirical method with a legal theology approach which is an integration and interconnection approach in Islamic studies methodology. The data was gathered through comprehensive interviews and analysis of documents. The research findings indicate a robust correlation between theology and Islamic law. An individual with a moderate and contextual theological comprehension will likewise possess a flexible and moderate comprehension of Islamic legislation. Conversely, an individual with a limited and inflexible comprehension of theology will interpret Islamic law based on the Qur'an and likely have extremist perspectives. Moreover, the incidence of divorce is a manifestation of Allah SWT's decree or fate. In *Jabariyah* theology, the acceptance of fate leads to a lack of initiative in pursuing settlement through the established religious courts. These theological reasons are not independent, but rather influenced by economic circumstances and inherited issues that contribute to conflict and discord, ultimately resulting in divorce. From a legal theology standpoint, it is important to highlight that an interpretation of theology that passively submits to and embraces destiny, without making any attempts at reconciliation, leads to divorce, resulting in a failure to effectively apply Islamic law. According to Islamic law, a divorce is preceded by a mediation process in a religious court, during which the husband and the wife are given the opportunity to carefully consider all the adverse consequences.

Keywords: Theological comprehension, Muslim household, separation, theology of law, Islamic law

Abstrak: Salah satu faktor penyebab terjadinya perceraian adalah faham teologi atau pemahaman tentang ajaran agama Islam. Faham teologi dapat mempengaruhi pandangan terhadap peran suami dan istri dalam perkawinan. Penelitian ini menggunakan metode kualitatif-empiris dengan pendekatan teologi hukum yang merupakan pendekatan integrasi dan interkoneksi dalam metodologi studi Islam. Data dikumpulkan dengan wawancara mendalam dan studi dokumen. Hasil penelitian menunjukkan bahwa terdapat relasi yang kuat antara teologi dan hukum Islam. Seseorang yang memiliki pemahaman teologis yang moderat dan kontekstual, maka ia akan memiliki pemahaman hukum Islam yang luwes dan moderat pula. Sebaliknya, seorang yang mempunyai pemahaman teologi yang sempit dan kaku, maka ia akan memahami hukum Islam yang tekstual dan cenderung berpaham radikal. Selanjutnya terjadinya perceraian merupakan sebuah ketentuan Allah swt atau takdir. Kepasrahan terhadap takdir dalam teologi Jabariyah menyebabkan mereka tidak berusaha untuk melakukan mediasi sebagaimana diatur dalam pengadilan Agama. Faktor teologi tersebut tidak berdiri sendiri akan tetapi juga ditambah oleh faktor ekonomi, masalah keturunan yang menyebabkan terjadinya percecokan dan ketidakharmonisan yang berujung dengan terjadinya perceraian. Karena itu, dalam perspektif teologi hukum dapat ditegaskan bahwa pemahaman teologi yang pasrah dan menerima takdir, tanpa usaha untuk mediasi menyebabkan perceraian, sehingga berdampak pada hukum Islam tidak terimplementasi dengan dengan baik. Hukum Islam mengatur sebelum perceraian terjadi ada proses mediasi di pengadilan agama yang diberikan kepada suami dan istri untuk memikirkan segala dampaknya buruknya.

Kata Kunci: Faham teologi, keluarga muslim, perceraian, teologi hukum, hukum Islam

Introduction

Marriage in Islam is a formal union between a male and a female. Marriage is an institution that is intricately linked to various aspects including cultures, societies, theologies, and even government policies. Indonesia, being the most populous Muslim country in the world, is making efforts to uphold the institution of marriage through various means. Despite the increasing divorce rate due to various factors, such as economic circumstances, educational backgrounds, limited knowledge of religious principles, influence of social media, early marriage, and a lack of empathy towards the responsibilities of spouses, the government is working towards preventing the rate from increasing. In order to address this issue, the government has implemented various measures such as conducting pre-marriage courses, delivering marriage sermons to enhance family bonds and discourage divorces, organizing happy family

contests, and developing marriage guide modules for individuals planning to get married.¹

The objective of marriage is to satisfy fundamental human needs, enabling individuals to lead a more enhanced, tranquil, and concentrated existence. However, during the course of a relationship, there are frequently numerous challenges that, in certain instances, result in the dissolution of marriage or divorces. The divorce arises due to a multitude of issues within a marriage, leading to emotional distress, melancholy, diminished hopefulness, and similar consequences. The diverse detrimental consequences of divorce necessitate the use of numerous strategies to enable the affected individual to overcome the aftermath and pursue their life goals and aspirations. Religious comprehension plays a crucial role in bolstering one's faith following a divorce. The trust of a partner during a divorce plays a crucial role in bolstering one's mental fortitude, enhancing resilience, and cultivating a positive outlook.²

Divorce within Muslim households is a multifaceted phenomenon that can be influenced by a multitude of variables. One crucial component is acquiring a comprehensive knowledge of theology or comprehension of the teachings of the Islamic faith. Gaining a comprehensive understanding of theology can significantly influence one's perspectives and attitudes regarding marriage, family dynamics, and divorces. Varied interpretations of Islamic theological doctrines can shape perspectives on divorce. Certain interpretations may give greater importance to qualities such as loyalty, dedication, and endeavors to uphold the marital bond. Alternatively, certain perspectives may be inclined to perceive divorce as a deliberate decision that can be made in challenging circumstances.³

Tablighi Jama'ah, as an exemplar of religious comprehension, possesses a profound understanding of *khurūj*. According to their statement, *khurūj* necessitates that every member ventures beyond the designated territory to disseminate '*amr al-ma'rūf nahy al-munkar*' within a specified timeframe. Nevertheless, the primary issue arises when the duties of *khurūj* clash with familial responsibilities. The responsibilities of the *Tablighi Jama'ah* members can lead to difficulties when they struggle to manage their duties towards their

¹Atun Wardatun, "Matrifocality and Collective Solidarity in Practicing Agency: Marriage Negotiation Among the Bimanese Muslim Women in Eastern Indonesia," *Journal of International Women's Studies* 20, No. 2 (2019). 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).

²Wafa Alifatuzzahroh and Alfadhli Tasman, "Tawakal and Life Optimism for Divorced Married Couples: A Case Study in Medan, Satria Village, Bekasi City, West Java Province," *El-Ussrah: Jurnal Hukum Keluarga* 6, No. 2 (2023).

³Nazaruddin, "Perceraian Akibat KDRT (Kekerasan Dalam Rumah Tangga Di Pengadilan Agama Sinjai (Analisis Perspektif Hukum Islam)," *Al-Ahkam: Jurnal Hukum Pidana Islam* 1, No. 1 (2019), p. 25-48.

family and their *khurūj* obligations. Similar to a marital separation among one of the households of *Tabligh Jama'ah* members. The primary factor contributing to divorce is the husband's *khurūj*, which results in insufficient money to support household needs. In order to compensate for this financial deficit, the wife resorts to accumulating debt until it becomes unmanageable. The *khurūj* concept is implemented through three distinct stages: firstly, a period of 3 days each month; secondly, a duration of 40 days annually; and thirdly, a span of 4 months once in a person's lifetime. According to their interpretation, the notion of *khurūj* involves the utilization of verses from the Qur'an, namely the phrase '*ukhrijat*', as the theological foundation by Rasulullah PBUH.⁴

Furthermore, the Bengkulu people strongly adhere to the prohibition of *Pecoah Kohon* in traditional *Rejang* tribal weddings. *Pecoah Kohon* refers to the marriage of a man and a woman who share a blood relationship, namely that of being grandchildren of the same grandmother. The customary proscription of the *Pecoah Kohon* tradition is enforced by traditional authorities in a methodical, organized, and hierarchical manner within the *Rejang* community. Stringent penalties are also regarded as applied for customary transgressions, thus fostering robust communication and collaboration between traditional authorities and the community serves as a solid basis for enhancing the preservation of the *Pecoah Kohon* tradition and the Islamic religious understanding of the *Rejang* people.⁵ However, within the framework of the Islamic law, this restriction lacks a strong foundation.

In addition, the comprehension of the verses or hadiths pertaining to women, particularly within the context of pre-Islamic Arab civilization, specifically in the realm of the family law. Understanding religious teachings that are shaped by patriarchal culture leads to the perceptions of the Islamic law as inflexible and undermines the credibility of women. While Islam is a faith that promotes mercy towards all individuals, it also seeks to rectify behaviors that are harmful to women. Hence, it is imperative to possess a thorough comprehension of the Islamic jurisprudence pertaining to the interactions between males and females. From a socio-historical perspective, men and women have maintained a harmonious and equitable relationship.⁶

Similarly, the conjugal bond in Dempet Village, located in East Java, is established subsequent to the completion of a matrimonial agreement, thereby

⁴ Faiqoh Bahjah Lailatus Siyami and Siti Musawwamah, "Problem Praktik Khurūj Bagi Anggota Jama'ah Tabligh Di Madura," *Ihkam: Jurnal Ilmu Syariah* 10, No. 1 (2015). Muhammad Dayyan, et.al., "Da'wah Experience, Spiritual, and Economic Resilience of Jamaah Tabligh in Langsa Aceh," *Jurnal Ilmiah Islam Futura* 19, No. 2 (2019).

⁵ Supardi Mursalin, et.al., *Pecoah Kohon: The Restriction on Inter-Cousins Marriage in Indigenous the Rejang Society*," *Juris: Jurnal Ilmiah Syari'ah* 21, No. 1 (2023).

⁶ Busran Qadri and Ihsan Mulia Siregar, "Islamic Renewal in the Field of Family Law: A Historical Analysis of Gender Equality," *El-Ussrah: Jurnal Hukum Keluarga* 6, No. 2 (2023).

establishing legal entitlements and responsibilities for both parties involved. Both the husband and the wife bear the weight of duty when it comes to managing household affairs. This circumstance ultimately engenders tension for wives who engage in employment outside the household, as there is no reciprocal interchange of responsibilities between spouses in domestic affairs or income generation. Consequently, ladies encounter escalating responsibilities both as homemakers and as spouses of working individuals. This is shaped by religious figures who interpret religion via a patriarchal cultural lens. These religious individuals hold a prominent position in the society, serving as role models to be admired and followed. The aforementioned perception of religion has many implications for the dynamics of spousal relationships in the workforce, particularly in the proliferation of a traditional and balanced religious interpretation within the society.⁷

The correlation between theology and the Islamic law in the social fabric of the Acehese community is also evident in the *tulak breuh* tradition (alms of rice in the tradition of death in Aceh). From a theological perspective, the *tulak breuh* tradition can potentially influence Islamic law by fostering a more lenient approach towards prayer. Due to the potential benefits and drawbacks of this practice, a non-clerical follower may choose to forgo prayer, confident that their successors will compensate for the missing prayers through *fidyah* after their demise. Within the field of jurisprudence, two viewpoints exist that permit *fidyah* prayers. These viewpoints are grounded in the analogy of *fidyah* for individuals who break their fasts, as well as the recognition that every person is likely to have skipped prayers at some point in their life. However, proponents argue that *fidyah* prayer does not exist due to a stringent prohibition against abandoning prayer, which is considered impermissible for a Muslim.⁸

The aforementioned incidents provide conclusive evidence that the theological influence and religious comprehension of an individual or a collective would inevitably give impact on the implementation of the Islamic law in daily affairs. Theological perceptions might also shape perspectives on the respective duties of the husband and the wife inside the institution of marriage. If a shared comprehension that fosters egalitarianism and reciprocal regard exists between the husband and the wife, it is probable that endeavors to uphold and rectify the connection will be undertaken in the event of difficulties. Nevertheless, adopting a patriarchal or authoritarian perspective might lead to heightened familial discord and escalate the probability of marital dissolution.

⁷Iftidah, "Pengaruh Pemahaman Keagamaan Masyarakat Desa Dempet Terhadap Pola Relasi Suami Istri Bekerja," *Harmoni: Jurnal Multikulturak dan Multireligius* 18, No. 1 (2019), p. 519-531.

⁸Lukman Hakim and Ahmad Sunawari Long, "The Tradition of Tulak Breuh as a Fidyah of Prayer in Aceh Besar Society: A Study of Law Theology," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, No. 1 (2021).

A comprehensive and accepting comprehension of religion can empower spouses to effectively navigate disagreements that develop within marriage.⁹ Nevertheless, if comprehension tends to culminate in an incapacity to embrace divergences, this may engender discord that has the potential to culminate in marital dissolution. Gaining a comprehension of religion can also impact the manner in which couples incorporate their family and community in addressing issues within their marriage. Recognizing that placing importance on engaging in discussions with parents or seeking guidance from religious authorities might lead to endeavors aimed at enhancing relationships.¹⁰ On the other hand, a tendency to conceal difficulties or prevent external involvement might make the situation more complex.

The impact of religion on Muslim family divorce can vary considerably based on individual interpretation, societal context, and cultural factors. It is crucial to have this in mind. In addition to religious concerns, the divorce phenomena are influenced by economic, social, psychological, and personal factors. Hence, it is imperative to use a thorough and all-encompassing methodology to comprehend the various factors that contribute to divorce within Muslim households.¹¹

This study employs a qualitative-empirical methodology, utilizing a theology of law framework.¹² Theology of law is an interdisciplinary approach that integrates theology and the Islamic law to examine the occurrence of divorce in Makassar City. Theology of law can be defined as an integrative and interconnected approach within the paradigm of Islamic studies.¹³ Theology, as a prominent component of ancient Islamic science, is integrated with the Islamic law, which is significantly shaped by the social sciences. The data collection was conducted through comprehensive interviews and reviews of documentation. The informants interviewed were husband and wife who had officially divorced in a religious court.

⁹Mukhamad Suharto, "Bias Keagamaan Dalam Perkawinan Anak," *Khuluqiyya: Jurnal Kajian Hukum dan Studi Islam* 2, No. 2 (2020), p. 94-113.

¹⁰Fadiyahun Nisa' and Isa Anshori G, "Peran Biro Konsultasi Dan Konseling Keluarga Sakinah Al-Falah Surabaya Dalam Mencegah Terjadinya Perceraian Bagi Kliennya," *Jurnal Studi Hukum Islam* 8, No. 2 (2019), p. 25-33.

¹¹Asman Asman and Relasi bin Muda, "Social Dynamics on the Increasing Divorce of Malay Communities during COVID-19 in Sambas West Kalimantan, Indonesia Perspective of Islamic Family Law," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023), p. 153-166. Suparno Suparno, "Studi Pengaruh Pernikahan Dini Terhadap Perceraian di KUA Kec. Keling Kab. Jepara Tahun 2016-2017," *Isti'dal: Jurnal Studi Hukum Islam* 8, No. 1 (2021), p. 134-151.

¹²Irwansyah, *Penelitian Hukum: Pilihan Metode dan Praktik Penulisan Artikel*, Surakarta: Mirra Buana Media, 2020. Lukman Hakim and Ahmad Sunawari Long, "The Tradition of Tulak Breuh as a Fidyah of Prayer in Aceh Besar Society.

¹³M. Amin Abdullah, *Islamic Studies Dalam Paradigma Integrasi-Interkoneksi (Sebuah Antologi)*, Yogyakarta: Suka Press, 2007. M. Amin Abdullah, *Islamic Studies Di Perguruan Tinggi: Pendekatan Integratif-Interkoneksi*, Yogyakarta: Pustaka Pelajar, 2012.

The Correlation between Theology and the Islamic law

Undoubtedly, there exists a robust correlation between the Islamic theology and the Islamic law. Abū Ḥāmid al-Ghazālī (d. 1111 AD) was a renowned scholar in the areas of theology, the Islamic law, and medieval Sufism. The utilization of telepathy is employed to discern information pertaining to events and objects in the universe. The Islamic law and education employ telepathy to get insights from biblical texts and embodied practices. Islamic mysticism employs telepathy to delve into psychological experiences.¹⁴

Moreover, Muhammad Abduh endeavored to offer an explanation employing an Islamic theological and legal methodology, coupled with a liberating ethical structure, particularly during the initial era of Islam. The framework for liberation can be observed through endeavors to gradually eliminate slavery by also dismantling prisons in a modern environment. The robust emancipatory principles inherent in the classical legal heritage are incongruous with the exploitative jail systems prevalent in numerous nations. Applying Islamic law within a liberation theology framework, the elimination of slavery and prisons is a logical progression of a tradition that has a well-established precedence in the drive for emancipation.¹⁵

The correlation between theology and the Islamic law, which is rooted in the *maqāṣid al-sharī'ah* values, is also evident in the interpretive theory proposed by Fazlur Rahman and Abdullah Saeed. Rahman's theory of interpretation is referred to as "double movement," while Abdullah Saeed's view is characterized as "contextual." This is significant due to a crisis in the study of the Islamic law, specifically the separation of theological discourse as the fundamental underpinning of law from the discourse of the Islamic law itself. Thus, Rahman and Saeed's paradigm revolves around a theological perspective that has transitioned from being centered on God or humans to being centered on both God and humans. Similarly, the focus has shifted from a concept of justice based on formality to one based on substance. Furthermore, the role of reason has evolved from being a tool for justification and repetition to one of discovery. Lastly, there has been a move away from the constraints of human fate (fatalism) towards embracing freedom.¹⁶ The concepts of fatalism and freedom hold significant prominence in Islamic theology.

¹⁴ Aria Nakissa, "Cognitive Science of Religion and the Study of Islam: Rethinking Islamic Theology, Law, Education, and Mysticism Using the Works of al-Ghazālī," *Method & Theory in the Study of Religion* 32, No. 3 (2020), p. 1-28.

¹⁵ Haroon Bashir, "Islam and the Emancipatory Ethic: Islamic Law, Liberation Theology and Prison Abolition," *Religions* 14, No. 9 (2023), p. 1083.

¹⁶ Abid Rohmanu, "Paradigma Hukum Islam Teoantroposentris: Telaah Paradigmatis Pemikiran Fazlur Rahman dan Abdullah Saeed," *Kodifikasi* 13, No. 1 (2019), p. 33. Khairul Hamim, "Comparison Between Double Movement Theory and Nazariyyat Al-Hudud Theory on Polygamy Laws," *El-Mashlalah* 22, No. 2 (2022).

Khaled Abou El-Fadl underscored the growing strength of the connection between theology and Islamic law. It is an irrefutable fact that in today's world, there are religious organizations that have emerged and hold a dominant position in religious interpretation, considering their perspective to be the most authoritative. These groups then gained significant influence for a certain period of time in various locations in the Middle East and Southeast Asia, earning the designation of transnational groups. An inherent trait of theirs is their propensity to label dissenting organizations as infidels without difficulty.¹⁷ The transnational idea being discussed here pertains to the Wahabi Salafi sect, which initially functioned as a theological school and later had significant influence in the interpretation of Islamic law. Understanding law involves the meticulous interpretation of the Qur'an and Sunnah. The *Salafi* group's literal interpretation of *hadith* leads to the establishment of strict Islamic legal principles and contributes to social discord within the society.¹⁸

Quraish Shihab's opinions in Indonesia encompass Islamic theological and legal matters, examining the perspectives of Islam in relation to other religions. The theological and legal difficulties posed by M. Quraish Shihab's texts exhibit connections to literature from various religions, particularly in their exploration of concepts such as the unity of God, the importance of respecting others, the practice of prayer, the prohibition of murdering, and the implementation of *qishāsh* (retributive justice). The topics including law, fasting, spirituality, and almsgiving. The application of contextual thinking is valuable in consolidating cross-religious themes that highlight the coherence of origins and the intimate interrelation among different faiths.¹⁹ This mode of thinking might be referred to as pluralistic theology, which entails the acceptance of religious disparities within a societal framework, rather than subscribing to the veracity of all religions.

The pluralistic theology is expected to have been comprehended and implemented in order to aid the advancement of science, which can offer practical resolutions to the issue of religiously motivated violence. The Islamic epistemology plays a significant role in fostering a pluralistic society by addressing the escalating socioeconomic issues that often result in religiously

¹⁷ Khaled M. Abou El-Fadl, *Speaking in God's Name: Islamic law, Authority and Women*, England: Oneword Publication, 2001. Noorhaidi Hasan, "The Salafi Movement in Indonesia: Transnational Dynamics and Local Development. Comparative Studies of South Asia, Africa and the Middle East, 27, No. 1 (2007), p. 83-94.

¹⁸ Abdul Majid, et.al., "Salafi, Hadith, and Islamic Law: Identity Politics and Wahabi Movement in East Kalimantan," *Ahkam: Jurnal Ilmu Syariah* 23, No. 1 (2023). Kamaruddin Amin, "Nāṣiruddīn al-Albānī on Muslim's Ṣaḥīḥ: A Critical Study of His Method," *Islamic Law and Society* 11, No. 2 (2004), p. 149–176.

¹⁹ Ahmad Zainal Abidin, et.al., "Beberapa Isu Teologi dan Syari'ah dalam Perspektif Islam dan Agama Samawi Lainnya: Studi Kasus Pemikiran M. Quraish Shihab," *Journal of Qur'an and Hadith Studies* 9, No. 2 (2020), p. 55-82.

motivated violence. There is a consensus that acts of violence committed in the name of religion, particularly Islam, are not justified by religion. Islam should offer methods for fostering peace, serenity, and harmony amidst variety. Hence, it is imperative to comprehend Islam as a discipline, in order to mitigate acts of violence committed under the guise of religion through accurate comprehension.²⁰

The interplay of the Islamic laws can also be observed in the local culture of Bondowoso, a region in East Java. Islamic law consists of two distinct categories: fixed law and flexible law, which govern the intricate relationship between a religion and a culture. The Islamic law is primarily characterized by its flexibility, allowing for adaptation to evolving times, conditions, and societal practices. Furthermore, the interconnections between religion and culture might manifest as assimilative, accommodating, or penetrative. Efforts are being made to skillfully reconcile cultures that clash with religious beliefs in order to promote harmonious coexistence. Policymakers and the society must take into account the concept of elastic law when addressing problems between the Islamic law and the local culture in this particular situation. In addition, it is crucial to adopt a prudent strategy when integrating cultures that are in conflict with religion in order to foster societal harmony.²¹

Given the aforementioned facts, it can be underlined that there exists a robust correlation between the theology and the Islamic law. An individual with a comprehensive, balanced, and situational theological comprehension of Islam will also possess an adaptable and balanced comprehension of Islamic jurisprudence. Conversely, an individual with a limited and inflexible comprehension of theology will interpret Islamic law based on the Qur'an and likely have extremist perspectives.

A Theoretical Analysis on the Relationship between Theology and The Muslim Family

Theological understanding pertains to an individual's or collective's comprehension and analysis of religious doctrines and religious principles. In the Islamic context, theological knowledge encompasses the manner in which individuals or collectives comprehend and interpret the fundamental principles, beliefs, and values found within Islamic religious teachings.²² For instance, faith

²⁰ Ramlani Lina Sinaulan, et.al., "Pemikiran Hukum Islam dan Epistemologi Teologi Pluralistik," *Islamica: Jurnal Studi Keislaman* 11, No. 1 (2016), p. 188.

²¹ Ahmad Nasir, "Konflik Relasi Dinamika Hukum Islam dan Budaya Lokal di Bondowoso," *Jurnal Ilmiah Ilmu Pendidikan* 6, No. 10 (2023).

²² Harun Nasution, *Teologi Islam*, Jakarta; UI-Press, 1985. Nasution A. Sahpitri R. "Aspek-Aspek Teologi Islam dalam Pernikahan Tradisi Mepahukh Masyarakat di Desa Darul Amin, Kecamatan Lawe Alas, Kabupaten Aceh Tenggara," *Jurnal Theosofi dan Peradaban Islam* 3, No. 1 (2021), p. 85-96.

is a crucial component of the Islamic theology, encompassing fundamental beliefs in Allah, angels, holy book, messengers, the last day, and destiny. Variations in comprehension of these elements can impact an individual's perception of the world and their interpretation of human behavior.²³ Theological interpretation also gives impacts on an individual's execution of religious rituals, including prayer, fasting, zakat, and *hajj*. Interpretations of worship practices and purposes might differ among organizations or people, depending on their religious beliefs

The comprehension of ethical and moral principles in Islam is additionally shaped by the theology. The interpretation of theological beliefs can influence one's understanding of compassion, justice, loyalty, and social duty. Theological belief is also crucial in shaping an individual's comprehension and implementation of the Islamic law (*sharia*) in their daily existence. Islam encompasses multiple schools of thought that offer distinct interpretations of the Islamic laws.

As stated earlier, theological beliefs shape perspectives on marriage, the roles of spouses, and the dissolution of marriage. Variances in theological comprehension can also lead to disparities in the comprehension of marital rights and obligations, familial responsibilities, and conflict resolution strategies. The theological beliefs also influence one's attitudes and perspectives towards different religions. A comprehensive and accepting interpretation of different religions can foster interreligious concord, whilst a narrow-minded comprehension can yield the other outcome.²⁴

Regarding Islamic laws, the matter of dietary choices holds significant importance in the day-to-day existence of Muslims. According to certain Islamic clerics, in order for meat to be considered *halal*, it is required that the animal is fully cognizant during the process of slaughter. This poses a quandary for Muslims who aspire to adhere to the Islamic principles. Theological considerations within the Muslim community are a contributing factor in this process, however, the social and political backdrop has equal significance. The discussion surrounding *halal* slaughter restrictions can provide a platform for a broader discourse on how Muslim communities reconcile Islamic principles with the prevailing ethical standards of the non-Muslim majority in the society.²⁵

Conversely, the Muslim family is the fundamental component of the Muslim society, comprising a husband, wife, and children. In Islam, the family is seen as the fundamental unit of society and plays a crucial role in upholding

²³Adlin Damanik, "Akidah Saya, Akidah Anda, Akidah Kita (Prespektif Ahlussunnahwaljama'ah)," *An-Nadwah* 26, No. 2 (2021), p. 82.

²⁴Abdul Majid, et.al., *Salafi, Hadith, and Islamic Law*.

²⁵Olav Elgvin, "Regulations in Flux: Theology, Politics, and Halal Slaughter in Norway," *Scandinavian Journal of Islamic Studies* 16, No. 2 (2022), p. 136-155.

harmony, imparting knowledge to children, and adhering to religious principles. In Islam, marriage is seen as a sanctified institution. The foundation for establishing a family is a marriage contract between a man and a woman, which requires the consent of the female guardian. The objective of marriage in Islam is to establish a cohesive family unit, founded on love, affection, and accountability.²⁶

Within a Muslim household, the husband and wife each has distinct roles and obligations. The spouse is traditionally seen as the patriarch of the family, assuming the role of providing sustenance, safeguarding, and direction. Wives are responsible for managing the family, imparting education to children, and offering assistance to their husbands. While these duties are acknowledged, it is crucial to bear in mind that perspectives on the roles of husband and wife might differ based on culture, theology, and religious interpretation.

The education of children in Muslim homes is of paramount importance. It is the duty of parents to impart Islamic beliefs, ethics, and morality to their children. Teaching in Muslim families encompasses religious education, moral instruction, and the inculcation of virtues such as tolerance, justice, and honesty.²⁷ Family harmony is of utmost importance in Islam. Effective communication, shared understanding, and reciprocal respect are crucial principles for sustaining a robust and contented familial bond. In addition, Muslim families bear a societal obligation towards the broader community. Islam upholds the virtues of making philanthropic contributions, aiding the impoverished, and offering support to individuals in need

While the Islamic law upholds and promotes the maintenance of marriage, divorce is allowed under specific circumstances. Divorce proceedings in the Islamic law are governed by *sharia* and have specific prerequisites that must be fulfilled. Nevertheless, divorce is regarded as the ultimate recourse following multiple attempts at reconciliation.²⁸ Muslim families embody the religious, ethical, and cultural principles that develop within Muslim society. Similar to other cultural and religious contexts, Muslim families can be influenced by a range of elements, such as theological interpretation, regional customs, societal advancements, and the prevailing circumstances.

²⁶Ali Sibra Malisi, "Pernikahan Dalam Islam," *SEIKAT: Jurnal Ilmu Sosial, Politik dan Hukum 1, No. 1* (2022), p. 22-28.

²⁷Teuku Zulfikar and Emawati Emawati, "Islamic Education and Religiosity: Voices of the Indonesian Muslim Communities in Australia," *Ulumuna: Journal of Islamic Studies* 24, no. 1 (2020). Lis Yulianti Syafrida Siregar, "Pendidikan Anak Dalam Islam," *Bunayya: Jurnal Pendidikan Anak 1, No. 2* (2017), p. 16.

²⁸Dini Ramdania, "Aspek Hukum Perceraian Dalam Perspektif Hukum Islam," *Wacana Paramarta: Jurnal Ilmu Hukum 19, no. 1* (2020), p. 17-28.

Challenges in Divorce Cases in Makassar City: Analyzing from a Theology of Law Perspective

Divorce is the formal dissolution of a marriage, where a husband and wife legally end their married status. Divorce can arise due to a multitude of situations, such as unsolved conflicts, issues with communication, lack of compatibility, instances of domestic violence, and various other contributing elements. Within the realm of divorce, there exist multiple facets that necessitate comprehension.

The process of divorce can differ depending on the legal framework of a specific country or location. Certain countries adhere to the civil law to govern divorce proceedings, however in countries with a mostly Muslim population, divorce regulations may be based on the Islamic law (*sharia*). These rules and regulations give impact to the implementation of divorce and the prerequisites that need to be fulfilled.²⁹ The divorce process encompasses multiple stages, such as initiating a divorce petition, substantiating the grounds for divorce, distributing assets, and, in certain instances, addressing child custody. This procedure frequently entails the involvement of a court or authorized institution to formalize a divorce.

The reason for initiating divorce proceedings ranges across various legal jurisdictions and religious beliefs. Common factors contributing to relationship breakdowns include incompatibility, betrayal, domestic violence, excessive jealousy, and economic difficulties. The Islamic law encompasses principles such as *khuluk*, which refers to the wife's request for divorce, and *talaq*, which refers to the husband's ability to initiate divorce. These notions are governed by the *sharia* laws.³⁰ Divorce can have profound social and psychological consequences, particularly for the individuals directly affected, such as the spouses and children. Divorce can sometimes induce stress, despairs, and alterations in family relations.

Prior to making the decision to divorce, it may be beneficial to explore options such as reconciliation or mediation. Certain couples may endeavor to mend their relationship by seeking the assistance of a marriage counselor or relying on the support provided by their family and friends. Pre-nuptial and post-nuptial education might facilitate couples' comprehension of the anticipations and difficulties associated with marriage. Implementing this

²⁹Dwi Arini Zubaidah, "Analisis Hukum Islam Tentang Keabsahan Perceraian Dalam Peraturan Perundang-Undangan Di Indonesia," *Legitima: Jurnal Hukum Keluarga Islam* 4, No. 2 (2022), p. 106-122.

³⁰ Abidin Nurdin, "Mut'ah and Iddah: Post-divorce Payment Practices in Aceh," in John R. Bowen and Arskal Salim, *Women and Property Rights in Indonesian Islamic Legal Contexts*, Brill, (2018) p. 107–126.

strategy can effectively mitigate issues that may ultimately result in marital dissolution.³¹

Divorce is an intricate and highly individualized circumstance. Societal perspectives and behaviors surrounding divorce can be influenced by cultural, religious, and legal considerations. Every individual undoubtedly desires a harmonious and enduring home partnership. Nevertheless, despite your utmost efforts, it is impossible to exclude the potential occurrence of domestic issues, including those that may lead to divorce. There are numerous underlying causes of divorce that contribute to this problem. Divorce can stem from a multitude of factors. Beginning with financial necessities, progressing to engaging in an extramarital relationship, and culminating in instances of domestic abuse. This disorder has the potential to adversely affect the psychological and physiological well-being of those who have undergone divorce.

Within the framework of Muslim households, particularly in Makassar City, divorce is a prevalent phenomenon that arises due to multifarious circumstances. The primary factors contributing to divorce in the jurisdiction of Religious Courts in Indonesia include predominantly persistent conflicts and arguments, economic considerations, and the abandonment of one of the spouses. According to data obtained from the Makassar class 1A Religious Court (*Pengadilan Agama/PA*), a total of 2,635 divorce cases have been officially documented as of December 2022. Specifically, there were 2,024 instances of divorce where the wife challenged the divorce, and 611 instances when the husband initiated the divorce

Psychologically, divorce rates grow due to two factors: internal and external influences. Internal considerations encompass aspects like as temperament, personality, maturity, and a lack of obvious initial commitment to marriage. They also include incompatibility or dissatisfaction between the husband and the wife. Meanwhile, external variables pertain to the involvement of third parties, employment, the economy, and other relevant aspects. The psychological impact of divorce encompasses the effects on both the husband and wife, as well as the repercussions on their children. The most significant repercussion is experienced by their offspring, as extensive examination of their familial history often reveals that one of the contributing factors is their parents' marital dissolution. In addition, he stated. Therefore, the most significant psychological effect is also on the child's own growth. The impact of parental divorce on children extends into their young adulthood, resulting in a continuous influence on their overall development. Throughout their lives, they are consistently affected by the experience of their parents' divorce and the resulting

³¹Ahmad Bastomi and Panistika Prajna Paramita, "Penyelesaian Sengketa Perceraian Melalui Mediasi Program Pusaka Sakinah," *Jurnal Hukum dan Kenotariatan* 5, No. 3 (2021), p. 490-500.

disruption of their family environment. Consequently, it will impact the child's conduct and behavioral patterns.³²

The Makassar Religious Court observed a significant prevalence of divorce in this city. The divorce rate this year is directly correlated with the number of newly widowed individuals. Women often initiate legal proceedings due to their own experience of domestic violence. Another contributing factor to these women's situation is the absence of spousal support. In addition, the occurrence of unregistered marriage unbeknownst to the couple, as well as polygamy and polyandry, also contribute to the dissolution of their romantic conflicts can lead to the gradual deterioration of the relationship inside the household. The causes typically involve external factors like as third parties, infidelity, and unmet demands. Paradoxically, the divorce rate in Makassar City is projected to rise in 2022 in comparison to the preceding year. According to the Makassar Class 1A Religious Court (PA), there have been a total of 2,635 registered divorce cases as of December 2022. Specifically, there were 2,024 instances of divorce that were disputed, with the wife initiating the divorce and 611 instances of divorce where the husband initiated the proceedings. Statistics on divorce proceedings at the Makassar Religious Court (PA). The provided information pertains to a duration of one year, namely up until the date of 20 December 2022. Divorce cases arise due to economic difficulties, conflicts, divergent sexual orientations, and reasons such as insufficient comprehension of religious teachings, particularly those pertaining to marriage and divorce, which serve as catalysts for marital dissolution.³³

In addition to the rise in divorce rates, there has been a significant surge in the number of widows. Indeed, the majority of individuals who undergo divorce are young couples, specifically those in their twenties to forties, commonly referred to as the millennial generation. The majority of divorce lawsuits are initiated by women or wives against their husbands. This dilemma is inspired by the issue of discordant romantic relationships. Consequently, the annual influx of new widowers and widows in the city of Makassar is steadily rising, with a considerable majority of them being in their youth.³⁴

There was a total of 1,944 divorce instances where the wife was the one seeking the divorce. There are a total of 578 cases where the husband has filed for divorce (known as *talak*). The remaining portion of 2021, which has not yet been completed, will be concluded together with 113 cases in 2022. There was a

³²Mursyid Djawas, et.al., *The Government's Role in Decreasing Divorce Rates in Indonesia...*, p. 163-188.

³³ Rosfida Sitoris et.al., "Perceraian Di Kota Makassar Selama Pandemi Covid-19," *Jurnal Pendidikan Sosiologi Universitas Pendidikan Ganesha* 5, No. 2 (2023).

³⁴<https://rakyatsulsel.fajar.co.id/2022/12/28/angka-perceraian-di-kota-makassar-psikolog-unm-ungkap-penyebabnya/>

total of 2,635 divorce cases in 2022.³⁵ Data acquired from multiple sources, specifically those who have firsthand knowledge of divorce within their households. These sources provided information on the impact of various elements, particularly theological factors, on the reasons for divorce.

Based on interviews with multiple women who have gone through divorce, all participants expressed the belief that divorce is permissible according to Islamic law, yet it is regarded as something detested by God. One of the arguments presented is that divorce is permitted due to the absence of righteousness and its alignment with God's predetermined fate. According to their perspective, divorce is believed to be the predetermined fate of Allah SWT, thus they simply adhere to the regulations set by Allah SWT. One individual believed that their soulmate relationship had come to an end, resulting in a divorce.³⁶ Divorce arises when there is a lack of harmony within the household.³⁷ In this scenario, they adhere to the *Jabariyah* worldview, which entails accepting fate from Allah SWT.³⁸ Consequently, if a divorce takes place, they perceive it as a divine provision and submit to it.

The level of peace or disharmony within a family is greatly influenced by the connection between the husband and the wife. Divorce often arises when there is a lack of understanding and acknowledgment of each other's rights and responsibilities within this partnership. Understanding of rights and obligations was learned during the time of marriage, leading to a lack of comprehension in some individuals. However, one of them had gained knowledge from a young age, particularly in the realm of education.³⁹

According to NUR, Islamic law places importance on the marital bond, recognizing the rights and responsibilities of both the husband and wife. The husband has a duty to treat his wife with kindness, support her both physically and mentally, educate her, and uphold the honor of his wife and family. The wife has a duty to comply with her husband's wishes, fulfill her role as a wife and mother, administer the household, safeguard her husband's reputation and possessions, and seek her husband's consent when undertaking travel or fasting, as per the teachings of *Sunnah*.⁴⁰ Similarly, attending lectures on the harmonious dynamics of marital relationships, with the husband assuming the role of family leader and the woman as a valued member, both contributing based on their respective strengths and professions.⁴¹

³⁵ <https://rakyatsulsel.fajar.co.id/2022/12/28/akhir-tahun-2022-ada-2-635-janda-di-kota-makassar-ada-usia-20-tahun/>

³⁶ Interview with IRM, A Wife Who Divorced Her Husband, Makassar, August 19, 2023.

³⁷ Interview with NEQ, A Wife Who Divorced Her Husband, Makassar, July 18, 2023.

³⁸ Ris'an Rusli, *Teologi Islam: Telaah Sejarah dan Pemikiran dan Tokoh-Tokohnya*, Jakarta: Kencana, 2016.

³⁹ Interview with NEQ, A Wife Who Divorced Her Husband, Makassar, on 18 July 2023.

⁴⁰ Interview NUR, A Wife Who Divorced Her Husband, Makassar, August 10, 2023.

⁴¹ Interview NUR, A Wife Who Divorced Her Husband, Makassar, August 10, 2023.

In a marital partnership, economic and property matters carry significant importance since they can contribute to divorce cases, particularly when one spouse places unreasonable financial expectations on the other, pertaining to income and household expenses. There are multiple perspectives regarding the acquisition of sustenance in Islam. Some argue that nourishment is completely derived from Allah SWT, while others contend that sustenance originates from Allah Almighty but requires effort to get. If a husband and wife have contrasting responses to the aforementioned perspectives, there will always be a dispute if one of them does not hold the belief that nourishment is a divine gift from Allah SWT. By adopting this approach, individuals consistently compel their partners to actively pursue sustenance, even when faced with constraints. This is the potential breeding ground for conflict, which has the potential to culminate in divorce.

The belief in the divine origin of sustenance from Allah SWT. Additionally comprehended by research participants. According to Irm, he believes that prosperity is a divine blessing resulting from the endeavors of individuals. However strenuous one's efforts may be, without acknowledging the authority of Allah, attaining it would remain unattainable.⁴² NEQ has stated, he holds the belief that riches is a divine bestowal, since human beings may only strive and supplicate, with gratitude extended to the prayers of a devout spouse.⁴³

Within the domestic sphere, both wealth and the social standing of one's offspring are delicate matters that have the potential to contribute to discord and marital dissolution. For certain couples, the lack of children being born can specifically lead to divorce. The lack of children is also a contributing factor in divorce.⁴⁴ According to certain perspectives in Islam, the presence of children is considered a divine blessing. It is believed that even if one tries to have children, it will only happen if it is God's will. In Islamic theology, descent is regarded as a divine decree or predestination from Allah SWT. It is believed that if Allah wills it, an individual will be bestowed with offspring, but if not, then they will remain childless. Thus, if a husband and wife fail to find a suitable heir, they adopt a mindset of surrender as their course of action.

husband who divorced his wife

FDL states that the existence of children in a household is crucial for the continuation of the offspring. In addition, the Prophet would take great pride in the abundance of pious offspring his people had in the hereafter. The prayers of

⁴² Interview with IRM, A Wife Who Divorced Her Husband, Makassar, August 19, 2023.

⁴³ Interview with NEQ, A Wife Who Divorced Her Husband, Makassar, July 18, 2023.

⁴⁴ Taurat Afianti, et.al., "Upaya Pasangan Suami Istri Tidak Memiliki Keturunan Dalam Mempertahankan Keharmonisan Rumah Tangga (Studi Kasus Di Desa Siru Kabupaten Manggarai Barat NTT)," *Al-IHKAM: Jurnal Hukum Keluarga Jurusan Ahwal Al-Syakhshiyah Fakultas Syariah IAIN Mataram*, 14, No. 2 (2022), p. 161–184.

devout youngsters are transformed into virtuous actions for their parents.⁴⁵ Similarly, married couples strongly desire to have children, as our marriage would feel incomplete without them. Therefore, we should appreciate that children are the most precious possessions, as they are entrusted to us. Moreover, as per another source, offspring refers to a novel entity that emerges from a generation and carries forward the lineage of the preceding generation. Hence, if we separate from our children, Allah will ensure their well-being as long as they make an effort.⁴⁶

Regarding property, particularly in terms of maintenance, the informant states that any property obtained during marriage is considered joint property. Gifts or inheritance received by a spouse from their parents are not considered as joint assets.⁴⁷ The husband has a responsibility to earn a livelihood, and any assets acquired after marriage are considered the shared rights of both the husband and the wife.⁴⁸ According to a household informant named Irm, the property acquired by a husband and wife in a family is considered joint property. However, if the wife is employed, both the wife and the husband will have separate sources of financial support in the event of a divorce. Therefore, the husband's primary responsibility is to provide income to support his wife.⁴⁹ Therefore, the shared assets should be distributed equitably in accordance with the principles of Islamic law.⁵⁰ According to another source, the wife is responsible for managing and spending the property acquired from the husband, however the husband is not entitled to the wife's property as it is his duty to make a livelihood.⁵¹

Therefore, this demonstrates that religious comprehension plays a significant role in addressing divorce within Muslim families. According to *Jabariyah* school of thought divorce occurs when an individual's soul partner ceases to exist, leading them to relinquish their relationship. Prior to the occurrence of a divorce, a mediation procedure takes place in a religious court, which is governed by the regulations set forth by the Supreme Court.⁵² Mediation is provided to spouses to contemplate the adverse consequences of divorce. Similarly, the way individuals perceive money in terms of fulfilling domestic need, as well as the impact of inherited or child-related issues, significantly affect the level of harmony within a household. When it comes to

⁴⁵ Interview with FDL, A Husband who divorced his Wife, Makassar, June 18, 2023.

⁴⁶ Interview with KSM, A Husband who Divorced his wife, Makassar, August 20, 2023

⁴⁷ Interview with MJP, A Husband who Divorced his wife, Makassar, August 10, 2023

⁴⁸ Interview with FDL, A Husband who Divorced his Wife, Makassar, June 18, 2023.

⁴⁹ Interview with IRM, A Wife Who Divorced Her Husband, Makassar, 19 August 2023

⁵⁰ Interview with NUR, A Wife Who Divorced Her Husband, Makassar, August 10, 2023

⁵¹ Interview with NEQ, A Wife Who Divorced Her Husband, Makassar, July 18, 2023

⁵² Anggraini Arief, "Penerapan Peraturan Mahkamah Agung No. 01 Tahun 2008 Tentang Prosedur Mediasi di Pengadilan Negeri Makassar," *Jurisprudentie: Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum* 3, No. 2 (2016), p. 50-58.

the pursuit of riches, it seems that individuals who provide information are more likely to have a favorable inclination towards *qadariyah* school of thought, which emphasizes a determined endeavor to acquire fortune. Meanwhile, in order to conceive children, individuals typically grasp the principles of *Ash'ariyah* theology, which asserts that human endeavors to have kids are contingent upon the divine will of Allah, who is the all-powerful Creator.

Conclusion

Based on the aforementioned research, it can be inferred that the level of comprehension of religion is also a contributing factor to the occurrence of divorce in Makassar City. The incidence of divorce is attributed to the divine will of Allah SWT, also known as fate. Divorcing Muslim households perceive this event as a divine decree from Allah SWT that should be adhered to. According to *Jabariyah* school of thought, divorce occurs when an individual's soul mate is terminated, leading them to relinquish their relationship. Their perception of a soul mate is that it is a divine arrangement by God, and if a divorce occurs, the bond between the soul mates as the husband and the wife is terminated. Regarding property matters, Muslim families hold the belief that the property they own is bestowed upon them by God, however some individuals within these families maintain the perspective that it must be earned through effort and labor. This bears resemblance to the comprehension of *kasb* theory within the *Ash'ariyah* sect. The prevalence of divorce among Muslim families in the city of Makassar is attributed not only to theological grounds, but also to economic concerns, limited understanding of marriage, absence of children, and various other factors. Nevertheless, from a legal theological standpoint, it is important to highlight that a theological interpretation that passively submits to and embraces destiny, without making any attempts at reconciliation, leads to divorce, hence resulting in a failure to effectively apply the Islamic law. Prior to a divorce, Islamic law mandates a mediation process in a religious court, wherein both the husband and wife are provided an opportunity to contemplate the potential adverse consequences.

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Interview with MJP, A Husband who Divorced his wife, Makassar, August 10, 2023.

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Interview with NUR, A Wife Who Divorced Her Husband, Makassar, August 10, 2023.