

The Government's Role in Decreasing Divorce Rates in Indonesia: The Case of Aceh and South Sulawesi

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THE GOVERNMENT'S ROLE IN DECREASING DIVORCE RATES IN INDONESIA: THE CASE OF ACEH AND SOUTH SULAWESI

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Abstrak: Penelitian ini membahas upaya pemerintah dalam menurunkan angka perceraian di Indonesia khususnya di Aceh dan Sulawesi Selatan. Studi ini mengkaji faktor-faktor yang mempengaruhi tingginya perceraian dan dampak yang disebabkan. Sumber data dalam penelitian hukum empiris ini adalah kuisioner, wawancara, dan studi dokumen. Data-data tersebut kemudian diolah menggunakan teori fungsionalisme struktural dan teori peran. Temuan dalam penelitian menjelaskan bahwa penyebab meningkatkan perceraian di Aceh dan Sulawesi Selatan adalah ekonomi, pendidikan, kurangnya pemahaman agama, media sosial, pernikahan dini, dan kurangnya empati terhadap kewajiban suami/istri. Tingginya perceraian ini berdampak negatif kepada anak, keluarga, dan bangsa. Upaya pemerintah untuk mengatasi kenyataan ini adalah dengan mengadakan kursus pranikah, khotbah nikah untuk memperkuat keluarga dan mencegah perceraian, mengadakan kontes keluarga bahagia, dan merancang modul panduan pernikahan untuk calon pengantin. Upaya-upaya tersebut, dalam konteks sosiologi hukum, merupakan fungsi dan peran pemerintah dalam menjaga stabilitas sistem sosial.

Kata kunci: Angka Perceraian; Fungsionalisme Struktural; Stabilitas Sistem Sosial

Abstract: This study discusses the increase in divorce rates in Indonesia, especially in Aceh and South Sulawesi. This study investigates factors affecting the increase of divorce rates and the role of the government in decreasing the divorce rates. This research is an empirical legal study that used structural functionalism theory and role theory. Data was collected through questionnaires, interviews, and document studies. This study concludes that the factors that influence the increase in divorce rates in Indonesia, especially in Aceh and South Sulawesi, are economy, education, the lack of religious understanding, social media, early marriage, and the lack of empathy on the rights and obligations of husband/wife. As a result, the high divorce rate in Indonesia negatively affects children, families and the nation. The government's efforts to address this reality are by holding out pre-marital courses, preaching marriage sermons to strengthen family and prevent a divorce, holding happy family contests, and designing a marriage guidance module for brides and grooms. These efforts, in the sociology of law context, are the government's function and role in anticipating the increasing divorce rates so the social system stability can be maintained.

Keywords: Divorce Rate; Structural Functionalism; Social System Stability

Introduction

The divorce rates in Indonesia have increased significantly year by year. According to The Directorate General of the Religious Courts - the Supreme Court of Republic of Indonesia, from 2014 till 2016, the divorce rates trend in Indonesia kept increasing. From 344,237 cases in 2014, it rose to 365,633 cases in 2016. It makes the average divorce rate rose by 3% per year. Further, in 2013, the Indonesian National Family Planning Coordinating Board (*Badan Kependudukan dan Keluarga Berencana*) or known as BKKBN reported that the divorce rate in Indonesia was ranked as the highest in the Asia Pacific region (oke.zone, 2013). Additionally, a report by the Directorate General of Religious Courts also stated that there has been an increase in divorce rates every year since 2015 (394,246 cases), 2016 (401,717 cases), 2017 (415,510 cases), and 2018 (444,358 cases), even in August 2020 the number has reached 306,688 cases (Republika, 2020).

Actually the increase in divorce is a legal reality that occurs in all Muslim countries in the world. To minimize this increase, several Muslim countries such as; Egypt, Pakistan, Tunisia and Morocco made reforms in the field of family law. In Egypt reformed the Family Law Law of 1929 which was then amended in 1985. The Egyptian judiciary has the authority to regulate divorce procedures, this is reflected in Article 5A, that: A husband who divorces his wife, will get a divorce certificate. within 30 days from the time the Court decides. If the wife is present when the divorce letter (note) is made, then the wife is considered to have known the validity of the divorce. But if he is not present, then the clerk will forward it through the court officer who will send him or his representative a copy of the divorce certificate. Every divorce is effective from the moment it is decided – unless the husband hides it from his wife, this is intended to facilitate in terms of reimbursement rights and other financial costs where it becomes effective once the wife finds out about the divorce (Sanusi, 2017: 333; Mahmood, 1987: 36).

In Pakistan, under the Pakistan Muslim Family Law Ordinance 1961. It is stated that first, a person who wishes to divorce his wife, as soon as possible provides a written report to the Chairman and gives a copy to his wife; secondly, anyone who violates this provision (1) will be sentenced to a maximum imprisonment of one year or a maximum fine of 5,000 rupees or both; third, except as stated in paragraph (5)

unless it is quickly revoked, it will not take effect until the end of the 90th day after the written report (1) is sent to the Chairman; fourth, within 30 days peace is sought so that between husband and wife avoid divorce; Fifth, if the wife is pregnant during the divorce, the divorce will fall after the wife gives birth (Anderson, 1959; Mahmood, 1987: 264).

The Tunisian law of 1957 stipulates that divorce occurs only in courts. The husband is forbidden to remarry the wife who has been divorced three times. Meanwhile, the wife may ask for a divorce without a reason on condition that she pays a ransom as legal compensation in the amount determined by the judge. Moroccan law stipulates that the wife has to make taklik talak so that her husband will not practice polygamy. Divorce can be carried out before a minimum of two witnesses and must be registered by the officer. However, unfortunately, because divorces carried out outside the court are still valid (Afandi, 2014: 196).

In Indonesia the divorce procedure is regulated in the Marriage Law no. 1 of 1974 and the Compilation of Islamic Law No. 1 of 1991 which became a reference for religious courts for marriage and divorce matters. Article 129 states that; a husband who is about to impose divorce on his wife submits an application both verbally and in writing to the Religious Court which is in charge of the wife's place of residence accompanied by reasons and requests that a hearing be held for this purpose Article 130; The Religious Courts may grant or reject the application, and an appeal and cassation may be requested against the decision (Abdurrahman, 2007; Syarifuddin, 2011). The Supreme Court also issued a rule for mediation so that husband and wife can be reconciled so that divorce does not occur. In this context, it can be understood that divorce cannot be done outside the court.

The above shows that governments in various Muslim countries make legal rules that cover a wide space so that divorce does not occur. On the other hand, the government is trying to prevent divorce from happening, if there is a divorce, the rules are tightened. However, divorce continues to occur and tends to increase, including in Indonesia which has a negative impact on households, children and the resilience of the nation and state.

Thus, this study conducted to see the government's responses toward the increase in the divorce rate in Indonesia, especially in Aceh

and South Sulawesi provinces. Why were these two provinces chosen? There are two reasons. First of all, these two provinces included as the top ten provinces with the highest divorce rates. Secondly, Aceh and South Sulawesi are known as devoted people to the values of Islamic teachings. Thus, it is interesting to examine why these two regions that firmly hold Islamic values have a high divorce rate.

This study focused to figure the factors behind the increase in divorce rates, the impact of those factors, and the government's responses toward the increases in divorce rates in Aceh and South Sulawesi. This research is a study of the sociology of law using data collection techniques namely; document studies, interviews with heads of religious affairs offices, extension workers (*penghulu*), academics, and distributing questionnaires to the public, religious affairs office employess and extension workers. Questionnaires were distributed to 300 people in two provinces using purposive sampling technique (Sugiono, 2010).

The Increase in Divorce Rates in the Context of Sociology of Law

Divorce is a social fact as well as a legal fact. It is referred to as a social fact because divorce occurs in a society that affects social life. When the divorce is legally processed, it turns into a legal case. Divorce in Indonesia continues to increase from year to year. Aceh and South Sulawesi are two regions included as top ten provinces with the highest divorce cases in Indonesia.

Various studies have conducted regarding divorces in these two provinces. For example, Abubakar (2020: 301) examined the factors causing divorce (especially *khulu'*), such as unharmonious relationship so that disputes and quarrels arise, there is a misunderstanding of equal rights between husband and wife (gender issues), shifting value towards modernization, and the increasing of women's awareness about their legal rights. Additionally, Kalam, et. al., (2019: 243) explained that factors of the increase in divorce in Banda Aceh Syar'iyah Court categorized into the discordant household, the defendant was in prison and domestic violence and abuse. Further, in terms of the legal consequences after the divorce, Khairuddin, et. al, (2019: 164) explained that after the divorce, the judge has a role in determining *iddah*, *mut'ah*, and beneficial expenses paid for children's education. Mansari, et. al., (201 8:103) also added

that judge's verdict in divorce also determines child custody, both by Default Judgement or for the best interests of the child.

In South Sulawesi, there are also various researches studied about divorce, such as Kalsum (2019: 248) explained that in the divorce cases, the financial support is given to the wife before the divorce pledge made so that the justice, beneficial and legal values can be upheld as practised at the Watampone Religious Court. Divorce case that charged with wife' living cost is the case that is not *nushūz*, which means when the case is submitted; the court also must look at the husband's income. Sallatu (2019: 9) concluded that post-divorce fulfilment of children's rights in Makassar City is ineffective because it has been not implemented well and the lack of parent's responsibility in fulfilling court verdicts about children's rights after divorce. This was happened because of economic factors, parents remarry after divorce, and the parents who live far from the children. Besides that, Kasmawati, Sumarni and Bakhtiar (2016: 36) found that the divorces that occurred in Makassar City were caused by various factors, for instance; unhealthy polygamy, moral crisis, jealousy, forced marriage, economics, physical and mental abuse, interference from third parties and, unharmonious family.

Various attempts were made to the divorce rate by the government through judicial institutions in Aceh and South Sulawesi, for example by issuing Supreme Court Regulation No. 1 of 2008. This regulation aims to make the mediation process in the court can be carried out between the litigants, including the husband and wife who filed for divorce. However, even though the mediation and guidance process has been carried out by the judges, but the results might be still not maximized because divorce proceed (Hirdayadi and Diansyah, 2017: 205, Sarniadi, et.al., 2019: 20)

The divorce should be mutually agreed upon by the husband and wife. Otherwise, it will cause various problems for children, families, communities and even society and nation. Therefore, an in-depth study is needed to figure out the factors behind the divorce, the impact of those factors and the roles of the government in reducing the divorce rates in Indonesia, especially in Aceh and South Sulawesi. This study used legal sociology research or empirical law relating to legal phenomena using sociological theories (Ali and Heryani 2012: 7 and Fuady, 2013. 189). Sociology of law studies the law as a social phenomenon or analyzes

empirical validity or legal facts that occur in society (Amiruddin and Asikin, 2014: 208, Salim and Nurbani, 2017: 16). The two sociological theories used are structural functionalism and role theory. According to the structural functionalism theory, as Parsons stated that society has its social system, social actors who continue to maintain balance and social order (Ritzer and Goodman, 2004: 121). From the sociological analysis, Parsons also mentioned that the primary element in the theory of structural functionalism is the social order (Martono, 2016: 60) because, in the social system, each social component has its function, so the society is running well, and mutually integrated to achieve the goal of social order.

According to Parsons (Ritzer dan Goodman, 2004: 121), the structural functionalism theory has four functions that need to be noticed or more known as the AGIL scheme, they are: 1) Adaptation, a system should be able to handle the critical external situation. It needs to adapt to the environment and, the environment needs to adapt to the system; 2) Goal Attainment, a system should be defined and should achieve its primary purpose; 3) Integration, a system should manage the relationship between each of its components. It also needs to regulate the other three system functions; 4) Latency, a system should complete each other, maintain and repair both individual motivation and the cultural patterns that stimulate and support the motivation.

The second theory used in this research is the role theory. This theory is closely related to a person's status or position. The status shows the place or somebody position in society, while the role shows the dynamic aspect of status. According to Sorokin, as explained further by Narwoko (2004: 136-137), there are several aspects, usually referred to measure somebody status, which are: position or occupation, education and broadness knowledge, wealth, politics, lineage and religion.

Based on the explanation above, a person's position or place in society is a static element that shows the individual's place in the community organizations. Proper social position in society is important for several reasons. Firstly, because certain positions are more pleasant to occupy than others. Second, certain positions are more important in maintaining community longevity than others. Lastly, different social

positions require different talents and abilities. Besides that, the role in the community organization should refer more to its function. Where a person occupies a specific position in society, he should carry out the role properly. Furthermore, the role should form of at least three things. The roles included the norms associated with a person's position or place in society. Moreover, the role is a concept of an individual's ability in society and; it can be regarded as individual behaviours that are important in the social structure of society.

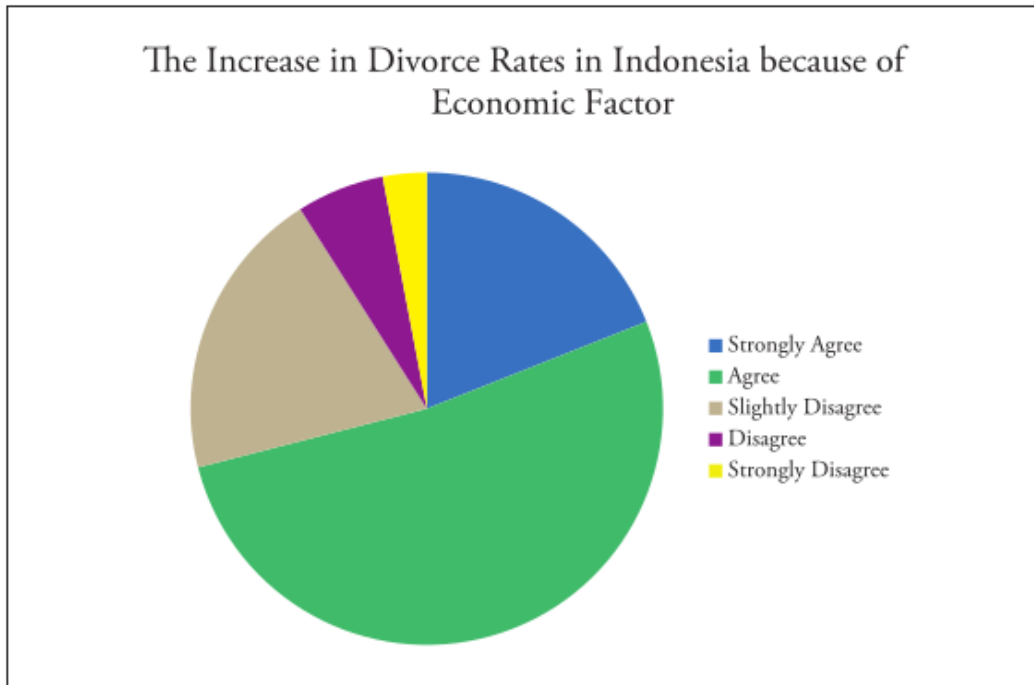
The use of sociological theory, both structural functionalism and role theory, in legal studies is very important to examine social factors and phenomena that occur in legal cases. As understood by Ali (2012: 102-120) and Marzuki (2014: 36), the relationship between social systems, social structures and legal studies are an integral part of the sociology of law. In this context, it can be emphasized that legal cases can not only be legally positivistic analyzed but also can be analyzed sociologically. Therefore, this study is important to examine the increase in divorce rates from the point of view of the sociology of law.

The Factors Affect the Increase of Divorce Rates in Aceh and South Sulawesi.

Base on the interview, questionnaire and document analysis, this research found that the factors that affect the increase in the divorce rate in Indonesia, especially in Aceh and South Sulawesi are:

Economic Factor

This study found that the economic factor considered as one of the factors increasing divorce in Indonesia. This finding based on the questionnaire analysis that showed 19% of respondents strongly agreed that economic factors could cause an increase in divorce rates. While the rest were 52% agreed, 20% slightly disagreed, 6% disagreed, and 3% strongly disagreed. Further details explained in the following figure:

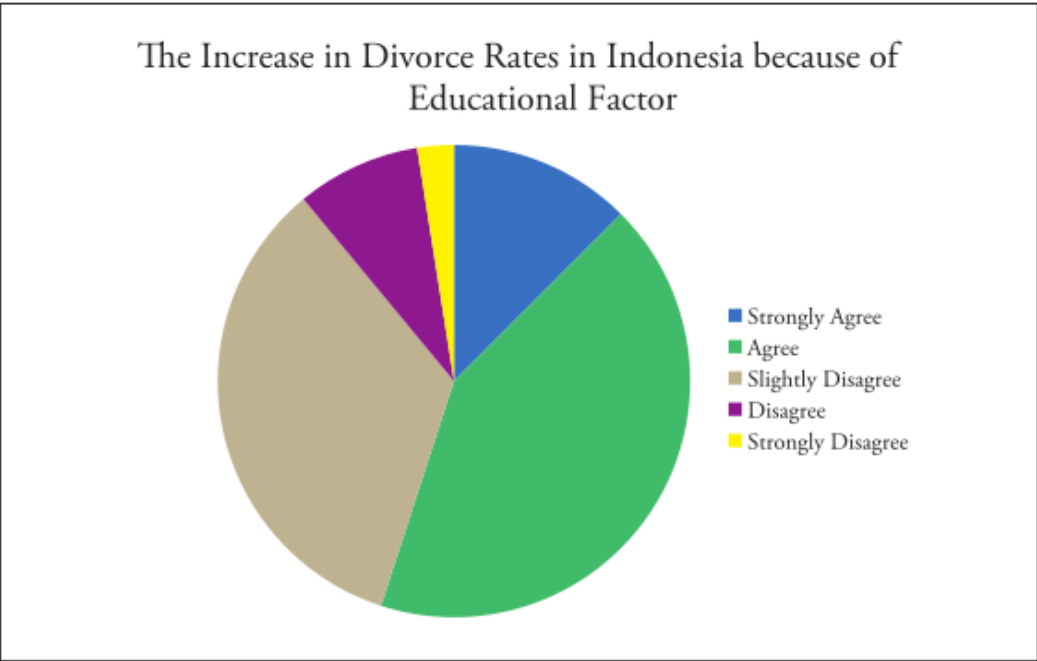


The interview with Ambo Sakka Ambo, the Head of Islamic Community Guidance for Makassar City, also gave a similar result. He explained that economic difficulties caused many couples to decide to get a divorce (Interview, 2 July 2019). Further, Arsyad, Head of the Makassar City Ministry of Religion, added new information about economic factor as one of the factors causing divorce. If all this time, the economic factor talked is about the poverty, however, a new trend of the financial condition of a married couple is added nowadays. He mentioned some couples filed a divorce because the wife's income is higher than the husband's income. Arsyad further explained wives who are teachers recently got higher salary because of the additional income from the teacher certification allowance. However, the wives seem mentally unready for income increase, so many filed for divorce against their husbands (Interview, 3 July 2019).

Educational Factor

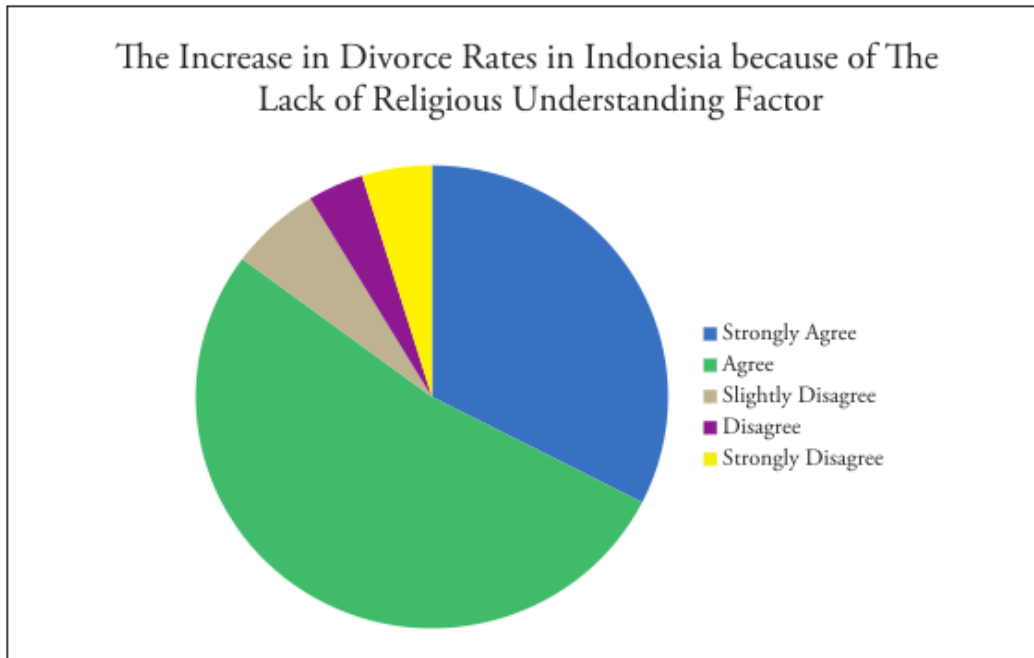
Educational factor considered as one of the factors in increasing divorce in Indonesia. The education level of husband and wife will highly affect communication patterns and how they handle the internal problems in the family. Theoretically, the higher education of married couples, the easier they could solve the problems they faced.

However, the integrity of the household highly affects this matter. Based on the interview with Ambo Sakka Ambo, the educational factor can cause an increase in the divorce rate (Interview, July 2, 2019). Similarly, Arsyad, the Head of the Makassar City Ministry of Religion South Sulawesi, emphasized that the education factor also affected divorce rates (Interview, 3 July 2019). Additionally, the majority of questionnaire respondents (42.5%) agreed that education is one of the increasing factors behind the high divorce rates. While, the rest of them opinioned 12.5% strongly agreed, 34% slightly disagreed, 8.5% disagreed and, 2.5% strongly disagreed. Further details present in the following figure:



The Lack of Religious Understanding Factor

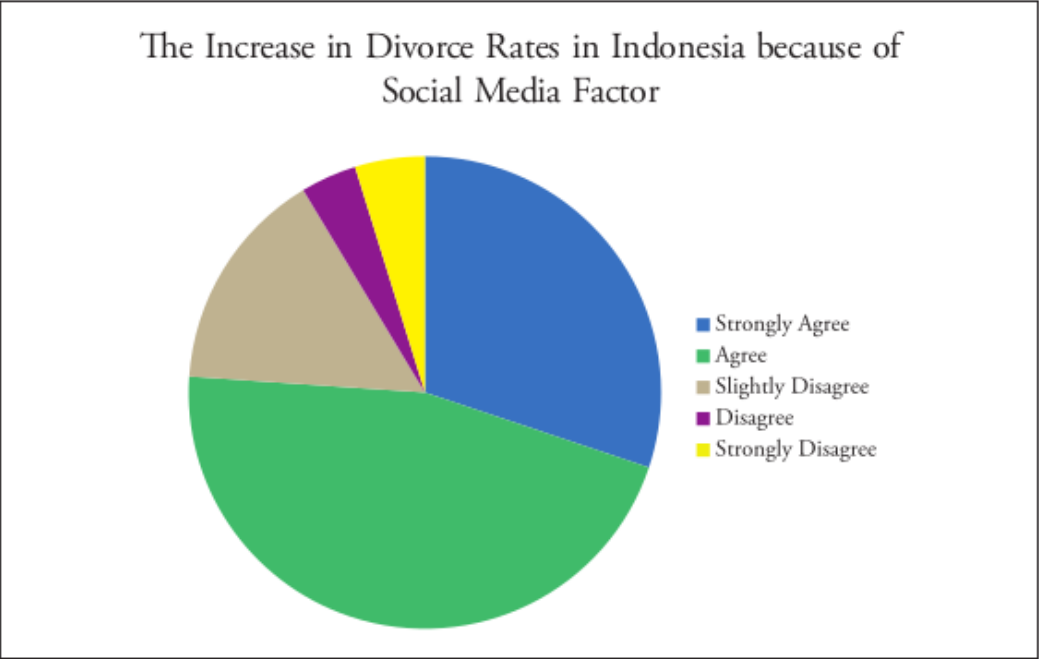
The factor of lack of religious understanding considered as one of the factors in increasing divorce in Indonesia. The questionnaire showed that 34% of respondents strongly agreed and, half of them (55%) agreed the lack of religious understanding is behind the increase in the divorce rate. While the other 6.5% slightly disagreed, 4% disagreed and, 5% strongly disagreed. Further details presented in the following figure:



In response to this, Asmullah, academics in Makassar City, explained many couples in Makassar married with an unstable economic condition in the past. Even some of them married when they were young. However, their marriages are generally long last, happy and never got to the point of divorce. Because old generations in Makassar have a motto: "Let the salt be eaten as a side dish, there are no problems, the important thing is to be happy" (Interview, July 4, 2019). This explanation confirms that one of the causes of the current rise of divorce is a lack of religious understanding.

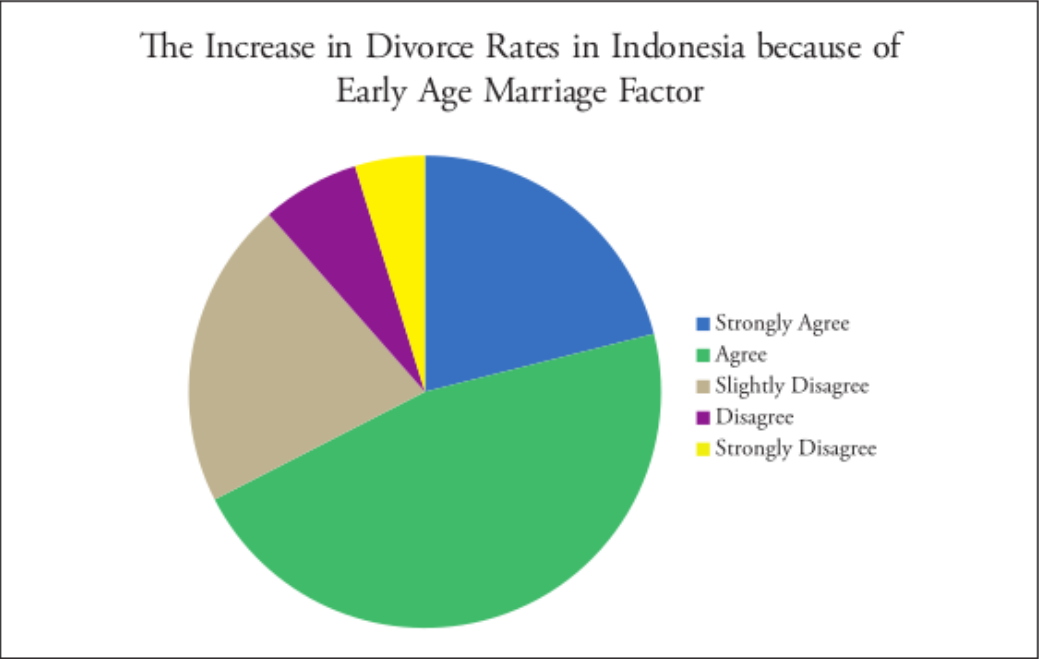
Social Media Factor

Social Media is a communication platform that massively affects people behaviour around the world, including in Indonesia. Although social media has given unquestionable benefits to all classes in society, social media also has many adverse effects. This study found that social media might also cause divorce nowadays. It showed from the questionnaires where 31.5% of respondents strongly agreed, and 48% agreed with this opinion. There were only a few respondents (16%) who slightly disagreed while the rest of them disagreed (4%) and strongly disagreed (5%) with the opinion as presented in the figure below:



Early Age Marriage Factor

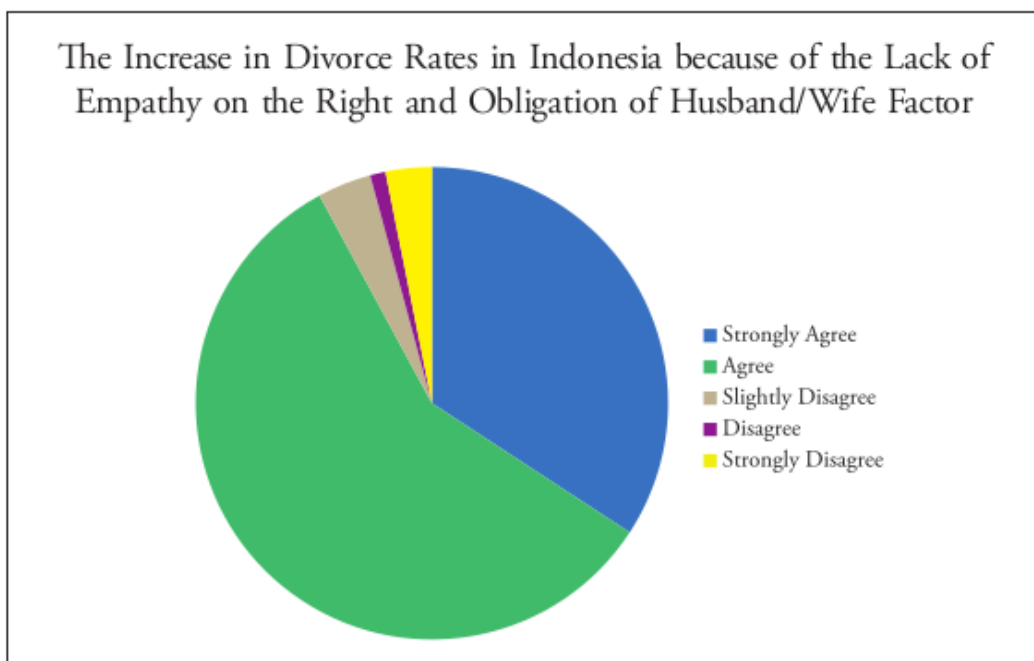
The factor of early marriage also considered as one of the factors in increasing divorce in Indonesia. The questionnaire showed that there were 22% of respondents strongly agreed, 48.5% agreed, 22% slightly disagreed, 7% disagreed and, 5% strongly disagreed with early age marriage as the factor of high divorce rates. Further details are in the following figure:



Psychologically, young people are not yet ready to settle down with various problems. It also can be observed from the number of child marriages. It means that the age at which children must still at secondary or high school forced to marry or be married off by their parents for various reasons.

The Lack of Empathy on The Right and Obligation of Husband/Wife Factor

This research also found that the lack of empathy on the right and obligation of the husband/wife is the factor that affected the increase in divorce rates. It proved by the questionnaire that showed more than half of respondents (55%) agreed with this finding, even 32.5% of them strongly agreed with it. Only a smaller fraction of respondents have a different opinion here (3.5% slightly disagree, 1% disagree and, 3% strongly disagree) as presented in the figure below:



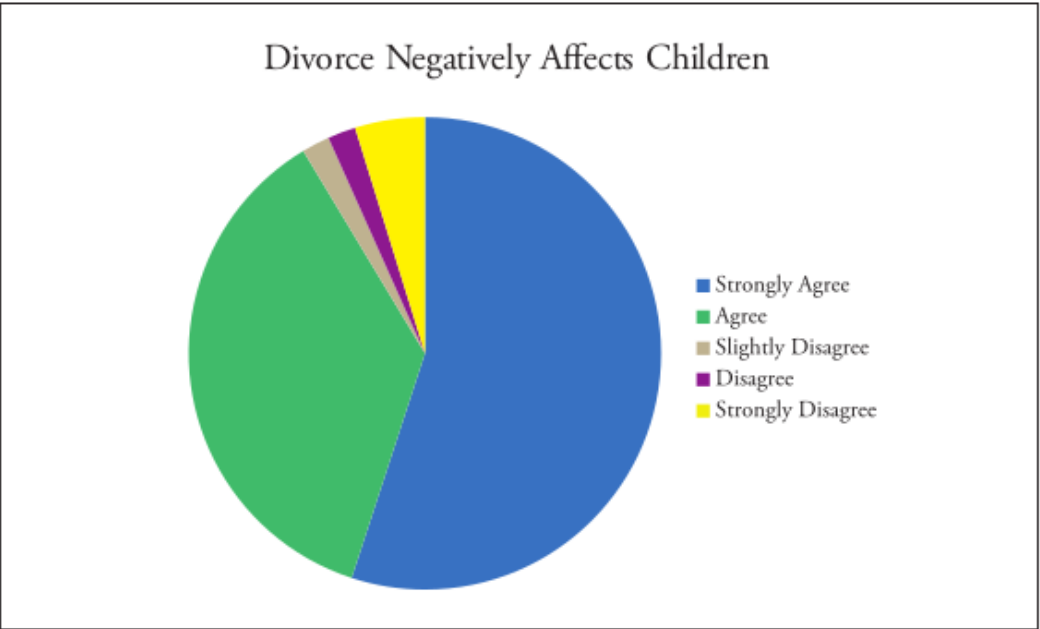
Inline, Fauzi (2017: 100) stated that the high divorce rate in Aceh, especially in the middle regions, is caused by infidelity, economic difficulties, third party intervention, early marriage, lack of communication or miscommunication, lack of trust and, not having the same principles in life.

The Effects of the Increasing Divorce Rates in Aceh and South Sulawesi

A divorce is a *halal* (legal) act that hated by Allah. However, it is undeniable that the divorce rate in Indonesia is among the highest in the Asia Pacific. This condition certainly has negative effects. Inline, this study found that divorce negatively affects children, families, communities, society and nations.

The Effect on Children

The majority of this study respondents agreed that divorce negatively affected children. The questionnaire showed that 57.5% of respondents strongly agreed, and 38% of respondents agreed with the finding of this research. While the other 2% slightly disagreed, 2% disagreed and, 5% strongly disagreed, as presented in the figure below:

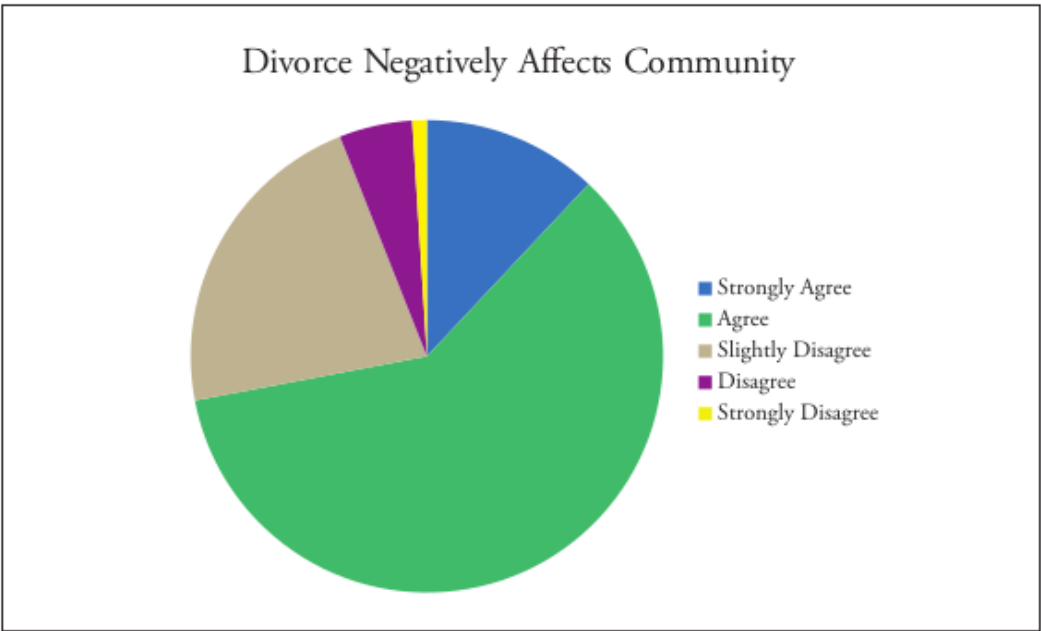


Fauzi (2017: 100) added divorces negatively affected children in term of parenting if the divorce caused by husband-wife disputes. This negative effect, under certain conditions, requires older children to bear the responsibility of their younger siblings. Certainly, this situation might harm the future of children in term of their education, economic condition and psychology. However, interestingly, the child custody issues could be discussed between husband and wife through the Gampong

(village) Judicial Council in Aceh. A similar situation also found in the State of Sabah, Malaysia, where the Suluh Council mediated the child custody right between the divorced parents (Jakfar and Baharuddin, 2018: 195; Kasim and Nurdin, 2020: 376).

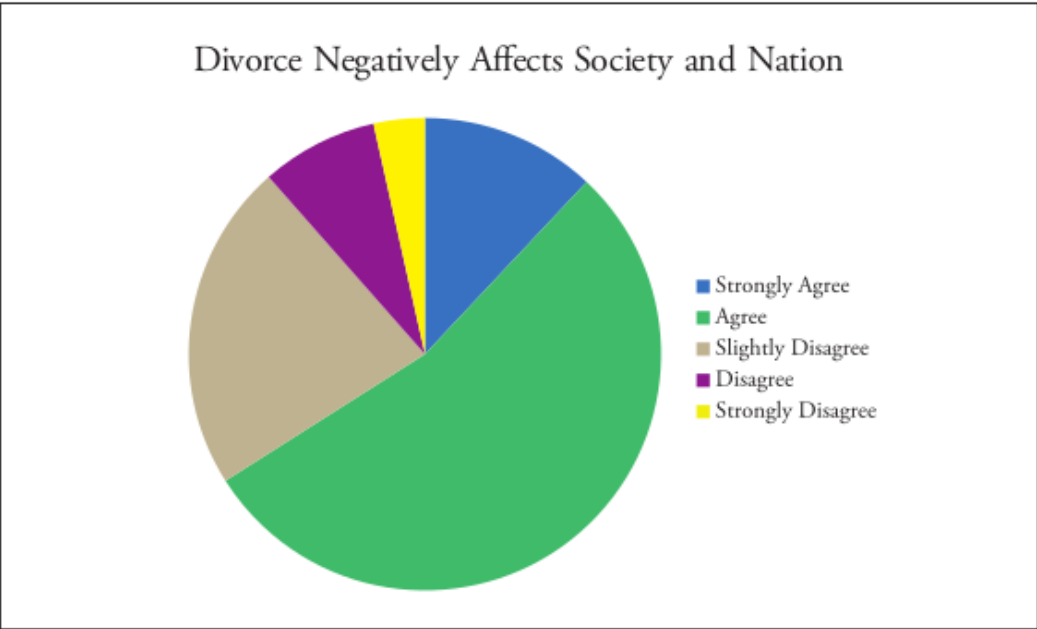
The Effect on Community

Divorce also considered a negative effect on the community. According to this study, the questionnaire showed that 60% of respondents agreed and 12% strongly agreed on the undesirable effects of divorce on the community. There were only small numbers of respondents who did not support the opinion on divorce's impact on the community (22% slightly disagree, 5% disagree and, 1% strongly disagree). The details illustrated in the chart below:



The Impact on the Society and the Nation

Even though divorce is a family and private matter, but the effects caused by divorce might affect Society and Nation in general. The questionnaire employed in this study showed that most of the respondents have a similar opinion. There were 12% of respondents strongly agreed and, 54% agreed with the perspective. On the other hand, 22.5% slightly disagreed, 8% disagreed and, 3.5% strongly disagreed, as showed in the figure below:

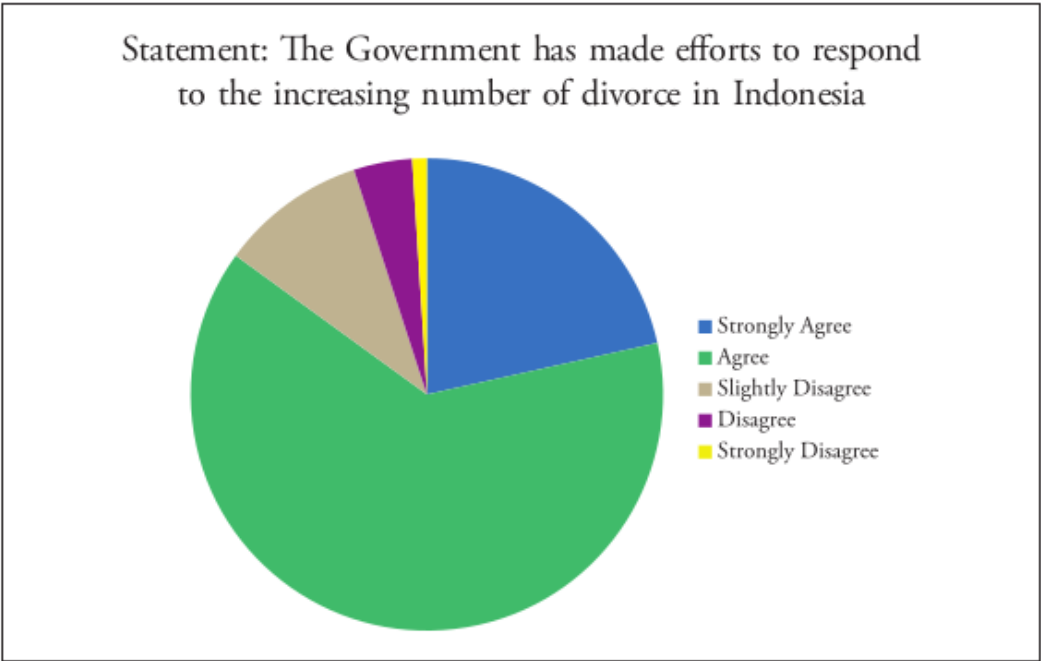


As discussed before, children might become the victims of the divorce's undesirable impact. For instance, children will be neglected, socially and psychologically unstable. Therefore, according to Salim (2009: 71), the religious judges in Aceh and South Sulawesi decide to use *Kompilasi Hukum Islam* (Islamic law), or known as KHI, as the reference to solve the issues of child custody issues. All judges stated that the judicial process related to child custody should be referred to the provisions contained in the KHI. When the child is underage, child custody is on the mother's side. However, when he/she comes to age, he/she may choose between being with his mother or father.

In addition, another impact of divorce is that it will lead to the fragility of family resilience in society. So that social problems or social pathology will increase, such as a stressed wife, single parent, which will make the burden of life become uncontrollable and eventually lead to suicide. The issue of family resilience and social pathology will have implications for the stability of the society and the nation because a society that not supported by a strong community and family will produce a weak nation that cannot compete at the global level.

The Government Role for the Increase of Divorce Rate in Aceh and South Sulawesi

The government has a central role in reducing the divorce rate in Indonesia because the central role of policymakers can be done by involving all elements and cross-sector. The majority of respondents agree that the government has made efforts to respond to the increasing number of divorces in Indonesia. The largest proportion of participants (63.5%) agreed and as much as 21.5% portion strongly agreed. There were a small number of respondents (10%) who slightly disagreed, 4% disagreed and only 1% portion strongly disagreed about the government's efforts in reducing the divorce rate. Further details can be seen in the following chart:



If the majority of respondents believe that the government has made efforts to respond to the increased rate of divorce in Indonesia, then what efforts have been made by the government so far? The answer to this question can be seen in the percentage of respondents' answers when asked several related questions.

Pre-Marriage Course

One of the efforts made to reduce the number of divorces is by providing counselling before the couples officially married to help them prepare for their marriage. According to Husrina, a marriage officiant at the Office of the Ministry of Religious Affairs of Maros Regency, South Sulawesi, what the government is doing is to provide pre-marriage course (interview, 10 July, 2019). This pre-marital counselling is considered a serious effort by the government in responding to the high divorce rate in Indonesia. This is following with the results of the questionnaire showing that 46% of the respondents strongly agreed, 48% agreed, 5% slightly disagreed, 1% disagree and none was strongly disagreed. The details can be seen in the following chart:



Referring to the Regulation of the Directorate General of Islamic Community Guidance No. DJ.II/542 of 2013 concerning the Guidelines for the Implementation of Pre-Marriage Courses, Article 1 states that: (1) Pre-marriage courses are the provision of knowledge, understanding, skills and awareness growth to adolescents of marriageable age about domestic and family life. Furthermore, in Article 2 it is emphasized that this pre-marriage course is intended to increase understanding and knowledge of household or family

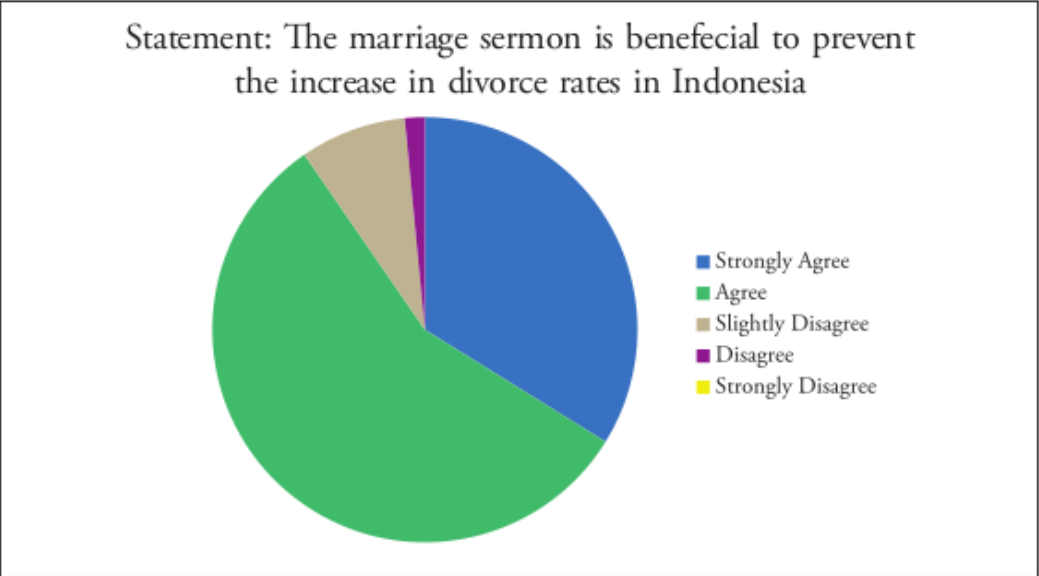
life in realizing a *sakinah, mawaddah, wa rahmah* (happy, loving and supportive) family and reducing the number of disputes, divorces, and domestic violence.

So, why are divorce cases in Indonesia still very high in number? One of the answers turns out to be the implementation of the pre-marriage course in the field which has not been maximized. The Ministry of Religious Affairs in many cities including Gowa Regency and Maros Regency in South Sulawesi Province and Banda Aceh, Lhokseumawe City and Central Aceh Regency in Aceh Province does not effectively implement the program because of the limitation of budget. According to Juniazi, Head of the Public Relations Sub-Section of the Ministry of Religious Affairs Banda Aceh, they have been trying to implement the program, but it is very limited in nature and it is adapted to a very limited budget. The pre-marital course that has been carried out is only as a recommendation not as a necessity (interview, 14 July 2019).

Unlike in the cities mentioned before, in Makassar, the implementation of the pre-marriage course has been running relatively well by routinely implementing the course. The Ministry of Religious Affairs of Makassar even made a policy requiring brides and grooms to take pre-marriage courses (it has been called the Marriage Guidance Program since 2017). According to Arsyad, the government requires the brides and grooms to show the certificate informing that they have participated in the pre-marital course before they can acquire the marriage certificate (interview, July 3 2019).

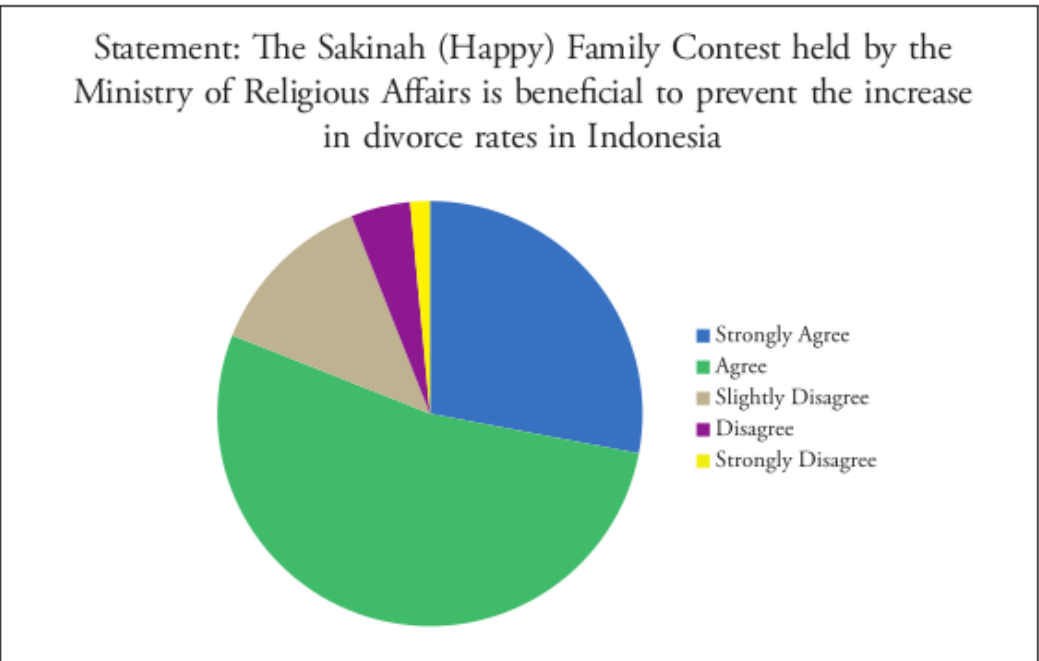
Marriage Sermon on Family Strengthening and Divorce Prevention

Another serious effort made by the government is to make marriage sermons contain more family strengthening and divorce prevention materials. It is considered essential to prevent the increase of the divorce rate in Indonesia. This is following with the results of the questionnaire which shows that More than 85% of the participants believe the materials presented in the sermons can help prevent divorce. Meanwhile, about 8% of respondents slightly disagreed and 1.5% disagreed with the questions and no one strongly disagreed. More details are shown in the pie chart.



Conducting a *Sakinah* (Happy) Family Contest

Asy'ari, the Head of the Islamic Community Guidance Section at the Ministry of Religious Affairs Lhokseumawe, said that what a competition (*Sakinah* Family) has been held by the government to respond to the high divorce rate (interview, 13 July 2019). The results of the questionnaire analysis show that as much as 28% portion strongly agreed and 53% agreed. On the other hand, 13% slightly disagreed, 4.5% disagreed and 1.5% strongly disagreed with the statement. More about this can be seen in the following chart:



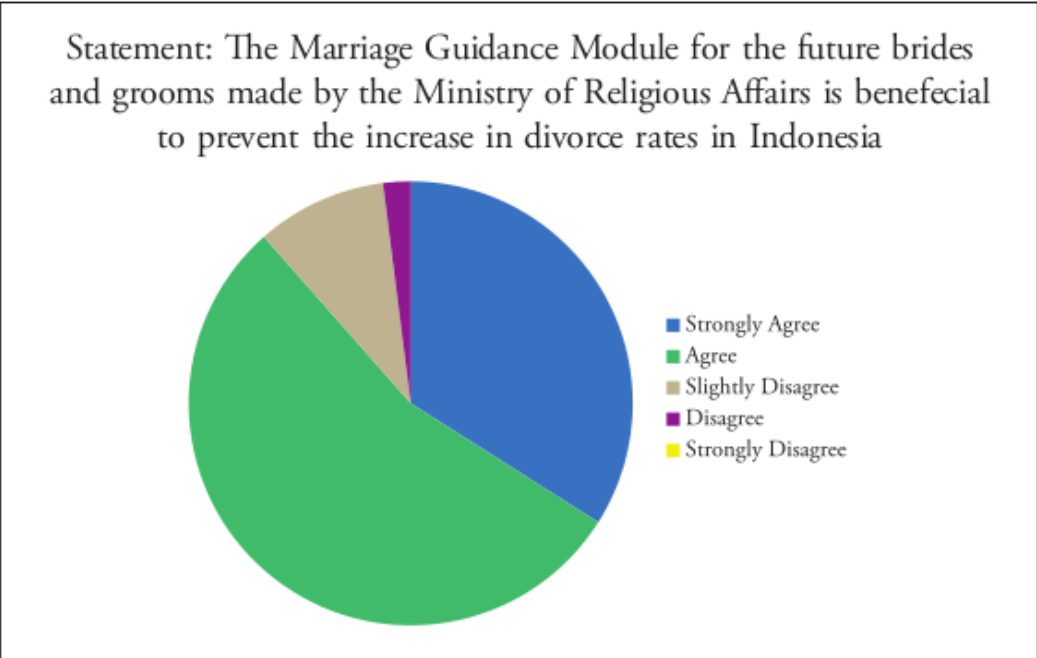
As stated in the Regulation of the Directorate General of Islamic Community Guidance No. DJ.II/191 of 2011 concerning the instructions for the implementation of *sakinah* (happy) family selection, it is agreed that the background for the implementation of this contest is that the family as the smallest unit is important in the formation and development of the happy family. The family will shape character and influence society. If the character in that smallest unit is good then it will have a positive effect on the society and vice versa. The character of each person in the family will also have a wide impact and will even transform into the character of the nation. The community that is built from *sakinah* families is the *marhamah* (loving) community which in turn forms a nation that is *baladatun tayyibatun wa rabbun ghafur* (a blessed land and the Oft-Forgiving Lord). To have *sakinah* nation, a good model is needed. This is important because it will be emulated, followed and imitated by the community at large and this will have a good impact on the creation of good national character in the midst of the widespread of cultural influences that are not in accordance with noble values of religion and *akhlakul karimah* (morality/noble characters) as a negative effect of globalization and the advances in science and information technology today.

This is the background to run the *Sakinah* Family Contest in stages starting from the sub-district level, district/city level, and provincial level to the national level. The general objective of the the *Sakinah* Family selection is to create an example for Indonesian Muslim families in founding a *sakinah mawaddah warahmah* family through inculcating the values of religious teachings and *akhlakul karimah* (morality/noble characters) as well as the social value.

Designing the Marriage Guidance Module for Future Bride and Groom

The next attempt to respond to the increase in the divorce rate in Indonesia according to Ahmad Marjan, Head of Islamic Community Guidance Section of Central Aceh Regency, is to make a marriage guidance module for the future brides and grooms (interview, 18 July 2019). This module is considered a serious effort by the government in responding to the high divorce rate in Indonesia. The questionnaire analysis shows that 34% of the respondents strongly agreed and as much

as 54.5% proportion agreed. Meanwhile, those who slightly disagreed and disagreed are account for 9.5% and 2% respectively and none of the respondents strongly disagreed with the statement. The data can be seen in more detail in the following chart:



The contents of the marriage guidance module for prospective brides and grooms have been completely and carefully prepared by the Directorate of Religious Affairs and the *Sakinah* Family and the Directorate General of Islamic Community Guidance of Indonesia in collaboration with the Research and Development Center for Religious Guidance and Agency of Research, Development, Education and Training of the Ministry of Religion of the Republic of Indonesia. In general, this module contains 2 modules. According to Munawwarah (2017), the contents of the module are, first Module a contains: session 1. Introduction and study contract; session 2. Preparing a strong marriage towards a *sakinah* family; session 3. Managing the dynamics of marriage in the family; and session 4. Meeting family needs.

The Second Module contains: session 1. Maintaining the family's reproductive health; session 2. Preparing a quality generation; Session 3. Managing conflict and building family resilience; Session 4. Reflection and evaluation.

According to the reality, the government has made various efforts to suppress divorce rates, through pre-marital guidance, marriage sermons and family strengthening, *Sakinah* Family competitions, and marriage guidance modules for prospective brides. In addition, the mediation process between the parties who wish to divorce by the judges in the judiciary as a mediator has also been carried out. In the context of the sociology of law, the functions and roles of the government represented by the Ministry of Religious Affairs and judges in the judiciary are social actors to maintain the social system. It is important to continue to maintain this social system so that the social order and the negative impact of divorce can be minimized.

Although the rate of increase in divorce cannot be drastically reduced, its negative impact can be anticipated through the presence of the government which provides marriage guidance to families or prospective brides. Likewise, the judiciary provides consideration for the protection of children and wives. Thus, family resilience will be maintained and will have an impact on the resilience of the nation and state as well.

Conclusion

Based on the results of the discussion, a number of conclusions were made. The factors affecting the increasing number of divorce in Indonesia, especially in Aceh and South Sulawesi, include economic and education factors, lack of religious understanding, social media, early age marriage, and lack empathy of spouse rights and responsibilities. The high divorce rate in Indonesia has many negative impacts on children, families, countries, and nations. In responding to the high rate of divorce in Indonesia, the government has made several efforts, including implementing pre-marital guidance, making marriage sermon materials that contain family strengthening and divorce prevention, running *sakinah* family competitions, and making marriage guidance modules for prospective brides. According to the sociology of law theory, the functions and roles of the government represented by the ministry of religion and judges in the judiciary are social actors to maintain the existing social system in society. This social system needs to be maintained so that the social order and the negative impacts of divorce can be anticipated.

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