

Factors Influencing the Increase in *Khulu's* Divorce: A Case at the Jember Religious Court (2021-2023)

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Abstract: Divorce cases in Jember Regency over the past three years have reached a fantastic number and are among the highest in East Java. This study aims to find the causes of the high number of divorce lawsuits (*khulu'*) in the Jember Religious Court, its implications and alternative solutions to reduce this phenomenon. This study is classified as qualitative research with a case study approach. Data were obtained through interviews with several religious court officials, court documentation, leading journals and information from other reliable sources. The results of the study indicate that economic problems and constant quarrels are the main factors among a number of factors that encourage the emergence of divorce lawsuits. The implication of this case is the neglect of *hadlānah* issues and the fulfillment of ex-wives' rights by ex-husbands. In examining *khulu'* cases, judges tend to choose the *al-tafriq al-Qadlā* scheme which allows them to protect the rights of ex-wives while requiring ex-husbands to meet the needs of children (*hadlānah*) and the *'iddah* maintenance of his ex-wife. Furthermore, to reduce the increase in divorce cases, there are three solutions can be taken. First, cooperate with zakat institutions to help overcome family economic problems, especially families who are in court. Second, increasing the role of the Job Training Center to equip husbands and wives with soft skills and hard skills so that they can earn a living. Third, maximizing family guidance at the Religious Affairs Office (KUA) for prospective brides and grooms, including those who are already married, to realize family resilience in facing various household problems.

Keywords: contested divorce, *khulu'*, Islamic marriage law, family and economic influence, roles of social institutions

Abstrak: Kasus perceraian di Kabupaten Jember selama tiga tahun terakhir mencapai angka yang fantastis dan termasuk yang tertinggi di Jawa Timur. Penelitian ini bertujuan untuk mencari penyebab tingginya angka cerai gugat (*khulu'*) di Pengadilan Agama Jember, implikasinya dan solusi alternatif untuk menekan fenomena tersebut. Penelitian ini tergolong penelitian kualitatif dengan pendekatan studi kasus. Data diperoleh melalui kegiatan wawancara kepada beberapa pejabat Pengadilan Agama, dokumentasi pengadilan, jurnal-jurnal terkemuka dan informasi dari sumber lain yang dapat dipercaya. Hasil penelitian menunjukkan bahwa masalah ekonomi dan pertengkaran yang terus menerus merupakan faktor utama di antara sejumlah faktor yang mendorong timbulnya kasus cerai gugat. Implikasi dari kasus tersebut adalah diabaikannya masalah *hadlānah* dan pemenuhan hak mantan istri oleh mantan suami.

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Hakim dalam mengadili perkara *khulu'* cenderung untuk memilih skema *al-tafriq al-Qadlā* yang memungkinkan mereka untuk melindungi hak-hak mantan istri sekaligus mewajibkan mantan suami untuk memenuhi kebutuhan *hadlānah* anak dan nafkah *'iddah* mantan istriya. Selanjutnya, untuk menekan meningkatnya kasus perceraian ada tiga solusi yang dapat ditempuh. Pertama, bekerja sama dengan lembaga zakat untuk membantu mengatasi persoalan ekonomi keluarga, terutama keluarga yang sedang berperkar di pengadilan. Kedua, meningkatkan peran Balai Latihan Kerja untuk membekali suami dan istri dengan *soft skill* dan *hard skill* agar mereka dapat mencari nafkah. Ketiga, memaksimalkan bimbingan keluarga di Kantor Urusan Agama (KUA) bagi calon pengantin, termasuk yang sudah menikah, untuk mewujudkan ketahanan keluarga dalam menghadapi berbagai persoalan rumah tangga.

Kata kunci: cerai gugat, *khulu'*, hukum perkawinan Islam, keluarga dan pengaruh ekonomi, peranan lembaga sosial

Introduction

From 2015 to 2021, the number of divorce cases in East Java was recorded at 557,447, consisting of 175,034 divorce cases and 382,413 *khulu'* divorce cases. Of that number, 59,176 cases occurred in Jember Regency, consisting of 17,295 divorce cases and 41,881 divorce cases. This number places Jember as the district with the most divorce cases in East Java Province. Meanwhile, in 2021, from January to August, the number of divorce cases at the Jember Religious Court (PA) was recorded at 3,888 cases, consisting of 1,053 divorce cases while 2,835 cases (73%) were divorce cases.¹

The high number of divorce cases in Jember Regency raises many questions, considering that Jember Regency is known as the city of Santri because it has a fairly large number of Islamic boarding schools. In fact, with the many religious educational institutions in this district, Jember Regency can be an area with minimal family conflict because its residents have a deep understanding of religious teachings. However, the reality is not so, in fact in this Regency the divorce cases are so high, even higher than in other regencies in East Java province.

¹ Maman Abdurrahman, "5 Kabupaten di Jawa Timur Yang Paling Tinggi Angka Perceraianya," March 25, 2021, <https://Qobiltu.Co/5-Kabupaten-Di-Jawa-Timur-Yang-Paling-Tinggi-Angka-Perceraianya/#:-:Text= Dari%20kasusKasus%20perceraian%20ini%2c%20qobiltu%20membuat%20rangking%205,17.295%20dan%20kasus%20cerai%20gugat%20sebanyak%2041.881%20kasus> accessed on December 8, 2023.

Divorce can indeed occur due to several factors. According to the Compilation of Islamic Law (KHI), divorce decided in the Religious Court can arise due to several reasons, namely:

- a. One party commits adultery or becomes a drunkard, drug addict, gambler, and so on which are difficult to cure.
- b. One party leaves the other party for 2 (two) consecutive years without the permission of the other party and a valid reason or for other reasons beyond his/her ability.
- c. One party is sentenced to 5 (five) years in prison or a heavier sentence after the marriage takes place.
- d. One party commits cruelty or serious abuse that endangers the other party.
- e. One party gets a physical disability or illness with the result that he/she cannot carry out his/her obligations as a husband/wife.
- f. Between husband and wife there are constant disputes and quarrels and there is no hope of ever living in harmony at home again.

These seven factors are often the reasons why married couples decide to separate and that become the basis for judges' considerations in accepting or rejecting their divorce applications.²

Divorce cases are always interesting for researchers to study. Among the many previous studies that discuss divorce, one of them is a study written by Siti Nurjanah. This study shows that among several facts that often disrupt the harmony and sustainability of household life are economic problems, irresponsible husbands, and differences in principles between husband and wife that are difficult to reconcile.³ The next study is by Nurul Adhha who found three main factors causing divorce in the city of Padang, namely, one of the partners does not carry out his responsibilities, prolonged conflict, and a disharmonious family atmosphere.⁴

² Muhammad Arifin Badri, "Perceraian Menurut Kompilasi Hukum Islam (KHI) dan Fiqh," *Jurnal El-Qanuniy: Jurnal Ilmu-Ilmu Kesayariaban dan Pranata Sosial*, 4.2 (2018): 157–70, <https://doi.org/10.24952/El-Qanuniy.V4i2.2385>.

³ Siti Nurjanah, 'Divorce and Its Impact on Custody of Minors Using Islamic Law Perspectives', *Al-Istinbath: Jurnal Hukum Islam*, 7.1 (2022): 119–40 <<https://doi.org/10.29240/jhi.v7i1.4156>>.

⁴ Nurul Adhha, 'Analysis of Causes of Divorce in the Perspective of Islamic Law: A Case

Still on the same topic, the next study was conducted by Derry Angling Kesuma and Rohman Hasyim who succeeded in identifying several factors causing divorce, including economic limitations, infidelity/adultery, polygamy, insanity, disability, gambling, drunkenness, domestic violence, forced marriage, apostasy, being sentenced to prison, leaving one of the parties, and continuous disputes or quarrels.⁵ Similar factors were also found by Layya Azzahwa et al., who showed that economic limitations, constant disputes and quarrels, and husbands/wives simply leaving their partners were the factors that most influenced household life and caused divorce.⁶

On the other hand, Asna Husin, through her research, concluded that the complexity of marriage and religious, social, and personal reasons including chronic health problems were high-risk factors when combined with economic deprivation.⁷ Meanwhile, Abdullah et al., through research among Muslim families in Makassar, concluded that the prevalence of divorce was not only caused by theological reasons, but also because of economic problems, because they did not have children, and a very minimal and low understanding of the family world.⁸

Furthermore, in a broader scope, Ali Trigiyatno and Sutrisno compared the provisions of procedural law in five Muslim countries, namely: Indonesia, Bahrain, Sudan, Qatar, and Morocco'. They found that judges in these countries agreed that divorce petitions could be granted if the wife experienced severe physical or psychological suffering, there

Study in the Class 1 A Religious Court of Padang', *Al-'Adalah*, 16.1 (2019): 89–114 <<https://doi.org/10.24042/adalah.v16i1.2305>>.

⁵ Derry Angling Kesuma And Rohman Hasyim, "Analisis Faktor Penyebab Tingginya Angka Cerai Gugat Pada Masa Pandemi Covid-19 di Kota Palembang," *Jurnal Hukum Tri Pantang*, 7.1 (2021): 13–26, <https://doi.org/10.51517/Jhttp.V7i1.294>.

⁶ Layyaazzahwa Layya et al., "Analisis Faktor Penyebab Tingginya Angka Cerai Gugat di Pengadilan Agama Sumber Kelas 1A," *Al Naqdu: Jurnal Kajian Keislaman*, 2.1 (2021): 1-8 <http://www.jurnal.iaicirebon.ac.id/index.php/alnaqdu/article/view/15>.

⁷ Asna Husin, 'Falling Out of Love: Divorce of Three Acehnese Ubanan Couples in the Islamic Law Perspective', *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 7.3 (2023): 1868–96 <<https://doi.org/10.22373/sjhk.v7i3.19433>>.

⁸ Abdullah Abdullah and others, 'The Impact of Theological Interpretations on Divorces within Muslim Families in Makassar City, Indonesia', *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 8.1 (2024): 339–60 <<https://doi.org/10.22373/sjhk.v8i1.20621>>.

was valid and convincing evidence, and the judge's obligation to reconcile the disputing couple before deciding to accept or reject the petition.⁹

In addition to the studies above, many other studies examine the same problem, including research by Atika Fitri, et al., which examined the judge's considerations in deciding divorce cases, and the research by Soraya Devy, et al., which examined cases of drug users and their relation to divorce.¹⁰

From the previous studies, the author has not yet found in-depth studies of the factors causing divorce, especially those concerning solutions that can be applied to deal with the implications of divorce cases as well as efforts that can be taken to reduce the high number of divorce cases. These last two issues will be developed and become a point of novelty in this study.

Research Method

This research is included in the qualitative research group with a case study approach. A case study is designed to investigate in depth an activity, program, event, or process of one or more individuals with various data collection procedures over time.¹¹ The data were collected by interviewing several Religious Court officials: judges, clerks, and mediators, including case reports at the Jember Religious Court between 2021-2023. In addition, the author also uses other supporting data in the form of articles published in scientific journals and online media. The data is then processed and analyzed to obtain conclusions.

⁹ Ali Trigiyanoto and Sutrisno Sutrisno, 'Dharar as a Reason for Divorce Lawsuit in Fiqh and Legislation of Some Muslim Countries: Study on Indonesia, Bahrain, Sudan, Qatar, and Morocco', *Al-Istinbath: Jurnal Hukum Islam*, 7.1 (2022): 203–22 <<https://doi.org/10.29240/jhi.v7i1.3368>>.

¹⁰ Soraya Devy, Amrullah Amrullah, and Utari Zulfiana, 'Divorce Petition Against Drug User Husband: Case Study of Kuala Simpang Syar'iyah Court Decision, Aceh Tamiang', *El-Ushrah: Jurnal Hukum Keluarga*, 6.2 (2023): 281–97 <<https://doi.org/10.22373/ujhk.v6i2.120>>.

¹¹ Arya Priya, 'Case Study Methodology of Qualitative Research: Key Attributes and Navigating the Conundrums in Its Application', *Sociological Bulletin*, 70.1 (2021): 94–110 <<https://doi.org/10.1177/0038022920970318>>.

***Khulu'* Divorce in Islamic Jurisprudence**

In Islamic Law, there are two divorce schemes, namely *khulu'* and *talaq*. *Khulu'* is a divorce initiated by the wife; while *talaq* is by the husband. Etymologically, *khulu'* is divided into four types, namely *al-khulu'*, *al-fidyah*, *al-shulh*, and *al-mubâra'ah*. Although these terms are different, basically all of them have the same meaning, namely a woman gives ransom for her husband's divorce. In a more specific, *khulu'* means a wife returns all of her husband's gifts (dowry); *al-shulh* means returning part of the dowry, *al-fidyah* means returning more than half of the dowry, and *al-Mubâra'ah* is a woman relinquishing all her rights to her husband.¹²

Furthermore, the scholars of the madzhab provide various definitions of the term *khulu'*. According to the Hanâfi school of thought, *khulu'* means releasing ownership of the marriage which lies in the wife's consent by saying the word *khulu'* or something similar.¹³ According to the Mâliki school, *khulu'* is divorce with ransom or with the word ransom. So there is no difference between *khulu'* and divorce with property.¹⁴ According to the Shâfi'i school, *khulu'* is separation with ransom returned to the husband by the word divorce or *khulu'*.¹⁵ Meanwhile, according to the Hambali school, *khulu'* is the separation of husband and wife with the ransom and by using special phrases. This definition shows that the Hambali school distinguishes between *khulu'* and divorce with property. From these definitions above, it can be concluded that *khulu'* is separation by using the word *khulu'*, or something similar, in return for the ransom of property.¹⁶

According to jumhur ulama, the original law of *khulu'* is *makrûh* (a hated act) because *khulu'*, as emphasized by al-Sharbini al-Khâtib, contains elements of destroying marriage whereas marriage is something

¹² Muhammad Ibn Ahmad Ibn Muhammad Ibn Ahmad Ibn Rusyd, *Bidâyah al-Mujtahid Wa al-Nihâyah al-Muqtasid*, 2nd Ed. (Beirut: Dâr Ibn Hazm, 2006), p. 447.

¹³ Amir Said al-Zibary, *Abkâm al-Khulu' Fî Shari'ah al-Islâmiyah*, 1st Ed. (Beirut: Dâr Ibn Hazm, 1997), p. 49.

¹⁴ Amir Said al-Zibary, p. 50.

¹⁵ Amir Said al-Zibary, p. 51.

¹⁶ Amir Said al-Zibary, p. 53.

that is recommended for everyone to do. Ibn al-Humam and Ibn Hadzm even argued that laws of *khulu'* origin are haram unless there is a need to do so.¹⁷ The basis of the opinion that forbids *khulu'* is the words of the Prophet *Sallallâhu 'Alaihi Wasallam* which means "Any woman who asks her husband for a divorce without a justifiable reason, it is forbidden for her to smell heaven." (Narrated by Abû Dâwûd).¹⁸

The Qur'an, however, allows *khulu'* through the words of Allah, "If you (guardians) are worried that both of them are unable to carry out the limits (provisions) of Allah, then neither of them is guilty of the payment (must) be given (by the wife) to redeem herself."¹⁹ Another basis for this belief regarding *khulu'* is the hadith narrated by Ibn Abbâs which tells "that the wife of Tsâbit bin Qâis came to the Prophet PBUH, and said, 'O Messenger of Allah, I do not criticize the morals and religion of Tsâbit bin Qâis. However, I would hate to fall into disbelief after converting to Islam'. Then Rasulullah PBUH said, 'Are you willing to return to the garden? He replied: 'Of course'. Then the Messenger of Allah said to Tsâbit bin Qâis: 'Accept the garden and divorce her with one divorce.'" (Narrated by al-Bukhâri).²⁰

Khulu' is a form of justice in Islamic law. This can be seen from the control of divorce which is in the hands of the husband, so that when the husband no longer has a good relationship with his wife or other strong reasons, a husband can divorce his wife. On the other hand, for a wife, if she feels that she is no longer able to live with her husband, then the sharia provides an opportunity for her to free herself from her husband through the path of *khulu'*.²¹ Although Islamic Sharia provides an opportunity for a wife to separate from her husband, certain requirements must be observed. This is based on the basic principle that divorce is something *makrûh* (hated) in Islam especially if it is done

¹⁷ Amir Said al-Zibary, p. 66-67.

¹⁸ Sulaiman Ibn al-'Ats al-Sijistani al-Azdi, *Sunan Abû Dawud*, 1st Ed., Vol. 2 (Beirut: Dâr Ibn Hazm, 1997), No. 2226.

¹⁹ Q.S. al-Baqarah [2]: 229.

²⁰ Abû Abdillah Muhammad Ibn Ismail Ibn Ibrahim Ibn al-Mughîrah al-Ju'fy al-Bukhâri, *al-Jâmi' al-Shahîh*, 1st Ed., Vol. 2 (Jeddah: Dâr al-Minhaj, 1422), No. 5273.

²¹ *al-Jâmi' al-Shahîh*, p. 64.

without a Sharia reason. Therefore, although the right to issue a divorce is the right of the husband and *khulu'* can be done by the wife, it does not necessarily mean that all of that can be done without any reason justified by the Shari'a.²²

There are several conditions determined by the Shari'a to make *khulu'* valid to be done. First, if there is a defect in the husband that makes the wife dislike him or not feel compatible with him. This happened when Rasulullah PBUH was still alive, namely regarding Abdullah bin Ubay's sister, who hated her husband because of his physical disability.²³ Second, if the husband is reluctant or refuses to have intimate relations (*jimâ'*) with his wife or hurts her in other ways without a justifiable reason. This is like what happened to Habibah bintu Sahl, who was beaten by her husband, Tsâbit bin Qâis, until she broke her bones, then she sued for *khulu'* in front of the Prophet PBUH.²⁴ Third, if the wife is worried about falling into the sin of disobedience to her husband by disobeying his orders which she does not like. This case also happened to the wife of Tsâbit bin Qâis who sued her husband for *khulu'* in front of Rasulullah PBUH.²⁵ Fourth, if there is something about her husband that she hates.²⁶ Just as it is permissible for a husband to divorce his wife if he sees something that he hates about her, likewise the Shari'a allows a wife to sue for *khulu'* if there is something that she hates about her husband.

On the other hand, several conditions allow a husband to force his wife to demand *khulu'* and ask for ransom from her, namely: a. if there is a continuous dispute between the wife and husband and they do not find a solution to the problem; b. if the wife commits a heinous act (adultery); c. if the wife commits *nusyûz* (disobedience) or does not obey the husband's orders and does something that makes the husband angry.²⁷

²² Linda Azizah, "Analisis Perceraian dalam Kompilasi Hukum Islam," *Al-'Adalah*, 9.2 (2017): 415–22, <https://doi.org/10.24042/Adalah.V10i2.295>. Also refer to al-Zibary, *Abkâm al-Khulu' Fi Shari'ah al-Islâmiyah*, p. 66-67.

²³ Al-Zibary, *Abkâm al-Khulu' Fi Shari'ah al-Islâmiyah*, p. 74.

²⁴ *Abkâm al-Khulu' Fi Shari'ah al-Islâmiyah*, p. 74.

²⁵ *Abkâm al-Khulu' Fi Shari'ah al-Islâmiyah*, p. 74.

²⁶ *Abkâm al-Khulu' Fi Shari'ah al-Islâmiyah*, p. 74.

²⁷ *Abkâm al-Khulu' Fi Shari'ah al-Islâmiyah*, p. 74.

Legal Consequences of *Khulu'*

The scholars of the madzhab agree that the legal consequence of *khulu'* is *ba'in*, namely the end of the marriage without any right of reconciliation for the husband.²⁸ However, they differ on whether *khulu'* can be categorized as divorce (*talaq*) or *faskh* (cancellation). The scholars who view *khulu'* as divorce include: 'Uthmân ibn 'Affân, Ibn Mas'ûd, 'Alî Ibn Abî Thâlib, and it is also narrated from Sa'id bin Mussayyib, al-Hasan al-Bashri, and others. Also included in this group are the Hanâfiyah Ulama, Mâlikiyah, Imâm Shâfi'i, in his new opinion, Imâm Ahmad, in one of his narrations, and the Zâhiri school of thought. Meanwhile, the 'ulama who believe that *khulu'* is *faskh* is Ibn Abbâs, Ibn 'Umar, Thawus, and Abû Tsa'ur. This opinion is also the old opinion of Imâm Shâfi'i and Imâm Ahmad, which is the opinion of the Hambali school followed by al-Shaukani.²⁹ The consequences of the differences of opinion above may influence the status of *khulu'*: If *khulu'* is considered a *talaq*, then it will reduce the number of *talaqs* the husband has (three times). On the other hand, if *khulu'* is considered *faskh*, then the husband's right to count *talaq* is not reduced. In other words, if *khulu'* is viewed as a *talaq* divorce, then the husband can only give divorce no more than twice because the number of divorces he has been reduced. However, if *khulu'* is considered *faskh*, even though the husband pronounces divorce many times, then the divorce is considered once.

Another consequence is related to the duration of menstruation. For the scholars viewing that *khulu'* as divorce, then the '*iddah* (duration of waiting) of the woman is the '*iddah* of divorce, which is three times menstruation. On the other hand, for those who argue that *khulu'* is *faskh*, the '*iddah* that applies is only one menstruation, better known as *istibrâ'* (emptying the uterus during one menstruation).³⁰

²⁸ *Abkâm al-Khulu' Fi Shari'ah al-Islâmiyah*, 230.

²⁹ *Abkâm al-Khulu' Fi Shari'ah al-Islâmiyah*, 223.

³⁰ *Abkâm al-Khulu' Fi Shari'ah al-Islâmiyah*, p. 240.

***Khulu'* in Indonesian Marriage Law**

According to Article 73 of Law Number 7 of 1989 concerning Religious Courts, a divorce lawsuit (*khulu'*) is a lawsuit filed by the plaintiff (wife) or her attorney to the court to divorce the defendant (husband). Divorce lawsuit (*khulu'*) is one form of divorce that is institutional in nature, namely the wife ends the marriage bond with her husband by giving *iwâdl* (ransom). The concept of *iwâdl*, based on the law, has changed to *taqnîn, iwâdl*. Here, the ransom that was originally given to the man was transferred to the court based on the Decree of the Minister of Religious Affairs of the Republic of Indonesia Number 411 of 2000 concerning the Determination of the Amount of *iwâdl* (which is IDR 10,000,-). The court considered that the *khulu'* fee contained gender justice or gender responsiveness.³¹

In addition, marriage law in Indonesia also adheres to the preventive principle which aims to maintain the integrity of the household. This preventive principle is implemented by complicating the divorce process so that the party filing for divorce will think twice about continuing the lawsuit or even canceling their intention to divorce.³² Apart from that, the divorce process is only accommodated if it is carried out in a court hearing, where the case examination is carried out after the judges have made efforts to reconcile the parties through a mediation forum. This provision is as stated in Article 115 of the KHI that, "divorce can only be carried out in front of a court hearing after the court concerned has tried and failed to reconcile the two parties." In addition, a divorce suit will be accepted if the reasons given are strong enough and illustrate that the husband and wife can no longer live in harmony in the household.³³

Moreover, article 116 of the KHI details several reasons that can be accommodated by the Religious Court as grounds for divorce, namely:

³¹ Ahmad Rezy Meidina, 'Meninjau Ulang Iwadh Khuluk Perspektif Keadilan Gender', *Al-Manahij: Jurnal Kajian Hukum Islam*, 16.1 (2022): 77–90 <<https://doi.org/10.24090/mnh.v16i1.6027>>.

³² Erwin Hikmatiar, "Nafkah Iddah Pada Perkara Cerai Gugat," *Mizan: Journal of Islamic Law*, 4.1 (2018), 131–72 <https://doi.org/10.32507/Mizan.V4i1.178>.

³³ Erwin Hikmatiar, "Nafkah Iddah Pada Perkara Cerai Gugat"

- a. One party commits adultery, becomes a drunkard, a drug addict, a gambler and so on which is difficult to cure.
- b. One party leaves the other party for 2 (two) consecutive years without the permission of the other party and a valid reason or for other reasons beyond his/her ability.
- c. One party is sentenced to 5 (five) years in prison or a heavier sentence after the marriage takes place.
- d. One party commits cruelty or serious abuse that endangers the other party.
- e. One party has a physical disability or illness with the result that he/she cannot carry out his/her obligations as a husband or wife.
- f. There are continuous disputes and quarrels between the husband and wife and there is no hope of living in harmony again in the household.
- g. The husband violates the *taklik talak*.
- h. Changing religions or apostasy that causes disharmony in the household.

Referring to the points above, a divorce suit cannot be carried out at any will, this is in line with the principle in Islam that divorce is *makrûh* because it will cause many negative impacts.³⁴

Furthermore, as stated in Article 119 of the Compilation of Islamic Law (KHI), the vow of divorce uttered by the husband in the case of *khulu'* causes the law of *ba'in* or the termination of the marriage without any right to reconciliation.³⁵ However, if the ex-husband wants to return to his ex-wife, this is permitted but must be through a new marriage contract even though the ex-wife is still in the '*iddah*' period.³⁶ This is based on the provisions in the Compilation of Islamic Law article 155 which explains that the termination of a marriage due to *khulu'* is subject

³⁴ Lina Kushidayati, "Legal Reasoning Perempuan dalam Perkara Gugat Cerai di Pengadilan Agama Kudus Tahun 2014," *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam*, 6.1 (2016): 141–59, <https://doi.org/10.21043/Yudisia.V6i1.1482>.

³⁵ Article 119 of the Compilation of Islamic Law (KHI).

³⁶ Article 119 paragraph (b) of the Compilation of Islamic Law (KHI).

to the *'iddah* period of divorce. Furthermore, although Article 149 (b) states that women who are sentenced to divorce do not receive *nafkah* (maintenance), *maskan* (residence), and *kiswah* (clothing), this can change based on the judge's consideration. The judge can require the ex-husband to provide maintenance for 3 months to his ex-wife as is the case in the case of *raj'i* divorce. Certainly, the judge's consideration in determining maintenance for *'iddah* is to achieve justice.³⁷

Development of *Khulu's* Cases in Jember Regency and Methods of Settlement

The recent data available at the Jember Religious Court show that from January to May 2023 the number of cases registered at the institution was 2,417. Of the cases received, 2,113 have been decided, and the remaining 304 are still in the trial process.

The following is a table of divorce cases at the Jember Religious Court from 2021 to 2023.

Table 1: Recapitulation of the Number of Divorce Cases at the Jember Religious Court In 2021-2023

Year	Number of Divorce Cases		
	Talak Divorce	Contested Divorce	Total
2021	1.638	4.453	6.091
2022	1.598	4.734	6.332
2023	1.344	4.513	5.857
Total	4.580	13.700	18.280

Source: Case Statistics - Official Website of Jember Religious Court (pa-jember.go.id)

The table above shows that every year the divorce cases that enter the Jember Religious Court are always dominated by *khulu'* cases. This can be seen from the number of cases in 2021, where 27% were divorce cases by *talaq* while the remaining 73% were *khulu'* cases (divorce). Furthermore, in 2022, out of 6,332 registered cases, divorce cases by talak reached 26.2% while for divorce cases by *khulu'* the number was 74.8%. In 2023, out of

³⁷ Hikmatiar.

5,857 registered divorce cases, 23% were divorce cases by talak and 77% by *khulu'*. From the percentage above, it can also be seen that *khulu'* or divorce cases by *khulu'* during 3 years were very dominant with an average of 75% divorce cases. This shows an unhealthy symptom in the family of a married couple, where cases of wives suing their husbands for divorce are very high every year. The high divorce rate in Jember is caused by many factors as presented in the following table:

Table 2: Factors Causing Divorce in the Jember Religious Court in 2021-2023

Types of Factors	Years			
	2021	2022	2023	Total (3 Years)
Adultery	2	4	4	10
Drunkards	3	17	25	45
Drugs	0	1	1	2
Gambler	8	5	17	30
Abandoning one of the parties	163	82	141	386
Prisoned	6	10	27	43
Polygamy	4	2	0	6
Domestic violence	31	77	98	206
Physical disability	1	2	1	4
Constant disputes and quarrels	2.880	1.661	942	5.483
Forced marriage	2	10	10	22
Apostasy	6	6	5	17
Economy	2.785	4.014	4.066	10.865

Source: - Official Website of the Jember Religious Court (pa-jember.go.id)

The table above suggests that the biggest factor driving divorce at the Jember Religious Court is the economy, with the number of cases over 3 years totaling 10,865. The dominance of this economic factor is due to the COVID-19 pandemic that hit Indonesia in 2021 and had a major impact on economic activities in terms of trade, investment, and tourism.³⁸ On

³⁸ Salsabila Rizky Ramadhani and Nunung Nurwati, “Dampak Pandemi Covid-19 Terhadap Angka Perceraian,” *Jurnal Penelitian dan Pengabdian Kepada Masyarakat (JPPM)*, 2.1 (2021): 88–94.

the other hand, this situation is also inseparable from several regulations issued by the government, especially the prohibition on leaving the house (lockdown and social distancing) which are intended to suppress the high number of Covid-19 cases. This policy has resulted in many micro, small, and medium business actors in Indonesia experiencing big losses due to minimal market demand and supply. This situation then has a direct impact on the inability of business actors to pay employees and ultimately results in the reduction or termination of a large number of employees.³⁹ With many economic activities halted and unemployment rates increased, household life is disrupted, making it difficult to meet living needs.⁴⁰ Among the non-employees such as traders, laborers, craftsmen, or other independent workers, the situation is much worse, triggering quarrels and household conflicts and ending in divorce.⁴¹

With regard to the second highest cause of divorce, i.e. continuous and never-ending household conflict, this is very closely related to economic factors, especially the issue of livelihood. In Islamic law, the obligation to provide for his family is on the shoulders of the husband. This is as Allah says in the Qur'an: "*The obligation of father is to provide for their food and clothing. A person is not burdened, except according to his ability.*"⁴² When the husband is no longer able or is reluctant to provide for his family, the wife has the right to demand her rights so that the husband fulfills his obligations.⁴³ In addition, the wife has the right to sue her husband for divorce through the Court because of his negligence in fulfilling his obligations.⁴⁴

³⁹ Nuri Yussofa Rizal, "Pandemi Covid-19 Mengakibatkan Melemahnya Usaha Mikro, Kecil, dan Menengah di Wilayah Kenjeran, Kota Surabaya," *Jurnal Inovasi Penelitian*, 1.8 (2021): 1553–58, <https://doi.org/10.47492/jip.v1i8.279>.

⁴⁰ Ramadhani and Nurwati.

⁴¹ Sofan Afandi, Clerk of Jember Religious Court, Interview on January 12, 2024. See also Peter Garlans Sina, "Ekonomi Rumah Tangga di Era Pandemi Covid-19," *Journal of Management: Small and Medium Enterprises (SMES)*, 12.2 (2020): 239–54, <https://doi.org/10.35508/jom.v12i2.2697>.

⁴² Q.S. al-Baqarah [2]: 233.

⁴³ Haris Hidayatulloh, "Hak dan Kewajiban Suami Istri dalam Al-Qur'an," *Jurnal Hukum Keluarga Islam*, 4. (2019): 143–65.

⁴⁴ Califta Aria Salsabila, Sumarwoto Sumarwoto, and Putri Maha Dewi, "Tinjauan Hukum Islam Terhadap Akibat Hukum Perceraian Karena Ketidakmampuan Suami Menafkahi

In many cases, some wives choose to work or even go into wicked lenders to cover urgent family needs. A wife no longer focused on housework or the increasing debt burden makes the husband angry and blames his wife, triggering quarrels between the two. When economic problems in the household do not find a way out, household conflicts become intense and end with a request for divorce from the wife as a last resort. In other cases, there is also a lazy husband who depends his life on his wife's income. This situation then irritates the wife who feels very burdened, especially if her income is very minimal, that she decides to separate from her husband.⁴⁵ The cases explained above indicate that the economy is the main factor causing the high divorce rate at the Jember Religious Court from 2021 to 2023.

Furthermore, as it has been previously explained, in Islamic law, *khulu'* divorce brings about the consequence that the wife no longer has the right to receive maintenance from her ex-husband during the '*iddah*' period. This provision has become a standard provision in Islamic law and has also been agreed upon by all scholars. However, in the current context, this provision is considered unfair because it only sides with the husband and does not consider the wife's interests. To overcome this problem, judges at the Jember Religious Court made a breakthrough when examining *khulu'* cases, namely by setting aside the *khulu'* scheme and using the *al-Tafrîq al-Qadlâ'i* scheme which is *jabran* (coercive) in nature.

In terms of its meaning, *al-Tafrîq al-Qadlâ'i* is the termination of a husband and wife relationship through a judge's decision at the request of one party for a reason such as *syiqâq* (feud), *dlarar* (danger), not providing maintenance, and others or without a request from one party to maintain shari'a rights, as is the case if one of the husband or wife apostatizes.⁴⁶

Istri," *Jurnal Hukum Bisnis Bonum Commune*, 5.2 (2022): 170–80, <https://Doi.Org/10.30996/Jhbhc.V5i2.6356>.

⁴⁵ Sholeh, Judge in Jember Religious Court, *Interview* on January 12, 2024.

⁴⁶ A. Zamakhsyari Baharuddin and Rifqi Qowiyul Iman, "*al-Tafrîq al-Qadhâ'i* and The Religious Courts' Authority In Deciding A Divorce," *Syariah: Jurnal Hukum dan Pemikiran*, 20.1 (2020): 1–12, <https://Doi.Org/10.18592/Sjhp.V20i1.3493>. lihat juga Kementerian Wakaf dan Urusan Agama Islam, *Al-Mausû'ah al-Fiqhiyyah*, 1st Ed., Vol. 29, 45 Vols. (Kuwait: Dâr al-Safwah, 1993), p. 7.

The use of the *al-Tafrîq al-Qadlâ'i* scheme in divorce cases, viewed from a fiqh perspective, is in line with the word of Allah in Surah al-Nisa' which means, "If you (the guardians) fear a dispute between the two, send a peacemaker from the man's family and a peacemaker from the woman's family. If both intend to make *islah* (reconciliation), Allah will surely give them both success. Indeed, Allah is All-Knowing and All-Aware."⁴⁷

The legal consequences of *al-Tafrîq al-Qadlâ'i* can be in the form of *ba'in* (permanent) divorce in one situation, it can also be in the form of *faskh* (annulment of marriage) in another case, and it can also be in the form *raj'i* (returnable) divorce in certain situations. The consequence of this *ba'in* divorce is that the husband can no longer return to his wife through the *ruju* scheme, but must remarry with all its terms and conditions. In addition, in the *al-Tafrîq al-Qadlâ'i* scheme, a wife who sues her husband for divorce is not required to pay *iwâdl* (compensation) to her husband as is the case in the *khulu'* scheme. In addition, through this scheme, the wife is not only not required to pay *iwâdl* (compensation) to her husband, but she also does not lose her rights to maintenance during her *'iddah* period.

The *al-Tafrîq al-Qadlâ'i* scheme is carried out by a Religious Court judge by enforcing the law of divorce on the wife without considering the husband's consent. In this case, the judge acts as a forced severance of the relationship between husband and wife (*jabran*). The decision from *al-Tafrîq al-Qadlâ'i* regarding divorce status contains the law of *ba'in sughrâ*, namely the termination of the husband and wife relationship without the husband's right to reconciliation. The legal consequences of this are following Article 119 of the KHI paragraph 1 which reads: "*Ba'in Shugrâ* (semi-permanent) divorce is a divorce that cannot be referred to except with a new marriage contract with the ex-husband even though in the *'iddah* state," and paragraph 2 (c) which reads: "Divorce *Ba'in Shugrâ* as referred to in paragraph (1) is: a. divorce that occurs *qabla al-dukhûl*; b. divorce with ransom or *khulu'*; c. divorce imposed by the Religious Court."⁴⁸ Thus, in cases of divorce by *talaq* handled using the *al-Tafrîq al-Qadlâ'i* scheme, the judge can decide and sentence the husband to pay *'iddah*

⁴⁷ Q.S. al-Nisa [4]: 35.

⁴⁸ Article 119 KHI paragraph 1, 2 of KHI.

maintenance to the ex-wife, so that the wife's rights which have been neglected by the ex-husband can be fulfilled.⁴⁹

Furthermore, as mentioned earlier, the use of the *al-Tafrîq al-Qadlâ'i* scheme in deciding divorce cases is carried out by the judge based on a sense of justice and aims to protect the wife from her husband's injustice. Because through *khulu'*, the husband has the right to ask for ransom, while the wife may not be able to pay it. Besides, the cause of household problems often comes not from the wife but from the husband. So if the husband is the source of the problem, why should the wife bear the burden (ransom)? It is different if without any reason, for instance, a wife demands a divorce because she is bored or does not like his husband anymore. In this case, the *khulu'* scheme can be used, even though the lawsuit will be rejected by the judge as it has no reason.⁵⁰ Therefore, in a normal situation, a divorce without significant problems, where the wife is ready to pay the ransom, may use the *khulu'* scheme although it depends on whether the husband is willing to let his wife go away.

Implications of Divorce

Talak divorce implies that the ex-husband must provide *mut'ah* support, *'iddah* support, *kiswah* (clothes), and pay off the dowry and *hadlânah* (maintenance) costs for his children. Apart from that, during the *'iddah* period, the husband has the right to reconcile with his wife. On the other hand, in the case of *khulu'*, the ex-wife has no right to receive *'iddah* maintenance from her ex-husband and the ex-husband does not have the right to reconciliation. So if the couple wants to live together again, they must repeat the marriage following the terms and conditions of marriage.⁵¹ By using the *al-Tafrîq al-Qadlâ'i* scheme, however, the legal

⁴⁹ Heniyatun Heniyatun and Siti Anisah, "Pemberian Mut'ah dan Nafkah Iddah dalam Perkara Cerai Gugat," *Profetika: Jurnal Studi Islam*, 21.1 (2020): 39–59. See also Ahmad Khoiri and Asyharul Mual. "'Iddah and Ihdad for Career Women from Islamic Law Perspective." *J. Islamic L*, 1.2 (2020): 256.

⁵⁰ Sholeh, *Interview*.

⁵¹ Mustating Daeng Maroa and Dri Sucipto, 'Kajian Normatif Tentang Implikasi Hukum Terjadinya Cerai Talak dan Cerai Gugat dalam Perspektif Kompilasi Hukum Islam', *Jurnal Yustisiabel*, 5.1 (2021): 83–97 <<https://doi.org/10.32529/yustisiabel.v5i1.913>>.

implications will be different from *kbulu'* cases, where the resolution of the case will rely entirely on the judge's view of the interests of both parties, such as the status of the marriage being terminated with the status of *ba'in sughrâ* (semi-permanent) divorce, the obligation for the husband to fulfill the *'iddah* maintenance, bear the costs of *hadlânah* for the children, and so on. So, here, the role of the judge is important as a decision-maker. Judges are not just mouthpieces of the law but function as figures who will produce decisions that are valuable, and fair, provide benefits to both parties, and guarantee legal certainty. Judges are given the authority to conduct *ijtihad* to find new laws so there is no legal vacuum. Judges must provide protection and justice for the parties, resolve problems wisely, and avoid injustice and legal uncertainty, even without being asked by the parties.⁵²

Alternative Solutions Solutions to Reduce Divorce Cases

In the previous description, it was mentioned that economic problems are the main factor causing the high divorce rate. Therefore, this factor must be the main priority in finding a solution. Apart from that, the facts on the ground also show that many couples in court do not want to separate. In their hearts, there is still a desire to reunite to rebuild a broken household so that they can live in harmony. This hope may be realized if the couple finds an effective solution that can help them solve their family's economic problems.⁵³

The involvement of third parties in helping them to find temporary solutions, especially in the economic field, is highly expected and can be believed to be able to reduce the divorce rate that stems from the problem of household economic limitations. For this reason, the involvement of the government and zakat management institutions such as the National Zakat Agency (BAZNAS), the Zakat Collection Institution (LAZ), social institutions, and other philanthropic institutions is highly expected to

⁵² Lilik Andar Yuni and Jati Kasuma, 'The Fulfillment of Women's Rights in Verstek Decisions at Samarinda and Sangatta Religious Court', *Al-'Adalah*, 20.2 (2023): 257–82 <<https://doi.org/10.24042/adalah.v20i2.16119>>.

⁵³ Sholeh, *Interview*.

help poor families facing economic problems. If this can be realized, then it can be expected that the high divorce rate can at least be reduced, if it is not yet possible to eliminate it.

The next solution, which is also expected to reduce the high divorce rate, is to equip married couples with soft skills and hard skills. Many couples experience household problems because they pay less attention to work issues. Many young women in Jember Regency get married without caring whether or not their husbands work. They only follow their hearts or their parents' orders. When they enter the family stage, economic problems begin to arise, causing confusion and arguments between the two which then culminate in divorce. By equipping young people with certain skills, it is hoped that they will find it easier to find work or become entrepreneurs independently. Related to this interest, the solution that can be taken is to optimize the role of the Job Training Center (BLK) or similar institutions that have activities and programs that are in line with the interests and needs of the labor market.⁵⁴

Furthermore, early marriage often causes problems in the household. This is inseparable from the condition of the couple who are not yet psychologically mature. This situation is made worse if both of them are unable to earn a living.⁵⁵ For that purpose, the next solution is to improve the function of premarital course institutions conducted at the Office of Religious Affairs (KUA) so that when they get married they are physically, mentally, and economically ready. This is similar to what is implemented in Malaysia, where prospective brides and grooms attend premarital religious courses before registering at the local KUA. This guidance, although not 100% guaranteed to be successful, is quite effective in that it helps reduce the divorce rate in the country.⁵⁶

Through intensive guidance and the provision of religious knowledge to prospective brides and grooms, it is hoped that married couples can have insight and strategies to support family resilience in facing household

⁵⁴ Marjuki, *Interview*.

⁵⁵ Fachria Octaviani And Nunung Nurwati, "Dampak Pernikahan Usia Dini Terhadap Perceraian di Indonesia," *Jurnal Ilmu Kesejahteraan Sosial Humanitas*, 2.2 (2020): 33–52.

⁵⁶ Sholeh, *Interview*.

problems so that they are not easily provoked by emotions that can lead them to divorce.

Conclusion

The high number of *khulu'* cases or divorce lawsuits at the Jember Religious Court over the past three years has been caused by economic factors followed by continuous disputes and quarrels that end in divorce. If that happens, the implications are not only for married couples but also for children's rights that can be neglected. In handling divorce lawsuits (*khulu'*) the judges at the Jember Religious Court tend to put aside the *khulu'* scheme and choose the *al-Tafrîq al-Qadlâi* scheme, to fulfill a sense of justice and protect the wife's interests.

Furthermore, to reduce the divorce rate, especially in Jember Regency, there are three recommended solutions, namely: First, involving the role and participation of the government and existing social institutions, both in the form of BAZNAS, LAZ, and other social and philanthropic institutions from zakat management institutions in distributing zakat, infak, and alms funds appropriately, especially to families who are almost separated due to economic factors. Second, maximizing the role of the Job Training Center and similar institutions, so that married couples, especially young married couples, obtain sufficient soft skills and hard skills to earn a living. Third, maximizing the KUA *sakînah* family development program for prospective brides and grooms and families who have been married for a long time to increase the spirituality of each couple so that they can face household problems wisely.

Author's Contributions

In conducting this research, the first author, Muhamad Arifin Badri acted as the team leader who determined the design and direction of the research activities, the second author Anas Burhanuddin assisted in processing data and correcting the writing, while the third author, Ghufrân Jauhar was tasked with analyzing the research data and presenting it in the form of a report.

Bibliography

- Abdullah, Abdullah, Nurhayati Nurhayati, Fadli Andi Natsif, Hasbi Siddik, and Fathurrahman Fathurrahman, 'The Impact of Theological Interpretations on Divorces within Muslim Families in Makassar City, Indonesia', *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 8.1 (2024): 339–60 <<https://doi.org/10.22373/sjkh.v8i1.20621>>
- Abdurrahman, Maman, '5 Kabupaten di Jawa Timur Yang Paling Tinggi Angka Perceraianya', 25 March 2021 <<https://qobiltu.co/5-kabupaten-di-jawa-timur-yang-paling-tinggi-angka-perceraianya/#:-:text=Dari%20kasus-kasus%20perceraian%20ini%2C%20QOBILTU%20membuat%20rangking%205,17.295%20dan%20kasus%20cerai%20gugat%20sebanyak%2041.881%20kasus.>>
- Adhha, Nurul, 'Analysis of Causes of Divorce in the Perspective of Islamic Law: A Case Study in the Class 1 A Religious Court of Padang', *Al-'Adalah*, 16.1 (2019): 89–114 <<https://doi.org/10.24042/adalah.v16i1.2305>>
- 'Angka Perceraian Tinggi, Jember Rancang Perda Ketahanan Keluarga', 8 November 2023 <<https://radarjember.jawapos.com/pemerintahan/793260131/angka-perceraian-tinggi-jember-rancang-perda-ketahanan-keluarga>> [accessed 3 January 2023].
- Azizah, Linda, 'Analisis Perceraian dalam Kompilasi Hukum Islam', *Al-'Adalah*, 9.2 (2017): 415–22 <<https://doi.org/10.24042/adalah.v10i2.295>>.
- Baharuddin, A. Zamakhsyari, and Rifqi Qowiyul Iman, 'al-Tafrîq al-Qadhâ'i and The Religious Courts' Authority in Deciding A Divorce', *Syariah: Jurnal Hukum dan Pemikiran*, 20.1 (2020): 1–12 <<https://doi.org/10.18592/sjhp.v20i1.3493>>.
- Bukhâri (al), Muhammad ibn Ismâil ibn Ibrahim ibn al-Mughîrah al-Ju'fy, *al-Jâmi' al-Shabîh*, II, 1st edn. Jeddah: Dâr al-Minhaj, 1422.
- Devy, Soraya, Amrullah Amrullah, and Utari Zulfiana, 'Divorce Petition Against Drug User Husband: Case Study of Kuala Simpang Syar'iyah Court Decision, Aceh Tamiang', *El-Usrah: Jurnal Hukum Keluarga*, 6.2 (2023): 281–97 <<https://doi.org/10.22373/ujhk.v6i2.12062>>.

- Heniyatun, Heniyatun, and Siti Anisah, 'Pemberian Mut'ah dan Nafkah Iddah dalam Perkara Cerai Gugat', *Profetika: Jurnal Studi Islam*, 21.1 (2020), 39–59
- Hidayatulloh, Haris, 'Hak Dan Kewajiban Suami Istri Dalam Al-Qur'an', *Jurnal Hukum Keluarga Islam*, 4.2 (2019), 143–65
- Hikmatiar, Erwin, 'Nafkah Iddah Pada Perkara Cerai Gugat', *Mizan: Journal of Islamic Law*, 4.1 (2018): 131–72 <<https://doi.org/10.32507/mizan.v4i1.178>>
- Husin, Asna, 'Falling Out of Love: Divorce of Three Acehnese Ubanan Couples in the Islamic Law Perspective', *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 7.3 (2023): 1868–96 <<https://doi.org/10.22373/sjhk.v7i3.19433>>.
- Ibn Rusyd, Muhammad Ibn Ahmad Ibn Muhammad Ibn Ahmad, *Bidâyah al-Mujtahid Wa al-Nihâyah al-Muqtasid*, 2nd Ed. Beirut: Dâr Ibn Hazm, 2006.
- Kementrian Wakaf dan Urusan Agama Islam, *al-Mausû'ah al-Fiqhiyyah*, xxix, 1st edn, 45 vols. Kuwait: Dâr al-Safwah, 1993.
- Khoiri, Ahmad, and Asyharul Muala. "Iddah and Ihdad for Career Women from Islamic Law Perspective." *J. Islamic L*, 1.2 (2020): 256.
- Kushidayati, Lina, 'Legal Reasoning Perempuan dalam Perkara Gugat Cerai di Pengadilan Agama Kudus Tahun 2014', *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam*, 6.1 (2016): 141–59 <<https://doi.org/10.21043/yudisia.v6i1.1482>>.
- Layyaazzahwa Layya Et Al., "Analisis Faktor Penyebab Tingginya Angka Cerai Gugat di Pengadilan Agama Sumber Kelas 1a," *Al Naqdu: Jurnal Kajian Keislaman*, 2.1 (2021): 1-8 [Http://Www.Jurnal.Iaicirebon.Ac.Id/Index.Php/Alnaqdu/Article/View/15](http://Www.Jurnal.Iaicirebon.Ac.Id/Index.Php/Alnaqdu/Article/View/15).
- Maroa, Mustating Daeng, and Dri Sucipto, 'Kajian Normatif Tentang Implikasi Hukum Terjadinya Cerai Talak dan Cerai Gugat dalam Perspektif Kompilasi Hukum Islam', *Jurnal Yustisiabel*, 5.1 (2021): 83–97 <<https://doi.org/10.32529/yustisiabel.v5i1.913>>.
- Meidina, Ahmad Rezy, 'Meninjau Ulang Iwadh Khuluk Perspektif Keadilan Gender', *al-Manahij: Jurnal Kajian Hukum Islam*, 16.1 (2022): 77–90 <<https://doi.org/10.24090/mnh.v16i1.6027>>.

- Nasution, Muhammad Arsad, 'Perceraian Menurut Kompilasi Hukum Islam (KHI) Ddan Fiqh', *Jurnal El-Qanuniy: Jurnal Ilmu-Ilmu Kesyariahan dan Pranata Sosial*, 4.2 (2018): 157–70 <<https://doi.org/10.24952/el-qanuniy.v4i2.2385>>.
- Nurjanah, Siti, 'Divorce and Its Impact on Custody of Minors Using Islamic Law Perspectives', *Al-Istinbath: Jurnal Hukum Islam*, 7.1 (2022): 119–40 <<https://doi.org/10.29240/jhi.v7i1.4156>>.
- Octaviani, Fachria, and Nunung Nurwati, 'Dampak Pernikahan Usia Dini Terhadap Perceraian di Indonesia', *Jurnal Ilmu Kesejahteraan Sosial Humanitas*, 2.2 (2020): 33–52.
- Priya, Arya, 'Case Study Methodology of Qualitative Research: Key Attributes and Navigating the Conundrums in Its Application', *Sociological Bulletin*, 70.1 (2021): 94–110 <<https://doi.org/10.1177/0038022920970318>>.
- Ramadhani, Salsabila Rizky, and Nunung Nurwati, 'Dampak Pandemi Covid-19 Terhadap Angka Perceraian', *Jurnal Penelitian dan Pengabdian Kepada Masyarakat (JPPM)*, 2.1 (2021): 88–94.
- Rizal, Nuri Yussofa, 'Pandemi Covid-19 Mengakibatkan Melemahnya Usaha Mikro, Kecil, dan Menengah di Wilayah Kenjeran, Kota Surabaya', *Jurnal Inovasi Penelitian*, 1.8 (2021): 1553–58 <<https://doi.org/10.47492/jip.v1i8.279>>.
- Salsabila, Califita Aria, Sumarwoto Sumarwoto, and Putri Maha Dewi, 'Tinjauan Hukum Islam Terhadap Akibat Hukum Perceraian Karena Ketidakkampuan Suami Menafkahi Istri', *Jurnal Hukum Bisnis Bonum Commune*, 5.2 (2022): 170–80 <<https://doi.org/10.30996/jhbbs.v5i2.6356>>.
- Sijistani (al), Sulaiman Ibn Asy-'Ats, *Sunan Abu Dawud*, III, 1st edn. Beirut: Dâr Ibn Hazm, 1997.
- Sina, Peter Garlans, 'Ekonomi Rumah Tangga di Era Pandemi Covid-19', *Journal of Management: Small and Medium Enterprises (SMEs)*, 12.2 (2020): 239–54 <<https://doi.org/10.35508/jom.v12i2.2697>>.
- Trigiyatno, Ali, and Sutrisno Sutrisno, 'Dharar as a Reason for Divorce Lawsuit in Fiqh and Legislation of Some Muslim Countries: Study on Indonesia, Bahrain, Sudan, Qatar, and Morocco', *Al-Istinbath:*

Jurnal Hukum Islam, 7.1 (2022): 203–22 <<https://doi.org/10.29240/jhi.v7i1.3368>>.

Yuni, Lilik Andar, and Jati Kasuma, ‘The Fulfillment of Women’s Rights in Verstek Decisions at Samarinda and Sangatta Religious Court’, *Al-Adalah*, 20.2 (2023): 257–82 <<https://doi.org/10.24042/adalah.v20i2.16119>>.

Zibary, Amir Said al-, *Abkam al-Khulu’ Fî Shari’ah al-Islamiyah*, 1st edn. Beirut: Dâr Ibn Hazm, 1997.