THE ANALYSIS OF DIVORCING PHENOMENON IN PROBOLINGGO REGENCY (Case Study in Clarak Village, Leces District, Probolinggo Regency)

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Abstract

This research examines the Phenomenon of Divorce in Probolinggo Community Case Study Clarak Village Leces District Probolinggo Regency. This study aims to determine how the cases of divorce problems in the Probolinggo community, especially in the village of Clarak Leces District. What are the factors and impacts of divorce in the Probolinggo community, Clarak Village, Leces District, Probolinggo. This research uses a qualitative description research method with data collection, interviews, documentation and in a secondary way, which are literature review through books, journals, reports and internet sites related to the research topic as well as important documents, and primarily, are collecting information, either from the community involved in a divorce in Clarak Village or in KUA and others, or from parties and direct opinions from the local community. The results of this study conclude that the Divorce Phenomenon in Clarak Village Community is still considered high, it means that the problem of divorce, has not been resolved optimally, almost every year there are still those who divorce. Divorce problems in Leces, Probolinggo. are caused by several things, among others; Disharmony at home, moral and moral crisis, adultery, strife, infidelity, boredom, early-age marriage and marriage without love. Divorce does not mean that it only involves both partners who are in trouble but their families also feel that they are in trouble, many of the divorced couples do not think about their respective families or do not pay attention to how and what is happening, especially to their children, when the divorce process will occur or has happened, this divorce is usually preceded by these various conflicts.

Key Words: Divorce, KUA Clarak, Moral

INTRODUCTION

Divorce is part of marriage, because there is no divorce without marriage at first. Marriage is the beginning of living together between the life of a man and woman which is regulated in religious law and statutory regulations in a country, while divorce is the end of life with the husband and wife. Everyone wants the marriage he carries out to remain intact throughout his lifetime, but not a few marriages that built hardly must end in a divorce (Tihami & Sahraini, 2009).
Actually, a divorce can only be carried out if various ways have been made to reconcile the two (husband and wife) to maintain the integrity of their household and apparently there is no other way except for divorce. It can be said that divorce is a solution for husband and wife in solving difficult problems. This is in accordance with the Islamic religion that divorce is justified and allowed if it is better than remaining in the marriage bond, but happiness is not achieved and is always in suffering.

The main purpose of household life is that the household is built based on love and affection between husband and wife and on the principles of justice and mutual understanding, where each party of the husband and wife must carry out their obligations to their partners, so that household life stands strongly.

But often what is the purpose of marriage runs aground. Marriages must be broken in the middle of the road, actually breaking up a marriage is a natural thing, because the basic meaning of a marriage contract is a bond or it can also be said that marriage is basically a contract. The consequence is that he can escape which can be called a divorce and the basic meaning of divorce is to break the bond or let off the agreement.

Husband and wife have an obligation to make a household that is Sakinah, Mawaddah, and Rahmah, and also loves each other. A husband as the head of the family is obliged to protect his wife and children by providing all the necessities of household life according to his abilities, while the wife as a housewife is obliged to manage household affairs as well as possible.

**DISCUSSION**

**Definition of Divorce**

Divorce (talak) in Islam is known as *talak*, *talak* itself is taken from the word "*itlaq*" which according to the language means "to let go or leave" (Ghazaly & Rahman, 2006). In the book "Fath - al mu'in" is mentioned *talak* according to language, is "*Hall al - qayyidi*" which means untying the ties (Zainuddin, n.d.).

The definition above implies that divorce or *talak* is breaking the ties of marriage and ending the marital relationship so that after the marriage is broken, the wife is no longer lawful for her husband, and this happens in the case of *talak ba'in*, while the meaning of reducing the renunciation of the marriage bond is a reduction in rights, divorce for the husband which results in a reduction in the number of *talak* to two, from two to one, and
from one to loss of the right to divorce, which occurs in divorce *raj’iy* (Ghazaly & Rahman, 2006).

So divorce is to release the bond (*bali al-qayyid*) or it can also be called reducing or releasing the bond by using predetermined words. Divorce is an event of official separation between a husband and wife and they are determined not to carry out their duties and obligations as husband and wife. They no longer live and live together, because there is no official bond. For those who are divorced but do not have children, separation does not cause psychological traumatic impact on the children (Nuruddin & Tariga, 2008) However, for those who have children, divorce causes psycho-emotional problems for the children. On the other hand, it is possible that children born during their life as husband and wife will be accompanied by one of their parents whether they follow their father or mother. According to Omar, divorce is an attempt to release the husband and wife bond from a marriage for certain reasons. Divorce occurs because there is no way out (dissolution marriage). Based on the description above, the researcher concludes that divorce is the end of a husband and wife relationship from a marriage which is due to certain legal reasons.

**Kind of Divorce**

Divorce or divorce, seen from whether or not a husband can return to his ex-wife, is divided into two types, namely:

a. *Raj’iy* divorced or *Talak raj’iy* is a divorce in which the husband is given the right to return to his wife without going through a new marriage, as long as the wife is still in the *iddah* period (Syarifuddin, 2006)

b. *Ba’in* divorced or *Talak ba’in* is *talak* that breaks completely in the sense that it does not allow a husband to return to his wife unless with a new marriage. (Syarifuddin, 2006)

*Talak* or divorce is divided into two kinds, which are:

1. *Al-ba’in baynunah al-sugra* is *ba’in* divorce which eliminates the ownership of the former husband of the wife but does not eliminate the halalness of the former husband to remarry with the former wife (Syarifuddin, 2006). This means that the former husband may enter into a new marriage contract with ex-wife, both in her *iddah* period and the end of her iddah period due to breaking the ties between husband and wife when divorce is pronounced (Ghazaly & Rahman, 2006). Which includes *al-ba’in baynunah al-sugra* divorce are:

a. Divorce that is carried out before the wife is intercourse by the husband.
b. Divorce is done by means of a ransom from the wife or what is called *khulā‘*.

c. Divorce through a court decision or known as *faskh*.

d. Divorce due to disgrace (disability), because someone is imprisoned, divorce due to persecution or the like (Ghazaly & Rahman, 2006)

2. *Al-ba‘in baynunah al-kubra*, is a divorce which eliminates the ownership of the former husband of the former wife and eliminates the lawfulness of the former husband to remarry with his ex-wife, except after the ex-wife has married another man, and has gathered with her husband, and has been divorced fairly and has finished carrying out her *iddah*. *Al-ba‘in baynunah al-kubra* divorce occurs in the third *talak* (Hamdani, 2002)

   In terms of firmness and whether or not the words are used as words for divorce or *talak*, *talak* is divided into two types, they are: (Ghazaly & Rahman, 2006)

   a. *Sarih* divorce or *Talak sarib*, which is a divorce by using clear and firm words, can be understood as a statement of divorce or divorce immediately pronounced, it is no longer possible to understand. Imam Syafi‘i said that there are three words of *talak* used for *talak sarib*, they are: *talaq, firaq and sarah*. and the three sentences have been mentioned in the Qur’an and the hadiths.

   b. *Sarih* divorce or *Talak sarib*, namely *talak* by using clear and firm words, can be understood as a statement of divorce or divorce immediately pronounced, it is no longer possible to understand. Imam Syafi‘i said that there are three words of *talak* used for *talak sarib*, they are: *talaq, firaq and sarah*. and the three sentences have been mentioned in the Qur’an and the hadiths.

   c. *Kinayah* divorce or *Talak kinayah*, is: a divorce using satirical words, or vague, such as ‘you are now far from me, finish all your business yourself ‘. These sayings contain the possibility of divorce and contain other possibilities. Regarding the position of divorce with the words *kinayah* or satire as stated by Taqiyuddin Al-Husaini, it depends on the husband’s intention, meaning that if the husband with these words drops the divorce, then the divorce will fall, and if the husband uses these words does not mean that the divorce does not fall. In terms of the way a husband submits divorce to his wife, divorce is divided into four types, namely:

   a. Divorce by speech.
b. Divorce by writing.
c. Divorce by cue.
d. Divorced by verdict.

Reasons for Permitting to Divorce

One of the things that is lawful but hated by God is divorce. However, divorce here is allowed if there is something which will cause a bigger problem in the household. It explains the reasons for allowing divorce, they are:

a. One of the parties commits adultery or becomes a drunkard, a prostitute, a gambler, and others who are difficult to cure.
b. One party leaves the other party for two consecutive years without the consent of the other party and without valid reasons or for other reasons beyond its means.
c. Either party gets five years imprisonment or a harsher sentence after the marriage takes place.
d. One party commits cruelty or serious persecution that endangers the other.
e. One of the parties has a disability or illness as a result of not being able to carry out his obligations as husband or wife.
f. Between husband and wife there are constant quarrels and fights and there is no hope of living in harmony in the household.
g. Husband violates *ta'lik talaq*
h. Religious conversion or apostasy which causes dissonance in the household (Nuruddin & Tariga, 2008)

The Effect of Divorce Law

Divorce that has been dropped by the husband has several legal consequences that become the rights and obligations of husband and wife, especially during the *iddah* period. According to Islamic teachings there are four things that must be considered which are closely related to the problem of divorce, which are: (Sudarsono, 2009)

1. If a husband divorces his wife for the third time, then it is no longer lawful for the woman to marry until another man marries her.
2. If a husband divorces his wife, it should be at the time that it is clean from menstruation and not yet interfered with after being purified from menstruation.
3. In dropping a divorce, a witness who meets the requirements is required, which are:
   Islam, puberty, male and fair.
4. Divorce has consequences in the form of a husband's obligation to his wife who has been divorced, including:
   a. Giving mut’ah to his ex-wife, which is in the form of a valuable gift for his wife according to the ability of the husband, such as money, clothes, and so on because he has been divorced.
   b. Providing a living includes shopping, clothing, and a place to live during the iddah period, or if the woman is pregnant, she must be provided with a living until her child is born. Livelihood is a wife’s right to her husband as a result of a valid marriage contract. (Sudarsono, 2009) The law of paying for a living is compulsory and this obligation is not caused by the wife’s need for household life, but an obligation that arises without seeing the wife.
   c. Pay off the dowry / dowry, if the dowry or dowry has not been paid off either partially or completely (Abdullah, 1988) Because dowry is the most important asset influence in the marriage contract. A dowry is something that a husband must give to his wife after the consent has been implemented.
   d. Providing support to their children for maintenance and educational purposes while keeping in mind the husband’s ability. This provision is still based on the letter at-Talaq paragraph 6.

RESULT AND DISCUSSION

This research was conducted in Clarak Village, Leces District, Probolinggo Regency, East Java, from February 1, 2019 to June 23, 2019. Research on the Analysis of Divorce Factors in Community Life in Clarak Village is a study that aims to determine the reasons for the occurrence and impact of divorce in society. As for what was done after seeing the interview data obtained and data processing carried out, in determining who will be the respondents / resource persons of the research. Researchers have determined certain criteria from people who have been trusted as well as previous experiences.

Before discussing further about Divorce Factor Analysis in Clarak Village Community Life, the researcher will first describe the profile of the informants in the study. This is intended to familiarize yourself with the characteristics or factors of divorce in the
life of the Clarak village community. This is supported by the selection of samples used as informants in this study, that are divorce in the life of the Clarak village community. For more details, the informant can be seen in the following description:

Divorce Factors in the Community of Clarak Village Leces District, Probolinggo

The word divorce does not mean that it only concerns both partners, namely father and mother, but also affects to the child. Unfortunately, not many of the couples pay attention to what is happening to their child when the divorce process will and is ongoing. Sometimes divorce is the only way parents can continue to live the life they want. But whatever the reason, divorce always has a bad effect on the child, even though in certain cases divorce is considered the best option rather than letting the child live in a family with a bad married life.

The factors that causing divorce in Clarak Village Leces distric. Probolinggo are:

a. Disharmony in the Household

The reasons mentioned above are the reasons most often put forward by married couples who are getting divorced. Household disharmony is caused by various things, including financial crisis, moral crisis, and the presence of a third person. Informant Mr. Saleh, age 45, Mr. Saleh is an entrepreneur especially in the trade sector. Mr. Saleh has 1 son who lives in Clarak Village. Mr. Saleh had experienced cases of marriage problems and finally divorced his wife. Mr. Saleh has not remarried until now.

Mr Saleh said: “I divorced with my wife first because my wife was too demanding, her egoism was high and her lifestyle was too luxurious in my opinion, for me who only worked odd jobs, the demand was too high, when I returned home I liked to ask for the same money. I ri mi I warned him that he was even angry with me then a few months when I was tired of warning, advising and I could not stand being burdened like this and finally I and her decided to separate and divorced at that time."

From the interview above, it can be stated that the divorce that occurred against Mr. Saleh was due to family disharmony, moral crisis or financial problems, this greatly triggered a divorce, and then they officially divorced several years ago.

a. Moral and Character Crisis

Apart from disharmony in the household, divorce also often gets a basis in the form of a moral and moral crisis, which can be neglected by both husband and wife, unhealthy
polygamy, abuse, harassment and other bad behavior committed by both husband and wife, such as drunkenness, committed adultery, was involved in crime, and even debts.

The informant, Mrs. Murasi, 43 years old, Mrs. Murasi is a resident of Clarak Village, who works as a food and beverage seller at RT 13 RW 04 shop with her last education is elementary school, Mrs. Murasi is the 3rd child of 5 siblings. her status is divorced with her husband in 2017 and did not remarry until now, Mrs. Murasi married her husband in 1990 and had one child, next why could Mrs. Murasi separate from her husband.

Mrs. Murasi said that: “I separated from my husband because my husband was not responsible for providing for me, so I became the backbone of the family to support the family. In the end, I was selling in a shop, always losing money because I had no other income so I was in debt by the bank daily. Due to the large amount of debt, I often quarreled with my husband and eventually there was domestic violence that resulted in me being unable to build a household with my husband. ”

From the interview quotation above, it can be stated that the factor of Murasi’s divorce is due to debt problems and the occurrence of violence in their household. Finally they divorced in 2017.

b. The existence of third party interference

Another reason that can lead to divorce is the interference of a third party (parents). This results in the husband and wife feeling insecure about their own lives and ultimately causing disharmony in the family

Informant Mr. Sugiono, age 30, Mr. Sugiono is a resident of Clarak village RT. 4 RW. 02 who worked as a farm laborer and married his wife in 2010. From the beginning they were married, parents from the party often interfered in their household affairs. So that Sugiono feels less free and often quarrels and argues with his wife which resulted in their divorce in 2018. Mr. Sugiono has 2 children, that are 1 son and 1 daughter. And now Mr. Sugiono has married again.

Mr. Sugiono said that: “When I first married my wife, there wasn’t much problem between my wife and myself. It’s just that my wife's parents often get involved in the problems that occur between me and my wife. Over time I also got fed up and disliked my wife's own parents and often had different opinions with my wife, who of course supported her parents. Really, this problem is when I've done this, my in-laws say that's like this. Until the matter is trivial they sometimes interfere. In the end, I felt that I was
not really considered and I felt like I was being overly regulated and ended up having frequent quarrels with my wife. Feeling that my marriage with her was getting more and more problematic, I finally decided to divorce her."

From the quote above, it can be said that the reason for the divorce that occurred by Mr. Sugiono was because his wife's parents were too controlling or interfering in his family problems that resulted in a feeling of discomfort by Mr. Sugiono which eventually led to divorce.

CONCLUSION

Divorce is the main source of problems in the Probolinggo community, especially in Clearak village, Leces district, Probolinggo. Divorce problems are caused by several factors, including: disharmony in the household, behavior and moral crisis, economy, interference from third parties (parents), disputes, infidelity, boredom, early marriage and marriage without love, etc. Divorce does not mean that it only concerns both partners, like the father and mother, but also affects to the child. Unfortunately, not many couples pay attention to how and what is happening to their children when the divorce process will and is ongoing. Before a divorce occurs, it is usually preceded by a lot of conflict and fighting.

BIBLIOGRAPHY

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