

**THE FACTORS CAUSING EARLY DIVORCE IN EARLY MARRIAGE**  
(Case Study in Kisaran Religious Court)

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**ABSTRACT**

Divorce cases in Kisaran City mostly as a result of early marriages that are often carried out by local people. Marriage at an early age is indeed very vulnerable to various problems that can affect household harmony. This is in line with the lack of mental readiness and the immature soul of the couple to foster a harmonious, peaceful and harmonic household. Because marriage is not just to justify sexual relations between a man and a woman, but at the same time is also a legal act that results in civil law in the form of rights and obligations for both parties in the household. This study found directly the factors that led to the rise of divorce cases due to early marriage in the Kisaran City. This research is a field research with qualitative type, which is a study in which primary data is collected by direct observation and interviews with various competent parties as well as through documentation of data contained in the Kisaran City Religious Court Office. The results of this study led to the divorce of young age couples in the Kisaran Religious Court due to economic factors, lack of understanding of religion, education and lifestyle.

**INTRODUCTION**

According to positive law, the purpose of marriage according to Law Number 1 of 1974 concerning Marriage is to form a happy, prosperous and eternal family based on the divinity of the Almighty [1]. For that reason, in realizing this noble goal, among others, must be supported by the physical, material and mental maturity of each prospective bride.

Although Islam is very concerned about marital problems and encourages adherents to carry out marriages, it does not mean that everyone is ordered to immediately implement them, because not everyone is considered capable of creating a peace, safe and peaceful family. Departing from this, the Indonesian government through Law No. 1 of 1974 provides a limit on the age at which someone is allowed to marry. Law Number 1 of 1974 in article 7 paragraph (2) states that "marriage is only permitted if the man has reached the age of 19 years and the woman has reached the age of 16 years [2], [3].

This was also reaffirmed in article 15 of the Compilation of Islamic Law which states that for the benefit of the family and household, marriage can only be done by prospective brides who have reached the specified age in article 7 of Law Number 1 of 1974.

The purpose of marital restrictions is so that the husband and wife can realize the purpose of marriage properly, namely to form a *sakinah* family, to meet biological needs, to obtain offspring, maintain honor, and worship God, and to follow the *sunnah* of the Prophet.

The Marriage Law in addition to regulating the age limit of marriage as mentioned above, also provides the possibility to have a marriage under the minimum age that has been determined, namely the existence of marriage dispensation through the Religious Courts [4].

Biological and psychological maturity of the bride and groom is one of the principles adhered to by the Marriage Act, because marriage has a very noble purpose of forming a *sakinah* family and also to get offspring. Marriage that is done at a very young age is feared to produce offspring that are not good [5], [6].

This is not only because it is produced from immature seedlings, but also because of the lack of knowledge of the young couple about the ways of child care so that children will grow up with patterns of care and education that is less than the maximum. Therefore marriages that do not meet the minimum age requirement may get married to be minimized to prevent these concerns [7].

Marriage at an early age is indeed very vulnerable to various problems that can affect household harmony. This is in line with the lack of physical, material, and mental readiness of the husband and wife, because marriage is not just to justify sexual relations between a man and a woman, but at the same time is also a legal act that causes legal consequences in the form of civil rights and obligation for both parties.

Husband and wife have a balanced and equal position, although it is realized there are differences in obligations with each other in the family. However, basically the differences are there to complement each other. Husband and wife must understand each other's rights and obligations as an effort to build a harmonious family. These obligations must be interpreted reciprocally that something that is the husband's obligation is the wife's right and something that is the wife's obligation to be the husband's right. If the rights and obligations of each husband and wife are met, then something that is coveted by the husband and wife in the ark of the household will be realized [8].

Islamic law and national law, although explicitly have encouraged the community to foster and maintain the integrity of married life, divorce cases still occur and are experienced by various levels of society. Like marriage, divorce is also explained in the Qur'an and the hadith of the prophet. As the word of God in the Qur'an Sura *at-Thalaq*, Verse 1:

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ بِطَوَّلِ مَا تَنَقَّوْا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُّبِينَةٍ وَتِلْكَ حُدُودُ اللَّهِ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا

Meaning: O Prophet, if you divorce your wives. Then you should divorce them when they can (face) their *iddah* (the natural) and count the *iddah* time and fear Allah Allah your Lord. Do not expel them from their homes and do not let them (allow) outside unless they are carrying out a heinous act of light. These are the laws of Allah, so surely He has wronged himself. You do not know perhaps God Held after that something new. And the hadith of the Prophet (PBUH):

أَبْغَضُ الْحَالِلِ إِلَى اللَّهِ الطَّلَاقُ<sup>1</sup>

Meaning: The most lawful thing that God hates is divorce.

From this hadith it can be seen that divorce is something that is hated by Allah if it done for reasons that are not justified by religion. But sometimes a lot of husband and wife who provoked his emotions, sometimes only trivial things, so that it can threaten the integrity of his family, in the end divorce are used as a way out [9].

Among the factors that influence the occurrence of divorce is due to lack of preparation and provision (both material and psychological provisions) that are owned by both parties (husband and wife) in navigating household life. Marriage that ends with a divorce is experienced by many married couples who are still relatively young, and in the age of marriage that is still very young (still in a matter of months). Marriage at a young age, where someone is not ready mentally or physically, often causes problems later in life, not even a little messy in the middle of the road, and finally ends in an early divorce. The case of marriage at a young age then ends with divorce at the age of marriage which is still very young, until now it is still commonly found in Indonesia, both in remote villages and in areas that have developed, or even in big cities [10].

In Kisaran, an area that is not far from the coast until now there are still many marriage practices that is relatively young. This is proven by the number of divorce cases received by the Kisaran Religious Court by young couples.

Young marriages occur in a range due to religious understanding, the community understands that if a child is in a relationship with the opposite sex, religious violations occur. And as parents are obliged to protect and prevent it by immediately marrying off their children.

So when the child who is supposed to still have education and tends to has a low maturity and unstable are causing a lack of readiness in navigating the household ark. When a problem occurs in the household and cannot solve it, the path taken is divorce.

In Kisaran Religious Courts there are young couples who divorce, whose marriages are less than five years old. And most of the cases that file for divorce are the wife or commonly referred to as divorce.

Therefore, writers are interested in conducting research and discussing the problem in depth so that it can be determined what the factors of early divorce to young couples are.

## **METHOD**

This research is a qualitative research, which is a study in which primary data are collected by direct observation and interviews, with various competent parties as well as through documentation of data contained in the Kisaran City Religious Court Office. While the approach used in this study is a normative approach, which is based on the texts of the Qur'an, Al-Hadith and *Qawa 'Idul Usuliyah*, and a juridical approach, which is based on Islamic law and the Marriage Law of 1974. This research data analysis method uses inductive pattern, namely analysis that departs from concrete facts or events in the field and then conclusions are drawn in general nature. And, this research is descriptive-analytical, namely research that seeks to describe divorce due to early marriage in Kisaran City, then analyzed to find the essence of the research problem.

## **RESULT AND DISCUSSION**

As a social problem, divorce results in broken marriages, which naturally arise due to certain causes. According to Ahmad Fauzi, there are at least 5 factors that cause divorce, as follows [9] :

Disharmony in the household:

The reasons mentioned above are the reasons most often raised by married couples who will divorce. Disharmony can be caused by various things including, financial crisis, moral crisis, and the presence of a third person. In other words, the term harmony is too general so that it requires more detailed details.

Cheating:

Cheating is another cause of divorce. Before stepping into the marriage stage, it's good to hold a strong commitment and maintain harmony of the relationship.

Domestic violence (domestic violence):

Domestic violence not only leaves physical but psychological damage. Therefore, knowing your mate more as well as possible before deciding to get married.

Moral and moral crisis:

In addition to the above, divorce is also often based on moral and moral crisis, which can be neglected responsibilities either by husband or wife, unhealthy polygamy, and other bad behavior committed either by husband or wife, for example drunk, involved in criminal activities.

Early-age marriage:

Married at a young age are more vulnerable in terms of divorce. This is because young couples are not ready to face difficulties in their married life and their high egoist.

The factors of divorce in young couples in the Religious Courts are classified into 4 sections:

1. The reason for divorce is because of the economy

The current level of economic needs forces both partners to work to meet the economic needs of the family, so often the difference in income or salary makes each partner disagree, especially if the husband does not have a job that causes the partner is considered unable to meet the material needs of the family, so decided to leave it.

2. Reasons for divorce due to lack of religious understanding

Divorce is often based on moral and moral crises, lack of knowledge about religious laws that are less understood by adolescents today, which can be neglected responsibilities either by husband or wife, and other bad behavior done either by husband or wife, for example drunk, involved in acts criminal.

3. Reasons for education

Early divorce in young couples whose authors were careful in the Kisaran Religious Court, neither the wife nor the husband had any education until the bachelor's degree. Mostly only up to high school, junior high school and even elementary school level. [6] Mentally, economically and mindset, young couples are not ready to face the consequences of marriage. If a woman marries at least 21 years old and men are 25 years, it is more mature so that when problems arise they can solve them without the help of others.

4. Lifestyle reasons

Lifestyle is a picture of everyone who wears it and illustrates how much moral value that person has in the surrounding community and how the person survives. At present the affair in our country is no longer a taboo. Even since the reformation began, cheating has become a lifestyle. Infidelity also occurs because of one party's communication with another person. For example, through BB, cellphones, social media such as Twitter and Facebook Cheating, is actually the initial stage of developing lies in the household, which can be the cause of the birth of mutual distrust, mutual suspicion, and betrayal of the promise of faithfulness. As a result, there is no more warmth and laughter in the family.

## CONCLUSION

From the discussion of the research that has been done, the conclusions obtained from this study of Islamic Sharia do not limit a certain age for marriage. However, implicitly, the *Shari'ah* requires that the person who will carry out the marriage must be a person who is ready mentally, physically and psychologically, mature and understands the meaning of a marriage that is part of worship. In the *Anisa* verse 6 it can be understood that marriage has an age limit and that age limit is *baligh*.

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