



## The Legal Consequences and The Psychological Divorce Impact Against Women in Padang City

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**Abstract:** *This research is motivated by the rise of divorce cases in the Padang City Religious Court. When the divorce case is decided by the Religious Courts, there will be legal consequences from the decision of course this decision has an impact on individual psychology, and interestingly the psychological impact is more common among women. This study aims to find out the factors behind the occurrence of lawsuits in the Padang Religious Court and to identify and reveal the psychological impact caused by divorce lawsuits on women in the Padang Religious Courts. The research was conducted using qualitative methods with interview and observation techniques. The results showed that the factors behind the occurrence of divorce were jealousy, cheating, domestic violence (domestic violence), dishonesty and unclear finances, unmeeting economic needs, drug users and dealers, disobedience, and harassing religion. The legal consequences caused by a lawsuit at the Padang Religious Court are not being allowed to reconcile during the iddah period, paying court fees, dividing assets, and the rights of the child's guardian. While the psychological impact of divorce on women is that subjects R, YM, and S did not see any post-divorce psychological disorders, while in NT, they felt traumatized by their marriage and NL showed feelings of shame and inadequacy with their new status.*

**Keywords:** legal consequences; psychological impact; divorce

### INTRODUCTION

Every human being wants a household life that is *sakinah mawaddah wa rahmah*. Even if there are problems that occur between husband and wife, it must be resolved by peaceful means, not immediately divorced. Divorce which should be the last resort and the last option that a troubled married couple must choose, is in fact it not the case anymore. Divorce happens very easily with unreasonable reason. Nationally, it was found that 42 couples divorced every hour and for one day 1015 married couples divorced in the Religious Courts (Sururie, 2017).

It is even more surprising that the divorce is actually initiated by the women rather than the men, resulting in a lawsuit. This type of litigation case far exceeds that of *talak* divorce. This can be seen from the cases entered and processed by the Religious Courts throughout West Sumatra. In the report of the Padang High Religious Court (PTA) which was published in January 2021, it showed that *talak* divorces amounted to 440 cases, while divorce lawsuits amounted to 1,122 cases (PTA Padang, 2020: 29). Especially for the Padang Religious Court, a report published in 2021 showed that there were 1563 divorce cases from 1989 cases that were submitted. Of the number of divorce cases,

talak divorces consist of 440 cases, while divorce lawsuits amount to 1123 cases (PTA Padang, 2020: 24). While the previous year's report, in 2019, showed as many as 454 divorce cases and 1100 divorce cases (PTA Padang, 2020: 23).

Based on the data obtained from this court, it shows that more than half of divorce cases are suits for divorce. This legal phenomenon shows that both parties failed to build their household. Men who should act as leaders in the family are not able to protect and provide comfort to their wives so women feel uncomfortable living together anymore. Therefore, the wife no longer wants to continue in the same household and prefers to demand a divorce. In the previous case, divorce was something that was taboo and was avoided by women, because women would suffer, even more, be willing to be polygamous, be left alone, not financed, and so on than being divorced (Rais, 2014).

In Padang city, Minangkabau culture is developed, where this culture adheres to a matrilineal system. The matrilineal system is a lineage based on maternal kinship (Yaswirman, 2006). According to the matrilineal system, marriages are held with the agreement of all members of the clan, and between the two clans is highly expected in culture because, in the end, it does not only bring together girls and boys, but also two extended families. When unwanted things happen, such as husband-wife quarrels, divorce, and others, all family members feel responsible for solving and taking all the risks (Munir, 2015). This situation, of course, will enable women to make the decision to divorce if the family approves.

Now, based on the facts above, women are more daring to sue for divorce from their husbands than to repair their broken household. Even though the judges

at the beginning of each trial try and make the parties aware to return to live together because if the divorce occurs there are legal consequences that must be borne by both parties. In addition, there are also bigger impacts that must be borne by each of them, such as parenting problems, financial problems, to emotional disturbances. Therefore, divorce should not occur, except in conditions that are absolutely unavoidable. Based on the above, it is necessary to study the factors behind the occurrence of divorce, the legal consequences it causes, and the psychological impact on women. In the interest of this study, it was carried out specifically at the Padang Religious Court.

### **Divorces**

A divorce event causes emotional instability, experiences anxiety, depression, and often anger (Dagun, 2002). Divorce of husband and wife often ends up painful for the parties involved, including the children. This incident caused the children to not feel protected and loved by their parents. Divorce can also cause stress and trauma to start a new relationship with the opposite sex. Divorce is the second leading cause of stress, after the death of a spouse. Often divorce is defined as a failure experienced by a family (Abid, 2009).

In the compilation of Islamic law chapter 114 the termination of the marriage ties due to divorce could be talak or a lawsuit for divorce (Fokusmedia, 2005). According to UUPA No. & In 1989 the term divorce was changed to a new term. The term used for the application for divorce is called "cerai talak", while for 'gugat cerai', the term is reversed to become 'cerai gugat' (Harahap, 2003).

Divorce based on chapter 114 of the KHI, namely the termination of a marriage due to divorce can occur due to talak, or based on a divorce lawsuit, but further in

chapter 116 of the KHI it is explained several reasons or reasons for divorce will be submitted to the court for processing and follow-up. Those reasons are:

1. One of the parties commits adultery or becomes a condensed drunkard, gambler, and so on which is difficult to cure.
2. One of the parties leaves the other party for two consecutive years without the permission of the other party and without a valid reason or for other reasons beyond his control.
3. One of the parties gets a prison punishment of five years or a heavier punishment during the marriage.
4. One of the parties commits atrocities or severe persecution that endangers the other party.
5. One of the parties gets a disability or illness as a result of not being able to carry out their obligations as husband and wife.
6. Between husband and wife disputes and quarrels occur and there is no hope of living in harmony again in the household.
7. Husband violates 'ta'lik talak'.
8. Religious conversion or apostasy that causes disharmony in the household (DEPAG RI RI, 2001).

### **Consequences of Divorce Law**

In general, the legal consequences of divorce (sue divorced) are (DEPAG RI, 2001):

#### **1. Property in marriage**

In constitution chapter 35 No. 1 the year 1974 it is stated that:

- a. Property acquired during the marriage becomes joint property.
- b. The innate property of each husband and wife and the property obtained by each as a gift or inheritance is under the control

of each as long as the parties do not specify otherwise.

#### **2. Child Position**

Based on the existing provisions, the maintenance of children is determined by the legitimate descendants as biological children. As in the constitution chapter 42 of the marriage law, "a legitimate child is one born in or as a result of a legal marriage".

### **Psychological Impact**

The psychological impact experienced by the subject can be classified into three parts, namely behavioral disorders, cognitive disorders, and emotional disorders.

- a. Behavioral disorders, characterized by laziness to perform daily activities.
- b. Cognitive disorders, characterized by difficulty concentrating, not focusing when working, often daydreaming and thinking alone.
- c. Emotional disorders, characterized by mood and mood disorders and self-blame (Fuadi, 2011).

### **RESEARCH METHODS**

This research uses a qualitative approach and a literature study. To find the legal consequences of being sued for divorce, a literature study will be used through the results of court decisions, while to find a description of the psychological impact of divorce on women, a qualitative approach will be used.

The subjects in this research were taken using the purposive sampling technique, namely the sampling technique by determining certain criteria (Sugiyono, 2008). The characteristics of subjects of this study are women who are divorced, aged in the early adult phase (21-40 years), domiciled in the city of Padang, work as housewives, the divorce case has been

decided by the court, the verdict is in the time range from January to December 2020, and Having children.

The population in this study is based on cases that have been entered and have been decided by the Padang City Religious Court totaling 1123 cases (Chaniago, 2022). From 1123 cases to 94 cases based on the plaintiff's work as a housewife, and from 94 subjects only 5 people were willing to be interviewed, the rest refused and the addresses were not found because they moved and because the addresses were incomplete and inappropriate.

Based on the above criteria, the researchers focused this research on 5 subjects, namely: NT, NL, RO, SN, and YM. Data was collected through several data collection techniques, namely: observation, interviews, and documentation. Meanwhile, for data analysis collecting data, reducing data, displaying data, and drawing conclusions/verification.

## **RESEARCH RESULTS and DISCUSSION**

Before conducting the research, the researcher collected data on prospective divorced subjects through the decision file from the Religious Courts. The researcher downloaded the 2020 Religious Court decision file. After that, the researcher grouped the prospective subject data that was relevant to the problem boundaries and in accordance with the research subject criteria.

After the prospective subjects were netted, the researcher traced the prospective subjects to the field according to the data obtained from the Religious Courts to be asked for their willingness to become research subjects. Prospective subjects who are willing to be research subjects, fill out the informed consent, then

conduct observations and interviews. Observations were made by checking the results of observations in the observation guideline form, while interviews were conducted using a recording device (mobile phone).

After the data collection process was carried out, the researchers analyzed the results of the decisions of the Religious Courts, the results of observations, and the results of interviews with the subject.

### **Factors behind the occurrence of a lawsuit in the Padang Religious Court**

Jealous, Cheating, and Special Relationships with Other Women

NT, SN, and RO both have the jealousy factor as one of the causes of the rift in their household. They are not just jealous, but their husbands have an affair and have another woman. NT, SN, and RO have tried to find a way to maintain their household, but their husbands are not only having an affair and having other women, but their husbands are also no longer providing for and caring for their children.

Abuse and Physical Violence

In the case of domestic violence, NT, Y, NL, and R both experienced domestic violence and experienced physical violence from their husbands. They got this action when their husbands came home angry because some of their husbands were drug users, thus making the husbands get angry quickly and commit violence against their wives.

Dishonest and unclear in Finance

NT, NL, and R both revealed that there was no honesty in their household, especially regarding the support given to them by their husbands. They do not know how much their husbands earn, and the money they provide is insufficient, even though the husband's family, they think

that the husband has a decent income, and they accuse the wife of spending the husband's income.

#### Economic Needs Are Not Fulfilled

R, S, and Y revealed that financially, their husbands are not able to meet the economic needs of their families, even though every day, they need money for their daily needs. Although this economic condition is not the main thing, because there are many other factors that trigger disputes in the household that lead to divorce. Likewise, the husband is angry because he is in a condition of using drugs and committing physical violence coupled with the non-fulfillment of daily needs, finally the subject decides to divorce.

#### Drug Users and Dealers

R and Y have husbands who are drug users and dealers, so this reason makes them stronger to divorce and sue their husbands at the Padang City Religious Court. Moreover, it is exacerbated by the actions of husbands who openly use drugs and are caught by their children. And because of using these drugs, their daily needs are not fulfilled, and the husband's income is not enough for monthly expenses, even though the husband has a fairly sufficient income.

#### Disobedience and Harassment of Religion

Y stated that her husband did not carry out religious orders, such as not praying even though he was often reminded. However, it seems that her husband has no desire to improve and change his attitude and actions. More than that, her husband actually abused religion by stepping on the Quran. This act was discovered by their parents, instead, they did it in front of the wife's parents.

The legal consequences caused by a lawsuit in the Padang Religious Court

Based on the decision of the Padang Religious Court, the legal consequences of the divorce case are:

#### Can't Refer During Iddah

The divorce that was filed by NL, NT, R, S, and Y to the court, because it was related to the sued divorce, was decided by the court *verstek* by imposing *talaq bai'in shugra*, namely *talaq* where the ex-husband is not allowed to refer again to his ex-wife even during the *iddah* period. However, if both of them want to return to building their household, it is legally allowed on condition that they must carry out a new marriage contract as stipulated in chapter 119 paragraph (1) of the KHI.

#### Paying Case Fees

Sued divorce as part of the divorce filed by the woman to the court in accordance with the provisions of constitution chapter 89 paragraph (1) of Law Number 7 of 1989 as amended by Law Number 3 of 2006 and the second amendment by constitution Law Number 50 of 2009 concerning the Religious Courts, court fees were charged to the Plaintiff in the number of Charges to the Plaintiff to pay court fees.

#### Division of property

In the case that was submitted later, it was decided in relation to assets, there was no court decision relating to the distribution of the assets of the two parties.

#### Child guardian rights

Children as a trust that must be nurtured and cared for should receive more special attention because it is very influential on their growth and development. In relation to the lawsuit filed, the court's decision did not mention the issue of child care even though in reality the plaintiff has a child who is still underage.

### **The psychological impact caused by divorce lawsuits against women in the Padang Religious Court**

It can be seen that since the Padang Religious Court's decision decided on the divorce he applied for, subjects R, YM, and S did not show any post-divorce psychological disorders, while NT felt traumatized by their marriage, was afraid to start a new relationship because they were still overshadowed by past experiences and NL shows feelings of shame and a little alienation from his social environment. Divorce is a traumatic experience for the woman, making it difficult for her to trust other people and it is also difficult for her to start a new relationship. Besides that, the subject felt physically tired, sometimes felt a headache when thinking about the future of her child, had difficulty sleeping, and felt that his immune system was decreasing. The subject also felt easy cry, felt anxious, worried, suspicious, and irritable. Also felt worthless, insecure, more sensitive, felt less happy despite being relieved after the divorce.

Even so, the great family support, made the woman able to quickly adjust to her new status. Besides that, the emergence of an attitude of forgiveness from ex-husbands is one of the factors that influence the process of her adapting.

Based on the results of the study, it can be seen that a sued divorce has a legal effect on the results of the court, where this legal effect has an impact on women as plaintiffs, such as not being allowed to reconcile during the iddah period. This indicates that if a woman files for divorce with the intention of simply threatening her husband (not that she really wants a divorce), and if this case is granted by the court, then it will be detrimental to the woman, because she is not allowed to

return to her husband. Then, because the request for divorce was made by the woman, the cost of the case was borne by the plaintiff, namely the wife. This adds to the loss of the wife, especially if the wife is a woman who does not work to earn money. In addition, the absence of a decision on the distribution of assets is also detrimental to the wife who does not work to make money, because if it turns out that the property is not divided fairly after the divorce, then the loss will be very large for the wife. In addition, the rights of the child's guardian also do not become a court decision if the case being filed is divorced. This can also be difficult and can be problematic, as most of the subjects in this study had minors. However, although some subjects know the legal consequences of the cases they file, these subjects feel that their decision to file for divorce is a final decision.

Furthermore, the conditions that caused the divorce had occurred some time ago before the divorce suit was filed. This makes the woman as the wife who is suing for divorce thinks about the impact she will receive if the divorce actually occurs. After going through a long and lengthy thought process, then the subject made up his mind and took the decision to divorce. This situation makes the research subject automatically adapt to the conditions of his household so that psychologically, the research subject has been able to accept his situation with the status of a widow and there is no longer a husband in his house. Although at first, the research subject felt anxious, sad, disappointed, and several other psychological conditions that he felt before the divorce lawsuit was filed, when the divorce was decided by the court, the subject's psychological condition had improved and had been able to adapt to his new status as a widow.

One of the factors that made the subject able to adapt to her post-divorce psychological condition was forgiveness. According to Maulida, divorced women who forgive have high psychological well-being (Maulida & Sari, 2016). In addition, through forgiveness, individuals achieve psychological well-being so that a good quality of life is maintained, even though the individual is in good or bad condition (Raudatussalamah & Susanti, 2014).

Family support is also a factor that makes divorced women adapt quickly to their new conditions. Minangkabau, which adheres to a matrilineal kinship system, has an inheritance called 'harato pusako tinggi' and 'harato pusako rendah' (Firdawaty, 2018). It is this inheritance that supports divorced women from an economic point of view so that women feel quite safe and calm related to the maintenance of themselves and their children.

## CONCLUSION

Based on the results of the research and discussion above, it can be concluded that the factors behind the occurrence of divorce are feelings of jealousy from the wife toward her husband, causing a fight which eventually led to a divorce filed by the wife, the occurrence of infidelity and special relationships between husbands and women. Another, the occurrence of acts of physical violence by the husband to the wife in the household, the wife feels that her husband is not being honest and

not open in finances, the economic needs of the family are not met, and the husband is a drug user and dealer, the husband does not obey religious orders and abuses religion (Maulida & Sari, 2016).

As for the legal consequences for the wife caused by the divorce of the wife to the husband at the Padang Religious Court, they are not allowed to reconcile during the iddah period, the wife pays court fees, there is no division of property and there is no discussion of the rights of the child's guardian. While the psychological impact of divorce on women is that subjects R, YM, and S do not see any post-divorce psychological disorders because the desire to divorce has long been intended so that the subject has been able to adapt to current conditions. While on the NT subject, the subject felt traumatized by his marriage, which made the subject not too fond of socializing outside the house, the subject also found it difficult to establish new relationships with the opposite sex. And the psychological impact on the subject of NL shows a feeling of shame and inadequacy with his new status.

This research has limitations. There is a long period of time between the occurrence of divorce and this research being carried out so that the subject has adapted to the psychological condition. It's best to do research when the divorce has just happened.

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