



## Phenomena of Domestic Violence Against Women and Divorce in 2020-2022 in Indonesia: An Islamic Perspective

Hasanudin<sup>1</sup>, Oyo Sunaryo Mukhlas<sup>2</sup>, Muhammad Farhan Bin Mat Noradin<sup>3</sup>, Ending  
Solehudin<sup>4</sup>, Dedah Jubaedah<sup>5</sup>

<sup>1245</sup>UIN Sunan Gunung Djati Bandung, Indonesia

Jalan A.H Nasution No. 105, Cipadung, Cibiru, Kota Bandung, Jawa Barat

<sup>3</sup>Islamic University Selangor,

Malaysia Bandar Seri Putra, 43000 Kajang, Selangor, Malaysia

Email: <sup>1</sup>[alfasiry.hasan@gmail.com](mailto:alfasiry.hasan@gmail.com), <sup>2</sup>[osumfsh@yahoo.com](mailto:osumfsh@yahoo.com), <sup>3</sup>[farhan@kuis.edu.my](mailto:farhan@kuis.edu.my),

<sup>4</sup>[endingsolehudin@uinsgd.ac.id](mailto:endingsolehudin@uinsgd.ac.id), <sup>5</sup>[dedahjubaedah@uinsgd.ac.id](mailto:dedahjubaedah@uinsgd.ac.id)

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**Abstract:** The phenomenon of domestic violence for women which leads to divorce has increased dramatically since 2020-2022. In fact, acts of domestic violence have never been justified in religious teachings. Therefore, this study aims to explore the phenomenon of domestic violence against women and divorce in 2020-2022 in Indonesia as well as Islamic views on both. This research uses a qualitative approach to the phenomenological method with data sources taken from reports on social media such as Youtube, Instagram, and Facebook about the phenomenon of domestic violence and divorce in 2020-2022. The research process is divided into three stages, namely the orientation stage, the reduction stage, and the selection stage. The results of this study reveal that: First, the phenomenon of domestic violence against women and leading to divorce has increased; in 2020 there were 226,062 cases increasing to 349,635 cases in 2022. From the search results, cases of domestic violence were caused by several factors such as: 1) unstable family economy due to the pandemic situation spanning 2020-2022; 2) jealousy among spouses because of social media, 3) spouse's family interferes too much in household affairs, and; 3) early marriage; Second, Islamic syari'at through the Qur'an and Sunnah condemns acts of domestic violence in the household for any reason according to the demands of QS: 4: 21, QS: 4: 34, and HR. Bukhari No. 4942. The findings of this study indicate that married couples need to be given education on how to navigate the household ship before they get married so that it is not easy to do domestic violence between partners.

**Keywords :** online media, domestic violence, divorce, phenomena in 2020-2022

**Abstrak:** Fenomena kekerasan dalam rumah tangga bagi perempuan yang berujung kepada perceraian meningkat drastis sejak tahun 2020-2022. Padahal, tindakan kekerasan dalam rumah tangga tidak pernah dibenarkan dalam ajaran agama. Oleh karena itu, penelitian ini bertujuan untuk menelusuri fenomena KDRT terhadap perempuan dan perceraian tahun 2020-2022 di Indonesia serta pandangan Islam terhadap keduanya. Penelitian ini menggunakan pendekatan kualitatif metode fenomenologi dengan sumber data diambil dari pemberitaan di media sosial seperti Youtube, Instagram, dan Facebook tentang fenomena KDRT dan perceraian

tahun 2020-2022. Proses penelitian ini terbagi menjadi tiga tahap yaitu tahap orientasi, tahap reduksi, dan tahap seleksi. Hasil penelitian ini mengungkapkan bahwa: pertama, fenomena KDRT terhadap perempuan dan berujung perceraian terjadi peningkatan; tahun 2020 terdapat 226.062 kasus meningkat menjadi 349.635 kasus tahun 2022. Dari hasil penelusuran, kasus KDRT disebabkan oleh beberapa faktor seperti: 1) ekonomi keluarga yang tidak stabil karena situasi pandemi rentang tahun 2020-2022; 2) kecemburuan sesama pasangan karena media sosial, 3) keluarga pasangan terlalu mencampuri urusan rumah tangga, dan; 3) pernikahan dini; Kedua, syari'at Islam melalui Al-Qur'an dan Sunnah mengancam tindakan KDRT dalam rumah tangga dengan alasan apa pun sesuai tuntutan QS: 4: 21, QS: 4: 34, dan HR. Bukhari No. 4942. Temuan penelitian ini menunjukkan bahwa pasangan suami istri perlu diberikan edukasi menjalani bahtera rumah tangga sebelum mereka menikah agar tidak mudah melakukan KDRT antar sesama pasangan.

**Kata Kunci :** media online, KDRT, perceraian, fenomena tahun 2020-2022

## Introduction

Since 2020-2022 Covid-19 pandemic broke out in Indonesia, there has been a significant increase in the divorce rate. This happened because Covid-19 required people to undergo regional quarantine and stay at home for some people, which will strengthen togetherness in the family.<sup>1</sup> For others, however, it has only exacerbated differences and increased conflict. The restriction of social life for weeks or even months, under certain conditions, can indeed present uncertainty, separation, and fear for many individuals, couples, and families.<sup>2</sup> In these conditions, domestic violence often occurs and ends in divorce which destroys the family. The victims who are most vulnerable to cases of violence are women and children.<sup>3</sup> The family is a gift from God that is charged to everyone to be maintained following the provisions of religious law and state law.

In the Indonesian dictionary, "violence" is defined as something hard, and characterized. In a broader sense, violence is the act of a person causing injury or death to another person or causing physical damage.<sup>4</sup> Thus, violence is a form of action that is more physical which results in injury, disability, illness, or an element that needs to be considered in the coercion or unwillingness of the injured party.<sup>5</sup> Criminologists argue that violence that results in physical violence is violence that is against the law. Therefore, violence is a crime.<sup>6</sup> Based on this understanding, cases of violence against women and children in the household are netted with Articles of the Criminal Code (KUHP) regarding crimes. Matthew Desmond explicitly states that violence is all types of illegal behavior sometimes, either in the form of real action or in the form of criticism, threats that result in destruction or damage to property rights.

<sup>1</sup> Alberto Aleta et al., "Modelling the Impact of Testing, Contact Tracing and Household Quarantine on Second Waves of Covid-19," *Nature Human Behaviour* 4, no. 9 (2020): 964–71, <https://doi.org/10.1038/s41562-020-0931-9>.

<sup>2</sup> Marieke Dewitte, Chantelle Otten, and Lauren Walker, "Making Love in the Time of Corona - Considering Relationships in Lockdown," *Nature Reviews Urology* 17, no. 10 (2020): 547–53, <https://doi.org/10.1038/s41585-020-0365-1>.

<sup>3</sup> Michele Lloyd, "Domestic Violence and Education: Examining the Impact of Domestic Violence on Young Children, Children, and Young People and the Potential Role of Schools," *Frontiers in Psychology* 9, no. NOV (2018): 1–11, <https://doi.org/10.3389/fpsyg.2018.02094>.

<sup>4</sup> Johnie J. Allen and Craig A. Anderson, "Aggression and Violence: Definitions and Distinctions," *The Wiley Handbook of Violence and Aggression*, 2017, 1–14, <https://doi.org/10.1002/9781119057574.whbva001>.

<sup>5</sup> Samsuria and Andi Purnawati, "Prevention of Criminal Acts of Sexual Violence Against Children," *Omnibus Law Journal* 1, no. 2 (2021): 68–78, [www.jurnal.unismuhpalu.ac.id/index.php/OLJ/article/view/2141](http://www.jurnal.unismuhpalu.ac.id/index.php/OLJ/article/view/2141).

<sup>6</sup> Matthew Desmond, Andrew V. Papachristos, and David S. Kirk, "Evidence of the Effect of Police Violence on Citizen Crime Reporting," *American Sociological Review* 85, no. 1 (2020): 184–90, <https://doi.org/10.1177/0003122419895979>.

Domestic violence has been regulated in Law (UU) Number. 23 of 2004. In the law, it is explained that domestic violence is any act against a person, especially a woman that results in physical, sexual, psychological misery or suffering, and neglect. Household including threats to commit acts of coercion, or deprivation of liberty against the law within the scope of the household.<sup>7</sup> The criteria for domestic violence as referred to in the law fall into the following categories: a) physical violence, meaning that results in pain, illness, or serious injury; b) psychological violence, meaning that it causes a sense of fear, loss of self-confidence, loss of ability to act, feeling helpless and others; c) sexual violence, meaning unnatural sexual coercion, either against the husband or against the wife for commercial purposes, or certain purposes; d) household neglect, meaning that occurs within the scope of the household, which according to law is required of him. In addition, neglect also applies to anyone who causes economic dependence by limiting and/or prohibiting proper work inside or outside the home, thus the victim is under the control of that person.

In the 1945 Constitution, it is expressly stated that the rights and obligations of every citizen are the same, namely the obligation to uphold the law and government without exception. This statutory provision at the same time justifies that men and women have the same rights and obligations from a legal point of view.<sup>8</sup> Women become partners for men in various aspects of life and social aspects of society, including domestic life.<sup>9</sup> The husband is present as a protector and guide in the family. However, in domestic life, conflicts and debates often arise which lead to acts of physical violence perpetrated by a husband against his wife.<sup>10</sup> Until now, cases of domestic violence have claimed many victims from various circles of society, both victims of physical violence, behavioral violence, and even violence that results in death.<sup>11</sup> Domestic violence is still a public spotlight and a hot issue that is widely discussed while looking for solutions in anticipating husbands' arrogance towards their wives.

Today, the family environment has been equipped with digital communication tools on social media. In addition to providing benefits, the real development of information technology brings disaster to some people.<sup>12</sup> Because the ease of accessing information is used by some people to carry out illegal communications that destroy family relationships. The use of social media as a digital communication tool triggers internal conflicts in the household.<sup>13</sup> This phenomenon often occurs in a family environment if the husband and wife are not equipped with knowledge of using information

<sup>7</sup> Hanafi Arief, "Domestic Violence and Victim Rights in Indonesian Law Concerning the Elimination of Domestic Violence," *Journal of Legal, Ethical and Regulatory Issues* 21, no. Specialissue (2018): 2018.

<sup>8</sup> Helen Dancer, "An Equal Right to Inherit? Women's Land Rights, Customary Law and Constitutional Reform in Tanzania," *Social and Legal Studies* 26, no. 3 (2017): 291–310, <https://doi.org/10.1177/0964663916677560>.

<sup>9</sup> Duta Mustajab et al., "Working From Home Phenomenon As an Effort to Prevent Covid-19 Attacks and Its Impacts on Work Productivity," *TIJAB (The International Journal of Applied Business)* 4, no. 1 (2020): 13, <https://doi.org/10.20473/tjab.v4.i1.2020.13-21>.

<sup>10</sup> S. Ashraf, M. Abrar-ul-Haq, and S. Ashraf, "Domestic Violence Against Women: Empirical Evidence from Pakistan," *Pertanika Journal of Social Sciences and Humanities* 25, no. 3 (2017): 1401–18, [www.pertanika.upm.edu.my/](http://www.pertanika.upm.edu.my/).

<sup>11</sup> Linda G. Mills et al., "A Randomized Controlled Trial of Restorative Justice-Informed Treatment for Domestic Violence Crimes," *Nature Human Behaviour* 3, no. 12 (2019): 1284–94, <https://doi.org/10.1038/s41562-019-0724-1>. including motivational or readiness to change strategies, subsequent incidents of violence can be reduced. Prompted by previous research on restorative justice in reducing recidivism in crimes other than DV, a randomized controlled trial in Utah, USA, compared a typical BIP with one that included restorative justice-informed treatment, called circles of peace (CP)

<sup>12</sup> Wu He, Zuopeng (Justin) Zhang, and Wenzhuo Li, "Information Technology Solutions, Challenges, and Suggestions for Tackling the Covid-19 Pandemic," *International Journal of Information Management* 57, no. November 2020 (2021), <https://doi.org/10.1016/j.ijinfomgt.2020.102287>.

<sup>13</sup> Desmond U. Patton et al., "When Twitter Fingers Turn to Trigger Fingers: A Qualitative Study of Social Media-Related Gang Violence," *International Journal of Bullying Prevention* 1, no. 3 (2019): 205–17, <https://doi.org/10.1007/s42380-019-00014-w>.

technology wisely. Especially in the era of the Covid-19 pandemic, which requires every community to carry out social distancing activities, and carry out activities at home, surfing on social media is a very fun activity.<sup>14</sup> However, it is not surprising that cases of domestic violence against women and divorce have increased since 2020-2022 amidst a pandemic situation that was initiated by the unwise use of social media.<sup>15</sup>

The phenomenon of divorce that occurs due to acts of domestic violence has attracted the attention of academics and scholars. It is known from the research output on the above topic. *First*, the results of Saraswati's research show that all respondents feel ashamed when they experience acts of domestic violence, this shame is also their reason for maintaining their families despite facing domestic violence.<sup>16</sup> *Second*, the findings of Lloyd's research reveal that domestic violence between husband and wife harms the psychological development of children because there is a strong relationship between domestic violence and violence against children. involves violence against children because children see and hear everything that happens in their family.<sup>17</sup> The result of the study by Adnan *et al* shows that the divorce rate is mostly due to the loss of harmonization in the family, the wife needs a husband who has a leadership attitude and dexterity in fostering a family, establishes active communication between husband and wife, it can be concluded that divorce does not occur only because of economic factors.<sup>18</sup> *Fourth*, the research findings of Kithonga & Mbogo confirm that domestic violence does not only have an effect on divorce and household breakdown but various effects are not limited to a decrease in educational performance and child behavior problems that can arise as a result of full-blown domestic violence.<sup>19</sup> In addition to the lack of family harmonization, the spread of Covid-19 also turned out to be a reason for divorce in Indonesia, this is following the results of Erniyanti *et al* research which revealed that the spread of Covid-19 requires people to carry out activities at home, termination of employment, disruption family economy, and vulnerability to the treatment of domestic violence, thus the divorce rate is increasing by around 15-20%.<sup>20</sup>

Based on the research above, a study on divorce is still very much needed to fill the void in the Islamic legal literature. In the digital era, the development of online media is so massive, that it makes it easier for someone to interact online with other people. it also affects family harmonization relationships, and miscommunication, and can lead to divorce, especially in the situation of the covid-19 pandemic is still an epidemic in Indonesia with the impact that arises, namely the occurrence of family economic shocks. On that basis, the formulation of the research problem is

<sup>14</sup> Mochamad Iqbal Jatmiko, Muh. Syukron, and Yesi Mekarsari, "Covid-19, Harassment and Social Media: A Study of Gender-Based Violence Facilitated by Technology During the Pandemic," *The Journal of Society and Media* 4, no. 2 (2020): 319, <https://doi.org/10.26740/jsm.v4n2.p319-347>.

<sup>15</sup> Martin Korte, "The Impact of the Digital Revolution on Human Brain and Behavior: Where Do We Stand?," *Dialogues in Clinical Neuroscience* 22, no. 2 (2020): 101-11, <https://doi.org/10.31887/DCNS.2020.22.2/mkorte>.

<sup>16</sup> Rika Saraswati, "Shame and Indonesian Women Victims of Domestic Violence in Making the Decision to Divorce," *Identities* 27, no. 5 (2020): 557-73, <https://doi.org/10.1080/1070289X.2019.1600313>.

<sup>17</sup> Lloyd, "Domestic Violence and Education: Examining the Impact of Domestic Violence on Young Children, Children, and Young People and the Potential Role of Schools."

<sup>18</sup> Andi Astinah Adnan et al., "Agile Leadership and Divorce Education: Study on Women's Perception," *Humanities and Social Sciences Letters* 8, no. 3 (2020): 323-30, <https://doi.org/10.18488/JOURNAL.73.2020.83.323.330>.

<sup>19</sup> Francisah Kithonga and Wahu Rosemary Mbogo, "The Impact of Domestic Violence on The Learning Process of High School Students," *Advances in Social Sciences Research Journal* 5, no. 8 (2018): 544-54, <https://doi.org/10.14738/assrj.58.5138>.

<sup>20</sup> Erniyanti et al., "Divorce Settlement Due To Home Violence During The Pandemic Covid 19 In Medan City," *International Journal Of Social, Policy And Law (IJOSPL)* Vol. 02, no. 03 (2021): 60, <http://www.ijospl.org>.

to browse cases of domestic violence against women and divorce that have occurred in Indonesia from 2020-2022 through social media guidelines. The benefits of this research are expected to be the basis of information and education for the community to defend their families from various social problems that lead to divorce.

### **The Phenomenon of Domestic Violence and Divorce in 2020-2022 in Indonesia**

In the 2020-2022 period, the Covid-19 pandemic spread in Indonesia, which triggered an increase in divorce cases.<sup>21</sup> Based on data from the Supreme Court, husbands and wives who registered for divorce, which initially numbered 20 thousand cases in April and May 2020 periods, increased to 57,000 in June and July 2020. Reporting to *Suara.com*, in June and July 2020, the number of Divorce cases soared to 80% that were submitted to the Religious Courts, and the majority were filed by the wife. If reviewed further, the highest increase in divorce cases occurred in the province of Central Java. Based on data from the Banyumas Regency Religious Court, it was noted that in June 2020 towards the new normal there was an increase of 48 cases, compared to normal conditions in January 2020 when this number was compared to the pandemic in March-May there was an increase of 464 cases. This means that in one day there are about 24 couples who register their divorce. Until mid-2021, the Women and Children Service Unit of Sub Directorate 4 Renakta Ditreskrimum South Kalimantan Police handled 147 cases consisting of 68 cases of violence against women and 79 cases against children. Meanwhile, in 2020, there were a total of 214 cases consisting of 94 cases of violence against women and 120 cases against children.

Of the 34 provinces in Indonesia, three provinces with a significant increase in divorce cases during the Covid-19 pandemic are on the island of Java. The three provinces, namely West Java, are the provinces that contribute the most to divorce rates. Then followed by Central Java and East Java. Meanwhile, for provinces outside Java, the increase in divorce cases has not been seen significantly. The high divorce rate in Indonesia at this time will cause an increase in the number of children who are neglected and children who behave naughty due to their parents getting divorced because there is no good guidance from their parents.<sup>22</sup> This phenomenon is tantamount to destroying the future of the nation because children are the greatest treasure for the nation's successors in the future,<sup>23</sup> if the current generation does not get serious attention from their parents, the future of this nation will be bleak in their hands.<sup>24</sup>

Divorce often ends up being painful for the parties involved, including the children. According to research by experts such as MC Dermott, Moorrison Offord, Sugar, Westman, and Kalter in Syamsu Yusuf (2009) adolescents whose parents are divorced tend to show attitudes as following: a) Naughty behavior. b) Depression. c) Have an active sexual relationship. d) Tendency towards illegal drugs. This is encouraged because children feel less attention from parents which will affect their mental

<sup>21</sup> Hongwei Zhang, "The Influence of the Ongoing Covid-19 Pandemic on Family Violence in China," *Journal of Family Violence*, 2020, <https://doi.org/10.1007/s10896-020-00196-8>.

<sup>22</sup> Dyah Anantalia Widyastari et al., "Marital Dissolution in Postmodern Java, Indonesia: Does Early Marriage Increase the Likelihood to Divorce?," *Journal of Divorce and Remarriage* 61, no. 8 (2020): 556-73, <https://doi.org/10.1080/10502556.2020.1799308>.

<sup>23</sup> Sandra F. Joireman, "Protecting Future Rights for Future Citizens: Children's Property Rights in Fragile Environments," *Oxford Development Studies* 46, no. 4 (2018): 470-82, <https://doi.org/10.1080/13600818.2017.1416073>.

<sup>24</sup> Helena Pimlott-Wilson, "Individualising the Future: The Emotional Geographies of Neoliberal Governance in Young People's Aspirations," *Area* 49, no. 3 (2017): 288-95, <https://doi.org/10.1111/area.12222>.



development of children<sup>25</sup>. Feeling that the parental love they receive is incomplete, the child will seek attention from others or even feel ashamed, inferior, and depressed<sup>26</sup>. In the future, they will form a reaction of revenge and hostility to the outside world. These children will be noble to disappear from home, prefer to be homeless, and seek the pleasures of life which eventually becomes entangled with promiscuity.<sup>27</sup>

Divorce cases have a significant impact on several parties. For children, parental divorce invites psychological problems and mental disorders in their souls, this is the source of the problem of broken homes for children. Divorce will also be a frightening specter for teenagers, such as feelings of shame, sensitivity, and low self-esteem that cause the child not to like to blend with the surrounding environment and withdraw from the environment. Then the things that are found in children due to their parents' divorce are feelings of insecurity,<sup>28</sup> unwanted by their parents, sad and lonely, anger, and can even blame themselves for feeling guilty for the cause of the divorce. The most fatal impact for children who are victims of parental divorce is that children will be bullied and get bullied by their friends because they do not have a complete family, this has a big impact on the child's psychological condition.<sup>29</sup>

The impact of divorce on husband and wife is also in the spotlight of state law and religious law.<sup>30</sup> If a husband and wife divorce only based on Islamic law (through words) not based on applicable laws, then they will not have a divorce certificate as authentic evidence that they have officially divorced, as a result, both men and women will find it difficult when they want to remarry. with other people. Because the religious court will not permit to remarry of each divorce victim couple until there is a valid letter from the court.<sup>31</sup> Then, divorce without official acknowledgment from the religious court will also affect the child's livelihood, if there is no letter stating officially divorced and the father does not routinely provide a living, the mother also cannot force to provide for the child regularly.<sup>32</sup> However, if the divorce case is based on state law through the litigation of both the wife and husband in an official religious court, then this case will be properly recorded and will be subject to legal proceedings.

Based on the divorce phenomenon that occurred in Indonesia in the 2020-2022 period, it shows that in general the cause of divorce is due to conflict in the household caused by economic problems, imbalance of activity and time together, and domestic violence, changing communication patterns. , the age factor in building a household. When cases of the Covid-19 pandemic soared, many husbands

<sup>25</sup> Shweta Singh et al., "Impact of Covid-19 and Lockdown on Mental Health of Children and Adolescents: A Narrative Review with Recommendations," *Psychiatry Research* 293, no. May (2020): 113429, <https://doi.org/10.1016/j.psychres.2020.113429>.

<sup>26</sup> Nicole Owens and Liz Grauerholz, "Interspecies Parenting: How Pet Parents Construct Their Roles," *Humanity & Society* 43, no. 2 (2019): 96–119, <https://doi.org/10.1177/0160597617748166>.

<sup>27</sup> Jeff Rose and Corey Johnson, "Homelessness, Nature, and Health: Toward a Feminist Political Ecology of Masculinities," *Gender, Place and Culture* 24, no. 7 (2017): 991–1010, <https://doi.org/10.1080/0966369X.2017.1347559>.

<sup>28</sup> Ingunn Onarheim Johnsen, Astrid Synnove Litland, and Inger Kristensson Hallström, "Living in Two Worlds - Children's Experiences After Their Parents' Divorce - A Qualitative Study," *Journal of Pediatric Nursing* 43, no. xxxx (2018): e44–51, <https://doi.org/10.1016/j.pedn.2018.09.003>.

<sup>29</sup> Elie Bou Sanayeh et al., "Parental Divorce and Nicotine Addiction in Lebanese Adolescents: The Mediating Role of Child Abuse and Bullying Victimization," *Archives of Public Health* 80, no. 1 (2022): 1–11, <https://doi.org/10.1186/s13690-022-00848-9>.

<sup>30</sup> Kathryn O'Sullivan and Leyla Jackson, "Muslim Marriage (Non) Recognition: Implications and Possible Solutions," *Journal of Social Welfare and Family Law* 39, no. 1 (2017): 22–41, <https://doi.org/10.1080/09649069.2016.1272767>.

<sup>31</sup> Keshet Starr, "To Have and to Hold: Emotional Distress, Divorce Denial, and the Politics of Interspousal Torts," *International Journal of Constitutional Law* 18, no. 3 (2020): 870–92, <https://doi.org/10.1093/icon/moaa064>.

<sup>32</sup> Emma Fransson, Anders Hjern, and Malin Bergström, "What Can We Say Regarding Shared Parenting Arrangements for Swedish Children?," *Journal of Divorce and Remarriage* 59, no. 5 (2018): 349–58, <https://doi.org/10.1080/10502556.2018.1454198>.

lost their jobs so economic problems became a serious disturbance in home life because the wife's responsibilities increased to meet family needs that exceeded the ability of a wife.<sup>33</sup> In the end, this has an impact on unresolved and protracted domestic conflicts, so divorce becomes a settlement solution. Even though divorce is a tough decision, the mental health of victims of domestic violence cannot be justified, even though every husband and wife always gets marriage advice after the consent procession.<sup>34</sup>

This case of domestic violence was found by many researchers in several online media to the point of causing death. In some of these cases, a husband with the initials "W" killed his wife by holding the victim's mouth until he couldn't breathe. "W" was charged with Article 44 on domestic violence and Article 338 of the Criminal Code on murder. According to the perpetrator's confession that he was jealous of his wife who admitted that she would remarry (CNN Indonesia, 23/04/22). Another case was also found which was quite drastic where a head of household in Bandung regency committed domestic violence against all his family members to commit a heinous act, namely impregnating the child of his first wife. The case was not handled according to the force law in Indonesia, but the residents took action by expelling this family because they were considered to have tainted the good name of the village (CNN Indonesia, 24/04/22). The following are statistics from cases of domestic violence for women and children in 2020-2022 based on Women National Commission data:

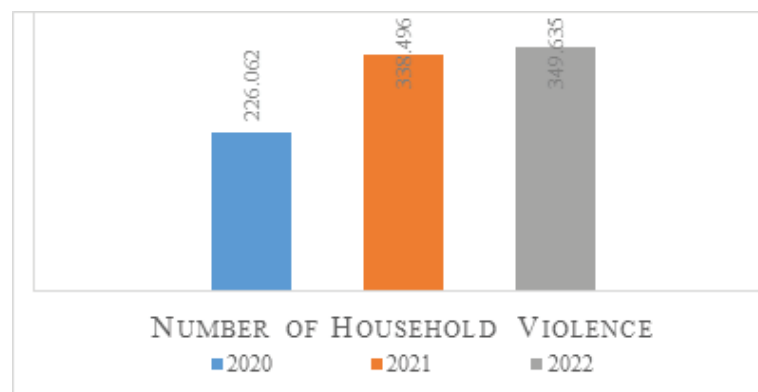


Figure 1: Domestic Violence Cases 2020-2022 Range

The significant decrease in the number of cases collected in the 2021 Catahu shows that the ability to record and document VAW cases at service institutions and on a national scale needs to be a priority of mutual attention. A total of 299,911 cases could be registered in 2020, a decrease of 31% from cases in 2019 which recorded 431,471 cases. This is because the returned questionnaires decreased by almost 100% from the previous year. In the previous year, the number of questionnaires returned was 239 institutions, while this year only 120 institutions. However, as many as 34% of institutions that returned questionnaires stated that there was an increase in case of complaints during the pandemic. Data on complaints to Women National Commission also experienced a drastic increase of 60% from 1,413 cases in 2019 to 2,389 cases in 2020. In 2021 cases of violence against

<sup>33</sup> Aud Johannessen et al., "Experiences and Needs of Spouses of Persons with Young-Onset Frontotemporal Lobe Dementia During the Progression of the Disease," *Scandinavian Journal of Caring Sciences* 31, no. 4 (2017): 779–88, <https://doi.org/10.1111/scs.12397>.

<sup>34</sup> Mohamad Abdun Nasir, "Religion, Law, and Identity: Contending Authorities on Interfaith Marriage in Lombok, Indonesia," *Islam and Christian-Muslim Relations* 31, no. 2 (2020): 131–50, <https://doi.org/10.1080/09596410.2020.1773618>.

women and children increased again, namely 327.629 cases were revealed and increase again 349.635 in 2022 (komnasperempuan.go.id 5/10/22). Based on this visible case, Women National Commission state that 50% of violence was perpetrated against wives, such as mental injuries, physical injuries, and leading to divorce.

By the massive divorce cases during the Covid-19 pandemic, George Levinger compiled 12 categories of factors that lead to divorce, these factors are: (1) Because the spouse often ignores obligations towards the household and children, such as rarely returning home, there is no certain time at home and the absence of emotional closeness with children and their partners. (2) Economic problems (the income received to meet the family and meet household needs is not enough); (3) The presence of acts of domestic violence (KDRT); (4) The partner often screams or uses harsh and painful words; (5) cases of infidelity or having savings and often committing adultery with other people; (6) Incompatibility in sexual relations with a partner, such as reluctance or frequent refusal to have intercourse, and cannot provide satisfaction; (7) Often drunk; (8) There is involvement or interference and social pressure from the partner's relatives; (9) Often there is suspicion, jealousy, and incompatibility with his partner; (10) loss of feelings of love so that they rarely communicate, lack of attention and togetherness between partners; (11) some demands are considered too excessive so that the partner becomes impatient, has no tolerance, and feels too controlling; (12) Other categories that are not included in the 11 types of complaints above.<sup>35</sup>

Based on 12 categories in the occurrence of divorce cases mentioned above, husbands get the highest proportion of two types of complaints, namely: (1) interference and pressure from the wife's relatives and (2) problems of incompatibility in sexual relations. Meanwhile, wives get the highest proportion of three types of complaints, namely: (a) husbands often neglect their obligations to the household and children; (b) husbands often use physical abuse, and; (c) financial problems. Both wife and husband play an important role in maintaining a harmonious and romantic family. It is the responsibility of a husband as the head of the family to provide a sense of protection and comfort for his wife and family. And it is also the wife's responsibility to show affection and love to her husband and family both when the husband is there and when the husband is not there. However, every couple must be able to present a sense of caring for their partner.

Indeed, not all married life runs smoothly and without obstacles. This is because each married couple occupies various stages of psychological development, religious ways of thinking, and course with various household problems. For couples who can't solve the problem, they end up taking divorce as an alternative solution. Therefore, it is necessary to have a pattern of prevention so that divorce does not occur and overcomes marital problems.<sup>36</sup> In the family system, Goode argues that there are several patterns of preventing divorce, namely: (1) lowering or suppressing individual desires about what can be expected from a marriage; (2) instilling values that are not Concerned with kinship relations rather than husband-wife relationships in marriage. Usually, in such a family system, the son especially plays a very important role. It is he who controls the life of the extended family; (3) do not attach importance to a dispute; (4) teach children and youth to have the same expectations of marriage. So that in later marriage, a husband or wife can play a role as expected by their partner.

<sup>35</sup> George Levinger, "Sources of Marital Dissatisfaction Among Applicants for Divorce," *American Journal of Orthopsychiatry* 36, no. 5 (1966): 803-7, <https://doi.org/10.1111/j.1939-0025.1966.tb02407.x>.

<sup>36</sup> Amy A. Conroy et al., "Marital Infidelity, Food Insecurity, and Couple Instability: A Web of Challenges for Dyadic Coordination around Antiretroviral Therapy," *Social Science and Medicine* 214 (2018): 110-17, <https://doi.org/10.1016/j.socscimed.2018.08.006>.



## Review of Islamic Law Against Domestic Violence Behavior

Islam pays great attention to every detail of human life. So that in Islam all things regarding life have their respective rules, as well as the issue of sexual desire.<sup>37</sup> In Islam, humans are forbidden to express their sexual desires freely. For this reason, Islam regulates sexual desire by calling for marriage.<sup>38</sup> Islamic shari'ah makes marriage a great, holy, and solid relationship. As contained in the Qur'an the term affinity with the *mitsaq ghalidz* (the great agreement) in the Qur'an Surah an-Nisa verse 21 states: How will you take it back, even though some of you have associate (mix) with others as husband and wife. And they (your wives) have taken from your strong covenant.

In the interpretation of Al-Mukhtashar or Markaz Tafsir Riyadh, under the supervision of Shaykh Dr. Salih bin Abdullah bin Humaid (Imam of the Grand Mosque). How can you take back the dowry that you have given to your wife after what happened between you. Like a husband-wife relationship, love, enjoy each other, and know each other's secrets.<sup>39</sup> Indeed, the desire to acquire property that is in the hands of the wife is after all a bad and disgusting thing. Meanwhile, your wife has taken a very strong agreement from you, namely that she becomes lawful for you with the words of Allah Swt and His Syari'ah. That husband and wife are obliged to maintain the marital relationship and it is not appropriate to break and damage the marriage ties. Even though in Islamic law divorce is a lawful act, it is hated by Allah. Allah hates divorce, but if maintaining the marriage will do more harm than good, then the divorce is permissible.<sup>40</sup> According to Islamic law, the term divorce is referred to as *talaq*. *Talaq* already existed at the time of the Prophet and the Companions. Divorce can mean removing the marriage bond or reducing its attachment by using certain words, releasing the marriage bond and ending the husband and wife relationship, and releasing the marriage bond by saying divorce or the equivalent.

In general terms, divorce is a break in the relationship or marital bond between a man or woman (husband and wife) as in Islamic law, divorce is called *talaq*, which means release or liberation (release of husband from his wife). in Islamic jurisprudence, divorce or *talaq* means "divorce as opposed to gathering". Then this word is used as a term by *fiqh* experts which means divorce between husband and wife. The scholars' also argue about *talaq* or divorce, according to Sabiq,<sup>41</sup> Jaziri,<sup>42</sup> and Al-Hamdani<sup>43</sup> talk is releasing the bonds or dissolving a marital relationship.

Based on some of the definitions above, it can be understood that divorce is the breaking of the marital bond between husband and wife to build a complete, eternal, and eternal household thus between the two it is no longer lawful to get along as husband and wife should. Divorce based on article 114 of the KHI, namely the termination of a marriage due to divorce can occur due to talak, or based on a divorce claim, but further in article 116 of the KHI, it is explained several reasons or

<sup>37</sup> Ali Shafiq et al., "Non-Muslims' Beliefs About Islamic Advertising: Another Exploratory Study in Malaysia," *Journal of Islamic Marketing* 8, no. 3 (2017): 409–29, <https://doi.org/10.1108/JIMA-02-2015-0018>.

<sup>38</sup> Eva F. Nisa, "The Bureaucratization of Muslim Marriage in Indonesia," *Journal of Law and Religion* 33, no. 2 (2018): 291–309, <https://doi.org/10.1017/jlr.2018.28>.

<sup>39</sup> Armaini Lubis et al., "Family Communication Between Husband Wife In Keeping Harmony For Anticipation Infidelity," *Journal of Law and ...* 6, no. 1 (2019): 149–55, [http://nabujournals.com/web/articles/Family Communication Between Husband Wife In Keeping Harmony For Anticipation Infidelity.pdf](http://nabujournals.com/web/articles/Family%20Communication%20Between%20Husband%20Wife%20In%20Keeping%20Harmony%20For%20Anticipation%20Infidelity.pdf).

<sup>40</sup> Rafatu Abdul Hamid and Imam Abdul Rahim Muhammad Sanusi, "Challenges and Negative Effects of Divorce among Muslim Women in Northern Nigeria," *Journal of Arts and Humanities* 5, no. 11 (2016): 13, <https://doi.org/10.18533/journal.v5i11.997>.

<sup>41</sup> Sayyid Sabiq, *Fiqh Sunnah*, Volume II (Egypt: Dār al-Fikr, 1983), 2006.

<sup>42</sup> Abdur Rahman Al-Jaziri, *Al-Fiqh 'Ala Madzahibil Arba'ah*, Volume IV (Egypt: Dar al-Fikr, 1989), 278.

<sup>43</sup> Al-Hamdani, *Minutes of Marriage* (Jakarta: Pustaka Amani, 1998), 1.

reasons for divorce which will be submitted to the court for processing and follow-up. From the data submitted by the religious courts, many divorces are caused by domestic violence. This domestic violence based on data that has been obtained in online media is mostly experienced by women.<sup>44</sup>

Empirically the causes of domestic violence occur in 4 forms. First, the abuse caused physical harm, such as hitting, kicking, splashing with hot water, ironing and pinching. Second, physical or emotional abuse, such as insults, threats, and ridicule. Third, financial persecution such as neglect of spending money and family needs. Fourth, is sexual abuse, such as forced sexual intercourse. In Islam, violence is defined as “*nusyuz*”. The meaning *nusyuz* towards his wife is an action or word that appears from the husband to the wife in the form of disobedience to the obligations borne by the husband in the household or family. 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. In Islam this term is explained in the Qur'an Surah An-Nisa' verse 34 is as follows:

Men are the leaders for women, because Allah has made some of them more (over others (women), and because they (men) have spent part of their wealth. Therefore, a pious woman is one who obeys Allah and takes care of herself when her husband is not around, because Allah has taken care of (them). The women for whom you are worried about their *nusyuz*, then advise them and separate them in their beds, and beat them. Then if they obey you, then do not look for ways to trouble them. Verily Allah is Most High, Most Great.

Based on this verse, it is explained in *Al-Mukhtashar's* interpretation that the meaning of hitting them here is allowed to hit their wives without injuring them. However, it should be understood that this verse specifically addresses the issue of the law of *nusyuz*, which is controversially translated as wife's disobedience, blatant disobedience, or bad behavior. However, this verse should not be misinterpreted. If studied carefully, the message contained implies an order for the husband to act well and objectively. And also Islam, which is believed to be a religion that upholds human values, justice and egalitarianism, is essentially a religion that is anti-violence, both violence against the state, society and domestic violence. Domestic violence is not taught in Islam. It is also explained again in *Surah an-Nisa'* verse 35 that:

“And if you are afraid that there will be a dispute between the two, then send a hakam from a male family and a hakam from a female family. if the two hakam intend to make repairs, surely Allah will give *taufik* to the husband and wife. Indeed, Allah is All-Knowing, All-Knowing.”

M. Quraish Shihab interprets that if there is a dispute between husband and wife, namely taking different directions that can lead to divorce, then a judge or mediator must calm them both down by looking for the root of the problem, then bring them to the direction of the trustworthy and acceptable direction.<sup>45</sup> And if the dispute persists and both of them persist in their respective opinions, then it is required to send someone who can be trusted from the women's side as well as from the men's side. And if both, namely husband and wife or both judges intend to make improvements, Allah will surely give *taufiq* to both of them.<sup>46</sup> Because sincerity is intended to maintain domestic life. The main function of a judge is to reconcile the Hakam, his job is to decide the law even though

<sup>44</sup> Lorenza Entilli and Sabrina Cipolletta, “When the Woman Gets Violent: The Construction of Domestic Abuse Experience from Heterosexual Men's Perspective,” *Journal of Clinical Nursing* 26, no. 15–16 (2017): 2328–41, <https://doi.org/10.1111/jocn.13500>.

<sup>45</sup> Quraish Shihab, *Tafsir Al-Misbah, Pesan, Kesan Dan Keserasian Al-Qur'an* (Jakarta: Lentera Hati, 2002).

<sup>46</sup> Salman Salman, “Implementation of Mediation and Hakam in Divorce Case in Religious Court,” *International Journal of Nusantara Islam* 8, no. 2 (2020): 274–81, <https://doi.org/10.15575/ijni.v8i2.12407>.

the convicted person is not happy with the decision. The following is the flow that must be passed between husband and wife if there are disputes in the household:

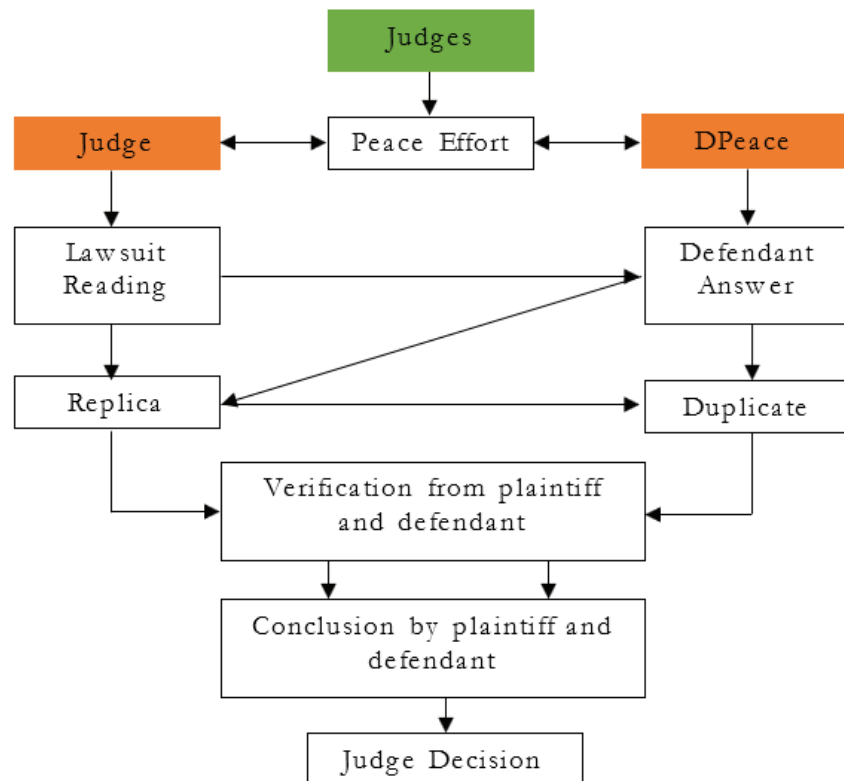


Figure 2. Divorce Process Flow in the Religious Courts

Islamic teaches that families can form the purpose of marriage, namely *sakinah, mawaddah, wa rahmah* families. In Islam, domestic violence is behavior that cannot be justified and is strictly prohibited, both in Islam and according to Indonesian law. So that domestic violence behavior cannot be normalized or considered reasonable. Many victims of domestic violence have difficulty asking for help simply because their stories are considered “excessive”. The hadith narrated by Bukhari explains: Has told us Muhammad bin Yusuf, has told us Sufyan from Hisham from his father from Abdullah bin Zam’ah from the Prophet SAW, he said: “Do not let one of you beat his wife , just as he beats a slave, but when the sun goes down he has sex with him.” (Narrated by Bukhari no. 4942)

The above hadith is sufficient evidence that hitting and hurting a wife is not justified in Islam, even Allah Swt forbids it strictly. Although textually the Qur’an has given the *nusyuz*, namely hitting. Quraish Shihab also explained that a husband who needs this action should feel ashamed for hitting a weak person as well as ashamed for failing to educate him properly by giving advice and other means.<sup>47</sup>

## Conclusion

Based on the results of the research conducted by the researchers, several conclusions were obtained: *First*, the phenomenon of domestic violence against women and leading to divorce has seen a significant increase since 2020-2022, namely 226,062 to 349,635. the increase in cases of domestic

<sup>47</sup> M. Quraish Shihab, *Tafsir Al-Misbah: Pesan, Kesan, Dan Keserasian Al-Qur’an* (Jakarta: Lentera Hati, 2002).

violence was triggered by the pandemic situation which laid off many people. The type of violence that is most often encountered is the beating of a husband against his wife, both light and heavy. This case of domestic violence was also caused by several other factors such as: 1) the unstable family economy due to the pandemic situation that hit Indonesia in the 2020-2022 period; 2) jealousy. This jealousy occurs because the wife is playing social media too much, causing the husband to feel that his wife is no longer paying attention to the household and the husband is angry with his wife; 3) early marriage. There are also many early marriages found in the 2020-2022 range in the midst of a pandemic situation. The unstable emotionality of the couple makes the household age resulting from early marriage short. *Second*, Islamic law itself responds to cases of domestic violence and causes divorce, also known as *nusyuz*. The meaning of husband's *nusyuz* towards his wife is an action or word that arises from the husband's side to the wife's side in the form of disobedience to the obligations borne by the husband in the household or family. But there is no justification in Islam for husbands to beat their wives. The meaning of *nusyuz* actually calls on husbands not to act arbitrarily towards their wives and demands husbands to be wise and objective in giving warnings to a wife. Seeing the limitations of this research, future researchers can conduct research on the marital commitment of husband and wife who are free from domestic violence and become a happy family by looking at the complexity of the unstable family economy.

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