



LEGAL ANALYSIS OF RISING DIVORCE CASES: IMPACT OF COVID-19 IN BANDAR LAMPUNG, INDONESIA

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ABSTRACT

Objective: This study aims to analyse the legal implications of increase in the divorce rate as a result of the Covid-19 pandemic at the Tanjungkarang Religious Court in Bandar Lampung, Indonesia. Additionally, the study seeks to identify the underlying factors that contributed to the occurrence of divorce at the Tanjungkarang Religious Court during the pandemic.

Theoretical framework: Literature in this study was based on the phenomena that several regions in Indonesia have experienced an increase in the divorce rate as a result of the Covid-19 pandemic; the Tanjungkarang Religious Court in Bandar Lampung, Indonesia, is one example. From January to June 2020, the Tanjungkarang Religious Court in Bandar Lampung, Indonesia, documented 699 divorces amid the COVID-19 pandemic.

Method: This study employs a qualitative methodology and conducts field research. In the interim, both primary and secondary data, acquired through field observation, documentation, and direct interviews, are included in the collected information. In order to facilitate the process of verifying the data, the researcher employed the triangulation method to ascertain its validity.

Results and Conclusion: this study found that During the Covid-19 pandemic, the Tanjungkarang Bandar Lampung-Indonesia Religious Court witnessed a surge in divorce petitions. June brings the highest volume of divorce cases. Divorce filings experienced a surge during the months of April, May, and June, as well as throughout the shutdown period. Second, divorce cases during the Covid-19 pandemic were precipitated by a variety of factors, with economic factors ranking highest. According to report data from the Tanjungkarang Religious Court, the factors of physical disability, imprisonment sentence, and coerced marriage account for the smallest number of divorce cases.

Implications of the research: In order to promote resilience and well-being among families amidst the uncertainties of the current pandemic, it is possible for policymakers, legal practitioners, and community stakeholders to acknowledge the difficulties presented by the disease and devise focused interventions to assist individuals navigating the process of marital dissolution.

Originality/value: Studying how COVID-19 has affected divorce rates in particular areas, such as Bandar Lampung, Indonesia, could shed light on the ways in which the pandemic has impacted socioeconomic variables, legal frameworks, and family dynamics there. Policymakers, attorneys, and social service providers can be more informed about the difficulties that families may encounter in times of crisis by having a better understanding of these effects. This knowledge can also help to shape the creation of support networks and laws that deal with these problems. Such studies can also add to the body of knowledge in academia regarding how significant crises affect legal systems and family structures.

Keywords: Legal Analysis, Divorces, Family Dynamics, COVID-19.

ANÁLISE LEGAL DE CASOS CRESCENTES DE DIVÓRCIO: IMPACTO DA COVID-19 EM BANDAR LAMPUNG, INDONÉSIA

RESUMO

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Objetivo: Este estudo visa analisar as implicações legais do aumento da taxa de divórcio como resultado da pandemia da Covid-19 no Tribunal Religioso Tanjungkarang em Bandar Lampung, Indonésia. Além disso, o estudo busca identificar os fatores subjacentes que contribuíram para a ocorrência do divórcio no Tribunal Religioso de Tanjungkarang durante a pandemia.

Estrutura teórica: A literatura neste estudo foi baseada nos fenômenos que várias regiões da Indonésia experimentaram um aumento na taxa de divórcio como resultado da pandemia da Covid-19; o Tribunal Religioso Tanjungkarang em Bandar Lampung, Indonésia, é um exemplo. De janeiro a junho de 2020, o Tribunal Religioso de Tanjungkarang em Bandar Lampung, Indonésia, documentou 699 divórcios em meio à pandemia da Covid-19.

Método: Este estudo utiliza uma metodologia qualitativa e realiza pesquisa de campo. Nesse ínterim, tanto os dados primários quanto os secundários, obtidos por meio de observação de campo, documentação e entrevistas diretas, são incluídos nas informações coletadas. Para facilitar o processo de verificação dos dados, o pesquisador utilizou o método de triangulação para verificar sua validade.

Resultados e Conclusão: esse estudo descobriu que durante a pandemia da Covid-19, o Tribunal Religioso Tanjungkarang Bandar Lampung-Indonesia testemunhou um aumento nas petições de divórcio. Junho traz o maior volume de casos de divórcio. As notificações de divórcio sofreram um aumento durante os meses de abril, maio e junho, bem como durante todo o período de fechamento. Em segundo lugar, os casos de divórcio durante a pandemia da Covid-19 foram precipitados por uma variedade de fatores, com os fatores econômicos no ranking mais alto. De acordo com dados do relatório do Tribunal Religioso de Tanjungkarang, os fatores de incapacidade física, pena de prisão e casamento forçado são responsáveis pelo menor número de casos de divórcio.

Implicações da pesquisa: A fim de promover a resiliência e o bem-estar entre as famílias em meio às incertezas da pandemia atual, é possível que os formuladores de políticas, profissionais da área jurídica e partes interessadas da comunidade reconheçam as dificuldades apresentadas pela doença e elaborem intervenções focadas para auxiliar os indivíduos a conduzir o processo de dissolução conjugal.

Originalidade/valor: estudar como a Covid-19 afetou as taxas de divórcio em áreas específicas, como Bandar Lampung, na Indonésia, poderia destacar as maneiras pelas quais a pandemia tem impactado variáveis socioeconômicas, estruturas legais e dinâmicas familiares no país. Os legisladores, os advogados e os prestadores de serviços sociais podem estar mais informados sobre as dificuldades que as famílias podem encontrar em tempos de crise, através de uma melhor compreensão destes efeitos. Esse conhecimento também pode ajudar a moldar a criação de redes de apoio e leis que tratem desses problemas. Esses estudos também podem contribuir para o corpo de conhecimento na academia sobre como crises significativas afetam os sistemas jurídicos e as estruturas familiares.

Palavras-chave: Análise Jurídica, Divórcios, Dinâmicas Familiares, COVID-19.

ANÁLISIS JURÍDICO DEL AUMENTO DE LOS CASOS DE DIVORCIO: IMPACTO DE LA COVID-19 EN BANDAR LAMPUNG, INDONESIA

RESUMEN

Objetivo: El presente estudio tiene como objetivo analizar las implicaciones legales del aumento de la tasa de divorcios como resultado de la pandemia de Covid-19 en el Tribunal Religioso de Tanjungkarang en Bandar Lampung, Indonesia. Además, el estudio busca identificar los factores subyacentes que contribuyeron a la ocurrencia del divorcio en el Tribunal Religioso de Tanjungkarang durante la pandemia.

Marco teórico: La literatura en este estudio se basó en el fenómeno de que varias regiones de Indonesia han experimentado un aumento en la tasa de divorcios como resultado de la pandemia de Covid-19; el Tribunal Religioso de Tanjungkarang en Bandar Lampung, Indonesia, es un ejemplo. De enero a junio de 2020, el Tribunal Religioso de Tanjungkarang en Bandar Lampung, Indonesia, documentó 699 divorcios en medio de la pandemia de COVID-19.

Método: Este estudio emplea una metodología cualitativa y realiza investigación de campo. Mientras tanto, los datos primarios y secundarios, adquiridos mediante observación sobre el terreno, documentación y entrevistas directas, se incluyen en la información recopilada. Para facilitar el proceso de verificación de los datos, el investigador empleó el método de triangulación para determinar su validez.



Resultados y conclusión: este estudio encontró que durante la pandemia de Covid-19, el Tribunal Religioso Tanjungkarang Bandar Lampung-Indonesia fue testigo de un aumento en las peticiones de divorcio. Junio trae el mayor volumen de casos de divorcio. Las solicitudes de divorcio experimentaron un aumento durante los meses de abril, mayo y junio, así como durante todo el período de cierre. En segundo lugar, los casos de divorcio durante la pandemia de Covid-19 se precipitaron por una variedad de factores, siendo los factores económicos los más altos. Según los datos del informe del Tribunal Religioso de Tanjungkarang, los factores de discapacidad física, pena de prisión y matrimonio forzado representan el menor número de casos de divorcio.

Implicaciones de la investigación: Con el fin de promover la resiliencia y el bienestar entre las familias en medio de las incertidumbres de la pandemia actual, es posible que los responsables de las políticas, los profesionales del derecho y las partes interesadas de la comunidad reconozcan las dificultades que presenta la enfermedad y diseñen intervenciones específicas para ayudar a las personas a navegar por el proceso de disolución matrimonial.

Originalidad/valor: El estudio de cómo la COVID-19 ha afectado las tasas de divorcio en áreas particulares, como Bandar Lampung, Indonesia, podría arrojar luz sobre las formas en que la pandemia ha impactado en las variables socioeconómicas, los marcos legales y la dinámica familiar allí. Los responsables de las políticas, los abogados y los proveedores de servicios sociales pueden estar más informados sobre las dificultades que pueden encontrar las familias en tiempos de crisis al tener una mejor comprensión de estos efectos. Este conocimiento también puede ayudar a dar forma a la creación de redes de apoyo y leyes que se ocupan de estos problemas. Estos estudios también pueden aumentar el cuerpo de conocimiento en el mundo académico sobre cómo las crisis significativas afectan los sistemas legales y las estructuras familiares.

Palabras clave: Análisis Jurídico, Divorcios, Dinámica Familiar, COVID-19.

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1 INTRODUCTION

According to Law No. 1 of 1974, marriage is legally defined as a sacred and tangible connection between a man and a woman, who become husband and wife, with the purpose of establishing a joyful and everlasting family unit based on their faith in a higher power. The ultimate goal is to create a state of bliss. Matrimonial existence (Douglas et al., 2011; Idrus, 2016). Marriage is a contractual commitment between two individuals to remain faithful and fulfil their obligations as spouses in order to ensure the well-being and contentment of their home. The agreement conforms to the prerequisites for its validity as outlined in Article 1320 of the Civil Code, which include mutual consent, competence, specific subject matter, and justifiable reasons (Azami & Khisni, n.d.; Sugianto et al., 2023)

Divorce law is a constituent element of marriage law. Divorce law is considered a subset of civil law, namely within the realm of marriage law. Divorce can exclusively be conducted through a judicial hearing and necessitates the presence of certain justifications for its execution. Marriage breakdown can happen either through divorce or as a result of a divorce litigation. Therefore, it is evident from the different regulations that there are two types of



divorce: divorce through a lawsuit and divorce by mutual consent (Douglas et al., 2011; Idrus, 2016; Sumanto et al., 2021).

Marriage may not always align with our objectives, as a lack of comprehension and misinterpretation of each individual's roles, rights, and responsibilities can lead to disharmony and discord in the relationship (Erkoc Baydar, 2023; Kharlie et al., 2021; Nasir, 2020). This can incite persistent disputes and finally lead to one of the parties engaging in acts of violence, resulting in physical or psychological damage. If a marriage has become perilous and there is no longer any hope or love, then divorce is allowed. The term "divorce talak" is exclusively employed in Religious Courts to distinguish between the parties seeking a divorce. In divorce cases, the spouse who initiates the legal process is typically referred to as the petitioner, and in the case of divorce, the petitioner is usually the husband, while the respondent is typically the woman. According to Article 114 of the Compilation of Islamic Law, a marriage can be dissolved through divorce or through a divorce litigation (Nizar & Shidiq, 2019; Nurkhaerah & Hamiyuddin, 2020).

The occurrence of marriage or divorce events in a certain location is a factor that determines the rate of population expansion through the process of childbirth. Divorce is a significant issue that can arise from several factors. Particularly in the midst of a pandemic such as the current one, numerous instances of divorce take place. The COVID-19 pandemic has significantly altered multiple facets of marital life in Indonesia (Epifani et al., 2021; Fatihanna & Puspitawati, 2023). Furthermore, following the government's implementation of a lockdown policy or restrictions on leaving the house, all activities that could result in the formation of crowds or gatherings were temporarily halted. This included going to work, school, and the closure or provision of delivery services for several restaurants and businesses. As a result, all activities were conducted accordingly. Within the confines of the dwelling. Individuals are only permitted to exit their residence in the event of a most pressing necessity.

The COVID-19 is an infectious disease that is caused by the coronavirus. In 1965, DA Tyrell and ML Bynoe at Harvard Hospital in England discovered and isolated the coronavirus from the respiratory tract of individuals suffering from the common cold, marking the beginning of the history of coronaviruses in humans (Tavakoli et al., 2020). Simultaneously and subsequently, other researchers acquired viruses with comparable attributes from individuals afflicted with influenza (Francis et al., 2019). The most recent occurrence of the corona virus emerged in late 2019, originating in Wuhan, Hubei Province, China. The virus is believed to have started in bats and subsequently transmitted to other species before crossing over to humans. Due to the rapid transmission of the coronavirus, the World Health Organisation



(WHO) officially classified it as a pandemic on March 11, 2020. The classification of a global pandemic or epidemic signifies that the transmission of Covid-19 is occurring at a rapid pace, making it nearly impossible for any country worldwide to guarantee its protection.

According to the data, the COVID-19 virus has caused the death of almost 2,000,000 individuals as of January 15, 2021. In 2021, the average daily death toll was over 11,900, equivalent to one life being lost every eight seconds, as calculated by Reuters. The United States holds the distinction of having the highest overall mortality rate among all countries worldwide. Brazil, India, Mexico, and the United Kingdom are among the countries most severely impacted by the pandemic. Collectively, these five nations account for around 50 percent of the total COVID-19 fatalities worldwide, despite comprising just 27 percent of the global population. Based on data from Worldmeters on January 16, 2021, the global tally of COVID-19 cases stood at 94,315,331, with a mortality toll of 2,017,913 and 67,361,232 individuals having recovered.

In the meantime, Indonesia is positioned seventeenth on the global mortality toll from COVID-19 and eleventh on the list of nations with the most COVID-19 cases. In light of this information, the Indonesian government has implemented a lockdown on society, which means that spouses and wives spend nearly every day together during the lockdown. This induces a sense of ennui within them. Their ennui will result in disagreements and quarrels. A disagreement or conflict that develops will serve as the catalyst for a divorce.

The COVID-19 pandemic has resulted in unparalleled global issues, affecting nearly every facet of daily existence. One significant consequence of this situation is the huge increase in divorce rates reported in many countries worldwide. Bandar Lampung, Indonesia, has experienced a noticeable surge in divorce cases, indicating that it has not been unaffected by this trend. This study aims to perform a legal analysis of the increasing divorce rates in Bandar Lampung during the COVID-19 pandemic. This research seeks to analyze the legal framework governing marriage and divorce in Indonesia, with a specific focus on divorce proceedings in Bandar Lampung. The objective is to provide insight into the intricate relationship between legal, social, and economic factors that impact divorce trends in the region during the ongoing pandemic.

Bandar Lampung, the principal city of Lampung Province, functions as a representation of Indonesia's varied socio-cultural environment. Bandar Lampung, with a population over one million and a combination of urban and rural communities, provides an exceptional setting for examining the effects of COVID-19 on marriage and family dynamics. In light of this situation,



it is crucial for politicians, legal professionals, and individuals dealing with the intricacies of divorce to comprehend the legal consequences of increasing divorce rates.

Several regions of Indonesia have experienced an increase in the divorce rate as a result of the Covid-19 pandemic; the Tanjungkarang Religious Court in Bandar Lampung, Indonesia, is one example. From January to June 2020, the Tanjungkarang Religious Court in Bandar Lampung, Indonesia, documented 699 divorces amidst the COVID-19 pandemic (Bandar Lampung, 13 July 2020). This total includes 154 talak divorces that were initiated by spouses and 154 divorce divorces that were initiated by wives. 545. The rise in the average number of ongoing disputes and quarrels during the COVID-19 pandemic was the cause of the increase (Lampost.com, "Tanjungkarang Religion District Records 699 Divorces in the Midst of the Pandemic," accessed January 31, 2021 at 23:00 WIB, <http://m.lampost.co/berita-pn-religion-tanjungkarang-note-699-divorce-in-the-pandemic-html>).

The research problem at hand pertains to the analysis of the legal implications of the surge in divorce petitions filed at the Tanjungkarang Religious Court in Bandar Lampung, Indonesia, during the COVID-19 pandemic. Additionally, the study seeks to identify the underlying factors that contributed to the occurrence of divorce at the Tanjungkarang Religious Court during the pandemic.

2 RESEACRH METHOD

This study employs a normative-empirical methodology, which integrates both normative and empirical approaches. In contrast to the normative approach, which emphasizes the analysis of theories and concepts, the empirical approach is concerned with the collection and analysis of empirical data (Johnny Ibrahim, 2005; Negara, 2023; Syahrums, 2022). The data acquired consists of both primary and secondary data, which is obtained through direct interview techniques, field observation, and documentation. In order to facilitate data verification, the researcher employed the triangulation approach to assess the data's authenticity. The focus of this study is the Tanjungkarang District Court in Bandar Lampung, Indonesia, which is responsible for making decisions on divorce cases. The research object in this writing pertains to the legal analysis of the rise in divorce cases at the Tanjungkarang Religious Court in Bandar Lampung, Indonesia, as a consequence of the COVID-19 pandemic. It also focuses on the factors that contribute to divorce during the COVID-19 period at the Tanjungkarang Religious Court. The primary legal substance comprises legislation pertaining to civil law involving divorce, as outlined in Law Number 1 of 1974, which addresses matters



related to marriage. Secondary legal texts encompass civil law literature, marriage law, and pertinent literature. Additional documents, such as articles and news from electronic media, that are pertinent to the author's article title above. The data was collected through direct interviews, field observations, and documentation. In order to facilitate data verification, the researcher employed the triangulation approach to assess the data's authenticity.

3 RESULT AND DISCUSSION

3.1 LEGAL ANALYSIS OF THE INCREASE IN DIVORCE CASES IN THE TANJUNGKARANG RELIGIOUS COURTS IN BANDAR LAMPUNG, INDONESIA, AS AN EFFECT OF COVID-19

The Tanjungkarang Religious Court, covering 150 m², was constructed in 1975/1976 by the government using Repelita Funds. The court was situated on a 400 m² plot of land. Although the building, situated at Jalan Cendana Number 5 in Rawa Laut Tanjungkarang, has undergone a marginal expansion in area, it continues to be classified as a Convention Hall rather than an office building due to its failure to satisfy the requisite standards for that designation. However, in practical terms, it continues to be known as the Tanjungkarang Religious Court Office. The Tanjungkarang Religious Courts Office is situated in Bandar Lampung City, the provincial capital of Lampung, in accordance with Law No. 3 of 2006 amending Law No. 7 of 1989 regarding Religious Courts (Article 4, paragraph 1). Fax: 0721-787226; Telephone Numbers: 0721-708629 and 0721-705501. The Tanjungkarang Religious Court maintains an official website and email address: patanjungkarang.go.id and patanjungkarang@rocketmail.com (<http://www.pa-tanjungkarang.go.id>)

The Tanjungkarang Religious Court has jurisdiction over the 169.21 KM² Bandar Lampung City area, which is subdivided into 126 sub-districts and 20 sub-districts containing 1,167,101 inhabitants (2014 data). The following information is available at that time (<https://www.pa-tanjungkarang.go.id/satker/profil-pengadilan/region-yuriksi.html>)

Realization of the Great Tanjungkarang Religious Court constitutes the Tanjungkarang Religious Court's vision. In the interim, the following describes the objective of the Tanjungkarang Religious Court:

- a) Attaining a model of justice that is straightforward, expeditious, economical, and open;
- b) Enhancing the caliber of judicial apparatus and resources to improve community services;



- c) Executing supervision and guidance that are both effective and efficient;
- d) Establishing a system of orderly administration and management of justice that is both efficient and effective;
- e) Guaranteeing the availability of judicial facilities and infrastructure in compliance with relevant regulations;
- f) Expanding the aforementioned.

According to the findings derived from interviews carried out by researchers with Judges and Registrars of the Tanjungkarang Religious Court, the subject matter at hand was divorce amidst the COVID-19 pandemic. A surge in the workload of the Tanjungkarang Religious Court was observed amidst the COVID-19 pandemic. The author details the outcomes of an interview with Junaidi, a spokesperson, below:

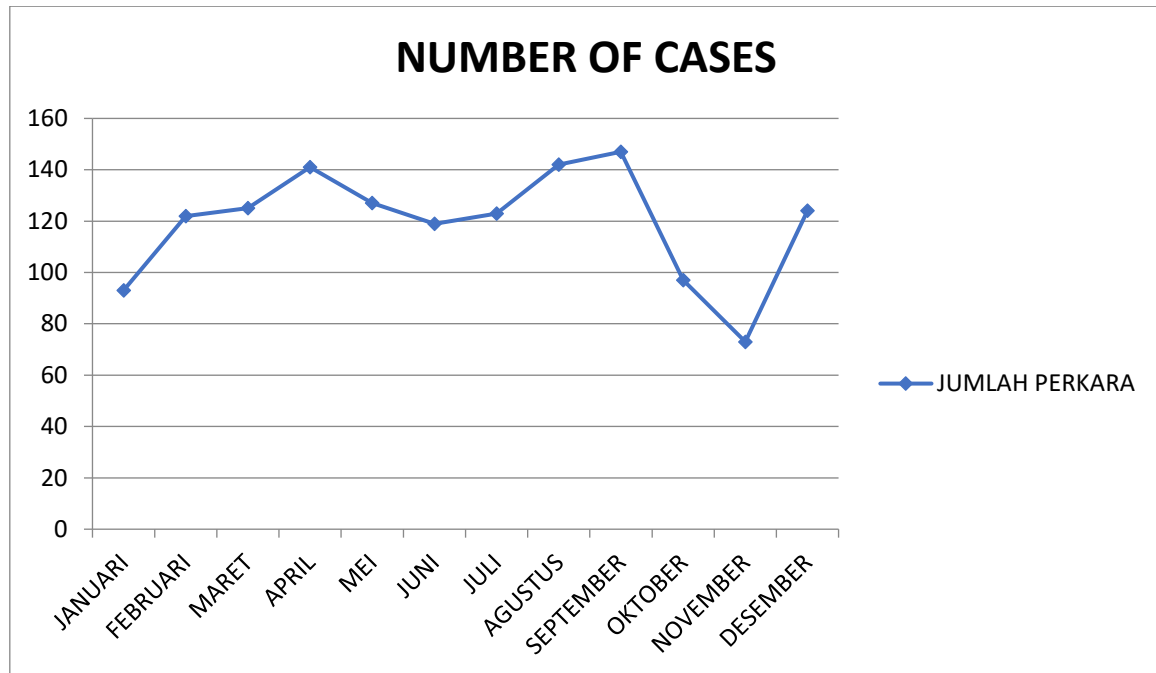
"Well, for this problem, we will examine the data from January to June 2020 at a later time; I am uncertain as to which specific data is required. Based on my knowledge, the Court encountered a surge from January to June 2020. The number of divorce petitions submitted by spouses was 545, while the number of divorce petitions filed by husbands was 154. The rise in incidents can be attributed to the sustained occurrence of disputes and conflicts on average during the COVID-19 pandemic. The PA rendered decisions in 620 cases out of 699 received reports. As a result, the Tanjungkarang Religious Court witnessed a surge in activity amid the COVID-19 crisis. A significant influx of cases occurred between January and June amidst the COVID-19 pandemic. Even so, the Tanjungkarang Religious Court will not invariably render decisions on incoming cases. Since the Tanjungkarang Religious Court is passive, it is unable to reject a petition for adjudication. Whether it is adopted or rejected, however, is entirely up to the assembly.

Based on data from reports of incoming cases that have been decided at the Tanjungkarang Religious Court and the outcomes of interviews, the subsequent graph illustrates the increase in divorce cases at the court:



Figure 1

Graph of Increase in Divorce Cases - Data from January to June 2020

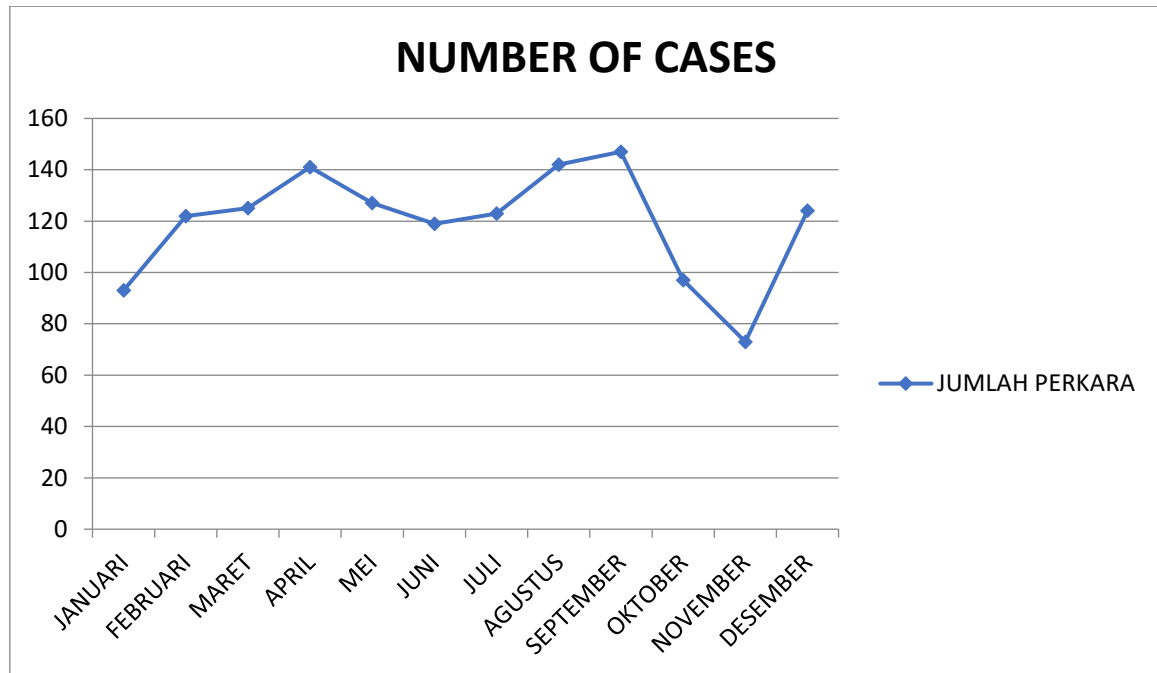


It is evident from the graphical data presented above that June is the month with the highest number of divorce cases. Researchers obtained a statement from Junaidi, who was interrogated, indicating that the number of divorce cases increased in April, May, and June, as well as during the lockdown period. In contrast to the previous year, researchers conducted a retroactive tally from December to January 2019. According to interviews conducted with Junaidi, a spokesperson for the Tanjungkarang Religious Court, it was determined that a cumulative count of 1,260 divorce case decisions were rendered as of October. In the year 2019, the number of divorce cases initiated by means of a petition filed in Bandar Lampung surpassed those initiated through talak. "As of October 31, there were 960 divorce decisions based on wives' lawsuits." This amount is significantly greater than the husband's divorce petition. Divorces brought about by husbands constituted a mere 300 decisions out of a total of 407 cases that were submitted. The increase in divorce cases, as reported by the Tanjungkarang Religious Court, where cases have been decided, is depicted in the graph below.



Figure 2

Graph of Increase in Divorce Cases- January to December 2019



It is possible to draw the conclusion from this graph that the month of September had the highest number of divorce cases, with 147 instances, and the month of November had the lowest number of cases, with 73 cases. As a result, it is possible to draw the conclusion that the number of divorce cases that were filed in court during the pandemic increased and occurred in June. Additionally, these cases occurred during the lockdown period, which was April, May, and June.

3.2 CAUSES OF DIVORCE AT THE TANJUNGKARANG RELIGIOUS COURT DURING THE COVID-19 PERIOD.

The following are some of the elements that were responsible for the divorce cases that took place during COVID-19, according to the findings of the researchers who conducted their observations in the field:

a. Adultery

Committing adultery is considered a grave transgression for those who engage in it.

Adultery is strictly prohibited in Islam, particularly if one of the spouses engages in it, as this will initiate divorce proceedings. At the Tanjungkarang Religious Court, there were just 5 cases involving adultery as a reason leading to divorce, indicating a



relatively low occurrence. This element did not exert a significant influence on the rise of the COVID-19 pandemic. According to Law Number 1 of 1974, specifically in article 39 paragraph 2, it is required to have valid grounds in order to proceed with a divorce. As stated in Government Regulation Number 9 of 1975, adultery can serve as grounds for divorce in both the General Court for non-Muslim religions and the Religious Court for Muslims

b. Factors Due to Drunkenness, Madness and Gambling

Intoxication, insanity, and gambling are forbidden behaviors that must be abstained from by all individuals, including those who are married. An individual who is intoxicated or inebriated has detrimental consequences on their health, whereas a person who engages in gambling induces the individual to act dishonestly. Individuals who engage in excessive alcohol consumption, engage in aggressive behavior, and participate in gambling activities have the potential to undermine marital well-being and contribute to the occurrence of divorce. According to Article 116 of the KHI, divorce can be granted if one of the partners engages in adultery or develops a habit of excessive drinking, among other reasons. Individuals with a propensity for gambling and other individuals who provide challenges in terms of treatment. Alcoholics and those with a gambling addiction are contributing factors to the rising number of divorce cases at the Tanjungkarang Religious Court in Bandar Lampung. Nevertheless, it does not exert a significant influence on the rise in divorce rates, as the number of such cases is quite low. Additionally, there is no correlation with alcohol abuse, with just 10 individuals affected by mental instability compared to just 5 individuals affected by gambling. Intoxicated individuals and individuals who engage in gambling are the catalysts for conflicts and altercations that persistently arise in domestic life. An frequently inebriated husband exhibits a lack of motivation to engage in labor and consistently displays irritable behavior.

c. Factors of Leaving One of the Parties

The couple has been absent for an extended period, with the husband consistently being absent from their residence. If the wife is unable to come to terms with the circumstance and feels significantly disadvantaged by her husband's departure. The husband is expected to offer both physical and spiritual assistance, but he evades his obligations. The number of individuals departing from one of the parties is substantial, specifically 204 cases, since this element significantly influences the rise in divorce cases amongst the COVID-19 epidemic. According to the claim's description, the plaintiff has met the



requirements for filing a divorce as stipulated in Law Number 1 of 1974, specifically Article 19 letter b. This article states that divorce can be granted if one party has abandoned the other party for a continuous period of two years without the other party's consent and without a valid reason, or due to circumstances beyond their control.

d. Factors of being sentenced to prison

The husband's prison is the primary element that leads to divorce cases. During the husband's incarceration, the wife does not receive any form of support from him, whether it be physical or emotional. This is the reason why the wife initiates divorce proceedings in court. Perhaps due to this rationale, divorce is the ultimate recourse available to a woman seeking to terminate her marriage. A disputed divorce refers to the legal procedure initiated by the wife's will in court. The incidence of imprisonment is extremely low, with only one case reported. Furthermore, this factor does not exert a significant influence on the rise in divorce rates observed during the COVID-19 pandemic. Divorce is the act of a wife formally requesting to end her marriage to her husband, typically through a legal summons. This request may or may not be accompanied by a form of compensation, such as money or commodities, provided to the husband as a substitute for the dissolution of the marriage bond.

According to Article 39 paragraph 1 of Law Number 1 of 1974 in conjunction with Article 115 of the KHI A marriage is deemed terminated when a divorce has been pronounced before a religious court, following unsuccessful attempts by the court to resolve the matter. Article 39 is presented below:

- 1) Divorce proceedings can only take place in the presence of a judicial hearing;
- 2) In order to obtain a divorce, there must be valid grounds indicating that the husband and wife are no longer capable of maintaining a harmonious marital relationship. The grounds for divorce are outlined in Article 9 of the Indonesian Marriage Law Number 9 of 1975, in conjunction with Article 116 of the Indonesian Civil Code, as follows:
 - a) One of the partners engages in adultery or develops a dependency on alcohol, drugs, gambling, or similar behaviors that are challenging to treat;
 - b) One party absents themselves from the other party for a continuous period of 2 years without the other party's consent and without a legitimate justification or due to circumstances beyond their control;
- 3) If one of the parties is sentenced to 5 years in prison or a longer term after the marriage has occurred;
- 4) If one of the parties engages in cruelty or severe abuse that puts the other party in danger;



- 5) If one of the parties experiences a physical disability or illness that prevents them from fulfilling their duties as a spouse;
- 6) If there is no longer any possibility of the husband and wife living together harmoniously in the household.

e. Polygamy

The occurrence of an elevated divorce rate at the Tanjungkarang Bandar Lampung Religious Court has been attributed to polygamy as the precipitating factor. Women who possess financial independence opt for divorce over remaining wedded to their spouses. When a spouse declines polygamy, she severs the matrimonial bond and grants her spouse permission to remarry. Polygamy is indeed sanctioned within the Islamic faith; however, it can be amicably resolved if the wife refrains from consenting to her husband's polygamous behavior.

In relation to the matter of polygamy, the quantity is likewise deemed limited in scope, as there are a mere three of them. Divorce cases do not appear to be predominately influenced by polygamy amidst the COVID-19 pandemic. Polygamy is sanctioned for the following reasons, according to Khoirul Abror (2016:230):

- 1) If a spouse enters into matrimony with an expectant woman who is childless;
- 2) In the event that the spouse is elderly and attains *ya'isah* (menstruation cessation) status, and he possesses the means to sustain multiple wives.
- 3) In order to uphold one's dignity and prevent engaging in immorality, he may choose to practice polygamy despite the fact that his sexual prowess compels him otherwise;
- 4) In a discernible contrast from the census data, women predominate in number.

With regard to polygamy and its equity, Law No. 1 of 1974 stipulates that in the Indonesian context, polygamy is only permissible if the individual involved consents to it, or if the relevant law and religion so permit. In the interim, the legal framework governing the practice of polygamy in Indonesia is established in Article 3 of Law No. 1 of 1974.

- 1) A man may, in principle, have only one wife, and a woman may only have one husband;
- 2) A court may grant a spouse permission to have multiple wives at the request of the parties. Additionally, this is governed by Government Regulation Number 9 of 1975, specifically Article 40, which states: "In the event that a spouse is willing to publicly comply with a court-issued request."

f. Domestic Violence



This factor arises when one of the parties is treated harshly with the intention of reminding them; however, the force of the impact is excessive, resulting in bodily injuries to that party. Furthermore, in addition to causing physical harm to the injured individual, this impact may also cause amputation (Ally & Kumar, 2024; Wahhab et al., 2023). Domestic violence induces psychological distress and trauma; therefore, the victims opt for divorce as a means of evading the perilous ordeal. Although domestic violence does not account for the majority of the increase in divorces during the COVID-19 pandemic (15 cases), the number is still considerable in comparison to the negligible numbers associated with incarceration, infidelity, and gambling. Article 1 of Law Number 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT) defines domestic violence (KDRT) as any act inflicted upon a traumatized woman that causes her physical, sexual, psychological, or emotional distress or agony. in addition to neglect of the household, which may include threats of illegal activity, coercion, or restriction of freedom within the household setting.

g. Physical Ailment

A physical ailment or disability of one of the parties is one of the grounds for initiating a divorce proceeding. Due to a physical disability or illness, one of the parties is incapable of fulfilling their responsibilities as a married couple. Even this factor is considered to be negligible, as its value is merely 1. The determinants that predominate in the surge of divorce cases amidst the COVID-19 pandemic cannot be definitively identified.

Article 116 letter e KHI specifies the following with regard to physical disability and illness as grounds for divorce: "One party has a physical disability or illness that prevents them from fulfilling their responsibilities as husband and wife."

h. Disputes, constant quarrels

The ongoing dispute factor renders the marital union highly susceptible to dissolution. This factor can be considered perilous due to the fact that never-ending disputes may lead partners to grow weary of one another, thereby enabling them to initiate divorce proceedings. The value of this factor is 167. It is unsurprising that such a high value exists, as it exposes individuals who lack strength to their partner's attitude, which frequently challenges them to engage in physical conflict, to vulnerability.

i. Forced Marriage

The element of parental-forced matrimonial unions in antiquity. Parents will coerce their children into matrimony against their will. A child who does not wish to marry in



accordance with his parents' wishes may be coerced into a union by means of a forced marriage. In actuality, the child is permitted to oppose the decisions of his parents. Consent from the child is required in the event that the child desires to be wed in accordance with his parents' preferences. As stipulated in Article 6, paragraph 1 of Marriage Law No. 1 of 1974, "marriage must be predicated on the consent of the prospective groom and bride." This factor is exceedingly minute at the Tanjungkarang Lampung Religious Court, amounting to a mere 1.

j. Apostasy

Apostasy occurs when an adult and sagacious Muslim voluntary returns to unbelief, devoid of external pressure or coercion; the returnee may be male or female. The marriage union between a spouse is dissolved in the event of apostatery. Due to the fact that the apostasy of one spouse necessitates their separation, and in the event that one spouse repents and reverts to Islam, the marriage contract and compensation must be renewed in order to resume the marital relationship as before. Furthermore, the problem of apostasy factors can be characterized as minor in scope, as it comprises a mere thirteen elements. Furthermore, this factor is not considered to be the primary contributor to the rise in divorce cases. Article 2, paragraph 1, of Law No. 1 of 1974 pertaining to Marriage states, "A matrimonial union is deemed valid when it is performed in adherence to the tenets and regulations of each individual religion and belief." This formulation holds that marriage is exempt from the regulations of all religions and beliefs.

k. Poverty

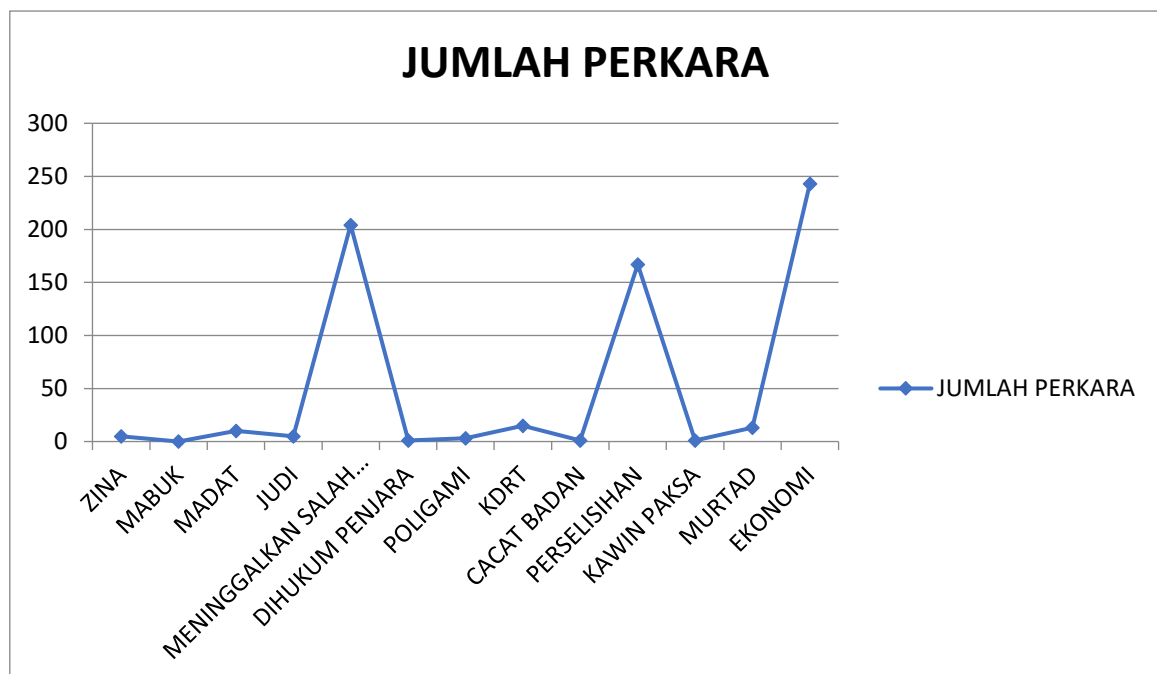
Economic factors arise when the household's economic position encounters a bottleneck, leading to challenges in meeting the family's demands and making everything challenging. The root reason of this economic issue can be attributed to two factors. Firstly, the wife consistently perceives her husband's contributions as insufficient. Secondly, the wife consistently requests more from her husband, believing that her requirements are escalating, particularly in the context of the modern period. Furthermore, the husband neglects his responsibility to provide for the household, using the income solely for his own benefit without considering his wife's needs (Robby et al., 2023). In terms of economic variables, it can be stated that it holds the highest position compared to other factors due to its significant magnitude, specifically 243 cases. This element is believed to be the primary cause of the rising number of divorce cases and is considered the major factor.



According to Article 34, paragraph 1 of Law no. 1 of 1974 regulating Marriage, a husband has a legal obligation to safeguard his wife and fulfill all the essential requirements of domestic life to the best of his capabilities. The marriage legislation does not specify the exact amount of financial support that must be given, but it does mention that it should be in line with the husband's capacity. The obligation of a husband to protect and provide for his wife is explicitly stated in Article 107, Figure (3) of the Civil Code. According to this provision, the husband is required to furnish his wife with all necessary and suitable provisions, taking into account his social status and capabilities (Harjianto & Jannah, 2019)

Figure 3

Factors Causing Divorce During the 2020 Covid-19 Pandemic in January to June 2020



Based on the graph, it can be inferred that economic factors are the primary cause of divorce cases. The data from the Tanjungkarang Religious Court indicates that the lowest number of divorce cases are attributed to causes such as imprisonment, physical handicap, and forced marriage. The final issue that does not provide a problem in divorce cases is the factor of intoxication.



4 CONCLUSION

Divorce cases have increased at the Tanjungkarang Religious Court in Bandar Lampung, Indonesia, throughout the COVID-19 period. Another factor contributed to the increase in divorce cases throughout the COVID-19 pandemic. The economic factor is the most significant. According to data obtained from reports at the Tanjungkarang Religious Court, the grounds for divorce that account for the fewest number of cases are physical disability, imprisonment, and coerced marriage. Drunkenness is the last item that does not pose a problem in divorce proceedings. In light of the COVID-19 pandemic, an examination of the increasing number of divorce cases in Bandar Lampung, Indonesia, has unveiled noteworthy observations regarding the intricate ramifications of this worldwide emergency on matrimonial unions and the legal structure that regulates the dissolution of marriages. By conducting an exhaustive analysis of the socio-economic, psychological, and legal determinants that impact divorce patterns, a number of significant findings can be deduced:

To begin with, the COVID-19 pandemic has placed an unparalleled strain on matrimonial unions in Bandar Lampung, further compounding pre-existing challenges and precipitating a significant surge in divorce prevalence. The marital discord and dissolution that have occurred as a result of economic duress, elevated stress levels, and extended periods of confinement highlight the profound socioeconomic ramifications of the pandemic on family dynamics. Furthermore, the Indonesian legal system pertaining to divorce, although it does offer procedures for the dissolution of marriages, has encountered substantial obstacles in the course of the pandemic. The access of individuals seeking divorce to legal remedies has been impeded by court closures, delays in proceedings, and logistical obstacles, further complicating their already difficult circumstances. Moreover, in the context of COVID-19, the pandemic has brought to light the necessity for novel strategies to navigate the intricate legal intricacies associated with the dissolution of marriage. Alternative dispute resolution mechanisms, including online court proceedings and mediation, have surfaced as prospective remedies to alleviate the repercussions of court closures and optimize the divorce procedure. Moreover, the escalating divorce rates in Bandar Lampung emphasize the criticality of comprehensive interventions aimed at providing assistance to individuals and families undergoing the dissolution of their marriages. The provision of legal aid initiatives, financial assistance programs, and mental health services is of paramount importance in mitigating the root causes of divorce and fostering favorable consequences for the individuals and children impacted. To summarise, the examination of the legal implications of the increase in divorce proceedings in



Bandar Lampung amidst the COVID-19 crisis highlights the interrelatedness of social, economic, and legal determinants that influence matrimonial unions and divorce patterns. In order to promote resilience and well-being among families amidst the uncertainties of the current pandemic, it is possible for policymakers, legal practitioners, and community stakeholders to acknowledge the difficulties presented by the disease and devise focused interventions to assist individuals navigating the process of marital dissolution.

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