

Family Disharmony as a Reason for Divorce (Analysis of Religious Court Decision in Medan 2017, Psychology and Sociology Perspective)

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Abstract

Family harmony becomes a strong foundation in upholding the integrity of the household, on the other hand, family disharmony is the cause of the collapse of family buildings that have been successfully cultivated. In the last two years, from 2016-2017 the number of divorce cases due to family disharmony has increased significantly. More divorce suits were filed by wives than husbands. This study looks at the problems that occur with the juridical-analysis approach to see the legal facts of the reasons for divorce and to analyze the factors that cause family disharmony based on the decisions analyzed and the research data obtained in the field. Based on the analysis that the author did and saw the facts that the disharmony occurred, it was the culmination of various family problems that the spouses were unable to resolve properly, resulting in continuous disputes that ended in divorce. The paradigm of divorce today is much different from the previous conditions. In the past, divorce was a bad disgrace, divorce was considered a failure in building a family and divorce actors received social sanctions in society.

Keywords

decision analysis, divorce, disharmony, family



I. Introduction

Marriage is the process by which two people make their relationship public, official, and permanent. It is the joining of two people in a bond that putatively lasts until death, but in practice is increasingly cut short by divorce. Over the course of a relationship that can last as many as seven or eight decades, a lot happens. Personalities change, bodies age, and romantic love waxes and wanes. And no marriage is free of conflict. (Jamaluddin, 2018)

Family life is bound by the existence of relationships between family members. Relationships in the family can be viewed from the dimensions of blood relations and social relations. The family in the dimension of blood relations is a unit that is bound by the relationship or blood relations between one another. While in the dimensions of social relations, the family is a unit that is bound by the existence of interconnected or interacting and influencing each other with each other even though among them do not have blood relations. (Djamarah in Hendra, 2019)

The reason for divorce that currently occurs is family disharmony. Family disharmony becomes a crucial problem that occurs in the family and it is difficult to solve it. Family disharmony occurs influenced by various factors, including internal and external factors of the family.

First, internal factors, this factor is due to unmet physical and psychological needs of husband and wife. Internal needs are very important to be fulfilled because with it comes satisfaction in establishing a household. Not only husbands but wives also want their internal needs to be met. Internal factors are also influenced by the low marital commitment they

have. The commitment of marriage must be properly maintained under any circumstances. This commitment makes husband and wife able to live peacefully, share happiness and joy, love each other, love with sincerity, strengthen each other in the face of difficulties and share sorrows as well as strengthen mutual love and maintain mutual honor are very important in forming a family (nuclear family) in order to remain *sakinah, mawaddah and rahmah*. Furthermore, internal factors are also influenced by low understanding of religious values. The husband and wife's understanding of their religious values can also be a determinant of family harmony. This is also reinforced by the advice of the Prophet Muhammad, to choose a partner from a religious perspective. Rasulullah Saw Said:

Meaning: From Abu Hurairah Ra., From the Prophet SAW., He once said: "Women are married for four reasons, namely: property, descendants, beauty and religion. Therefore, look for women who are devout in religion, then you will be happy". (H.R. Bukhari and Muslim)

Religion is of particular concern in choosing a prospective wife, if this is neglected it can result in difficulties in realizing *sakinah, mawaddah, and rahmah* families, because marriage is a form of worship that requires the practice of fundamental Islamic teachings in implementing family life practices in accordance with Islamic law. .

Second, external factors. This factor is caused by changes in social values that occur in society. This change was influenced by the change in the marriage paradigm from idealism to pragmatism. This factor affects the society's view of marriage which is increasingly materialistic, everything is measured from the material. Changes in the value of a sacred marriage to become profane. This change can be seen from the society's view of divorce. People consider divorce to be a trivial thing (not a trivial thing) and can be mocked (can be mocked), so it is very easy for a husband or wife to decide to divorce. According to Nuryati and Darmawati, this is very different from the previous husband and wife's attitude.

Data from the Director General of the Religious Courts of the Supreme Court of the Republic of Indonesia that in the last five years 2013, 2014, 2015 2016 and 2017, divorce has continued to experience a significant increase. This can be seen in the following table:

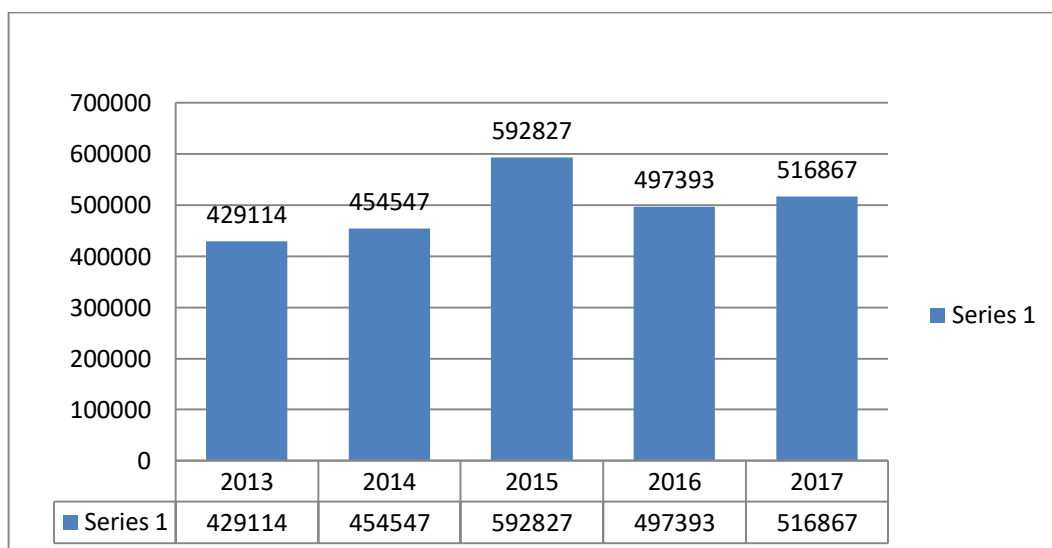


Figure 1. Divorce data in Indonesia

Source: LAPTAH Dirjen Badilag, Supreme Court of the Republic of Indonesia.

From the table above, it can be seen that the highest increase in divorce data was in 2015 with a total of 592,827 and the lowest was in 2013 with a total of 429,114. 2016 experienced a decline and increased again in 2017. The data shows a dynamic number of divorces every year on a national scale in Indonesia.

In a smaller scope, namely in the Medan Religious Court, in 2017 the divorce rate reached 2382. Of the 2382 cases, 1361 cases were divorced due to family disharmony, 273 cases due to non-responsibility, 84 cases due to economic reasons, 74 cases due to physical harm, 64 cases due to moral crisis, 35 cases due to other reasons, 34 cases for reasons of third party interference, 33 cases for reasons of mental harm, 5 cases for reasons of unhealthy polygamy, 3 cases for reasons of one party sentenced to prison and 1 case for reasons of forced marriage. The data is described in the following table:

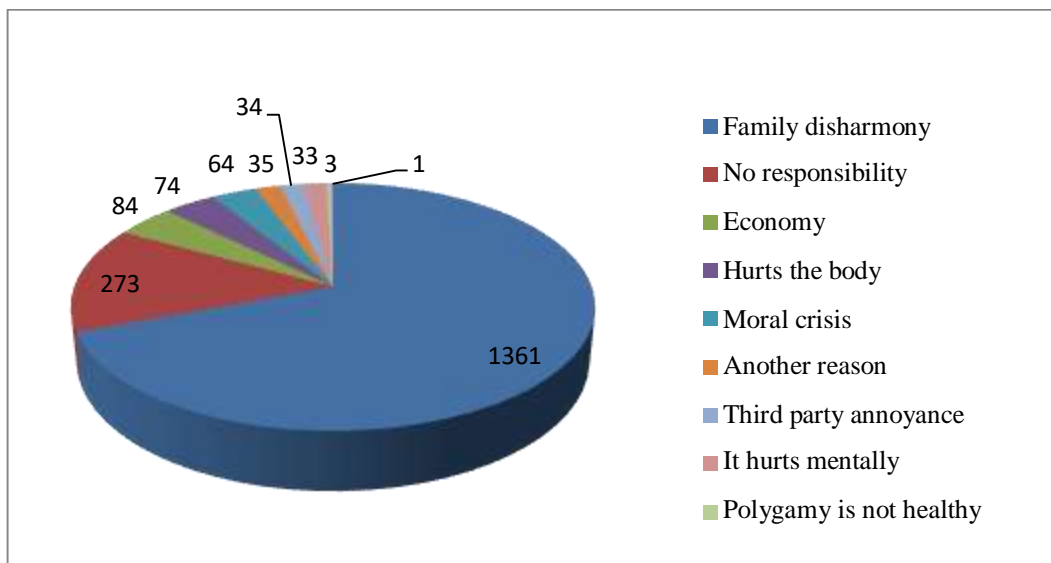


Figure 2. Causes of Divorce at the Medan Religious Court in 2017
 Source: PA Medan's 2017 Annual Report.

From the data above, it can be seen that the factor of family disharmony is the most common reason and ranks the most, followed by factors of no responsibility, economy, physical harm, moral crisis, third party interference and moral harm.

So far, in the Medan Religious Court, divorces due to disharmony have increased significantly every year, from 2016 the number of divorces due to family disharmony totaled 1,001 cases and in 2017 increased to 1,361 cases. As shown in the following table:

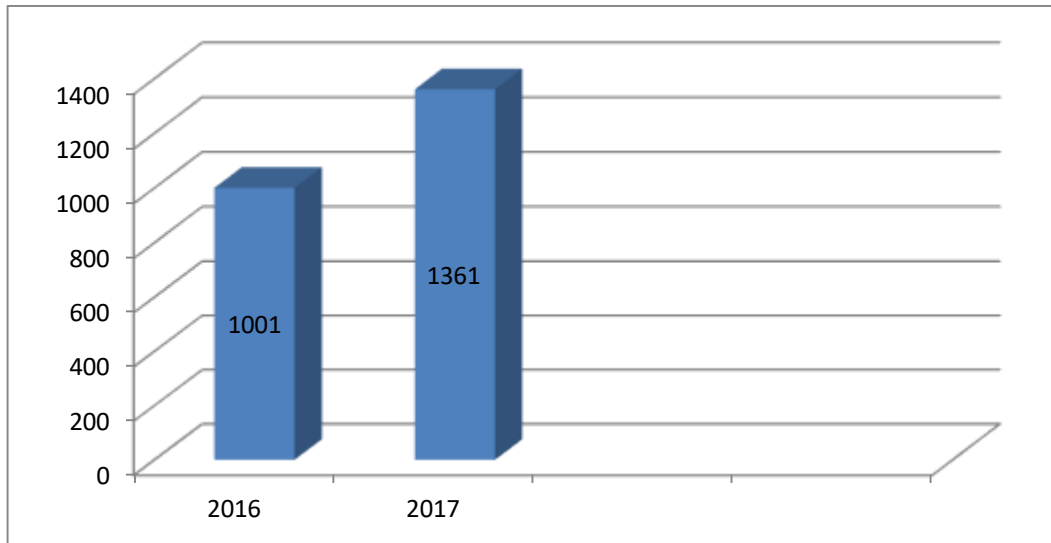


Figure 3. Number of Divorces for reasons of family disharmony
Source: Annual Report 2016 and 2017 PA Medan.

The data above shows a significant increase in divorces due to family disharmony in the last two years. This data shows the number of families who do not feel calm and happiness in the family such as marriage which aims to build a *sakinah*, *mawaddah* and *rahmah* family. For the assurance of happiness and peace, Allah has mentioned it in the Al-Quran

The case above reflects the condition of the family in the city of Medan which is experiencing various problems, either originating from their wife or husband or both. Family relationship and communication patterns are considered as one of the important issues that must be resolved. The concepts of *sakinah*, *mawaddah* and *rahmah* families need to be redefined and manifested in family life so that they can be a solution in alleviating the problem of family disharmony in the city of Medan.

This paper will describe family disharmony as the reason for divorce from a psychological and sociological perspective.

II. Review of Literature

2.1 Divorce Perspective of Islamic Law and Positive Law in Indonesia and its Factors

a. Islamic Law Perspective

The term divorce is used in Indonesian which means the same as *talak*. Divorce is taken from the word *ithlaq* in Arabic which means "to let go" or the *irsal* "to decide" or *tarkun* "to leave" and *firaaqun* "to separate". According to language, divorce is to untie the rope. Meanwhile, according to the term *talak*, namely; untying the marital ties and ending the husband and wife relationship. Al-Jaziri defines *talak* as eliminating marital ties or reducing the release of ties by using certain words. Meanwhile, Sayyid Sabiq defines *talak* as an attempt to break the marriage bond and then end the marriage relationship itself. In general, *talak* is defined as a pledge from the husband that states divorce or divorce and the divorce statement can be uttered by the husband anytime and anywhere. This means that there is no need to say it in front of a court that the divorce is legal. This is in accordance with the hadith which reads:

Meaning: "There are 3 things that can happen either in earnest or in jest, namely marriage, divorce and reconciliation" (H.R. Abu Dawud, Tirmidhi, and Ibn Majah).

From the above understanding, it can be seen that the meaning of divorce is to break the marriage bond between the husband and the wife which has been regulated by Allah SWT. So that after the divorce, the husband and wife no longer have a marriage bond.

Divorce in Islamic law or fiqh is known as thalaq and khuluk. Thalak is a divorce whose initiative comes from a husband, while khuluk is a divorce with an initiative originating from a wife. Thalaq and khuluk are understood as legal actions which result in the release of the marital husband and wife's marriage in a manner that is profane or in accordance with good customs. This divorce is a legal action that is lawful or permissible but is the most despised act by Allah SWT. (Surya, 2019)

b. Positive Legal Perspectives in Indonesia

Divorce issues in Law No. 1 of 1974, is regulated in the following articles: Article 38 states that a marriage can break up because of: death, divorce, upon a court decision. Article 39 point (1) states that divorce can only be carried out before the court session concerned has tried and failed to reconcile the two parties. (2) To do a divorce, there must be a reason, that the husband / wife cannot live in harmony as husband and wife. (3) The procedure for divorce before a court session is regulated in the statutory regulations themselves. Furthermore, article 40 point (1) states that a divorce suit is filed with the court. (2) The procedure for filing a lawsuit as meant in paragraph (1) of this article is regulated in a separate law.

The UUP does not clearly state the meaning of divorce but only mentions the consequences of the divorce. The definition of divorce can be seen in the Islamic Law Compilation (KHI) article 117 which defines divorce as a husband's pledge before a religious court which is one of the reasons for breaking up a marriage in the manner referred to in articles 129, 130 and 131. According to article 117 KHI above, talak It must be pronounced by the husband in front of the Religious Court hearing, not the talak spoken by the husband outside the Religious Court hearing, so if there is a divorce outside the Religious Court trial, the legality of the divorce is not recognized.

c. Positive Legal Perspectives in Indonesia

According to the books of fiqh, there are at least four possibilities that can occur in household life that can lead to divorce.

1. The occurrence of Nusyuz Wife

Nusyuz means the transgressions committed by a wife against her husband. This can occur in the form of violation of orders, fraud and things that can disrupt household harmony. This has been regulated in the Alquran surah an-Nisa '(4) verse 34, namely:

فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَاللَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ فَإِنِ اطَّعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Meaning: "Then a godly woman, who is obedient to God, takes care of herself when her husband is not there, because God has taken care of (them). women whom you are worried about nusyuznya, So advise them and separate them in their beds, and beat them. then if they obey you, then do not find a way to trouble them. Allah is Most High, Most Great. "

The following: First, the wife is given advice in a ma'ruf way so that she will soon be aware of the mistake she has made. Second, separate the beds. This method is meaningful as a psychological punishment for the wife and in this solitude she can self-correct her mistakes. Third, if this method does not work, the next step is to give physical punishment by beating him. It is important to note, that what can be hit is only the part that does not harm the wife such as the calf.

2. Nusyuz Husband towards Wife

It is possible that nusyuz does not only come from the wife but also from the husband. So far, it is often misunderstood that nusyuz only comes from the wife's side. Even though Al-quran also mentions the existence of nusyuz from husband as seen in Alquran surah an-Nisa '(4) verse 128. This is regulated in Alquran surah an-Nisa' verse 128:

وَإِن مَّرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الْأَنفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

Meaning: "And if a woman worries about nusyuz or indifference from her husband, then it is okay for both of them to make real peace, and peace is better (for them) even though humans are according to their stingy nature. and if you get along with your wife well and take care of yourself (from nusyuz and indifference), then Allah is omniscient about what you are doing. "

It is possible that the husband's nusyuz can occur in the form of negligence on the part of the husband to fulfill his obligations to the wife, both for physical and mental income. With regard to the husband's duties departing from the hadith of the Prophet, it is stated that among the husband's obligations to his wife are First, to provide clothing and food. Second, don't hit the face in case of nusyuz. Third, don't make fun of by saying things he hates. Fourth, do not stay away from his wife or avoid his wife except at home. If the husband neglects his obligations and his wife repeatedly reminds him but there is still no change, then the Koran as contained in Surah an-Nisa '(4) verse 128 above recommends peace where the wife is asked to be more patient in dealing with her husband and give up her rights. -it's rights are reduced for a while. All of this is intended so that divorce does not occur.

3. The Occurrence of Syiqaq

If the two possibilities mentioned earlier describe one party committing nusyuz while the other party is in normal conditions, then this third possibility occurs because both of them are involved in syiqaq (disputes), for example due to economic difficulties, so that the two often quarrel. This is as described in the Alquran surah an-Nisa 'verse 35:

Meaning: "And if you are worried that there is a dispute between the two, then send a hakam from a male family and a hakam from a woman's family. if the two hakam intend to make improvements, surely Allah will give taufik to the husband and wife. Allah is All-knowing, Most-Knowing. "

From the above verse, it is very clear Islamic rules in dealing with the problem of domestic unrest. Hakam (arbitrator) is chosen from each party because the intermediaries will know more about the character and nature of their own family. This method is easier to reconcile a quarreling husband and wife. An-Nawawi in Syarah Muhazzab states that the circumcision of the rights is from the husband and wife's side, if not from other parties.

4. Mutual Accusations of Adultery

Adultery is a heinous act, hurting the partner's heart and betraying love and the sacred promise of marriage. Therefore, the act of adultery has a bad impact on family life. Many families fight and are not in harmony because of adultery. However, in this context, the zina in question creates an attitude of mutual accusation which is finally resolved through li'an, namely by swearing to prove it. Li'an actually has entered the "gate of divorce" and even breaks the marriage forever. Jarena due to li'an causes talak ba'in kubra, which is talak which cannot be referred to anymore.

2.2 Family Disharmony as a Reason for Divorce

Family support according to Friedman in Hasibuan (2020) is an attitude, the act of family acceptance of family members, in the form of informational support, assessment support, instrumental support and emotional support. So family support is a form of interpersonal relationships that include attitudes, actions and acceptance of family members, so that family members feel someone is paying attention. So family social support refers to social supports that are seen by family members as something that can be accessed or held for families who are always ready to provide help and assistance if needed.

Disharmony is a condition that is not synergistic between husband and wife and does not create a climate of mutual respect, mutual acceptance, mutual respect, mutual trust and love between partners so that they cannot optimally carry out their roles with full maturity in attitude, and cannot go through life fully. effectiveness and inner satisfaction. In a family, differences of opinion cannot be separated, where with these differences problems often arise and in the family they are required to solve the problem in order to form a happy family and create harmony. Meanwhile, harmony is a condition of agreement among family members. Harmony will be realized if there is an attitude of mutual respect and love between family members. The harmony that is meant here is the harmony that exists in a husband-wife couple, namely the existence of harmony in their family. A harmonious marriage is a marriage of two people who are adults, trusting and respecting each other in order to live life with the same ideals and concepts. According to Andarus Darahim gave an understanding of family disharmony, that is, a family that lives is not full of an atmosphere of mutual understanding and there is no tolerance for the strengths and weaknesses of their life partners, because no human being is perfect. A life partner is chosen as one's own choice or parents who must be invited to understand each other in dealing with the problems and needs of living together, which of course requires a spirit of cooperation and tolerance built on the basis of the goal of building togetherness in an atmosphere of complementary to the shortcomings of a life partner.

a. Family Disharmony Factors

The reason for family disharmony is one of the main reasons for acceptance by judges. This is because the UUP supports a divorce filed on the grounds of family disharmony that can be seen in article 39 point 2 of the Marriage Law which states "to divorce there must be sufficient reason, that the husband and wife will not be able to live harmoniously as husband and wife. " The factors that often occur and cause divorce are as follows:

1. Continuous Disputes

Continuous disputes are an accumulation of ineffective and poorly functioning relationship and communication patterns. Miss communication often occurs and does not understand each other. Conflict like this is a necessity that cannot be avoided but can be resolved by conflict resolution, unfortunately there are still many families who are unable to

make conflict resolution and constructive communication. Disputes and quarrels that occur apart from being a family dynamic can also become a conflict that can tear down an established family building. Although, conflict is identical with something negative, conflict can also be constructive for families which can improve the quality of family life.

In Islam, disputes (syiqaq) are a serious concern because they can result in divorce. Alqur'an offers a syiqaq settlement so that it does not result in divorce, this Allah SWT emphasizes in Surah an-Nisa 'verse 35. The solution to dealing with syiqaq in the household is the selection of arbitrators from each party because the intermediaries will know more about the character, the nature of their own family. This method is easier to reconcile a quarreling husband and wife. An-Nawawi in Syarah Muhazzab states that the circumcission of the rights is from the husband and wife's side, if not, it can be from other parties.

2. Do not Understand Rights, Obligations and Responsibilities

An often man neglecting responsibility is the root of the breakdown in the household, likewise if the wife does not carry out her obligations it triggers a divorce. Ignoring the rights and obligations as husband or wife is one form of mistakes that husband and wife often make which will have an impact on family dissonance. The negligence in fulfilling household obligations, especially in terms of meeting daily needs, shows that the husband has not been able to be a good leader and role model in the family and conversely the wife has not been able to be a companion who can be a conditioning for the household. The rights and obligations of husband and wife must be balanced, this is in accordance with the provisions of Article 130 of UUP which states that "Husband and wife have a noble obligation to uphold the household which is the basic foundation of the composition of society." and Article 131 paragraph (1) of the Company Law which states that "The rights and obligations of the wife are balanced with the rights and positions of the husbands in domestic life and in social life together in society."

In accordance with the marriage principle contained in the UUP, Article 31 is very clear that the position of husband and wife is equal and balanced, both in household life and in social life. According to Yahya Harahap, specifically regarding verse 1 is the spirit of age and is a very natural thing to place a harmonious atmosphere in family life. And this is a long-running struggle for emancipation.

3. There is no Harmony

In domestic life it is very natural that disputes occur, but if this dispute occurs not in the corridor or reasonableness continuously and there is no meeting point between the two husband and wife partners, and in a long period of time it will result in divorce. In order for household life to remain harmonious and able to face various challenges and problems in life, marriage must be supported by strong pillars. There are 4 (four) pillars of a harmonious marriage, namely: First, the marriage relationship is in pairs (zawaj). Second, marriage is a solid agreement (mitsaqan ghalidhan). Third, marriage needs to be built with a good attitude and relationship (mu'asyarah bil ma'ruf). Fourth, marriages are managed on the principle of deliberation. These four pillars will help maintain a strong relationship between married couples and create a harmonious married life according to the objectives of the Shari'a, namely sakinah, mawaddah wa rahmah.

The three articles above show the reasons that it is permissible to file a divorce suit in court. The three of them are the main cause of family disharmony. So, the disharmony that occurred in the Medan Religious Court was due to the two things above, namely the failure to live in harmony due to continuous disputes which in the terms of the Medan Religious Court called family disharmony.

III. Discussion

3.1 Judges' Legal Considerations

Legal considerations are the basis of a decision which contains the reasons for the judge, why the judge made such a decision because it has objective value. The reasons and basis for the decision must be included in the consideration of the decision as desired by Article 184 HIR and 195 Rbg and Article 25 paragraph (1) of Law Number 4 of 2004 concerning Judicial Powers.

Each decision must contain a clear summary of the demands and answers to the reasons and basis for the decision, articles of law and unwritten law, the subject matter of the case fee and the presence or absence of the parties at the time the decision is pronounced by the judge. In accordance with the jurisprudence of the Supreme Court of the Republic of Indonesia dated July 22, 1970 number 638 / Sip / 1969, ruling that an incomplete or incomplete or insufficiently considered decision is the reason for the cassation level to cancel it, this means that every evidence must be carefully considered. Likewise, Article 25 paragraph (1) of Law Number 4 of 2004 requires that it contains articles of the relevant regulation from unwritten legal sources which are used as a basis for judging.

Judge's legal considerations become a reference in deciding whether a case is accepted or rejected. The basis for legal considerations must be in accordance with the applicable legal rules, both written and unwritten laws and other legal regulations which in principle are to seek and find justice. The principle of justice is the direction of law enforcement for judges, so a term says "if indeed the judge sees justice behind the walls of conventional law, then do a legal breakthrough in order to find justice to be given to justice seekers." Justice is a legal ideal that must be realized and one of the efforts to realize justice is through a judge's decision.

According to Mr. Muhammad Dongan, which was strengthened by Mr. Zakian's statement, the Judge at the Medan Religious Court said that family disharmony was the culmination of divorce in the religious court, especially at the Medan Religious Court. If you pay close attention, the reason for the divorce being submitted to the Medan Religious Court is closely related to family disharmony. An economically deficient family triggers a dispute which results in one spouse giving up on the situation so that the only way is to file a divorce. Likewise, in the absence of husband and wife responsibility, often physical harm and moral crisis in the family causes a messy household life which eventually one party objected and filed for divorce, and other reasons also triggered disputes that lead to disharmony family.

Law No. 1 of 1974 concerning Marriage only explains the general reasons, namely in article 39 point (2) "to divorce there must be sufficient reasons, that the husband and wife will not be able to live in harmony as husband and wife". Government Regulation No. 9 of 1975 concerning the Implementation of Law no. 1 of 1974 concerning Marriage. In this PP, it is explained in detail and in detail about the reasons for divorce in article 19 letters (a), (b), (c), (d), (e), and (f). In letter (f) it is stated that "Between husband and wife there are continuous quarrels and fights and there is no hope of living in harmony again in the household". Presidential Instruction No. 1 of 1991 concerning Compilation of Islamic Law. Chapter XVI concerning Termination of Marriage in article 116 letters (a), (b), (c), (d), (e), (f), (g), and (h), states the reasons for divorce. The letter (f) reads "Between husband and wife there are continuous quarrels and fights and there is no hope of living in harmony again in the household".

3.2 Psychological Factors

Psychology can be defined as the science that studies mental behavior and processes, the expression of the soul / mental in the form of behavior and its processes or activities, personality traits, and understanding open and closed behavior in humans, both as individuals and groups. in relation to the environment. Family psychology is the behavior, interactions and relationships that exist between husband and wife, family and society. The behavior itself is everything that arises from the human soul which is manifested by an act. Meanwhile, interaction is an action that arises from behavior that occurs between two or more individuals. Meanwhile, what is meant by relationship is the description of behavior and interactions whose scope is not limited to the family but also with the surrounding community.

There are several reasons that make the family disharmonious in the perspective of family psychology, namely: First, disrespect. Appreciating your partner as a form of appreciation and expression of love and affection for your partner. As the head of the family, the husband must respect his wife as the mother of his children, and vice versa, the wife is obliged to respect the husband as the head of the household and the leader in the family. When they both respect each other, harmony will emerge in the household, so that husband and wife can create a *sakinah* family, *mawaddah warahmah*. This can be seen in the decision number: 566 / Pdt.G / 2017 / PA.Mdn.

Second, there is no mutual understanding. It is an absolute must to have a caring attitude in building a relationship, especially in living a household life. Family is the unifier between two people of different sexes, different backgrounds and different characters. Of course, to always be together you need mutual understanding, both husband and wife. The slightest problem if there is no mutual understanding will become a big problem that can tear down the family building that is already being lived. This is contained in decision number: 683 / Pdt.G / 2017 / PA.Mdn.

Third, disagreement differences in views and opinions cause the needs of families to float, especially children. The issue of differences of opinion is actually a small and trivial matter, but if we don't give in to one another, it will become a big and serious problem. Selfish attitudes and want to win alone are the triggers for the emergence of this difference of opinion which will eventually make the partner disgusted with the attitude of wanting to win on their own. To keep this disagreement from becoming a serious problem, especially to trigger divorce, one partner must be able to give in and accept his partner's opinion for the good of the family. This is also contained in the decision number: 683 / Pdt.G / 2017 / PA.Mdn.

Fourth, grumpy. Temperament is an attitude that must be eliminated in building a household, because this kind of attitude will backfire in the family especially if the partner is also a person who has a high temperament. To reduce this angry attitude, a partner must be someone who has an extra patient attitude to be more patient with a temperamental partner. This is contained in decision number: 954 / Pdt.G / 2017 / PA.Mdn

Fifth, stubborn. Stubbornness is a form of character that is difficult to change. Psychologically, a person who is hard-tempered, has intelligence and a strong belief in something. On the other hand, there is also an attitude like this which is egocentric, and does not want to accept suggestions, let alone criticize. Attitudes like this usually arise due to feeling right about what is being done or what is being thought. People with this attitude forget to learn to empathize with others if they are in the opposite position. A stubborn attitude in the family will greatly disturb the relationship between husband and wife because in a marriage both husband and wife must have equality. Can be seen in the decision number: 1112 / Pdt.G / 2017 / PA.Mdn

Sixth, cheating. Cheating is a form of violation of the marriage commitment that has been pledged. When the marriage promise has been uttered, then the commitment to be faithful throughout life must be embedded in the heart of the couple, whether together or not. The problem of cheating is related to unfulfilled biological needs and satisfaction, which causes an affair. Therefore, this biological need is a psychological need that must always be fulfilled. Cheating is a factor that pretty much affects family disharmony, found in the decision number: 1112 / Pdt.G / 2017 / PA.Mdn, number: 1515 / Pdt.G / 2017 / PA.Mdn, number: 1365 / Pdt.G / 2017 / PA.Mdn, and number: 1407 / Pdt.G / 2017 / PA.Mdn.

3.3 Sociological Factors

Family disharmony can occur due to unstable sociological factors. Sociological factors focus on the relationship between parties and other parties outside of marriage. In the decision being studied, there are sociological factors that cause family disharmony as follows:

First, do not understand the rights and obligations. Newly married couples experience changes in rights and obligations and responsibilities. This change seems to be accompanied by an awareness of family responsibilities. Communication and openness in the dynamics of the division of roles and responsibilities as well as important rights and obligations are carried out so that potential conflicts in family life can be reduced. In a family, if the husband and wife and children or other family members do not understand each other's rights and obligations, this condition will cause overlapping roles in the family. This means that the job description between husband and wife and children must be clear and run systematically, but if not, it will cause chaos in the roles that will eventually lead to disputes that lead to divorce. This is contained in the decision number: 566 / Pdt.G / 2017 / PA.Mdn and number: 1717 / Pdt.G / 2017 / PA.Mdn.

Second, adultery. Cheating is a sociological factor that greatly affects family harmony. After marriage all other doors are closed. Even though a partner is not perfect, but it is the best for his partner, so that the lack of a partner is not a reason to look elsewhere. Because of course, the likelihood of the temptation to be attracted to others is very high. Therefore, a partner who has had an affair is difficult for their partner to believe due to a breach of their promise that has been committed, so it is difficult to trust a partner who has broken their promise, so that suspicion and accusations of adultery often arise. Allegations like this in the verdicts studied are one of the sources of disputes leading to divorce. Can be seen in the decision number: 1112 / Pdt.G / 2017 / PA.Mdn, number: 1515 / Pdt.G / 2017 / PA.Mdn, number: 1365 / Pdt.G / 2017 / PA.Mdn, and number: 1407 / Pdt.G / 2017 / PA.Mdn.

Third, the children born by husband or wife. One thing that is difficult to do is to maintain relationships with other people outside of the outcome of marriage. As in one of the decisions in this study, disputes are caused by a relationship with a partner's innate child (stepchild). Congenital children need to be discussed more deeply before marriage, starting from the relationship of the innate children with prospective siblings, with new parents, and with extended families. Apart from the two factors above, children born by husband or wife are also a factor in household disputes. In this researched verdict, the wife treats and educates the husband's innate children with a harsh and hurtful impression, so that the husband who knows his wife treats his child like this causes a dispute. Can be seen in the decision number: 1717 / Pdt.G / 2017 / PA.Mdn.

Fourth, drugs. The negative environmental influence is the cause of this factor. Husbands of drug addicts show their husbands have relationships with outsiders and a bad environment, contaminated and are subject to negative social flows. If you have been affected, this is indeed difficult to leave because both have an addictive effect so that people

who once did are tempted to do it again. The power of faith and worship in Allah SWT is an effort to avoid this behavior. In addition, efforts to prevent this factor from occurring in the family begin with the process of choosing a partner. See the decision number: 1365 / Pdt.G / 2017 / PA.Mdn and number: 1407 / Pdt.G / 2017 / PA.Mdn.

From the research results, it is found that the factors that cause family disharmony can be seen in the following table:

Table 4. The factors that cause family disharmony

No	Decision	Reason	Cause		Disharmony Factors
			Husband	Wife	
1	566/Pdt.G/2017/PA.Mdn	- Not Respecting Each Other	✓	✓	- Psychology
		- Do not understand the rights and obligations of each.	✓	✓	- Sociology
2	683/Pdt.G/2017/PA.Mdn	- Not understanding each other / understanding		✓	- Psychology
		- Difference of opinion			
3	954/Pdt.G/2017/PA.Mdn	- Stubborn	✓		- Psychology
		- Grumpy			
4	1112/Pdt.G/2017/PA.Mdn	- Cheating		✓	- Sociology
		- Stubborn			- Psychology
		- Lack of livelihood			- Sociology
5	1400Pdt.G/2017/PA.Mdn	- Lack of livelihood	✓		- Sociology
6	1515/Pdt.G/2017/PA.Mdn	- Not Responsible For Their Livelihood	✓		Sociology
		- Does not work			- Sociology
		- Cheating			- Sociology - Psychology
7	1717/Pdt.G/2017/PA.Mdn	- Not Understanding Rights and Obligations		✓	- Sociology
		- Husband's Congenital Children			
8	1365/Pdt.G/2017/PA.Mdn	- Does not work	✓		- Sociology
		- Grumpy			- Psychology
		- Drugs			- Sociology
		- Cheating			- Sociology - Psychology
9	1407/Pdt.G/2017/PA.Mdn	- Grumpy	✓		- Psychology
		- Drugs			- Sociology
		- Cheating			- Sociology - Psychology

10	1672/Pdt.G/2017/PA.Mdn	- Not Responsible For Their Livelihood	✓		- Sociology
		- Does not work			- Economy

The data above is the result of an analysis of the 2017 Medan Religious Court decision which is the study of this research. The data were analyzed according to the reasons in the lawsuit which were synchronized with the answers from the defendants, the testimonies of witnesses and the facts of the trial revealed by the judge. From these analysis efforts, it was found that in a single decision, many factors were found that led to family disharmony. This means that the problem of family disharmony cannot only be studied from a juridical point of view, but must be studied from a psychological, sociological and other perspective as part of problem identification to find a solution.

IV. Conclusion

The main factor causing family disharmony is the occurrence of continuous disputes, not understanding rights, obligations and responsibilities and the absence of harmony causing unstable family conditions and full of conflicts. In the Alquran if there is a dispute between the husband and wife, the rights of the two parties must be appointed to reconcile (mediator), this function does not work in society, so that when a dispute occurs, no one is able to reduce and reconcile the two husbands and wife. Judges in solving divorce cases on the grounds of family disharmony based on Law No. 1 of 1974 concerning Marriage, article 39 point (2) "in order to divorce there must be sufficient reasons, that the husband and wife will not be able to live harmoniously as husband and wife". Government Regulation No. 9 of 1975 concerning the Implementation of Law no. 1 of 1974 concerning Marriage, Presidential Instruction No. 1 of 1991 concerning Compilation of Islamic Law. Article 116 letter (f) reads "Between husband and wife there are continuous quarrels and quarrels and there is no hope of living in harmony again in the household". The judge considered family disharmony to be the culmination of a divorce in the religious court, especially in the Medan Religious Court. For the judge, if the mediation fails to take place and the two parties are determined to divorce, the judge will decide to divorce.

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