

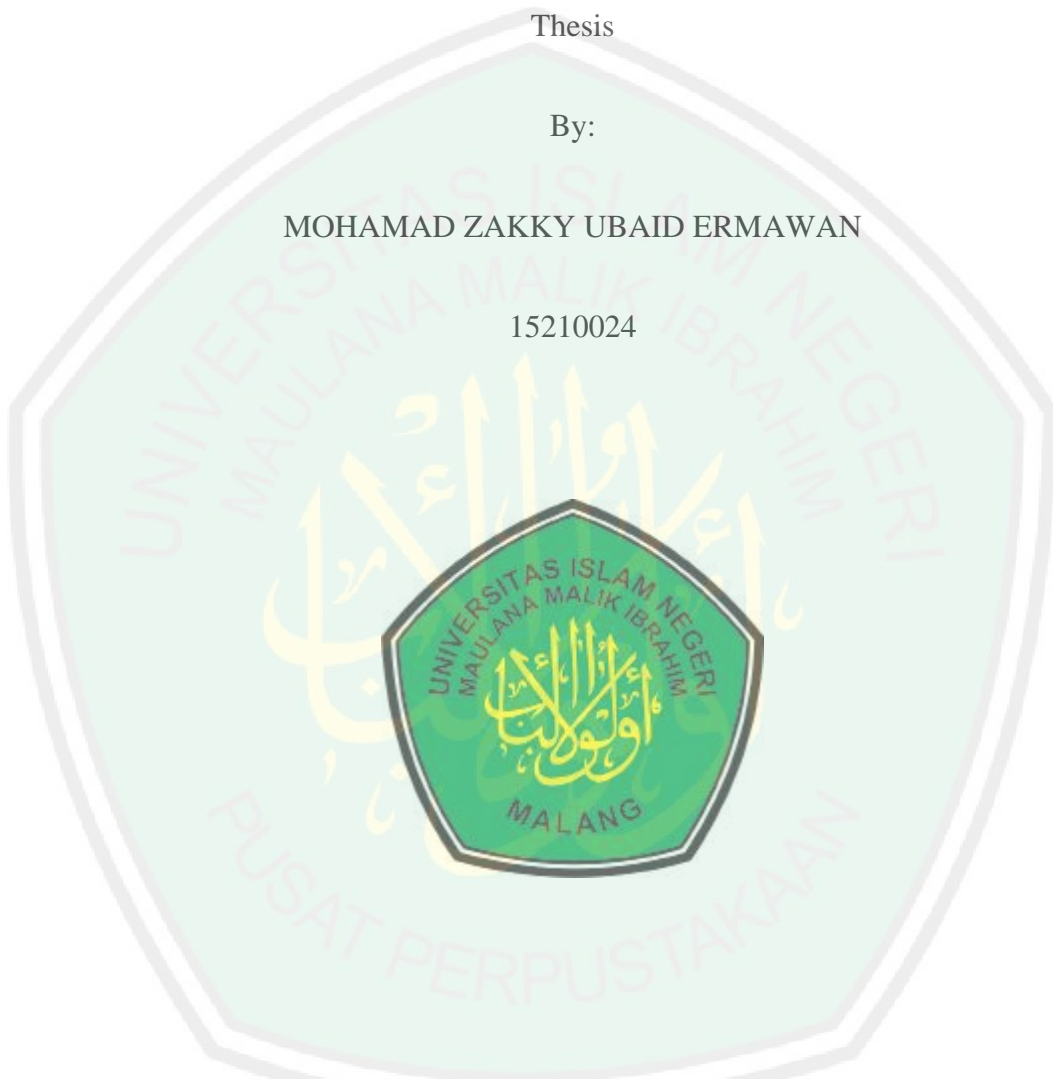
**THE DIVORCE CAUSES OF COUPLES WITH 30 YEARS
MARRIAGE PERIOD OR MORE IN THE VIEW OF JUDGES
AT MOJOKERTO RELIGIOUS COURT**

Thesis

By:

MOHAMAD ZAKKY UBAID ERMAWAN

15210024



AL-AHWAL AL-SYAKHSHIYYAH DEPARTMENT

SHARI'AH FACULTY

**ISLAMIC STATE UNIVERSITY OF MAULANA MALIK IBRAHIM
MALANG**

2019

**THE DIVORCE CAUSES OF COUPLES WITH 30 YEARS
MARRIAGE PERIOD OR MORE IN THE VIEW OF JUDGES
AT MOJOKERTO RELIGIOUS COURT**

Thesis

By:

MOHAMAD ZAKKY UBAID ERMAWAN

15210024



AL-AHWAL AL-SYAKHSHIYYAH DEPARTMENT

SHARI'AH FACULTY

ISLAMIC STATE UNIVERSITY OF MAULANA MALIK IBRAHIM
MALANG

2019

STATEMENT OF THE AUTHENTICITY

In the name of Allah (swt),

With consciousness and responsibility towards the development of science, the author declares that the thesis entitled:

THE DIVORCE CAUSES OF COUPLES WITH 30 YEARS MARRIAGE PERIOD OR MORE IN THE VIEW OF JUDGES AT MOJOKERTO RELIGIOUS COURT

is truly the author's original work. It does not incorporate any material previously written or published by another person. If it is proven to be another person's work, duplication, plagiarism, this thesis and my degree as the result of this action will be deemed legally invalid.

Malang, June 21st 2019

Author,



Mohamad Zakky Ubaid Ermawan
NIM 15210024


APPROVAL SHEET

After examining and verifying the thesis of Mohamad Zakky Ubaid Ermawan, NIM 15210024, Al-Ahwal Al-Shakhshiyyah, Department of the Sharia Faculty of State Islamic University, Maulana Malik Ibrahim of Malang entitled:

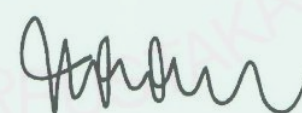
THE DIVORCE CAUSES OF COUPLES WITH 30 YEARS MARRIAGE PERIOD OR MORE IN THE VIEW OF JUDGES AT MOJOKERTO RELIGIOUS COURT

The supervisor states that this thesis has met the scientific requirements to be proposed and to be tested by the Thesis Board of Examiners.

Acknowledged by,
The Head of
Al-Ahwal Al-Syakhshiyyah
Department


 Dr. Sudirman, M.A.
 NIP.197708222005011003

Malang, June 21st 2019
Supervisor,



R. Cecep Lukman Yasin, M.A., Ph.D.
 NIP.197312141998031001

LEGITIMATION SHEET

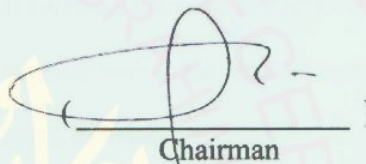
The Thesis Board of Examiners states that Mohamad Zakky Ubaid Ermawan, 15210024, student of Al-Ahwal Al- Syakhshiyyah Department, Sharia Faculty, Islamic State University of Maulana Malik Ibrahim Malang, with the thesis title:

THE DIVORCE CAUSES OF COUPLES WITH 30 YEARS MARRIAGE PERIOD OR MORE IN THE VIEW OF JUDGES AT MOJOKERTO RELIGIOUS COURT

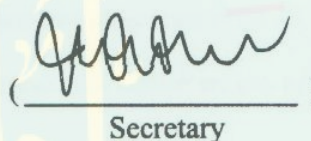
Have certified with the grade A

The Board of Examiners:

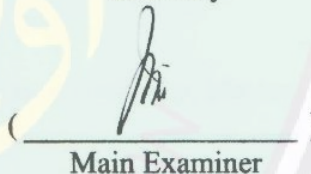
1. Dr. Zaenul Mahmudi, MA.
NIP. 197306031999031001

()
Chairman

2. R. Cecep Lukman Yasin, MA. Ph.D
NIP. 197312141998031001

()
Secretary

3. Dr. Hj. Umi Sumbulah, M.Ag.
NIP. 197108261998032002

()
Main Examiner

Malang, June 21st 2019

Dean



Drs. Saifullah, S.H, M. Hum
NIP. 196512052000031001

ACKNOWLEDGEMENT

All praise due to Allah, the Cherisher and Sustainer of all the worlds. There is neither might nor power but with Allah the Great, the Exalted. With only His Grace and Guidance, this thesis entitled “The Divorce Causes of Couples With 30 Years Marriage Period or More In The View of Judges at Mojokerto Religious Court” could be completed, and also with His benevolence and love, peace and tranquility of the soul. Peace be upon the Prophet Muhammad who had brought us from darkness into the light, in this life. May we be together with those who believe and receive intercession from Him in the day of Judgement. Amîn.

With all the support and help, discussions, guidance and directions from all parties involved during the process of completing this thesis, the author wishes to express his utmost gratitude to the following:

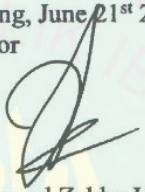
1. Prof. Dr. Abd. Haris, M.Ag., as the Rector of State Islamic University, Maulana Malik Ibrahim Malang.
2. Dr. Saifullah, S.H., M.Hum., as the Dean of the Sharia Faculty of State Islamic University, Maulana Malik Ibrahim Malang.
3. Dr. Sudirman, M.A., as the head of Al-Ahwal Al-Syakhshiyah Department of the Sharia Faculty of State Islamic University, Maulana Malik Ibrahim Malang.
4. R. Cecep Lukman Yasin, M.A., Ph.D., as the thesis supervisor. The author expresses his gratitude for the guidance and directional motivation given in the course of completing this thesis. May Allah (swt) shower him and his family with His blessings.

5. Erfaniah Zuhriah, M.H., as supervisory lecturer during the author's course of study in the Al-Ahwal Al-Syakhshiyyah Department of the Sharia Faculty of State Islamic University, Maulana Malik Ibrahim, Malang.
6. All lecturers for their sincere and dedicated teaching and supervisory efforts. May Allah (swt) shower them with His blessings.
7. Staff of the Sharia Faculty of State Islamic University, Maulana Malik Ibrahim, Malang. The author expresses gratitude for all their support and co-operation during the course of completing this thesis.
8. The chairman, judges, clerks and staff of Mojokerto Religious Court who eagerly aid the author to fulfill the completion of this thesis. Especially Drs. A. Bashori, M.A., Kamali, S.Ag., Uten Tahir, S.HI., M.H., and Achmad Sulasmono, S.T. who had spent their time to become the interviewee for this thesis.
9. My beloved family, my late father, my mother, my older sisters, and my younger sister, who have always been giving the author support and love.
10. My beloved friends in International Class Program of Al-Ahwal Al-Syakhshiyyah Department. And also all of my beloved friends of Al-Ahwal Al-Syakhshiyyah of 2015 who author respects so much.

Hopefully, by imparting what has been learned during the course of study in the Faculty of Sharia of State Islamic University, Maulana Malik Ibrahim Malang, it will benefit all readers and the author himself. Realizing the fact that error and weakness is impartial to being human, and that this thesis is still far from perfection,

the author appreciates constructive critics and suggestions for the improvement and betterment of this thesis.

Malang, June 21st 2019
Author


Mohamad Zakky Ubaid Ermawan
15210024

MOTTO

هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ

“...They are a garment for you, and you are a garment for them...”¹



¹ QS. Al-Baqârah (2): 187.

TRANSLITERATION GUIDANCE

A. General

The transliteration guide which is used by Sharia Faculty of Islamic State University, Maulana Ibrahim Malang, is the EYD plus. This usage is based on the Consensus Directive (SKB) from the Religious Ministry, Education Ministry and Culture Ministry of Republic of Indonesia, 22 January 1998, No. 158/1987 and 0543. b/U/1987, which is also found in the Arabic Transliteration Guide book, INIS Fellow 1992.

B. Consonants

ا = No Symbol	ض = dl
ب = b	ط = th
ت = t	ظ = dh
ث = ts	ع = '(comma facing upwards)
ج = j	غ = gh
ح = h	ف = f
خ = kh	ق = q
د = d	ك = k
ذ = dz	ل = l
ر = r	م = m
ز = z	ن = n

س = s

و = w

ش = sy

ه = h

ص = sh

ي = y

The hamzah (ء) which is usually represented by alif, when it is at the beginning of a word, henceforth it is translated following its vocal pronouncing and not represented in writing. However, when it is in the middle or end of word, it is represented by a coma facing upwards (ˆ), as oppose to a coma (ˊ) which replaces the “ع”.

C. Long Vowel and Diftong

In every written Arabic text in the *latin* form, its vowels *fathah* is written with “a”, *kasrah* with “i”, and *dlommah* with “u”, whereas elongated vowel are written as such:

Elongated (a) vowel = â example قال becomes *qâla*

Elongated (i) vowel = î example قيل becomes *qîla*

Elongated (u) vowel = û example دون becomes *dûna*

Specially for the pronouncing of *ya' nisbat* (in association), it cannot represented by “i”, unless it is written as “iy” so as to represent the *ya' nisbat* at the end. The same goes for sound of a diftong, *wawu* and *ya'* after *fathah* it is written as “aw” and “ay”. Check the following examples:

Diftong (aw) = و example قول becomes *qawlun*

Diftong (ay) = ي example خير becomes *khayrun*

D. Ta' marbûthah (ة)

Ta' marbûthah is transliterated as “t” if it is in the middle of the word, but if it is *ta' marbûthah* in the end of the word, then it is translated as “h” for example الرسالة للمدرسة it will be *al-risalat li al-mudarrisah*, or if it happens to be in the middle of a phrase which constitute *mudlaf* and *mudlaf ilayh*, the the transliteration will be using *t* which is enjoined with the previous word, for example في رحمة الله menjadi *fi rahmatillâh*.

E. Definite Article

Arabic has only one article, “al” (ال) and it written in small letters, unless at the beginning of a word, while “al” in the phrase of *lafadh jalalah* (speaking of God) which is in the middle of a sentence and supported by *and* (*idhafah*), then it not written, check following examples:

1. Al-Imâm al-Bukhâriy said ...
2. Al-Bukhâriy explains, in the prologue of his book ...
3. *Masyâ' Allâh kâna wa mâ lam yasya' lam yakun.*
4. *Billâh 'azza wa jalla.*

TABLE OF CONTENT

FRONT COVER	
TITLE SHEET	
STATEMENT OF AUTHENTICITY	i
APPROVAL SHEET	ii
LEGITIMATION SHEET	iii
ACKNOWLEDGEMENT	iv
MOTTO	vii
TRANSLITERATION GUIDANCE	viii
TABLE OF CONTENT	xi
ABSTRACT	xv
CHAPTER 1: INTRODUCTION	1
A. Background of Research	1
B. Scope and Limitation	5
C. Research Questions	5
D. Objectives of Research	5
E. Benefits of Research	6
F. Technical Terms	8
G. Structure of Research	8
CHAPTER II: REVIEW OF RELATED LITERATURE	10
A. Previous Research	10
B. Theoretical Framework	15
1. Divorce	15
2. Concept of Tranquility in Marriage	22
3. Conflict Theory in Marital Relationship	29
4. Marriage Period Prone to Divorce	36
5. Midlife-Adulthood, Menopause and Andropause in Medical and Psychological Perspective	37
6. Duties and Functions of Judges of Religious Court	40
CHAPTER III: RESEARCH METHOD	42
A. Type of Research	42
B. Approach of Research	43
C. Location of Research	43
D. Source of Data	44
E. Method of Collecting Data	45
F. Method of Data Management	46

CHAPTER IV: FINDINGS AND DISCUSSION	48
A. General Description of Mojokerto Religious Court As a Setting of Research Location.....	48
B. Data Exposure and Analysis	50
1. The factors causing divorce with 30 years marriage period or more in the Mojokerto Religious Court according to the judges’	50
2. The judges’ considerations in judging divorce with 30 years marriage period or more.....	71
CHAPTER V: CONCLUSIONS AND SUGGESTIONS	76
A. Conclusions	76
B. Suggestions	77
REFERENCES.....	78
APPENDIXES	
RESEARCH PERMISSION	
INTERVIEW GUIDELINE.....	
LIST OF INFORMANTS	
PICTURES.....	
CONSULTATION PROOF.....	
CURRICULUM VITAE.....	

CHART

Chart 1: Divorce in 30 years marriage period or more 4



TABLE

Table 1: Previous research	14
----------------------------------	----



ABSTRACT

Mohamad Zakky Ubaid Ermawan, 2019, **The Divorce Causes Of Couples With 30 Years Marriage Period Or More In The View Of Judges At Mojokerto Religious Court**. Thesis. Islamic Family Law, Syari'ah Faculty, Islamic State University of Maulana Malik Ibrahim Malang. Supervisor: R. Cecep Lukman Yasin, M.A., Ph.D.

Keywords: Divorce Causes, Marriage Period, Judge's View

For couples who have lived together for more than 30 years, feeling sad and happy together, and accepting weaknesses of each partner, are their habit in daily life. But if problems arise within their household, and they chose divorce as the best solution for their problems, this is a very unfortunate thing. Not to mention that couples in midlife adulthood are tend to more mature in personality and have emotional stability. Moreover in that midlife period, men can go through a decline in testosterone production, and woman are in perimenopause period, which can affect libido, moods and sexual performance. They are also regarded having a gradual physical decline.

In this thesis, the research questions are (1) What are the factors causing divorce of couples with 30 years marriage period or more in the view of judges at Mojokerto Religious Court? And (2) what are the judges' considerations in judging divorce of couples with 30 years marriage period or more?

The type of research used in this thesis is a field research (empirical research) and the approach is a qualitative approach. The author uses two methods of data collecting those are interview and documentation.

In result, the judges' says there are no differences in divorce causes of new-wed couples or couples who have lived together for 30 years or more. But there are some divorce causes that directly stated by the judges', those are (1) financial problems, (2) infidelity, (3) boredom, (4) irresponsibility of their children, (5) emotionally disconnected, (6) failure of the husband to lead his family, (7) domestic violence, (8) major changes in priorities, (9) And unresolved conflict. And none become the prime consideration, and nothing taken into account in judging this type of divorce case unless the facts and the proof which the spouses brought.

ABSTRAK

Mohamad Zakky Ubaid Ermawan, 2019. **Penyebab Perceraian Pada Pasangan Dengan 30 Tahun Masa Perkawinan Atau Lebih Dalam Pandangan Hakim Pengadilan Agama Mojokerto**. Skripsi. Al-Ahwal Al-Syakhshiyah, Fakultas Syari'ah, Uiniversitas Islam Negeri Maulana Malik Ibrahim Malang. Dosen Pembimbing: R. Cecep Lukman Yasin, M.A., Ph.D.

Kata kunci: Penyebab Perceraian, Masa Perkawinan, Pandangan Hakim

Bagi pasangan yangtelah hidup bersama selama 30 tahun atau lebih, merakasan duka dan senang, dan saling menerima kelemahan masing-masing, adalah keseharian mereka. Tapi jika masalah muncul dalam kehidupan ruamh tangga mereka dan pada akhirnya mereka memilih perceraian sebagai solusi terbaik atas masalah mereka, hal itu sangat disayangkan. Apalagi pasangan pada masa kedewasaan tengah cenderung lebih bersikap dewasa dan memiliki kestabilan emosi. Terlebih lagi dalam masa kedewasaan tenagah tersebut, laki-laki dapat mengalami penurunan produksi testosterone dan perempuan sedang dalam masa pra-menopause. Mereka berdua juga memiliki penurunan daya fisik.

Dalam skripsi ini, rumusan masalahnya adalah (1) apa penyebab perceraian pada pasangan dengan 30 tahun masa perkawinan atau lebih menurut pandangan hakim? Dan (2) apa pertimbangan hakim dalam memutus perkara perceraian pada pasangan dengan masa perkawinan 30 tahun atau lebih?

Jenis penelitian yang digunakan dalam skripsi ini adalah penelitian lapangan atau penelitian empiris dan pendekatan yang dipakai adalah pendekatan kualitatif. Penulis menggunakan dua metode pengumpulan data, yatiu wawancara dan dokumentasi.

Sebagai hasil dalam skripsi ini, hakim mengatakan bahwasannya tidak ada perbedaan dalam hal pernyebab perceraian, entah itu pasangan yang baru menikah atau yang sudah tinggal bersama selama 30 tahun atau lebih. Akan tetapi ada beberapa penybab yang disebutkan langsung oleh para hakim, yaitu: (1) Masalah keuangan, (2) ketidaksetiaan, (3) kebosanan, (4) anak yang itdak bertanggungjawab, (5) terpisah secara emosional, (6) kegagalan suami untuk memimpin keluarganya, (7) kekerasan dalam rumah tangga (8) perubahan yang besara dalam hal prioritas, (9) dan konflik yang tak kunjung selesai. Dan tiada hal yang menjadi pertimbangan dalam memutus perkara cerai seperti ini, kecuali kenyataan beserta bukti-bukti yang diberikan oleh para pihak.

ملخص البحث

محمد زكي عبيد إرموان، رقم التسجيل ١٥٢١٠٠٢٤ أسباب الطلاق للأزواج مع فترة زواج ٣٠ سنة أو أكثر في نظر القضاة في محكمة موخيرتو الدينية. بحث جامعي، كلية الشريعة، في الجامعة الإسلامية الحكومية مولانا مالك إبراهيم بمالانج. المشرف: رادن جيغيف لقمان ياس درجة الحموضة

بالنسبة للأزواج الذين عاشوا معًا لأكثر من ٣٠ عامًا ، فإن الشعور بالحزن والسعادة معًا ، وقبول نقاط الضعف لدى كل شريك ، هي عاداتهم في الحياة اليومية. لكن إذا اختاروا الطلاق في النهاية كأفضل حل لمشاكلهم ، فهذا أمر مؤسف للغاية. ناهيك عن أن الأزواج في مرحلة البلوغ في منتصف العمر يميلون إلى أن يصبحوا أكثر نضجًا في الشخصية ولديهم الاستقرار العاطفي. علاوة على ذلك ، في فترة منتصف العمر هذه ، يمكن أن يمر الرجال بانخفاض في إنتاج هرمون التستوستيرون ، والمرأة في فترة انقطاع الطمث. كما أنهم يعتبرون انخفاضًا بدنيًا تدريجيًا.

في هذه الرسالة ، الأسئلة البحثية هي (١) ما هي العوامل التي تسبب طلاق الأزواج مع ٣٠ سنة زواج أو أكثر في نظر القضاة في محكمة موخيرتو الدينية؟ و (٢) ما هي اعتبارات القضاة في الحكم على طلاق الأزواج بفترة زواج تبلغ ٣٠ عامًا أو أكثر؟

نوع البحث المستخدم في هذه الرسالة هو البحث الميداني (البحث التجريبي) والنهج هو المنهج النوعي. يستخدم المؤلف طريقتين لجمع البيانات ، وهما المقابلة والتوثيق.

ونتيجة لذلك ، يقول القضاة إنه لا توجد فروق في أسباب الطلاق بين الأزواج أو الأزواج الذين عاشوا معًا لمدة ٣٠ عامًا أو أكثر، ولكن هناك بعض أسباب الطلاق التي ذكرها مباشرة القضاة ، هي (١) المشاكل المالية ، (٢) الخيانة الزوجية ، (٣) الملل ، (٤) عدم مسؤولية أطفالهم ، (٥) الانقطاع العاطفي ، (٦) فشل الزوج في قيادة أسرته ، (٧) العنف المنزلي ، (٨) تغييرات كبيرة في الأولويات ، (٩) والصراع الذي لم يحل. ولا شيء يصبح الاعتبار الأول ، ولا شيء يؤخذ في الاعتبار عند الحكم على هذا النوع من حالات الطلاق إلا في الوقائع والأدلة التي قدمها الزوجان.

The logo of Universitas Islam Negeri Maulana Malik Ibrahim Malang is a large, light green shield-shaped emblem. It features a central yellow calligraphic design. The text "UNIVERSITAS ISLAM NEGERI" is written in a semi-circle at the top, "MAULANA MALIK IBRAHIM" in a semi-circle below it, and "PUSAT PERPUSTAKAAN" in a semi-circle at the bottom.

CHAPTER I

INTRODUCTION

A. Background of Research

Divorce is never be expected in marriage. When man and woman agreed to be married, they never thought to do divorce in the future. However, in reality, household life is not always smooth and easy, lots of obstacles and difficulties for continuing marriage relationships. Therefore, a truly deep thought is needed prior to divorce, because divorce can be the worst way for families and their children, even though it could be a way out for couples who are not harmonious.

For couples who have lived together for more than 30 years, feeling sad and happy together, and accepting weaknesses of each partner, are their habit in daily life. But if in the end they chose divorce as the best solution for their problems, this is a very unfortunate thing. Because living together for more than 30 years, the husband and wife should be more mature in facing household problems and have adapted to each other.

In addition, divorce is very vulnerable to occur at the 0 to 30 years marriage period, because of the attitude of husband and wife who are still unstable. Conversely, at 30 years marriage period or more divorce is gradually become rare. However, in the past 10 years, divorce of elderly couples are increasing every year. The data is presented by *Office for National Statistic*.²

Furthermore, as to why the author chose the marriage period in 30 years or more, because most of the spouses are married in their 20, then if they have been lived together for 30 years or more, that means their age is about over 50 years old. In that age, most likely man and woman begin to grow in stagnation stage,³ a stage where man considered andropause, due to the gradual decline in testosterone level which can affect libido, moods and sexual performance, and woman considered menopause, marking the end of her reproductive period. In other word, most likely

² “Marriage and divorce on the rise at 65 and over”, <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/articles/marriageanddivorceontheriseat65andover/2017-07-18> accessed on September 4th 2018; Eny Kartikawati, “Pasangan Cerai Saat Usia 60-an Meningkat Dalam 10 Tahun” <https://wolipop.detik.com/read/2012/12/27/080844/2127505/854/pasangan-cerai-saat-usia-60-an-meningkat-dalam-10-tahun> accessed on September 3rd 2018.

³ F. J. Monks, *Psikologi perkembangan: pengantar dalam berbagai bagiannya*, (Yogyakarta: Gadjah Mada University Press, 1982), 326.

they will not be able to give birth anymore, so they can focus only on educating their children and live peacefully.

Moreover, in that midlife period, it is common for men and women to worry that their sex life is not what it was or that their interest in sex is waning. After all, so many factors can affect it, such as relationship strain, the work-life juggle, financial pressures or looking after family. During the perimenopause, erratic ovarian function leads to varied estrogen levels.⁴ Estrogen levels decline, causing a decrease of blood flow to the genitals. And that, in turn, can mean delayed arousal, delayed or absent orgasm, or diminished intensity of orgasm.⁵

In midlife, men go through a decline in testosterone production as well as other changes, such as declines in libido, penile sensitivity, and blood flow to the genitals. The man may face performance anxiety where fear of failure leads to ongoing sexual dysfunction. If the pattern continues, a man may withdraw from sexual encounters or any expressions of intimacy.⁶ Yet if they still choose to bring an end to their marriage bond, at this point, a lot of questions may arise, why?

Below is the data of divorce that occurs in couples with a marriage period of 30 and more in the Mojokerto religious court for the last 3 years as follows:⁷

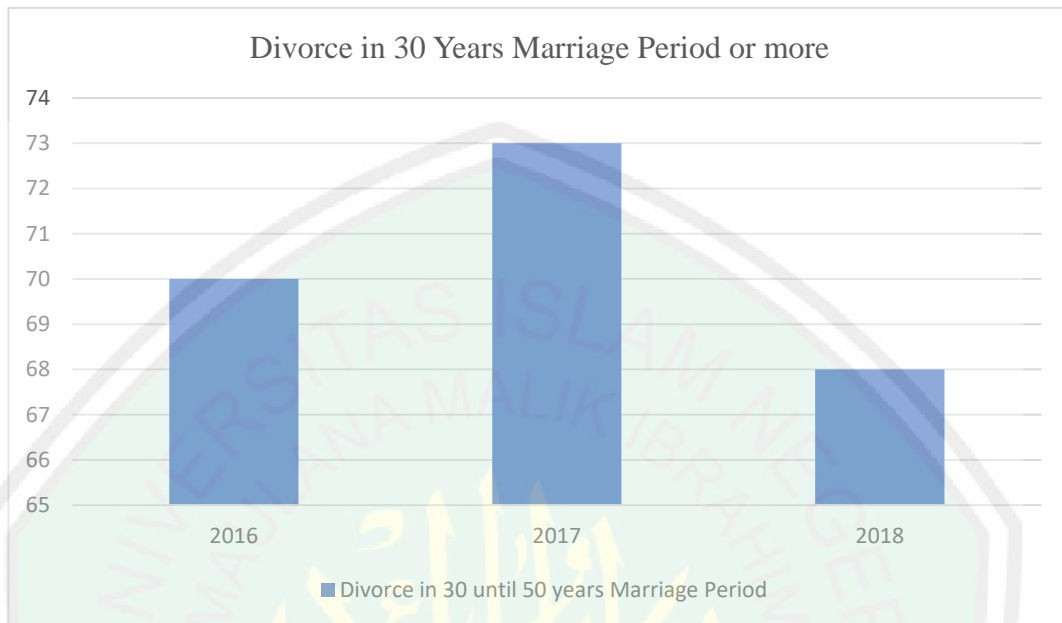
⁴ Navneet Magon, Monica Chauhan, Sonia Malik, and Duru Shah, "Sexuality in midlife: Where the passion goes?", *Journal of Mid-life Health*, Vol. 3 (Dec 2012), 63.

⁵ Joyce Flory, PhD, *Female Sexuality at Midlife: Helping women deal with sexual dysfunction*, (Chicago: American Osteopathic Association, n.d.), 16.

⁶ Barbara Bartlik, M.D. and Marion Zucker Goldstein, M.D., "Men's Sexual Health After Midlife", *Psychiatric Services*. Vol. 52, 261.

⁷ Mono, *Interview* (Mojokerto, October 8th 2018)

Chart 1



In 2016 there are 70 cases about divorce in 30 years and more of marriage period, meanwhile in 2017 there are 73 cases, and next, in 2018 there are 69 cases. That data covers whether in the case of husband who has the initiative to divorce (divorce applicant) or in the case of wife who has initiative to divorce (divorce claim), and whether the husband or wife were previously single or not. And among those divorces, there are some either the husband or the wife or maybe both who married while being a widow / widower. These data also show that divorce of couples with 30 years marriage period or more in Mojokerto Religious Court is quite common.

Because of those circumstances, the author became curious and want to know and also explain to the readers the causes of a couple who have lived together for 30 years or more, however they chose to divorce above anything. Then what are the reasons that cause them to think that divorce is the only solution and the best

solution to do according to the judges, and how are the judges' considerations in judging the case, regardless they have lived together for more than 30 years, this will be answered in this thesis.

B. Scope and Limitation

The thesis is focused only on a couple who had been living together in marriage bond for 30 years or more. This also means the average age of the couples is 50 and above.

C. Research Questions

Based on the background described above, several questions of the research can be described as follows:

1. What are the factors causing divorce of couples with 30 years marriage period or more in the view of judges at Mojokerto Religious Court?
2. What are the judges' considerations in judging divorce of couples with 30 years marriage period or more?

D. Objectives of Research

Based on the background described above, several aims of the research can be described as follows:

1. To explain the matter causing divorce wivorce of couples with 30 years marriage period or more in the Mojokerto Religion Court.

2. To explain the judges' considerations in judging causing divorce of couples with 30 years marriage period or more in the Mojokerto Religion Court.

E. Benefits of Research

In general, this research is expected to contribute significant insight that can answer contextual problems about the causes of divorce, especially in a life of couples who have been married for 30 years or more.

The more detailed description about the benefits of this thesis is divided into two, those are (1) theoretically and (2) practically.

1. Theoretically

- a. This research is expected to be able to contribute in developing and enriching the knowledge and science related to marriage and divorce, especially in Al-Ahwal As-Syakhshiyah (Islamic Family Law).
- b. This research is expected to be useful for the development of science and can be used as a reference in seeking the knowledge of divorce in Mojokerto district.

2. Practically

- a. For married couples who have lived together for 30 years and more.

Providing information and insight that divorce does not recognize the marriage period. And, it is hoped that this research can be used as an afterthought and learning to be able to maintain the marriage with the spouse.

b. For married couples

Providing information and insights about the problems in the household always come from any direction. And, it is hoped that this research can be used as an illustration and lesson to be able to establish a harmonious household until death separates.

c. For those who want to get married

Providing information and insights about establishing a husband and wife relationship or marriage bond is not easy. Problems will always exist in household life. And, it is expected that those who want to get married, are really prepared in material and nonmaterial aspects before marriage.

d. For other researchers

The results of this thesis are expected to be used as material for discourse, discussion and subsequent research with similar themes in the future.

F. Technical Terms

Author needs to provide definition of the keyword in this thesis, which is:

1. Marriage Period

Marriage period is the time that has been spent together by husband and wife while undergoing the marriage bond, starting from the marriage contract was conducted.

G. Structure of Research

To facilitate a comprehensive understanding of this research, then the structure in this thesis is arranged in a systematic manner as follows.⁸

The first chapter is an introduction. In this introduction it contains the context of the thesis so that the direction and the context of the problem can be determined. Includes the background of the problem and a description of the problem which is interesting and urgent to be studied. Then the problem of the research that arises from the background is used as a question of research. Then proceed with the purpose of research, what are the goals to be achieved in the thesis. As well as the benefits of research that helped provide motivation in conducting this thesis. A technical term that contains the definition given to each variable in the title by giving the meaning needed to measure the problem. Along with the structure of thesis which contains a brief description of the structure of this research.

⁸ Drafting Team Writing Guidelines for Scientific Paper in Faculty of Sharia UIN Maulana Malik Ibrahim Malang, *Pedoman Penulisan Karya Tulis Ilmiah Fakultas Syariah UIN Maulana Malik Ibrahim Malang*, (Malang: Fakultas Syariah UIN Maulana Malik Ibrahim Malang, 2015), 25-31.

The second chapter is literature review. This chapter discusses theoretical studies which contain systematic descriptions of various information collected from various sources that are related to the research and able to support the research. The author provides previous research in order to find a point of difference in this research with existing research. Then framework/theory contains theories and / or juridical concepts as a theoretical basis for problem assessment and analysis.

The third chapter is research methodology. This chapter describes the research methods used in this thesis, including the types of research, research approaches, research location, types and sources of data, data collection methods, and data processing methods.

The forth chapter is result and discussion. This chapter is the core of the research because in this chapter the author will analyze the data through primary and secondary data to answer the predetermined research question.

The fifth chapter is closing. This chapter is the last chapter which contains conclusion and recommendation. The conclusions in this chapter are not a summary of the research conducted, but a short answer to the research question. Recommendation is suggestion to related parties that have more authority over the studied case for the benefit of society, and suggestions or recommendations for future research in the future.



CHAPTER II

REVIEW OF RELATED LITERATURE

A. Previous Research

From previous research, the author did not find research with the same title as the author's research title. However, the author raised several studies as references in enriching the data in the author's research. In other word, previous research has become one of the author's references in conducting research so that the author can enrich the theory used to reviewing the research. The following are previous research related to the research conducted by the author.

1. Khairil Latifah

Khairil Latifah⁹, year 2013, in her undergraduate thesis entitled “Factors Causing High Divorce Claim Based on Marriage Age in Malang Religious Court”.¹⁰

The type of research used in this research is empirical research or field research with a qualitative descriptive approach. This thesis aims to describe the factors that cause high divorce based on marriage period in Malang Religious Court along with the judge's views about the factor of high divorce claim based on the marriage period in the Malang Religious Court. Data collection used interview methods and documentation.

The results of the thesis state that at the marriage period between 0 - 5 years and 6-10 is the marriage period where there are many divorce claim in the Malang Religious Court with a percentage of 36.8% and 25.1% respectively. The highest cause or factor for divorce claim is due to economic reasons with a percentage of 46.9% and the existence of another women (having an affair) with a percentage of 18.1%. Conversely, at the 30 years marriage period or more, the number of divorce claim in the Malang Religious Court is getting smaller. This is because the husband and wife are more mature in the household and feel comfortable with each other. Whereas according to the judges at the Malang

⁹ Student of the Al-Ahwal Al-Syakhshiyah Department of the Syari'ah Faculty of the State Islamic University of Maulana Malik Ibrahim Malang.

¹⁰ <http://etheses.uin-malang.ac.id/88/>, accessed on September 4th 2018.

Religious Court stated that the highest factor in divorce was due to economic reasons and cheating.

2. Diana Utami

Diana Utami¹¹, year 2016, in her undergraduate thesis entitled “The Phenomenon of Divorce of Older Couples (*Jukunen Rikon*) Contemporary Japanese Society”.¹²

This thesis analyzes the phenomenon of elderly couple divorce (*jukunen rikon*) after 2007. The phenomenon of *jukunen rikon* raises several discussion of the ideal marriage and hoped by Japanese society before 2007. *Jukunen Nikon* is also predicted by Japanese society to increase significantly after 2007, right after the Baby Boomer Mass Pension and Pension Fund Distribution System came into effect.

This thesis uses the theory of Alexy Allison's writing about the phenomenon of *Jukunen Rikon* before 2007. The results of the thesis found that the *Jukunen Rikon* phenomenon did not increase significantly as predicted by Japanese society. However, discussions of ideal marriage relations between elderly couples continued after 2007.

¹¹ Student of Japanese Study Program, Faculty of Cultural Sciences, University of Indonesia.

¹² <http://www.lib.ui.ac.id/naskahringkas/2015-11/S56607-Diana;>
<http://lib.ui.ac.id/file?file=pdf/metadata-20387786.pdf>, accessed on November 14th 2017.

3. Kurrota Aini

Kurrota Aini¹³, year 2013, in her thesis entitled “The Meaning of Marriage to the Elderly: Phenomenological Study on Elderly Couples at the Age of 50 Years of Marriage”.¹⁴

A lasting marriage is a marriage that has been passed by couples of marriage age 50 years and more. This marriage is a unique case, where not everyone can go through it. Individuals who have succeeded through lasting married life have important events with their partners for years. These events then made a special meaning in their married life. The meaning of a marriage is something in the form of feelings, thoughts, meanings, and those that are valued by someone in the married life that they have lived so far.

The research that uses phenomenological studies aims to determine the meaning of a marriage that has been passed by an elderly couple at 50 years of marriage. The study also sought to find other important information about conflicts in marriage, ways to resolve conflicts, and factors that influence the elderly to maintain their marriage.

The results showed that the meaning of marriage in the elderly is an effort to keep and maintain a commitment to achieve the main goals in marriage that are formed from loyalty, acceptance of one another, support from partners, comfort, and social environmental influences. Conflicts that occur in marriage

¹³ Student from the Faculty of Psychology, Gadjah Mada University.

¹⁴ http://etd.repository.ugm.ac.id/index.php?mod=penelitian_detail&sub=PenelitianDetail&act=view&typ=html&buku_id=66675&obyek_id=4, accessed on November 14th 2017.

because of the inability of the elderly to adjust to the conditions of couples who have experienced a decline physically, psychologically, and socially. Conflict resolutions are reduce emotions, compromise, tolerance and avoidance. The reason for the elderly to survive with their marriage at the age of 50 years is the desire to have a mate, peace of mind, affection, and fear of social punishment.

Table 1
Previous Research

No	Name	Title	Similarity	Dissimilarity
1	Khairil Latifa	Factors Causing High Divorce Claim Based on Marriage Age in Malang Religious Court	Discuss the causes of divorce with marriage period as a variable	The research that will be conducted by the author discusses factors of divorce applicant and divorce claim, and is only centered on divorced couples with 30 years marriage period or more
2	Diana Utami	The Phenomenon of Divorce of Older Couples (<i>Jukunen Rikon</i>) Contemporary Japanese Society	Discuss about divorce in couples who are approaching old age and elderly. Because if the marriage period is 30 years and more, it is likely that the couple are approaching old age or elderly	The research that will be conducted by the author uses marriage period as a variable, not the age of the couple
3	Kurrota Aini	The Meaning of Marriage to the Elderly: Phenomenological Study on Elderly Couples at the	Discuss the marriage that is last for 50 years and more	The research that will be conducted by the author discusses about

		Age of 50 Years of Marriage		factor of divorce
--	--	--------------------------------	--	----------------------

From the table above, it can be seen several previous researches with almost similar research objects. However, even though the object of research is almost the same, this study discusses divorce that occurs when the marriage period has reached 30 years and more. In the first research, couples from all ages of marriage were studied. In the second research, residents of all of Japan were studied, and did not see the marriage period as an additional indicator, but seeing the age of the couples themselves. In the third study, couples who had been married for more than 50 years were studied, but they were still at their marriage, or in other words they would not divorce.

B. Theoretical Framework

1. Divorce

Divorce is a physical and emotional separation of the husband and wife as a result of incompatibilities in thoughts, and aspirations, mutual distrust and loss of love.¹⁵

a. The Concept of Divorce

Today more people marry and more people divorce than ever before. This is not just because divorce is easier now but because they expect much more of a marriage. The basic concept behind a successful and meaningful

¹⁵ Amir Syarifuddin, *Hukum Perkawinan Islam di Indonesia: antara Fiqh Munakahat dan Undang-Undang Perkawinan* (Jakarta: Kencana, 2014), 190.

relationship is on intimacy, and intimacy is only possible when two persons are equals.

Any family which lacks intimacy, mutual caring, support and understanding will end up with divorce. The word divorce summons up images of divided families, vulnerable children, failed marriages, forgotten commitments, long and expensive battles, resentment, hostility, bitterness and economic hardships. It is understandable that people do not think positively about divorce.¹⁶

Divorce is usually an ego insult, an experience that diminishes self-esteem. Declining level of marital satisfaction in recent decades is one of the major reasons for divorce. Many individuals, especially women recognized that marriage was not meeting their personal needs. In this context, it is not surprising that two-thirds of divorces are initiated by women. Nowadays married couples are spending only a little of quality time with each other.

The reason for this is that often humans become so preoccupied with their temporary personal likes and dislikes that they fail to see their own destructive behaviors and weaknesses. Thus they are encouraged to seek advice and wisdom from those with experience and knowledge, who may help them to empower themselves to take charge of rectifying their behavior and attitudes.

¹⁶ Sharon J. Price, Christine A. Price and Patrick C. McKenry, eds., *Families and Change: Coping with Stressful events and Transitions*, (London: SAGE Publications Inc, 2010), 211

According to the researchers, infidelity is major reason for divorce. If we ask what went wrong for such an end of game, the answers may be: wives report more dissatisfaction with marriage than do husbands. There are some common complaints by wives that include husband's authoritarianism, mental cruelty, verbal and physical abuse, lack of love, neglect of children, emotional and personality problems and extramarital sex.

Men give reasons for their separation that their wives as nagging, whining, faultfinding and immature. It is common for women and men to share the views that communication problems, unhappiness and incompatibility led to divorce. Economic factors that contribute for divorce are changing work patterns, diminished occupational opportunities, men's declining labor force involvement, massive underemployment for many of lower-income wage earners created domestic turmoil for many families, less wages for women than men in rural areas, economic dependence of women towards men, and so on.¹⁷

Some other reasons may be impotent, barrenness, chronic disease, immaturity at marriage and wide age disparity between the spouses, lack of privacy, and poor living conditions in overcrowded, cramped joint families, poverty, dowry, irritative nature, domineering nature, etc.

The Islamic tradition describes the purpose of marriage is to foster a state of tranquility, love and compassion. Generally speaking, divorce is not

¹⁷ Sharon J. Price, *Families and Change*, 211-220.

at all viewed favorably in Islam; rather it has been either condemned or discouraged unless warranted by valid reasons. This is in accordance with the hadith of the Prophet narrated by Abu Dawood and Ibn Majah:

حَدَّثَنَا كَثِيرُ بْنُ عُبَيْدٍ، حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ، عَنْ مُعْرِفِ بْنِ وَاصِلٍ، عَنْ مُحَارِبِ بْنِ دِثَارٍ، عَنْ ابْنِ عُمَرَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: أَبْغَضُ الْحَلَالِ إِلَى اللَّهِ تَعَالَى الطَّلَاقُ

“Narrated by Katsir bin Ubeid, Narrated by Muhammed bin Khaled, from Ma`far bin Waasil, from Muharib bin Dhathar, from Ibn Umar, that the Prophet (peace and blessings of Allaah be upon him) said: Among lawful things, divorce is most hated by Allah.”¹⁸

The above hadith explains that divorce is the last alternative in resolving domestic life conflicts. The spouses should avoid divorce as much as possible. If they have difficulties and problems they should try to work out their differences and seek help from their relatives, friends, or professional counselors. However, if the differences are irreconcilable then divorce is permissible, but it should be done in a decent manner.

Allah provides general guidelines for the process of divorce with priority on both parties upholding the values of justice and kindness in formalizing the end to their marriage. These general guidelines are provided in Surah Al-Baqarah verse 224 until 237.¹⁹ Allah encourages the husband and wife to appoint arbitrators as the first step to aid in reconciliation in the process of divorce. If the reconciliation step fails, both the man and woman

¹⁸ Abu Dawud Sulaymān ibn al-Ash‘ats al-Azdi al-Sijistani, *Sunan Abi Dawood*, Vol. II, (Beirut, al-Maktabat al-‘Ashriyyah, n.d.), 255.

¹⁹ “Divorce in Islam”, <http://www.islamweb.net/en/article/92752/divorce-in-islam> accessed on January 14th 2019.

are guaranteed the right to divorce as established in the Quran, but the difference lies in the procedure for each one.

b. The Reasons for Divorce

A man must not divorce his wife to bring harm upon her, as this constitutes an act that demolishes this noble establishment, breaks the woman's heart, and possibly separates the woman from her children without any reason. So no one with the sound Islamic spirit and attitude must resort to divorce except in extreme and unavoidable cases, where it has been considered as legitimate in Islam. The reason for this is clear, for divorce entails dire consequences affecting families and individuals; it results in deep psychological and emotional scars, especially when children are involved.

Having said this, divorce however, must not be considered a closed door. There are genuine cases when divorce is the only option available. Here are a few valid reasons for divorce in Islam:²⁰

- 1) Physical, mental, or emotional abuse or torture.

When one of the spouses becomes abusive and inflicts physical, mental, or emotional torture, and is not willing to change by taking practical measures through therapy or counseling, then it is a valid reason for seeking divorce.

²⁰ Syeikh Ahmad Kutty, "Valid Reasons for Divorce in Islam", <https://askthescholar.com/answerdetails?qId=6625> accessed on January 15th 2019.

- 2) Failure to fulfill the objectives and purposes for which marriage was initiated.

This can be utter incompatibility between the partners, which may be expressed by their irreconcilable differences in temperaments, likes, and dislikes.

- 3) Marital infidelity.

This can be a major cause for dissolution of marriage, for marriage is built on trust and confidence. Its main purpose is to preserve the chastity and modesty of those involved. Once this foundation is eroded and undermined and there is no chance to restore the same, then divorce is the way to go.

- 4) Failure of the husband to provide.

When the man, who is considered the provider and maintainer of the family, fails to shoulder his responsibilities and the wife decides that she cannot continue tolerating his shirking of responsibility, this is grounds for divorce.

There are many of reasons which affect a higher chance for the couple to litigate divorce, but a single reason alone will not enough to make someone thinking for divorce.²¹

²¹ Linda J. Waite, Don Browning, William J. Doherty, Maggie Gallagher, Ye Luo, and Scott M. Stanley, *Does Divorce Make People Happy? Findings from a Study of Unhappy Marriage*, (New York: Institute for American Values, 2002), 20.

Meanwhile in Indonesia, divorce is regulated under Law No. 1 of 1974 concerning Marriage which implemented by Government Regulation No. 9 of 1975 concerning The Implementation of Law No. 1 of 1974 concerning Marriage. Divorce can only be conducted based on reasons as follows:²²

- 1) One of the spouses has committed adultery, is an alcoholic, is addicted to drugs, and is a gambler or other vices which are difficult to cure;
- 2) One of the spouses has left the other spouse for two consecutive years, without consent and without legitimate reasons or the absence of reasons beyond his control;
- 3) One of the spouses has been sentenced to imprisonment for five years or a longer period;
- 4) One of the spouses has resorted to cruelty or severe ill-treatment, endangering the life of the other spouse;
- 5) One of the spouses has developed a disability or disease, preventing from fulfilling the duties of husband or wife;
- 6) The spouse has irreconcilable differences.

And also regulated under Compilation of Islamic Law (KHI), especially for Indonesian Muslims. Divorce can only be conducted due to reasons as follows:²³

- 1) One of the spouses has committed adultery, is an alcoholic, is addicted to drugs, and is a gambler or other vices which are difficult to cure;
- 2) One of the spouses has left the other spouse for two consecutive years, without consent and without legitimate reasons or the absence of reasons beyond his control;
- 3) One of the spouses has been sentenced to imprisonment for five years or a longer period;
- 4) One of the spouses has resorted to cruelty or severe ill-treatment, endangering the life of the other spouse;
- 5) One of the spouses has developed a disability or disease, preventing from fulfilling the duties of husband or wife;
- 6) The spouse has irreconcilable difference;
- 7) Husband breaks the Conditional Divorce (*taklik talak*);

²² Article 19 of Government Regulation No. 9 of 1975 concerning The Implementation of Law No. 1 of 1974 concerning Marriage.

²³ Article 116 of Compilation of Islamic Law.

8) Apostate.

Relating to divorce claim in Indonesia, at this moment Indonesia still adopts dualism in law. This dualism can be seen at the jurisdiction of court based on religion adopted at the time of marriage contract was conducted. If the couple are conducting their marriage contract based on Islamic Law, therefore Religious Court has the jurisdiction to allow divorce. On the other hand, if the couple are conducting their marriage based religion other than Islam, therefore the District Court has the jurisdiction to allow divorce.²⁴

2. Concept of Tranquility in Marriage

Marriage is the process by which two people who love each other make their relationship public, official, and permanent. Marriage is indeed a sacred bond that brings together a man and a woman by virtue of the teachings of the Qur'an and the Sunnah. Thus, each partner in this sacred relationship must treat the other beautifully and properly with honor, kindness, and patience. It is the cohabitation of two people in a bond that putatively lasts until death. Married couples have the love and support from their partner, someone who wants them to succeed in their life together.

Allah has created men and women as company for one another, and so that they can procreate and live in peace and tranquility according to the commandments of Allah and the directions of His Messenger. The Quran says:

²⁴ Article 1 point (b) of Government Regulation No. 9 of 1975 concerning The Implementation of Law No. 1 of 1974 concerning Marriage.

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً ۚ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

“And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought.”²⁵

وَاللَّهُ جَعَلَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُمْ مِنْ أَزْوَاجِكُمْ بَنِينَ وَحَفَدَةً وَرَزَقَكُمْ مِنَ الطَّيِّبَاتِ ۚ أَفَبِالْبَاطِلِ يُؤْمِنُونَ وَبِالنِّعْمَةِ اللَّهُ هُمْ يَكْفُرُونَ

“And Allah has made for you from yourselves mates and has made for you from your mates sons and grandchildren and has provided for you from the good things. Then in falsehood do they believe and in the favor of Allah they disbelieve?”²⁶

Marriage can provide an emotionally fulfilling intimate relationship, which can impact physical and mental health positively. Married couples have the benefit of working together, in which they are able to produce more than just working by themselves.²⁷ Marriage not only improves one's social support, it also improves one's mental and physical health.

Marriage is not just a financial and physical arrangement of living together but a sacred contract, a gift of Allah, to lead a happy, enjoyable life and continue the lineage. The main goal of marriage in Islam is the realization of tranquility and compassion between the spouses.

Elsewhere in the Quran, husband and wife are described as "garments" for each other, He says:

²⁵ QS. Al-Rum (30): 21.

²⁶ QS. Al-Nahl (16): 72.

²⁷ Kayla Schwartzhoff, "Later Life Divorce & the Adult Child", *Master of Social Work Clinical Research Papers, Thesis*, (Minnesota: St. Catherine University, 2013), 3.

أَحِلَّ لَكُمْ لَيْلَةَ الصِّيَامِ الرَّفَثُ إِلَى نِسَائِكُمْ ۚ هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ

“It has been made permissible for you the night preceding fasting to go to your wives [for sexual relations]. They are a garment for you, and you are a garment for them...”²⁸

This metaphor is used because garments offer protection, comfort, modesty, and warmth. Henceforth, these followings are general steps to become a garment for the spouse.

Saying this, in Islam there are three words regularly used when we talk about marriage and family in the Qur'an, they are tranquility, love, and mercy. Tranquility means peacefulness and restfulness. Home should be totally a place where peace exists and a place to rest with calmness. Love is a mutual feeling that makes the relationship a happy and enjoyable one and mercy is the basis of all good traits in men and women. For the attainment of these supreme goals, here are the 10 principles of Muslim couples to achieve tranquility and happiness in marriage:²⁹

- a. Love each other for Allah's sake.

It means to love someone so much that last in the entire lifetime and into the Hereafter. Love someone who will reminds the partner of Allah and helps to get closer to Him.

²⁸ QS. Al-Baqârah (2): 187.

²⁹ Abdul Adheem al-Muhtadi al-Bahrani, *For a Better Future: 200 Questions and Answers Regarding The Concerns of the Youth, Marriage, and Children*, trans. Abdullah al-Shahin, (Qom: Ansariyan Publications, 2007), 122-259.

b. Be grateful for each other.

If there is one fundamental need that exists in every single human relationship, it is the need to feel to be trusted and appreciated as an equal.³⁰ And these two needs are most likely will be overlooked and ignored in marriage.

For example, for the new couple, everything the partner does feels so special, such as preparing food, making the bed, buying clothes, going to work on time, smiling, cuddling, kissing etc. but as time goes on, it has become a normal thing and is not appreciated at all. That couple then become ungrateful couple. Or maybe when the wife is jealous over her neighbors who recently buying something new and more fashioned than hers.

Muslim couples keep getting happier because they simply implement the command of Allah in Surah Ibrahim verse 7:

وَإِذْ تَأَذَّنَ رَبُّكُمْ لَئِنْ شَكَرْتُمْ لَأَزِيدَنَّكُمْ ۖ وَلَئِنْ كَفَرْتُمْ إِنَّ عَذَابِي لَشَدِيدٌ

“... If you are grateful, I will surely increase you [in favor]; but if you deny, indeed, My punishment is severe.”³¹

If the couples are being grateful for each other, Allah increases the happiness they find in each other, just like He promised.

c. Communicate like best friends and share problems.

³⁰ Mohamad H. Asoodeh, Shiva Khalili, Manijeh Daneshpour, and Masoud Gh. Lavasani, “Factors of successful marriage: Accounts from self-described happy couples”, *Procedia Social and Behavioral Sciences*, 5 (2010), 2043.

³¹ QS. Al-Ibrahim (14): 7.

One of the major account of why marriages became unhappy is because of chronic conflict, poor communication, and emotional neglect.³² The best way to communicate each other is talk like best friends, in good times and in bad times, such as in conflict. In good times, they wait to tell each other about their day, they joke, laugh, share ideas, flirt, compliment and praise each other, respect their spouse's right to hold different opinions and learn from each other's opposing points of view.

Couples that have learnt to communicate effectively do away with the majority of marital stress because they become so attuned to each other's feelings that they can immediately sense the emotional state of their spouse through the slightest change in words or tone. They never desert love and respect for each other in conflict.

d. Never lose focus of each other's primary needs.

Most marriages end because at least one, and often both, partners are terminally bored with the relationship.³³ Women report that husbands have lost interest in how they feel, have become distant and preoccupied with work and are unable to maintain an intimate relationship or provide the soul-depth companionship that they crave. Husbands report that their wives have become preoccupied with the children, the trivial details of running the household and their own careers. Some complain that their wives have let themselves go

³² L Linda J. Waite, et al., *Does Divorce Make People Happy?*, 19.

³³ Li Yu Tung Richard, *Love and Marriage: Falling in Love and Continuing Love*, (Hong Kong: University of Hongkong, 2015), 1.

physically and that sex has slowly become less frequent and less interesting. Both yearn for passion, connection and companionship. In the parlance of the new era, everyone wants a soulmate and is disappointed that their spouse is not it.

e. Strive to be the comfort of each other's.

One of the major account of how marriages become unhappy is because husbands behave badly.³⁴ Stories of infidelity (real or “emotional”), overly critical, belittling, or controlling spouses, alcoholism, violence, are the examples. Try to smile and look good when seeing each other, try to be the source of comfort and support for the partner.

f. Strive to be attractive to one's spouse

Marriage makes people partners, not parts of each other that must be controlled and bossed over. Be that amazing person who motivates, encourages and helps each other. Couples are partners in growth and productivity.

g. Make time for each other.

The satisfaction one finds in staying married depends not just on the quality of one's own personal interactions with the spouse, but how spouses and others view marriage in general.³⁵ Marriage is not just the sum of the personal interactions that individuals find either satisfying or distressing.

³⁴ Linda J. Waite, et al., Does Divorce Make People Happy?, 18.

³⁵ Linda J. Waite, et al., Does Divorce Make People Happy?, 32.

People who are deeply committed to marriage as a lifelong vow have happier marriages not only because of what they do in their relationships, but because of what they think about being married in general. The happiness anyone gets from any role in life, being a parent, holding a job, being married, depends in part on how satisfying one finds the day-to-day interactions and tasks.

Marital relationship needs exclusive attention every single day. Because both of husband and wife are meant to live together after death separates. Spending quality time with each other, eventually them easier to understand and love each other.

h. Avoid ego clash.

Ego clash in marriage are one of the main reasons for divorce. There is a thin line between ego and self-respect. Self-respect means to respect own values, while ego means disrespect to the others. When ego comes in between couples, then their married life is at stake. Couples need to maintain the gap between ego and self-respect.

Ego problem between husband and wife usually arises due to the fear of losing control over the partner or due to the insecurity of losing the spouse to someone else. People do not even realize that they have ego problems and it eventually leads to breakups or divorces.

i. Sense each other's stress and understand each other's weaknesses.

Perhaps the most common problem that marriages become unhappy is because of outside stressors. Many spouses who survived marital unhappiness

did not see problems within the relationship as the cause. Instead they blamed outside forces for causing both unhappiness and relationship stress: Spouses became ill, lost jobs, got depressed, children got into trouble or created marital stresses by their financial and emotional demands.³⁶

Each and every person has some of the other weak points and they become a part of their personality. Being a partner needs to understand that fact and love him or her for the person he or she is.

j. Remember that Allah is watching

There is not a single marriage where there is not any conflict or disagreement of some sort or degree. It is only the way in which conflicts are managed that distinguishes the health of one marriage from the other. Of all the ways to manage and minimize marital conflict, the most powerful way is remembering that Allah is watching our every single move and expression, and hearing our every single word. And it is all being recorded for a Day when He will be the Judge. Bringing this to mind during conflict helps us refrain from giving in to our ego and the whispers of Satan in the heat of the moment, and saves the marriage from a lot of irreversible, long-term damage.

3. Conflict Theory in Marital Relationship

Conflict can be said as a form of natural dispute produced by individuals or groups of differing ethnicities, because there are differences of attitude, beliefs,

³⁶ Linda J. Waite, et al., *Does Divorce Make People Happy?*, 15.

values or needs between them. Another definition is that conflict exists because of a prevailing difference which sparks disagreement in the joint decision-making process of two parties. In other words, there remains an alternative which cannot be chosen. This is called substantive or manifest conflict.

Manifest conflict surfaces because there is no agreement or united opinion from the available alternative, hence every conflict definitely has its root. The root of conflict consists of two types: (1) based on criteria of interest and objective; and (2) originating from or caused by beliefs or convictions, theories, or certain assumptions. Generally, the sources or causes of conflict are as follow:³⁷

a. Conflict of Value.

Most conflict happens because of difference in value. Value is a basis (principle), guide, in which every individual establishes their thoughts, feelings, and actions.

b. Lack of communication.

Lack of effective communication affects the whole personality of the human being: personal, professional and social life. If partners do not communicate effectively, they are subjected to loneliness and isolation which might make them withdraw from social activities. It can break existing potential relationships. It creates a sense of dissatisfaction, confusion,

³⁷ Dr. Ulin Na'mah, *Talaq Divorce: Its Meaning According to the Actor of Matrilocal Residence in Muslim Society*. (Yogyakarta: Pustaka Pelajar, 2015), 81.

restlessness and fear between partners. Failing to communicate on a regular basis can cause people in a relationship to feel less connected to one another.³⁸

c. Ineffective leadership or unfair decision making.

One of the greatest problems facing many families today is the lack of leadership by the husband. Some husbands do not realize that Allah has ordained them for this role, while others simply do not understand how they should lead, and still others simply refuse to lead. Allah says in the Qur'an:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ ۚ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۚ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

“Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand.”³⁹

d. Low productivity.

Conflict often happens because output and outcome from two or more parties who are working together does not produce benefit from the collaboration. Subsequently, presumption appear among them.

³⁸ E. O. Osakinle, V.C. Okafor, “Lack of Effective Communication among Couples”, *Asian Journal of Education and e-Learning*, Volume 01– Issue 05 (2013), 302.

³⁹ QS. Al-Nisâ' (4): 34.

e. Change of balance.

In today's society the idea of managing a stressful job and also dedicating quality time to family is definitely becoming a major challenge. More and more women have managerial jobs. Even so, they want to have happy private lives as well and do their best in order to succeed in both domains of life: professional and personal.

Work and family life can be considered separate and independent areas of life according to the segmentation perspective.⁴⁰ Home, children, and marriage are part of life outside work, and work issues are not connected to home at all. Work and family life are considered separate either because they are fundamentally independent of each other because of the time, space, and tasks that distinguish them or because employees actively tend to keep these areas of life separate in order to cope with work-related stress. However, when it comes to the connection between work and family, it is important to notice the two-way interaction: how work affects family life and vice versa.⁴¹

f. Unresolved conflict.

Many conflicts occur because of conflict among two parties which remains unresolved. There is no mutual apology and mutual forgiveness. This

⁴⁰ Kaarina Maatta, and Satu Uusiautti, "Seven Rules on Having a Happy Marriage Along With Work", *The Family Journal: Counseling and Therapy for Couples and Families* (2012), 268.

⁴¹ Georgeta Panisoaraa, and Mihaela Serbana, "Marital Status and Work-Life Balance", *Social and Behavioral Sciences*, 78 (2013), 22.

condition is like a time bomb which could explode any given time and create a bigger conflict.

A number of the causes of conflict above are preceded or complemented with emotional factor (emotive conflict). If it is still in the emotive stage, it can still be resolved by paying attention to psychological factors, but it will more difficult once it is followed by physical actions. This is quite different to substantive or manifest conflict which could be resolved through rational decision-making process.

In a marriage relationship, there are certainly problems that arise. Every problem that arises in the family becomes shared responsibility of husband and wife in finding solutions without ignoring the existence of each other. However, husband and wife are often reluctant to solve problems with clear thoughts, because of following reasons:⁴²

- 1) Emotional factors

If the husband or wife is still in an excessively emotional state, he or she will maintain the ego, and will not try to solve the problem, because does not have a clear thought. It is best to find the right time, and resolve in a wise way, so that the husband and wife are both feel calm, then they can find the solution to each problem appropriately.

- 2) Lack of understanding

⁴² Dr. Hj. Mufidah, Ch., M.Ag., *Psikologi Keluarga Islam Berwawasan Gender*, (Malang, UIN Maliki Press, 2014), 171.

Identifying problems and finding out what factors trigger the problems are very important to find the right solution. But often the lack of the understanding of the husband and wife towards the problem cause misunderstanding so the problem becomes more complicated. Because sometimes the husband can understand but the wife does not understand the problem, and vice versa. In such condition, it is better for the husband and wife to communicate with each other about the problem that being faced, explain the root of the problem in order to find an understanding to find the best solution.

3) Stereotypical gender

Stereotypes abound in any society. One way that people in diverse societies try to tolerate differences is to make generalizations that categorize individuals into groups.

Between the ages of 3 and 5 years, children develop their gender identity and begin to understand what it means to be male or female. Almost immediately after becoming gender aware, children begin developing stereotypes which they apply to themselves and others, in an attempt to give meaning to and gain understanding about their own identity.⁴³

⁴³ Olaiya E. Aina and Petronella A. Cameron, "Why Does Gender Matter? Counteracting Stereotypes with Young Children" *Dimension of Early Childhood* Vol. 39 No. 3 (2011), 1.

For example, negative perceptions of men are naturally rude, selfish, and traitors are set-stereotypes that have been constructed in society. Eliminating the stereotypical gender of husband and wife is a positive step in order to foster mutual respect, trust, and look at the partner's positivity. So, communication becomes more effective and easier to solve problems without any feeling hesitation to express the problem.

4) Domination

Household problems are a problem that must be discussed well between husband and wife. Solving problems will become easier if the relationship between husband and wife is conditioned equal, free from domination and discrimination on gender differences.⁴⁴

In this circumstance, maintaining such a household clearly will not bring any benefits, and at least it will bring any dangers, that is, the relationship between husband and wife is not harmonious as a married couple should be. And this circumstance violates Islamic teachings, as Prophet Muhammad, Peace be upon him, once said:

حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَنْبَأَنَا مَعْمَرٌ، عَنْ جَابِرِ الْجُعْفِيِّ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا ضَرَرَ وَلَا ضِرَارَ

“Narrated by Muhammad bin Yahya. he said, Narrated by Abdurozzaq, he said, from Jabir al-Ju’fi, from ‘Ikramah, from Ibn Abbas, he said: The

⁴⁴ Jessica Pearson Ph.D., *Divorce Mediation and Domestic Violence*, (Delhi: Center for Policy Research, 1997), 36.

Messenger of Allaah (peace and blessings of Allaah be upon him) said: Do no harm, and no foul..”⁴⁵

4. Marriage Period Prone to Divorce

The beginning of the wedding day feels good. Day by day passed with a flowery heart with your beloved partner. But, behind that, the first year of marriage is a crucial period because it is vulnerable to divorce. New brides who are enjoying the happiness of a new chapter in life, usually have high hopes for what they will live. Disappointment will be felt when reality is not as beautiful as expected.

In the first year of marriage, a married couple should learn to adjust. Do not forget to understand each other's shortcomings and accept them sincerely. Problems in marriage will never stop. When the relationship is stable and the marriage period is getting longer, the next problem is overcoming boredom due to repetitive routines.⁴⁶

A study stated that at the marriage period between 0 - 5 years and 6-10 is the marriage period where there are many divorces happens, with a percentage approximately 36.8% and 25.1% respectively. This percentage gets smaller along with the longer of marriage period. Although, according to some research, that percentage slightly increased year by year.⁴⁷

⁴⁵ Abū ‘Abdillāh Muḥammad ibn Yazīd Ibn Mājah al-Rab‘ī al-Qazwīnī, *Sunan Ibn Mājah*, Vol. II, (n.p.: Dār Ihyā’ al-Kutub al-‘Arabiyyah, n.d.), 784.

⁴⁶ Irene Tsapelas, Arthur Aron, and Terri Orbuch, “Marital Boredom Now Predicts Less Satisfaction 9 Years Later”, *Psychological Science*, Vol. 20 (2010), 543.

⁴⁷ Khairil Latifah, *Faktor Penyebab Tingginya Cerai Gugat Berdasarkan Usia Perkawinan Di Pengadilan Agama Malang, Thesis*, (Malang, UIN Malang, 2013), xivv.

5. Midlife-Adulthood, Menopause and Andropause in Medical and Psychological Perspective

Adulthood, the period in the human lifespan in which full physical and intellectual maturity have been attained. Adulthood is commonly thought of as beginning at age 20 or 21 years, some says 18 or 19 years due to the Islamic and positive law said so, but for religious maturity at 24-25 years⁴⁸. Middle age, commencing at about 40 years, and then followed by, an old age at about 60 years.⁴⁹

In that midlife period, it is common for men and women to worry that their sex life is not what it was or that their interest in sex is waning. After all, so many factors can affect it, such as relationship strain, the work-life juggle, financial pressures or looking after family. During the perimenopause, erratic ovarian function leads to varied estrogen levels.⁵⁰ Estrogen levels decline, causing a decrease of blood flow to the genitals. This, in turn leads to changes that might affect sexual function.⁵¹

In midlife, men go through a decline in testosterone production as well as other changes, such as declines in libido, penile sensitivity, and blood flow to the genitals. The man may face performance anxiety where fear of failure leads

⁴⁸ Zakiah Daradjat, *Ilmu Jiwa Agama*, (Bandung:, Bulan Bintang, 1970), 72.

⁴⁹ F. J. Monks, *Psikologi perkembangan*, 326; Elizabeth Lee Vincent and Phylips C. Martin, *Human Psychological Development*, (New York: The Ronald Press Comp., 1961), 89.

⁵⁰ Navneet Magon, et al., "Sexuality in midlife" 63.

⁵¹ Joyce Flory, PhD, *Female Sexuality at Midlife*, 16.

to ongoing sexual dysfunction. If the pattern continues, a man may withdraw from sexual encounters or any expressions of intimacy.⁵²

Middle adulthood is also regarded in terms of gradual physical decline, along with the awareness of this decline and of the finiteness of the opportunities, and of life itself.⁵³ Midlife and later-life is often the time when chronic illness or disease starts to surface, and physical problems such as high blood pressure, high cholesterol, or arthritis pain often take adults by surprise. These physical ailments, although largely treatable with medications or diet, can trigger distress because they signal aging.⁵⁴

Those in midlife commonly complain about cognitive declines, especially in memory. However, the research on objective change does not support widespread significant declines in memory until later in life. In fact, verbal memory seems to peak in midlife, as does vocabulary, inductive reasoning, and spatial orientation.⁵⁵ The midlife period provides many good opportunities for making intellectual contributions, given the position of the middle aged in the family, in the workplace, and in society.

A person in midlife is thought to be in a crisis due to the challenges faced by him. People in middle adulthood have conflicting feelings of generativity and stagnation. Generativity is the feeling of contributing to the next generation. A

⁵² Barbara Bartlik, M.D. "Men's Sexual Health After Midlife", 261.

⁵³ Mathias Allemand, Veronica Gomez, and Joshua J. Jackson, "Personality trait development in midlife: exploring the impact of psychological turning points", *Eur J Ageing* (2010), 147.

⁵⁴ Margie E. Lachman, *Development In Midlife*, 307.

⁵⁵ S.L. Willis, J.D. Reid., *Life in the Middle: Psychological and Social Development in Middle Age*. (San Diego: Academic Press, 1999), 233.

person can have the feeling of generativity through personal or family achievements.

Stagnation, on the other hand, is feeling opposite to generativity. It is a feeling of not having anything to pass on to the next generation, perhaps they are already became an adult children. People in middle adulthood may also have this feeling. They may think that they were unable to achieve the goals set by them. Thus they get the feeling that they have not escalated in their life. This gives them the feeling of still standing on the point from where they began.⁵⁶

According to the researchers, people face both these feelings during middle adulthood and if they resolve them successfully then they get a sense of balance between future and present. Those who fail to resolve them develop a feeling of being rejected. They lose whatever interest they have in contributing something to the next generation.

Then, menopause is a natural biological process in a woman's life when she has reached the permanent end of menstruation and fertility, defined as occurring 12 months after her last menstrual period. During this process a woman's body makes less of the hormones estrogen and progesterone. Menopause naturally occurs in woman between the ages of 45 and 55.⁵⁷ And andropause is a condition of decreasing testosterone in men that usually begins

⁵⁶ F. J. Monks, Psikologi perkembangan, 326.

⁵⁷ The American College of Obstetrician and Gynecologist, *The Menopause Years*, (Washington: The American College of Obstetrician and Gynecologist, 2018), 1.

to occur at about 40 years of age which can affect libido, moods and sexual performance.⁵⁸

6. Duties and Functions of Judges of Religious Court

The duty of the judge is to maintain the legal system, establish what is determined by law in every case. In other word, the main duty is to accept, examine, adjudicate and resolve every case submitted to him.

Of the many problems that exist, not all of them have the laws and regulations concerning the problem. To overcome this problem, the judge does not need to always stick to the written regulations, in such circumstances, it is appropriate if the judge is given the freedom to fill in the legal vacuum. The judge can solve it by paying attention to the laws that live in the community or known as customary law.⁵⁹ So that there will be no legal vacuum. The judge's authority to do this is also in accordance with what has been determined in article 10 paragraph (1) of Law No. 48 of 2008 concerning Judiciary Authorities.

Courts are prohibited from refusing accept, examine, adjudicate and resolve every case submitted under the pretext that the law does not exist or is unclear (non-liquet), but is obliged to examine and adjudicate it.

By looking at the facts above, it seems clear that the judge must be active from the beginning until the end of the process of adjudication. In addition to being active, the judge is also passive, in the sense that the scope or extent of the case submitted to the judge to be examined is determined by the parties who

⁵⁸ Devy Erfasanti, *Bentuk Bentuk Coping Pada Pria Yang Mengalami Gejala-Gejala Andropause, Thesis*. (Surabaya: Universitas Airlangga, 2005), xii.

⁵⁹ Nur Aisyah, "Peranan Hakim Pengadilan Agama dalam Penerapan Hukum Islam di Indonesia", *Al-Qadlâu Vol. 5, 1*, (2018), 76.

litigate and not by the judge. In other word, the judge does not decide the extent of the *petitum*, which means the judge may not add or reduce it.

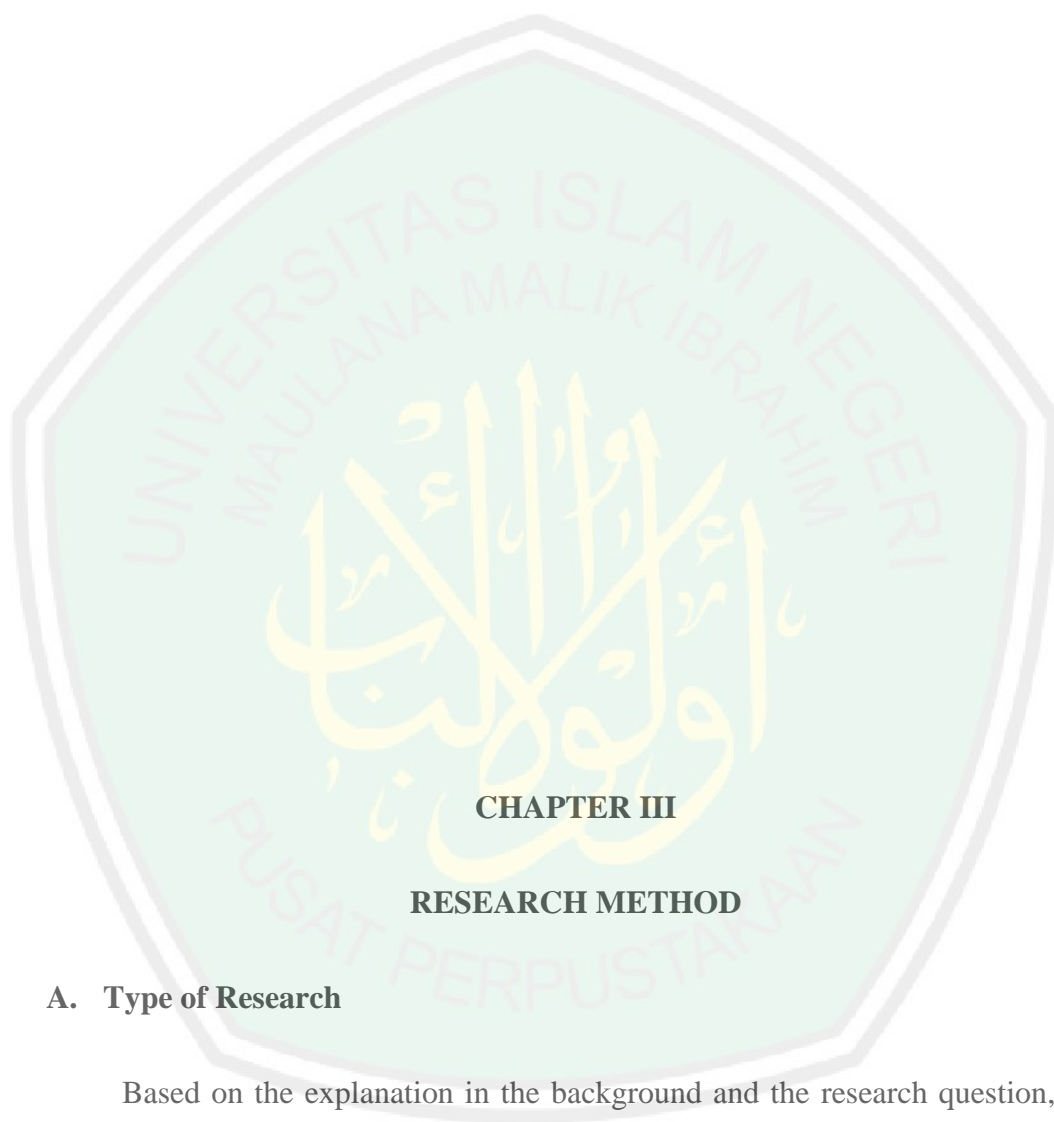
The duty of religious court judges in realizing justice based on the Almighty God, is not only a role to establish legal certainty, but also justice.⁶⁰ Freedom in carrying out judicial authority is not absolute because the judge's duty is to maintain law and justice based on Pancasila, so that the decision must reflect the sense of justice of the Indonesian people.

Moreover, because of his oath of occupation, he is not only responsible to the law, to himself, and to the people, but is responsible to God Almighty, which in Judiciary Authorities Law is defined in provision that the court is carried out, "For the sake of justice based on the One and Almighty God."⁶¹

The function of a judge is to disclose the truth of what is stated by the parties without exceeding or lessening the *petitum*. In, here the judge's intellectuality will be tested with the exertion of all the abilities and knowledge they have all of which will be seen in the trial process whether there are still disobedience in the judicial technique or not and whether there are still made-up evidence or not.

⁶⁰ Article 2 paragraph (1) of Law No. 48 of 2008 concerning Judiciary Authorities.

⁶¹ Article 2 paragraph (1) of Law No. 48 of 2008 concerning Judiciary Authorities.



CHAPTER III

RESEARCH METHOD

A. Type of Research

Based on the explanation in the background and the research question, the type of research used in this thesis is a field research (empirical research). The purpose of descriptive research is research activities that describe precisely the characteristics of an individual, a condition, a phenomenon or a particular group or to determine the spread of a symptom, or to determine whether there is a

relationship between a symptom and other symptoms in the community.⁶² While field research is a research that aims to study intensively about the background of the present situation, and the interaction of a social, individual, group, institution and society.⁶³

In this thesis, the author makes every effort to describe the cause of making married couples who are married 30 years more to divorce and review it analytically.

B. Approach of Research

The approach used in this thesis is a qualitative approach, Qualitative approach is an approach to explore and understand a problem which produces descriptive data from written or verbal words from people who are directly related⁶⁴, in this case, the judges of the Mojokerto religious court and their judgment, and divorce certificate. In other words, the data needed in this thesis is in the form of descriptive information that do not need to be quantified, which is presented in a context using various scientific methods. However, it does not mean that in this qualitative research, the author are not allowed to use numbers at all.⁶⁵

C. Location of Research

This research location is in the Mojokerto Religious Court. Located at Jl. Raya Prajurit Kulon No.17, Prajurit Kulon, Mojokerto City, East Java.

⁶² Hermawan Warsito, *Pengantar Metodologi Penelitian*, (Jakarta: Gramedia Pustaka Armani, 1992), 10.

⁶³ Husaini Usman, et al. *Metodologi Penelitian Sosial*, (Jakarta: PT Bumi Rosdakarya, 2006), 5.

⁶⁴ Lexy J. Moleong, *Metodologi Penelitian Kualitatif*, (Bandung: PT Remaja Rosdakarya, 2002), 3.

⁶⁵ Suharsimi Arikunto, *Prosedur Penelitian: Suatu Pendekatan Praktik* (Jakarta: Rineka Cipta, 2006), 12.

The author chose Mojokerto Religious Court as the location of this research because the case of divorce of couples with 30 years marriage period or more is quite common in Mojokerto Religious Court. Even most of the judges and staff in Mojokerto Religious Court are not very astonished and treat that case just like a usual case in Mojokerto Religious Court.

D. Source of Data

What is meant by data sources is where data can be obtained.⁶⁶ Then the source of data acquisition in this thesis is divided into three main sources as follows:

1. Primary Data

Represents data obtained directly through field studies, by interviewing the judges of the Mojokerto religious court. Those data are obtained directly from the primary source, which means it has not been processed and described by others.⁶⁷

2. Secondary Data

Represents data obtained through documents, research book, report, etc.⁶⁸ In this thesis, those documents are divorce certificates that recorded a couple who have lived together in marriage bond for 30 years and more, whether the husband who has the initiative to divorce (divorce applicant) or the wife who has the initiative to divorce (divorce claim), and whether the husband or wife were

⁶⁶ Suharismi, *Prosedur Penelitian*, 129.

⁶⁷ Hilman Hadi Kusuma, *Metodologi Pembuatan Kertas Kerja/Skripsi Ilmu Hukum* (Bandung: CV. Mandar Maju, 1995), 65.

⁶⁸ Soerjono Soekanto, *Penelitian Kualitatif* (Yogyakarta: Tiara Wacana, 1986), 13.

previously single or not. The author also includes some books, journals, magazines, and posts as the secondary data.

3. Tertiary Data

These are sources that index, organize, compile, or digest other sources. Some reference materials and textbooks are considered tertiary sources when their main purpose is to list, summarize or simply repackage ideas, information and data which obtained from primary and secondary data.⁶⁹ Tertiary sources are usually not credited to a particular author. For example, dictionaries/encyclopedias, guidebooks, and bibliographies.

E. Method of Collecting Data

To obtain data in this thesis, the author uses several data collection techniques as follows:

1. Interview

The author used face-to-face interview as a method of collecting data. An interview is a conversation with a specific purpose in which there are people asking and people answering.⁷⁰ In this case, the author conducted interviews with 3 judges of the Mojokerto religious court among 4 judges available. Those 3 judges are (1) Drs. A. Bashori, M.A., (2) Kamali, S.Ag., (3) Uten Tahir, S.HI., M.H.

⁶⁹ Soerjono, *Penelitian Kualitatif*, 13.

⁷⁰ Abu Achmadi and Cholid Narkubo, *Metode Penelitian* (Jakarta: PT. Bumi Aksara, 2005), 83.

The interviewer will ask several open-ended questions, and the interviewees are freely to give an answer responding to the question of research. The author made an outline of the topic, so the interview would not stray too far from the main topic. In other words, the author uses unstructured interview, and the questions will vary and depend on the judges' answers.

2. Documentation

Record or document review involves systematic data collection from existing records.⁷¹ These records are divorce certificate that record a couple who had been living together and tied in marriage bond for 30 years and more. The other documents, can also in a form of books, journals, papers, internet sites or other literature.

F. Method of Data Management

After the data is collected, then the data is processed. To avoid the occurrence of many mistakes and facilitate understanding, then in writing a thesis will be carried out in several ways as follow:

1. Editing

That is the stage that is intended to re-examine the obtained data, the judges' answer, especially in terms of completeness, clarity of meaning, suitability and relevance to other data. Editing is to find out whether the data is sufficient to

⁷¹ Suharismi, *Prosedur Penelitian*, 206.

solve the problem under study and to reduce errors and lack of data in research and also to improve data quality.⁷²

2. Classifying

This stage is intended to classify and characterize the judges' answer regarding the research question. Classifying is also a way to determine the judges' answer easily, because each of them has a slight difference of opinion.

3. Verifying

The purpose of verifying data is to check its validity.⁷³ This is done by analyzing the divorce certificate, to provide as data verification.

4. Analyzing

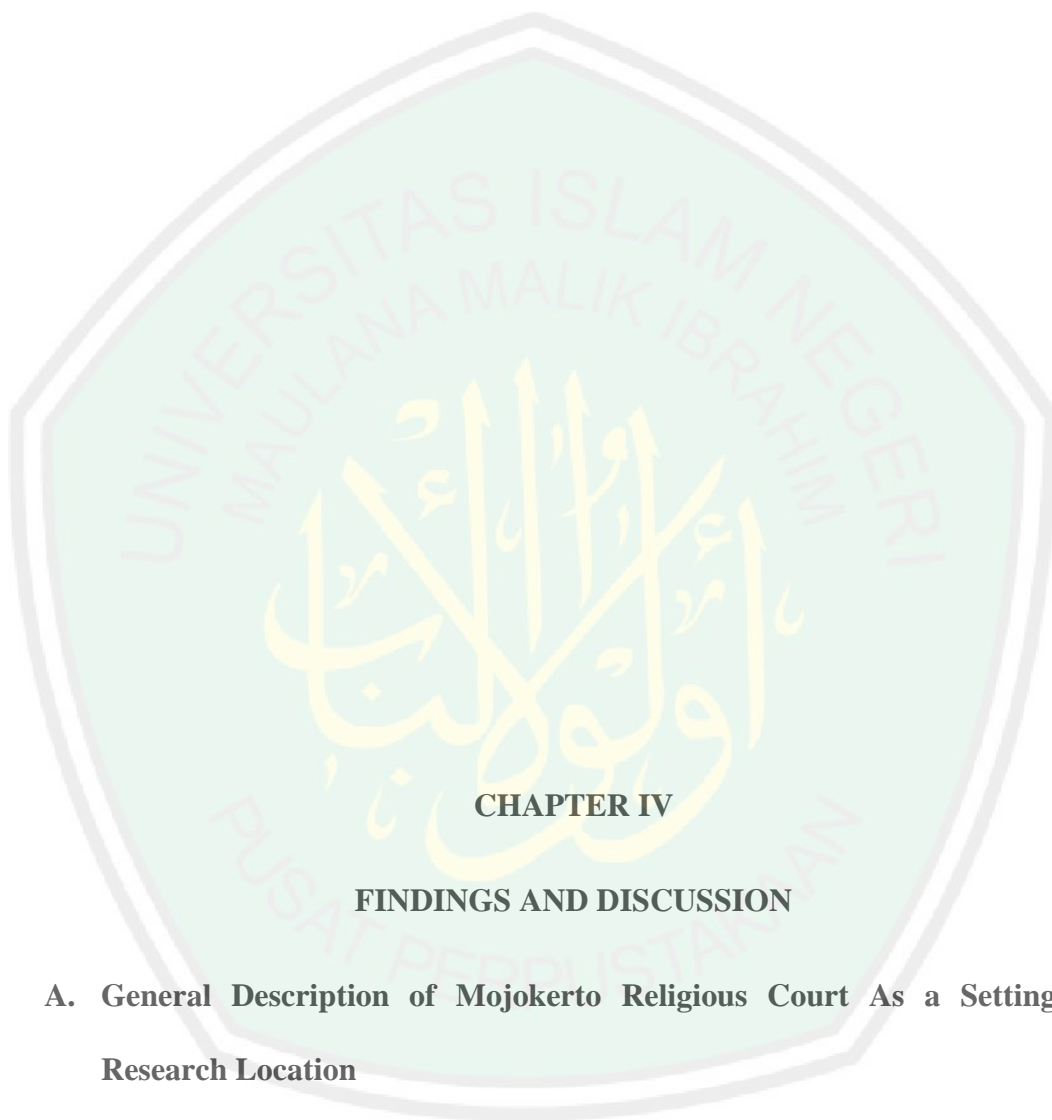
That is the systematic process of finding and compiling obtained data from interviews and documentations by organizing data, and compiling data into some patterns, then choose which one are important and which will be explained through the thesis, and also make the obtained data easy to be comprehended.

5. Conclusion

This stage is the final stage, drawing a conclusion. The conclusion is the answer to the research question that had been described.

⁷² Moh. Nazir, *Metode Penelitian* (Jakarta: Ghalia Indonesia, 2003), 246.

⁷³ Lexy, *Metodologi Penelitian Kualitatif*, (Bandung: PT Remaja Rosdakarya, 2002), 190.



CHAPTER IV

FINDINGS AND DISCUSSION

A. General Description of Mojokerto Religious Court As a Setting of Research Location

The Mojokerto Religious Court is an I.B class religious court which is located at Jl. Raya Prajurit Kulon No.17, Prajurit Kulon, Mojokerto City, East Java. The jurisdiction of the Mojokerto Religious Court covers the city area and regency area

which consists of 18 sub-districts, 5 urban villages, and 229 villages.⁷⁴ The Mojokerto Religious Court got 3390 cases in last year, plus 410 remaining cases from 2017.⁷⁵ So the case received by the Mojokerto Religious Court in 2018 was 3800 cases. In 2019, Mojokerto Religious Court has 1 chairman, 4 judges, clerk and secretary and their subordinates.⁷⁶

The vision of the Mojokerto religious court is "Realization of the Great Mojokerto Religious Court". This implies that the Mojokerto Religious Court is ready to cooperate with other courts in improving the quality of work in order to maintain the dignity, respectability and loftiness of the court which is dedicated in the form of the Mojokerto Religious Court missions, those are:

1. Maintaining the independence of the Mojokerto Religious Court;
2. Providing fair legal services to justice seekers;
3. Improving the quality of Mojokerto Religious Court leadership;
4. Improving the credibility and transparency of the Mojokerto Religious Court.

⁷⁴ Rusdi Isnani Yulkhamsah, *Pandangan Hakim tentang Penerapan Hukum yang Berkeadilan Gender dalam Putusan (Studi di Pengadilan Agama Mojokerto)*, Thesis, (Malang: UIN Maulana Malik Ibrahim, 2011), 81.

⁷⁵ PA Mojokerto, *Laporan Tahunan PA Mojokerto 2018*, (Mojokerto: PA Mojokerto, 2018), 31.

⁷⁶ "Struktur Organisasi PA. Mojokerto", <http://www.new.pa-mojokerto.go.id/tentang-pengadilan/profile-pengadilan/struktur-organisasi> accessed on April 30th 2019.

B. Data Exposure and Analysis

This section will explain about the judges' thoughts and perspectives in answering first and second research question.

1. The factors causing divorce with 30 years marriage period or more in the Mojokerto Religious Court according to the judges'.

Divorce is common nowadays, but that does not mean making the decision to end a marriage has gotten any easier. Often, there are a number of factors to consider, from children to finances, and sometimes the answer is not always in black and white. Infidelity, lack of communication, financial troubles, sparing sessions of sex and intimacy are some of the common reasons for divorce.

But all of the judges' that the household problems is almost the same whether they are new-wed couple or not. Even though they are more mature than new-wed couple, and have a better ability in controlling emotion than new-wed couple.⁷⁷

*"Kehidupan rumah tangga itu rumit, maka dari itu gak ada bedanya dalam penyebab perceraian, entah itu pasangan yang baru menikah atau sudah 30 tahun lamanya. Masalah di dalam rumah tangga tidak melihat umur pernikahan."*⁷⁸

("Household life is a complex life and also complicated. Therefore there are no difference causes of divorce, whether the new-wed couple, or the couple who have lived together for 30 years or more. Problems arise without looking their marriage period.)

*"Sebenarnya penyebab cerai itu sama saja mas, nggak yang muda nggak yang tua"*⁷⁹

⁷⁷ Willis SL, Reid JD., *Life in the Middle*, 233.

⁷⁸ Uten, Interview, (Mojokerto March 25th 2019)

⁷⁹ Kamali, Interview, (Mojokerto, April 1st 2019)

(“The cause of divorce is almost the same, whether the couple is old or not)

Tapi intinya, memang saya tidak menyangkal bahwa alasan cerai itu ya sama aja, entah baru menikah atau udah lama.”⁸⁰

(But I do not deny that problems in the household is almost the same whether they are new-wed couple or not.”)

But even it is said that there are no difference in divorce causes of any couple, there are some cause that stated directly by judges’, those are:

a. Financial Problem

Then, for the result of the author’s interviews with 3 judges of Mojokerto Religious Court regarding the factor causing divorce between couple who have lived together in marriage bond for 30 years or more as expressed by the judge in Mojokerto Religious Court, as follows:

Tapi, sebagian besar itu dikarenakan karena faktor ekonomi, ini fakta ya. Dan seringnya, istri yang menggugat.⁸¹

(But the major reason to divorce is due to financial problems, this is a fact. And often, it is the wife who have the initiative to claim divorce.)

b. Infidelity

The major reason is indeed due to financial problem, but also infidelity at the same time:

“Tapi kebanyakan itu karena ekonomi dan sekaligus ada wanita lain atau pria lain. Contoh kasus begini, si suami nggak bisa memenuhi kewajibannya untuk menafkahi si istri, nah, di saat yang bersamaan disitu ada pria lain yang memberi uang kepada si istri sang suami tadi. Yang begini ini yang paling sering mas, kenapa mereka mau cerai. Ada loh yang kayak gitu, meski mereka udah tua, dan gak jarang terjadi juga. Kalo cerita kayak tadi, pasti si pria lain yang ngasih uang tadi itu mantannya si cewe tadi, atau paling gak dulu pernah saling suka. Ini

⁸⁰ Bashori, *Interview*, (Mojokerto, April 1st 2019)

⁸¹ Uten, *Interview*, (Mojokerto March 25th 2019)

hanya dugaan saya saja ya mas, kan gak semuanya ngaku kalo selingkuh, soalnya kalo hanya soal ekonomi, mereka kan sudah tua terus ingin cerai, hidup bersama aja susah, apalagi nanti kalo sendiri-sendiri, jadi ya pasti salah satu sudah ada yang selingkuh.⁸²

(But mostly is due to financial problem and at the same time, there is also another woman or another man. For example, the husband cannot fulfill his responsibility to provide living cost for his wife, then at the same time, there is another man who secretly gives that wife a living cost. This is the most likely major reason why they seek divorce. Although the three of them are not young anymore, that condition is not very uncommon. Most likely this can happen because that third person is her ex-boyfriend or something like that. That is just my presumption, because I cannot say that all of them who are cheating on their spouse just admit it and tell us about it, most of them hide that fact. But, let's think it again, they are living together, but struggling to life due to financial problem, then what will happen if they seek divorce and eventually live alone separately? All on their own? Especially for the wife who does not have a work, thus she is getting older, so that explains why I am certain that she cheats on her husband (and has been always getting money from him).)

The major reason for divorce is two at the same time, financial problem and infidelity. That proves, even if someone is not young anymore, does not mean someone will not have a crush on him/her. So love does not meant only for youngster.

c. Boredom

Then, it said that the reason is merely a boredom:

“Hmm, apa ya mas, saya rasa bosan aja kali ya. Mangkanya komunikasi jadi gak klik. Tapi ya tentu orangnya gak bilang bosan gitu sih mas, ini cuman pendapat pribadi saya. Jadi pas mengajukan cerai mereka tetap memakai alasan alasan yang ada di UU perkawinan, seperti ekonomi, gak setia, kdrt dan seterusnya. Kenapa saya bilang bosan ya... karena pikiran mereka kan sudah dewasa, gak seperti pasangan yang baru menikah, mereka sudah 30 tahun lebih bersama, jadi pasti mereka sudah memikirkan matang-matang apa yang akan terjadi terhadap keluarganya, anak-anaknya, cucunya, tetangga, dan

⁸² Kamali, Interview, (Mojokerto, April 1st 2019)

*semuanya jika mereka bercerai. Tapi memang adakalanya ketika mereka gak punya pilihan lain selain cerai, misal, si suami gak punya pekerjaan, atau hilang entah kemana, gak ada kabar gak dinafkahi, katakan sudah 2 tahun seperti itu terus, dan kondisi lainnya yang memaksa untuk cerai.*⁸³

(“In my opinion, I think the couple is bored, that’s all. Therefore, they do not communicate each other in harmonious way. But this is just my deeper thought, of course they do not say if they are bored living together, hence they use another reason that is valid for seeking divorce in this country, such as financial problems, infidelity, violence and so on. Why I said bored, because they have grown up, unlike the new-wed couple, they have lived for 30 years and more, so they definitely have considered what will happen to their family, children, grandchildren, neighbors, and others if their marriage comes to an end with the divorce. However, there are some couple who has no other choice but divorce. For example, the husband is jobless, or abandons his wife for 2 years, and so on.)

It is clear that if a couple who have lived for 30 years or more chose divorce to put an end to their marriage bond, they definitely have considered the impact of splitting up due to divorce. So, if they have another option than divorce to resolve their problem, yet they still choose divorce, they are merely get bored living together as a husband and wife.

d. Emotionally Disconnected

Being together for 30 years or more and became old together does not mean there is no problem at all. Furthermore, Mr. Kamali said:

*“Gini lho mas, meski sudah tua, anak-anaknya udah menikah, hidup mandiri, dan bisa menghidupi keluarganya sendiri, kebutuhan mereka itu tidak berkurang. Maka dari itu, sebagai suami, meski sudah tua, banyak keriput, jalan udah gak bisa cepet, masih perlu memperhatikan kebutuhan si istri. Kalo enggak gitu ya si istri cari-cari pundak orang lain, yang bisa memenuhi kebutuhannya.”*⁸⁴

⁸³ Bashori, Interview, (Mojokerto, April 1st 2019)

⁸⁴ Kamali, Interview, (Mojokerto, April 1st 2019)

(“Even though they are already old, and their children has already married, living on their own life, and earning some money for the living cost, their desires and needs will not be any less than the new-wed couple. That is why, as husband, even though already aged, still need to pay heed to his wife’s desires and needs. Otherwise, she will lean on someone shoulder who is able to provide her desires and needs.”)

Being old does not mean will not have any wish for their own life.

Therefore, the husband still has to pay attention and fulfill the demand of his wife. Otherwise, she will find a way to fulfill her own wishes or find another who is capable to fulfill her wishes.

“Iya sih mas, kalo dipikir dipikir kenapa milih cerai? Apa gak ada pilihan selain cerai? Emang apa yang mau mereka cari sampe harus cerai? Apa bisa menjamin hidup mereka bakal bahagia? Mereka kan sudah tua, apalagi misal si istri sudah menopause, mestinya ya hidup damai sampai maut memisahkan, kan gitu kan mestinya mas.”⁸⁵

(“Come to think of it, why they chose to divorce? Was there no another option than divorce? Then, what will they get from divorce? They are already old, thus some the wives are menopause. Will they be happier after splitting up like that? They are already old, just life peacefully until the death comes to separate them.”)

It claims that the old people does not have any desire in their life anymore, because they are already old. Nothing good comes if they are being too greedy.

e. Failure of the husband to lead his family

“Sang suami kan punya kewajiban menafkahi, jadi dia wajib bekerja. Tapi, karena sudah berumur, kesehatan badannya sudah gak se fit seperti yang yang dulu, dan ini pastinya mempengaruhi kerjanya. Misal, mereka jadi mudah capek, jadi mereka menggunakan waktunya untuk istirahat, dan akhirnya uangnya jadi berkurang.”⁸⁶

(“The husband has the responsibility to provide living cost for his family, therefore he is obliged to earn money. But, due to his aging,

⁸⁵ Uten, *Interview*, (Mojokerto March 25th 2019)

⁸⁶ Uten, *Interview*, (Mojokerto March 25th 2019)

most likely his physic is not good as the time when he were young, and that will affect in bad way in his work. For example, he get tired too fast, then he spend more time to rest than before, so earn less money than before.”)

Getting older also means getting weaker. Therefore, the husband cannot work as well as he used to be. So, it means the lesser money he can get from work. And also:

“Jadi untuk masalah ekonomi tadi ada tiga tipe suami. Pertama, yang punya peerjaan dengan gaji tetap, kedua yang gajinya gak tetap, dan ketiga yang emang gak punya kerjaan. Untuk yang pertama, jika si suami memberi nafkah ke istrinya dengan jumlah yang tetap, misalkan 1 juta, tapi kok tiba-tiba jumlahnya jadi berkurang, si istri jadi khawatir dan curiga, kemana uangnya? Apa dia punya orang lain yang harus dia kasih makan? Jangan-jangan dia selingkuh? Pertanyaan yang seperti membuat si istri ragu dan pada akhirnya megajukan cerai. Untuk yang kedua, karena si suami gak punya gaji yang tetap, misal jadi serabutan, kadang 300 ribu perminggu, kadang 200 ribu perminggu, jadi si istri gak bakal curiga seperti di point yang pertama. Tapi kok tiba-tiba gak memberi sama sekali, ini baru curiga. Jangan-jangan dia selingkuh. Pada akhirnya sang istri mengajukan cerai. Untuk poin ketiga, si suami gak punya pekerjaan, berarti ya emang sepenuhnya salah suami, dan pernikahannya harus berakhir kalo emang si suami tidak mencoba mencari pekerjaan.”⁸⁷

(“So, regarding this reason (financial problem), I make three types of husband. (1) a husband with a fixed salary job, (2) a husband with a non-fixed salary job, and (3) a jobless husband. For point (1), if the husband constantly give his wife one million and when this amount suddenly not the same as before, his wife become anxious and afraid, where does the money go? Does he have another to person to feed? Is he cheating on me? Such questions will make her doubt her husband and eventually go to religious court to claim divorce. For point (2), because the husband does not have a fixed amount of salary, sometimes he gets three hundred thousand per week, sometimes two hundred thousand per week, so his wife will not become anxious and suspicious about him like the wife in point one. But if he suddenly stops giving her money, then his wife will become anxious and suspicious, whether he is cheating on her or not. And, in the end this will lead her to seek divorce to the religious court. And the last, for point (3), this is

⁸⁷ Uten, *Interview*, (Mojokerto March 25th 2019)

absolutely the husband's fault, and the marriage must be ended especially when the husband does not even try to look for a single job.”)

f. Irresponsibility of their children

“Terus gini mas, disamping masalah ekonomi, anak-anaknya juga salah, Karena gak tanggungjawab. Ketika orang tuanya gak bisa bekerja, karena sudah tua dan juga kesehatannya menurun, maka orang tua jadi tanggungan anak-anaknya. Tapi malahan mereka gak ngelakuin apa-apa. Bahkan ada yang mengeluh kalo menghidupi keluarganya sendiri sudah susah. Mereka beralasan kalo mereka juga harus memastikan keluarganya sendiri tidak kekurangan uang, jadi sudah tidak bisa menanggung beban orang tua.”⁸⁸

(“Beside financial problem, their children are also faulty, because they are not responsible. When their parent cannot work properly due to their aging and health, then it is the responsibility of the children to take care of their parents, yet they do nothing and keep complain that their own life is already hard as it is. They said, they also have to ensure their own family do not suffer from lack of living cost, so they cannot bear any more responsibility such as keeping their parents on their hands and home.”)

So the reason of divorce cannot be only due to financial problem, because household problem is complex and complicated. But, in the contrary one judge do not agree with above statement:

“Sejauh ini ya mas, selama saya jadi hakim, saya rasa pasangan yang kayak gitu gak ada yang punya hubungan buruk sama anak-anaknya, kecuali kalo memang itu bukan pernikahan mereka, dalam artian sebelum menikah itu sudah janda maupun duda. Tapi kalo emang itu pernikahan pertama mereka, maka gak ada yang semacam kayak gitu. Karena anak itu sudah punya keluarga sendiri kalo mereka sudah menikah. Jadi permasalahan cuman ada di pihak suami dan istri saja. Kan udah saya bilang tadi mas, mereka cuman bosen hidup bersama aja, jadi mereka gak bakal minta bantuan sama anak-anaknya. Meskipun, kalo anak-anak mereka sudah berusaha merukunkan, itu sia-sia saja.”⁸⁹

(“As long as I become a judge, I think there is no a single case, a couple who have lived together in marriage bond for 30 years or more that has a bad relationship with their children. Unless, they were previously a

⁸⁸ Uten, *Interview*, (Mojokerto March 25th 2019)

⁸⁹ Bashori, *Interview*, (Mojokerto, April 1st 2019)

widow and widower. But if that is their first marriage, then there is no something like that. Because the children have their own family after married. So, the problem is just around the husband and wife. Just as I said earlier, both of them are getting bored to live together, so they will not ask any help from their children. Even though the children have tried to reconcile them, it is futile.”)

The reason for marriage is simply because they are getting bored living together as a husband and wife in one roof. So, even though the children have tried so many ways just to reconcile them, it is still useless, as long as both of the husband and wife do not willing to resolve their own problem.

g. Domestic violence

Terus ada juga alasan selain dua tadi, misal kurang komunikasi dan perhatian, kdrt, pokoknya yang tertera di undang undang perkawinan itu mas.”⁹⁰

(However, there is also another reason beside that two reasons, it can be a lack of communication, violence, and so on.”)

h. Major changes in priorities (change of balance)

Selain itu, karena ada masalah ekonomi, muncul masalah baru, seperti pihak ketiga. Pihak ketiga ini bisa berupa wanita idaman lain, atau mertua. Atau bisa juga karena kurangnya komunikasi.”⁹¹

(Moreover, due to the financial problem, the other problems arise, such as third party, this can be another woman or mother-in-law, and lack of communication.”)

i. Unresolved Conflict

“Iya ada sih mas, pastinya. Misal si suami pergi meninggalkan istrinya entah kemana, sudah 5 tahun pergi gak ada kabar. Tapi si istri enggan mengajukan cerai. Bisa karena malu sama tetangga atau karena hal lain.”⁹²

(“Of course there is a case like that. For instance, the husband abandon his wife for a long time, and his whereabouts is still unknown even after

⁹⁰ Kamali, *Interview*, (Mojokerto, April 1st 2019)

⁹¹ Uten, *Interview*, (Mojokerto March 25th 2019)

⁹² Uten, *Interview*, (Mojokerto March 25th 2019)

5 years after he gone. But the wife is reluctant to litigate a divorce, it can be caused that she will feel ashamed when facing her neighbors, or it can be something else.)

“Ada lah, seperti yang saya contohkan tadi, selingkuh. Dia sudah lama selingkuh, si suami tau, tapi tetap ingin mempertahankan rumah tangga. Yah mungkin masih cinta”⁹³

(“Of course. Just I said earlier, cheating. She cheated on her husband for a long time, the husband knew it, but maybe he still loved her and want to maintain the marriage bond.”)

“Banyak, bahkan kebanyakan ya yang ini. Konflik yang sudah lama terjadi dan tidak terselesaikan. Mereka tidak mengajukan cerai, bisa jadi karena anak-anak mereka masih kecil. Kan kasian. Pas anak-anak sudah besar, baru mereka cerai.”⁹⁴

(“That is also the major cause. Unresolved conflict. They reluctant to litigate a divorce it can be caused by their children who are too young to have a broken marriage. That is unfortunate for them. When they have grown up, then they will litigate a divorce.”)

Based on their opinions, unresolved conflict have a great effect on their marriage in the future. This condition is like a time bomb which could explode any time and create a bigger conflict.

As far as this data goes, it can be said that indeed financial problem has been always became the major reason for seeking divorce, whether for the newwed couples or couples who have lived together for 30 years or more. But it does not mean financial problem is the only problem that can make someone thinking of divorce. Because a single reason is not enough to make someone seeking a divorce.⁹⁵

⁹³ Kamali, Interview, (Mojokerto, April 1st 2019)

⁹⁴ Bashori, Interview, (Mojokerto, April 1st 2019)

⁹⁵ Linda J. Waite, et al., Does Divorce Make People Happy?, 18.

Furthermore, the author analyze the divorce causes of couples with 30 years marriage period or more in the view of the judges' perspective as follows:

a. Financial problem

The digital economy has made the spouses easier than ever to spend money and engage in bad financial habits. Three things that relate directly to financial issues: household debt, shopaholic spouse, and a spouse who cannot work anymore or refuses to work.

When household debt levels surpass the income, stress is created in the home. Stress builds as the household takes on more debt to pay current debt. In result, wife report more dissatisfaction with marriage than do husband. Because the economic dependence of wife towards her husband, the wife will not try to help the husband for finding a new source of income.⁹⁶ The longer the debt still unpaid, the higher the chance to bring an end in this circumstance.

With online shopping sites and style bloggers dominating the blogosphere, Instagram and other social media, over shopping is breaking up more marriages. The wife may be more into her social media life than her family. Or the wife is simply become ungrateful for what she had, and jealous towards others for what they had. That behavior indicates she cannot do like the other Muslims should do. Muslims implement the

⁹⁶ Sharon J. Price, *Families and Change*, 218.

command of Allah to be grateful whatever they had in their hands. Allah said in Quran:

وَإِذْ تَأَذَّنَ رَبُّكُمْ لَئِنْ شَكَرْتُمْ لَأَزِيدَنَّكُمْ وَلَئِنْ كَفَرْتُمْ إِنَّ عَذَابِي لَشَدِيدٌ

“... If you are grateful, I will surely increase you [in favor]; but if you deny, indeed, My punishment is severe.”⁹⁷

If the couples are being grateful for each other, Allah increases the happiness they find in each other, just like He promised.

b. Infidelity

This is a second major cause according to the judges'. There are many reasons why married people cheat. Motivations for extramarital affairs are vast and can vary by gender. Frustration in the marriage is one common trigger. Maybe she had second thoughts about getting married again due to financial problems or he was jealous over the attention given to the job and neither had the skill set to communicate these feelings. The cheater may make several attempts to solve problems but result in nothing.

Men are more likely to have affairs than women and are often seeking more attention or even sex. Men express their love in a more physical way, they often do not have the perfect feeling words for their wives. So sex becomes an important path to connection and intimacy. If men are not sexually satisfied they take that rejection to heart, and it can

⁹⁷ QS. Al-Ibrahim (14): 7.

easily translate to feeling unloved. In fact, men are more likely to cheat than women due to a feeling of insecurity.

Moreover many research have shown that woman in midlife and later-life, ranging from 45 years old and more, experienced to declined estrogen level and of course her body and face are aging, and may lead to changing her per personalities and eventually become bored with the sexual routine.⁹⁸ Thus, when a man and woman experience emotional problems in a relationship, these problems tend to influence the sexual relationship. In the same way, sexual problems almost always affect the emotional quality of a relationship.

A communication between each other is also play a big role in this problem.⁹⁹ The husband and wife with a sexual problem or issue often choose to ignore it. As a result, the sexual problem takes on a power far beyond the confines of the bedroom and erodes the relationship.

Not only that, when women cheat, they're often trying to fill an emotional void. Women frequently complain of disconnection from a spouse, and of the wish to be desired and cherished. It can be caused due to ego clashes, insensible spouse, no time for intimacy, bad behaviors towards each other, ungrateful personality, and so on. Women are more likely to feel unappreciated or ignored, and seek the emotional intimacy of

⁹⁸ Navneet Magon, et al., "Sexuality in midlife" 63.

⁹⁹ E. O. Osakinle, "Lack of Effective Communication among Couples", 302.

an extramarital relationship.¹⁰⁰ An affair is more often a transitional partner for the woman as a way to end the relationship. She is seriously looking to leave to her marriage and this other person helps her do just that.

With or without individual or marital risk factors there are a number of possible reasons for marital infidelity. One is the role of unmet needs. One partner may be incapable of fulfilling their partner's needs, but far too often, those needs have not been expressed. Marital partners are not mind readers. Another is the lack of addressing problems directly.

Thus, boredom can lead to an affair in both men and women who are looking for the thrill of the chase and the excitement and passion associated with newfound love. Falling out of love is also frequently cited as a reason for cheating, but maybe a lack of understanding of the normal maturing of love in marriage.

c. Boredom

Close relationships are central to health and happiness. Most research has focused on eliminating problems such as conflict and tension, issues that spouses are likely to encounter. However, some cross-sectional surveys of the general public suggest that another problem faced in long-term marriages may be simple boredom, the lack of excitement.¹⁰¹

¹⁰⁰ Sharon J. Price, *Families and Change*, 215..

¹⁰¹ Li Yu Tung Richard, *Love and Marriage*, 1;

When the spouses are in a long-term marriage, they become more familiar and comfortable with each other. When they acknowledge that they are not perfect, they can relax and enjoy each other. However, once married, couples too often forget the importance of continuing to woo and flirt one another. They need to keep the love notes and flowers coming. They need to dress up for each other and to set up date nights.

The challenge is not to destroy the relationship over one of the common marriage problems that can so easily be resolved. Even if one has divorced, and a new relationship initially seems exciting, this issue of boredom will eventually creep into any new relationship unless it is addressed.

Couples need to re-kindle their love, no matter how buried it may appear. For example, they can switch off the TV and take half an hour to muse over the day together. Or couples can learn a new hobby, take dance lessons, join a book club, cultivate a garden, learn another language, take a course, or go back to school.

- d. Irresponsibility of their children (their children are not showing any display of filial affection)

Due to physical disabilities, mental disability, and old age, elderly people cannot always cope with a rapidly growing technology and changing social situation, they will need special assistance. The caring for their elderly parents belongs to the fundamental duties of adult children.

One has to prepare for this task throughout the entire life. Including such ideas as care, solicitude and gratitude in the educational process and developing them is helpful in this regard.

The issue of why children tend to leave home later is the problem and also one of the divorce causes for elderly couples. What are the reasons that children do not remember about caring for their elderly parents? Are difficult economic and social conditions the only reason? Certainly one of the reasons of failing to care for the parents is also the spirit of consumerism and commercialization of the society.¹⁰²

The first determines that more and more people are trying hard to possess more or to reach new levels in their professional careers. It is obvious that in the world of consumption the measure of a man becomes the situation in which what one's have, not the one that should be taking care of, decides upon one's prestige. The commercialization process has led to a change of perspective on moral values.

In the other hand, the author does not use the phrase "responsibility", but "filial" instead. Because children does not bear any responsibility to their parent, just like what was stated by another judge.

e. Emotionally disconnected

¹⁰² Grzegorz Ignatowski, *Children's Responsibility for Their Elderly Parents*, (Singapore: Singapore University of Social Sciences, 2015), 8.

It is very heartbreaking to see two people who loved each other so much slowly drift apart. But it is how things are sometimes. Differences start to creep up slowly and when the spouse become aware of how much things have changed, it is already too late to do anything to salvage the relationship.

Such a situation can be really hard and distressful. When the spouse no longer feels the same amount of love and affection, it tends to leave him/her very confused and scared.

There can be several reasons which might have brought that relationship to that point. The partner may have become interested in someone else which may have caused this sudden loss of interest in him/her. The spouses may have had a fight over some differences which were irreconcilable and it may have caused them to drift further apart.

There are a few noticeable signs of an emotionally disconnected marriage.

- 1) If the spouses has started handling their issues and problems on their own, and they no longer come to their spouse when they are disturbed or in stress.
- 2) If the spouses are telling their partner about something exciting that happened to them, or if the spouses are sharing woes and troubles with their partner, and their partner show a lack of interest instead of actively participating in the conversation.

- 3) If they are trying to gain the attention of their partner by being overly emotional, for instance by being angry or crying, and all this leaves their partner unmoved, most likely their partner has become emotionally hardened.
- 4) If they have an issue and they feel as if they are the only one putting in some effort to resolve the conflict.
- 5) If they find an excuse every time their partner suggest spending some quality time together.
- 6) If their sex life seems to have fizzled out, and they feel like their partner is no longer interested in sex, and is making up excuses to stay out of bed.

Several problems are responsible for those situations. For instances, lack of communication, lack of respect, lack of intimacy, lack of understanding, ego clash, financial pressure, conflict avoidance, conflict of principle, unfair decision-making, low productivity, change of balance, and so on. Moreover, those situation most likely stayed unresolved for a long time, and eventually on of the partners abandoned their partner.

The first thing that couple must do to restore intimacy to their most important relationship is to increase the amount of time that they have spend together. It is not only the first thing that they must do, it is also the most important thing they must do if they want to recover that sense of “us-ness”. Not only is spending time together essential for restoring intimacy and marital happiness, the way they spend time together is also

important. For one partner, spending time in the same room watching the same television program may count as quality time together. For the other spouse, this activity does not count at all, and may serve as a source of hurt and anger.

Couples who are experiencing a lack of closeness usually need to spend more time together to have that sense of connection. Couples that desire a return of closeness or emotional intimacy, can make that happen by slowing down and dedicating the time and energy that it will take to accomplish it.

f. Failure of the husband to lead his family

The passive husband is one of the most common problems in marriage. This problem is especially acute for the wife who is looking for her husband to lead the family. This is a huge struggle for some wives, which can lead to bitterness and other forms of anger.

In Quran Allah says:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ

“Men are in charge of women....”¹⁰³

When the man, who is considered the provider and maintainer of the family, fails to shoulder his responsibilities then the wife decides that she

¹⁰³ QS. Al-Nisâ' (4): 34.

cannot continue tolerating his shirking of responsibility, this is grounds for divorce.

Moreover, Middle adulthood is also regarded in terms of gradual physical decline.¹⁰⁴ So the husband who does not have a fixed-wage job will find harder to make a living as well as maintaining his family so that they can live without financial stress.

It is different from husbands who have a fixed-salary job, for instance government employees. As long as their age does not reach the requirement for retirement, they still can obtain living cost easily. If their age already reach the requirement to retirement they still receive a retirement salary. Different from company employees, they will not receive any retirement salary when comes their time to retire. That will affect the source of income in that family. Not to mention, their health is gradually declining.

The next is those husbands who refuse to lead and bear the responsibility to maintain their family. They refuse to work. In this situation it is better for the wife to split up from that irresponsible husband.

Those are the thought of the judges. It seems they are still interpret that verse in traditional thinking. In modern thinking, the household responsibilities are not borne alone by the husband, the wife is also obliged

¹⁰⁴ Mathias Allemand et al., "Personality trait development in midlife", 147.

to help her husband when the husband cannot borne the full responsibilities. In Qur'an Allah says:

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ

“The believing men and believing women are allies of one another....”¹⁰⁵

Based on the 2 verses above, it can be concluded that Islam makes men as leaders of women. However Islam does not deny women as helpers (أُولِيَاءُ) for men, and men become helpers for women.

g. Domestic violence

Violence and the abuse of power are evident in all types of families with many men viewing their partners and children as their property, and no equality between the spouses. There is plenty of evidence that violence is one of the major contributors to the breakdown in relationships. Where issues of power are dominant, the result is often violence, trauma, sexual abuse or social isolation affecting mainly women and children.

Starting a relationship with a new intimate partner usually comes with hopes of a happy, long- lasting and well-functioning relationship. However, in far too many cases, such dreams fail to materialize as it is gradually disclosed that the new partner has a violent nature and will repeatedly engage in verbal and physical abuse. In formal modelling terms,

¹⁰⁵ QS. Al-Taubah (9): 71.

this suggests that there is heterogeneity in partner violence types which is not directly observable at the outset of a new partnership but is only revealed over time.¹⁰⁶

h. Major changes in priorities (change of balance)

Major changes in priorities can cause an end in a marriage. People grow and change; sometimes they grow together in the same direction and other times they grow apart. There are other people who never change and are the same person fifty years into the marriage. What can be problematic and end relationships is when one or both partners change their priorities in ways that are unacceptable to their spouse. Some people mentioned a major change in religious understandings and practices could strain the relationship, some people talked about putting jobs or children before the intimacy of the spouses and yet others complained of drastic changes in friendships or relationships with in-laws. Keeping the balance in relationship plays an important role to maintain a good relationship.¹⁰⁷

i. Unresolved Conflict

Many conflicts occur because of conflict among two parties which remains unresolved. There is no mutual apology and mutual forgiveness. This condition is like a time bomb which could explode any given time and create a bigger conflict.

¹⁰⁶ Dan Anderberg, Noemi Mantovan, and Robert M. Sauer. *The Dynamics of Domestic Violence: Learning about the Match*, (London: The Institute for Fiscal Studies, 2018), 48.

¹⁰⁷ Dr. Ulin Na'mah, *Talaq Divorce*, 82.

A number of the causes of conflict above are preceded or complemented with emotional factor (emotive conflict). If it is still in the emotive stage, it can still be resolved by paying attention to psychological factors, but it will more difficult once it is followed by physical actions. This is quite different to substantive or manifest conflict which could be resolved through rational decision-making process.

So the problem is not in their marriage period and their age, but any family which lacks intimacy, mutual caring, support and understanding will have a higher probability in end up with divorce.

2. The judges' considerations in judging divorce with 30 years marriage period or more.

The legal reason to seek divorce has already stated in Article 19 of Government Regulation No. 9 of 1975 concerning The Implementation of Law No. 1 of 1974 concerning Marriage.

Then for the result of the author's interviews, first is Mr. Uten's opinion. He said:

“Sebenarnya ya memang disayangkan sih mas, kenapa kok milih cerai, kan sudah hidup bersama selama 30 tahun lebih. Tapi apa yang bisa kami lakukan sebagai hakim? Kita tidak bisa menyuruh mereka untuk ini dan itu, kan yang menjalaninya juga mereka. Kita hanya mencoba merukunkan di dalam persidangan saja. Tapi kalo akhirnya mereka masih bersikukuh untuk cerai, ya kita liat dari fakta dan bukti yang ada, dari situ kita bisa mengabulkan apa yang diinginkan oleh para pihak, entah kita ingin mengabulkan atau enggak.”¹⁰⁸

¹⁰⁸ Uten, Interview, (Mojokerto March 25th 2019)

(“It is indeed really unfortunate for them to split up even after lived together in marriage bond for 30 years or more, but what else what we can do? We cannot tell them to do this and that (to reconcile and keep their marriage bond), because it is them who live on their own life, not us. We just try to reconcile them again, but if in the end they are still obstinate to divorce, then, according to the fact and proof they provide, we only can grant what they seek in this religious court, whether we want or not.”)

Similar words are also conveyed by Mr. Kamali. He said:

“Jujur saja ya mas, gak ada bedanya antara pasangan yang baru nikah maupun udah lama, jadi kita ya menentukan putusan seperti biasanya. Kami para hakim membuat putusan berdasarkan cerita dan bukti yang mereka berikan. Kita juga gak perlu tau apakah mereka nanti bakal bahagia atau enggak setelah cerai. Kita sebagai hakim gak boleh merasa kasihan, meski emang sudah tua, itu bukan tugas hakim. Kan terserah mereka mau tetep cerai atau gak, kita sebagai hakim hanya bisa mencoba mendamaikan di setiap permulaan persidangan.”¹⁰⁹

(“Honestly they are no different than new-wed couple, so we just treat them like the others. We, the judges, are only able to make decision based on their story and the proof of that story. We do not know whether they will be happier or not after splitting up, or rather, it is just we do not want to and do not need to know about that. We cannot pity them, that’s not our duty. In the first place, that decision (to divorce) is on them to make, we just try to reconcile them once again in the beginning of each trials.”)

And also similar meaning is told by Mr. Bashori. He said:

“Sebenarnya bagi saya sih ini hal yang wajar-wajar saja terjadi. Karena kita kan manusia, pasti ada saatnya merasa bosan karena sudah bertahun-tahun ketemu. Yang awalnya senang ketika saling menatap muka, pada akhirnya juga gak merasa apa apa. Yang awalnya sangat suka masakan si istri, pada akhirnya juga gak ada rasanya. Tapi saya gak bilang kalo cerai itu solusi yang bagus ya, saya hanya bilang kalo itu wajar saja. Jadi, masalah pertimbangan saya dalam memutus perkara semacam ini ya, saya hanya memutus seperti biasa, tidak hal yang khusus, kan awalnya ini hanya perkara cerai. Kalo mereka mengajukan cerai gugat maupun cerai talak sesuai prosedur, seperti tidak ada error in persona dan segala macam, ya kita sebagai hakim memutus berdasarkan prosedur juga. Kita membujuk mereka untuk rukun di setiap persidangan, mendengarkan gugatannya, jawabannya, replik duplik, para saksi, kemudian bukti-bukti yang ada, setelah itu kita musyawarah untuk memutus perkara itu.”¹¹⁰

¹⁰⁹ Kamali, Interview, (Mojokerto, April 1st 2019)

¹¹⁰ Bashori, Interview, (Mojokerto, April 1st 2019)

(“In fact, for me this is not an unusual incident, it's only natural that this happens. Because we, human, sometimes will get bored if we are seeing each other for ages. Who initially was very happy when looking at each other face, sometimes will feel nothing, who initially was very fond of the partner's cuisine, sometimes it does not have any taste at all, and so on. But I do not say that divorce is a good way to solve problem, I just say that divorce is natural phenomenon, even if they have lived together for 30 years or more. So, about my consideration in judging the case, I do not have any specific way to make a decision. This case is just a divorce case. If they claim or submit an applicant for divorce in a correct way, I mean no error in it, then we, as the judge, just do as the procedure of trials in divorce case. We reconcile them first, hear their claim, answer, replik, duplik, witnesses, and the other proof, if there is any of it, after that we discuss to make a judgment.”)

The conclusion for the judges' opinion regarding the considerations in judging divorce claim or divorce applicant for a couple who have lived together in marriage bond for 30 years or more, is they just judge as usual, by looking at the facts and proof that the couple provide in trial. Nothing specific consideration is needed, because it is just an everyday divorce case. The judges' just use the Law No. 1 of 1974 concerning Marriage, Compilation of Islamic Law, which says divorce can only be conducted based on reasons as follows:

- a. One of the spouses has committed adultery, is an alcoholic, is addicted to drugs, and is a gambler or other vices which are difficult to cure;
- b. One of the spouses has left the other spouse for two consecutive years, without consent and without legitimate reasons or the absence of reasons beyond his control;
- c. One of the spouses has been sentenced to imprisonment for five years or a longer period;
- d. One of the spouses has resorted to cruelty or severe ill-treatment, endangering the life of the other spouse;
- e. One of the spouses has developed a disability or disease, preventing from fulfilling the duties of husband or wife;
- f. The spouse has irreconcilable difference;
- g. Husband breaks the Conditional Divorce (*taklik talak*);
- h. Apostate

Whatever the circumstances, maintaining an irreconcilable relationship clearly will not bring any benefits, and at least it will bring any dangers, that is, the relationship between husband and wife is not harmonious as a married couple should be. And this circumstance violates Islamic teachings, as Prophet Muhammad, Peace be upon him, once said:

حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَنْبَأَنَا مَعْمَرٌ، عَنْ جَابِرِ الْجُعْفِيِّ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا ضَرَرَ وَلَا ضِرَارَ

“Narrated by Muhammad bin Yahya. he said, Narrated by Abdurazzaq, he said, from Jabir al-Ju’fi, from ‘Ikramah, from Ibn Abbas, he said: The Messenger of Allaah (peace and blessings of Allaah be upon him) said: Do no harm, and no foul.”¹¹¹

Thus, Abdurrahman al-Shabuni in says in his book, *Mâdzâ Hurriyyat al-Zaujaini fi al-Thalaq*:¹¹²

وقد اختار السلم نظام الطلاق حين تضطرب الحياة الزوجين ولم يعد ينفع فيها نصائح ول صلح وحيث تصبح الرابطة الزواج صورة من غير روح لن الستمرار معناه أن يحكم على أحد الزوجين بالسجن المؤبد وهذا ظلم تأباه روح العدالة

“The choice of divorce is an open one when the life of the couple is disturbed and no advice or sermon is heard. Where the bond becomes a non-spiritual image, so by requiring the couple to continue to preserve the marriage is the same as punishing one spouse with a life sentence, and this is tyranny which is against the spirit of justice.”

And in Qur’an, Allah says:

وَإِنْ عَزَمُوا الطَّلَاقَ فَإِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ

“And if they decide on divorce - then indeed, Allah is Hearing and Knowing.”¹¹³

¹¹¹ Ibn Mājah, *Sunan Ibn Mājah*, 784.

¹¹² Pengadilan Agama Mojokerto, Putusan Nomor 0043/Pdt.G/2018/PA.Mr., 34.

¹¹³ QS. Al-Baqârah (2): 227.

And:

وَأِنْ يَتَفَرَّقَا يُغْنِ اللَّهُ كُلًّا مِنْ سَعَتِهِ ۚ وَكَانَ اللَّهُ وَاسِعًا حَكِيمًا

“But if they separate [by divorce], Allah will enrich each [of them] from His abundance. And ever is Allah Encompassing and Wise.”¹¹⁴

Then Syeikh Al-Majedy says in his book, *Ghâyatu al-Marâm*:¹¹⁵

وإذا اشتد عدم رغبة الزوجة لزوجها طلق عليه القاضي طلاقاً

“If the wife has been very displeased with her husband, then the Judge is allowed to grant husband's divorce with one divorce”

So as long as the spouses follows the rule to litigate a divorce, then the judges' also follow the Law and rules to grant them a best decision for them.

¹¹⁴ QS. Al-Nisâ' (4): 130.

¹¹⁵ Pengadilan Agama Mojokerto, Putusan Nomor 0667/Pdt.G/2018/PA.Mr., 13.



CHAPTER V

CONCLUSIONS AND SUGGESTIONS

A. Conclusions

Based on data, the results of research and discussion, that refers to the previous research questions, can be summarized as follows

Although the judges' says there are no differences in divorce causes of newwed couples or couples who have lived together for 30 years or more, there are some divorce causes that directly stated by the judges: (1) Financial problems, (2) Infidelity, (3) Boredom, (4) Irresponsibility of their children, (5) Emotionally

disconnected, (6) Failure of the husband to lead his family, (7) Domestic violence, (8) Major changes in priorities, (9) Unresolved conflict.

The conclusion for the judges' opinion regarding the considerations in judging divorce claim or divorce applicant for a couple who have lived together in marriage bond for 30 years or more, is they just judge as usual, by looking at the facts and proof that the couple provide in trial. Nothing specific consideration is needed, because it is just an everyday divorce case. The judges' just use the Law No. 1 of 1974 concerning Marriage, Compilation of Islamic Law.

B. Suggestions

Based on the above statements, some things have to be conveyed as a suggestion to some parties, as follows:

1. For the Mojokerto Religious Court, hopefully they make some written and noticeable rules for conducting research in there.
2. For married couples who have lived together for 30 years and more hopefully they are able to maintain the marriage bond and remind them about their commitment in the early days of marriage with the spouse.
3. For married couples hopefully they are able to take lesson in this thesis for the better future of marriage and able to establish a harmonious household until death separates.
4. For other researchers hopefully they can do further findings with similar topic of this thesis.

REFERENCES

Al-Qur'ân al-Karîm.

A. Regulations

Law No. 1 of 1974 concerning Marriage

Government Regulation No. 9 of 1975 concerning The Implementation of Law No. 1 of 1974 concerning Marriage.

Compilation of Islamic Law

B. Books

Achmadi, Abu and Cholil Narkubo. *Metode Penelitian*. Jakarta: PT. Bumi Aksara, 2005.

Al-Bahrani, Abdul Adheem al-Muhtad. *For a Better Future: 200 Qustions and Answers Regarding the Concerns of the Youth, Marriage, and Children*, trans. Abdullah al-Shahin. Qom: Ansariyan Publications, 2007.

Al-Sijistani, Abu Dawud Sulaymân ibn al-Ash'ats al-Azdi. *Sunan Abi Dawood*, Vol. II. Beirut, al-Maktabat al-'Ashriyyah, n.d.

Al-Qazwînî, Abû 'Abdillâh Muḥammad ibn Yazîd Ibn Mājah al-Rab'î. *Sunan Ibn Mājah*, Vol. II. n.p.: Dār Ihyā' al-Kutub al-'Arobiyah, n.d.

Arikunto, Suharsimi. *Prosedur Penelitian: Suatu Pendekatan Praktik*. Jakarta: Rineka Cipta, 2006.

.Cholil, Dr. Hj. Mufidah. M.Ag., *Psikologi Keluarga Islam Berwawasan Gender*, Malang: UIN Maliki Press, 2014.

Dradjat, Zakiah. *Ilmu Jiwa Agama*. Bandung:, Bulan Bintang, 1970.

Kusuma, Hiram Hadi. *Metodologi Pembuatan Kertas Kerja/Skripsi Ilmu Hukum*. Bandung: CV. Mandar Maju, 1995.

Moleong, Lexy J. *Metodologi Penelitian Kualitatif*,. Bandung: PT Remaja Rosdakarya, 2002.

Monks, F.J. *Psikologi perkembangan: pengantar dalam berbagai bagiannya*. Yogyakarta: Gadjah Mada University Press, 1982.

Na'mah, Dr. Ulin. *Talaq Divorce: Its Meaning According to the Actor of Matrilocal Residence in Muslim Society* Yogyakarta: Pustaka Pelajar, 2015.

Mazir, Moh. *Metode Penelitian*. Jakarta: Ghalia Indonesia, 2003.

Price, Sharon J., Christine A. Price and Patrick C. McKenry, eds., *Families and Change: Coping with Stressful events and Transition*. London: SAGE Publications Inc, 2010.

Soekanto, Soerjono. *Penelitian Kualitatif*. Yogyakarta: Tiara Wacana, 1986.

Syarifuddin, Amir. *Hukum Perkawinan Islam di Indonesia: antara Fiqh Munakahat dan Undang-Undang Perkawinan*. Jakarta: Kencana, 2014.

Usman, Husaini et al. *Metodologi Penelitian Sosial*. Jakarta: PT Bumi Rosdakarya, 2006.

Vincent, Elizabeth Lee and Phylips C. Martin. *Human Psychological Development*. New York: The Ronald Press Comp., 1961.

Waite, Linda J. Don Browning, William J. Doherty, Maggie Gallagher, Ye Luo, and Scott M. Stanley. Does Divorce Make People Happy? Findings from a Study of Unhappy Marriage. New York: Institute for American Values, 2002.

Warsito, Hermawan. *Pengantar Metodologi Penelitian*. Jakarta: Gramedia Pustaka Armani, 1992

Willis, S.L. and J.D. Reid. *Life in the Middle: Psychological and Social Development in Middle Age*. San Diego: Academic Press, 1999.

C. Theses

Aini, Kurrota. *Makna Pernikahan Hingga Lanjut Usia: Kajian Fenomenologis Pada Pasangan Lansia Di Usia 50 Tahun Pernikahan*. Yogyakarta: Universitas Gadjah Mada, 2014.

Erfasanti, Devy. *Bentuk Bentuk Coping Pada Pria Yang Mengalami Gejala-Gejala Andropause*. Surabaya: Universitas Airlangga, 2005

Latifah, Khairil. *Faktor Penyebab Tingginya Cerai Gugat Berdasarkan Usia Perkawinan Di Pengadilan Agama Malang*. Malang, UIN Malang, 2013.

Schwartzhoff, Kayla. *Later Life Divorce & the Adult Child*, Master of Social Work Clinical Research Papers. Minnesota: St. Catherine University, 2013.

Utami, Diana. *Fenomena Perceraian Pasangan Lanjut Usia (Jukunen Rikon) Masyarakat Jepang Kontemporer*. Depok: Univrsitas Indonesia, 2006.

Yulkamsah, Rusdi Isnani. *Pandangan Hakim tentang Penerapan Hukum yang Berkeadilan Gender dalam Putusan (Studi di Pengadilan Agama Mojokerto)*. Malang: UIN Maulana Malik Ibrahim, 2011.

D. Journals

- Aina, Olaiya E. and Petronella A. Cameron, "Why Does Gender Matter? Counteracting Stereotypes with Young Children:", *Dimension of Early Childhood Vol.* 39 No. 3. 2011.
- Aisyah, Nur. "Peranan Hakim Pengadilan Agama dalam Penerapan Hukum Islam di Indonesia", *Al-Qadlâu Vol.* 5, 1. 2018.
- Allemand, Mathias, Veronica Gomez, and Joshua J. Jackson. "Personality trait development in midlife: exploring the impact of psychological turning points". *Eur J Ageing*. 2010
- Asoodeh, Mohammad H., Shiva Khalili, Manijeh Daneshpour, and Masoud Gh. Lavasani. "Factors of successful marriage: Accounts from self-described happy couples", *Procedia Social and Behavioral Sciences*, 5. 2010.
- Bartlik, Barbara and Marion Zucker Goldstein, M.D., "Men's Sexual Health After Midlife", *Psychiatric Services*.ol. 52. n.d.
- Fisher, Helen E. *The Four-Year Itch*, Cultural Anthropology.
- Maata, Kaarina and Satu Uusiautti, "Seven Rules on Having a Happy Marriage Along With Work", *The Family Journal: Counseling and Therapy for Couples and Families*. 2012
- Magon, Navneet, Monica Chauhan, Sonia Malik, and Duru Shah. "Sexuality in midlife: Where the passion goes?", *Journal of Mid-life Health*, Vol. 3. December 2012.
- Matondang, Armansyah. *Faktor-faktor yang Mengakibatkan Perceraian dalam Perkawinan*. Jurnal Ilmu Pemerintahan dan Sosial Politik, February 2th 2014.
- Osakinle, E.O., V.C. Okafor. "Lack of Effective Communication among Couples", *Asian Journal of Education and e-Learning*, Volume 01– Issue 05. 2013
- Panioaraa, Georgeta and Mihaela Serbana. "Marital Status and Work-Life Balance", *Social and Behavioral Sciences*, 78. 2013.
- Tsapelas, Irene, Arthur Aron, and Terri Orbuch. "Marital Boredom Now Predicts Less Satisfaction 9 Years Later", *Psychological Science*, Vol. 20. 2010

E. Articles

- Anderberg, Dan, Naemi Mantovan and Robert M. Sauer. *The Dynamics of Domestic Violence: Learning about the Match*. London: The Institute for Fiscal Studies, 2018
- Ignatowski, Grzegorz. *Children's Responsibility for Their Elderly Parents*. Singapore: Singapore University of Social Sciences, 2015.

Flory, Joyce PhD. *Female Sexuality at Midlife: Helping women deal with sexual dysfunction*, Chicago: American Osteopathic Association, n.d.

Ogut, Lincoln. *Importance of Marriage in Islam*, (Nairobi: Kenyatta University, n.d.

Pearson, Jessica Ph.D., *Divorce Mediation and Domestic Violence*. Delhi: Center for Policy Research, 1997.

Richard, Li Yu Tung. *Love and Marriage: Falling in Love and Continuing Love*. Hong Kong: University of Hongkong, 2015

The American College of Obstetrician and Gynecologist, *The Menopause Years*. Washington: The American College of Obstetrician and Gynecologist, 2018

F. Websites

Kartikawati, Eny. "Pasangan Cerai Saat Usia 60-an Meningkatkan Dalam 10 Tahun" <https://wolipop.detik.com/read/2012/12/27/080844/2127505/854/pasangan-cerai-saat-usia-60-an-meningkat-dalam-10-tahun> accessed on September 3th 2018.

Kutty, Syeikh Ahmad. "Valid Reasons for Divorce in Islam", <https://askthescholar.com/answerdetails?qId=6625> accessed on January 15th 2019.

Stritof, Sheri. "Reasons Why Married People Cheat", <https://www.verywellmind.com/why-married-people-cheat-2300656> accessed on April 29th 2019.

"Divorce in Islam", <http://www.islamweb.net/en/article/92752/divorce-in-islam> accessed on January 14th 2019.

"Marriage and divorce on the rise at 65 and over", <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/articles/marriageanddivorceontheriseat65andover/2017-07-18> accessed on September 4th 2018.

G. Interviews

Bashori, *Interview*, Mojokerto, Mojokerto Religious Court, 2019.

Kamali. *Interview*, Mojokerto, Mojokerto Religious Court, 2019.

Mono, *Interview*, Mojokerto, Mojokerto Religious Court, 2018.

Uten, *Interview*, Mojokerto, Mojokerto Religious Court, 2019.

H. Others

Drafting Team Writing Guidelines for Scientific Paper in Faculty of Sharia UIN Maulana Malik Ibrahim Malang. *Pedoman Penulisan Karya Tulis Ilmiah Fakultas Syariah UIN Maulana Malik Ibrahim Malang*. Malang: Fakultas Syariah UIN Maulana Malik Ibrahim Malang, 2015.

Google, Google Dictionary.

Google, Google Translate.

Merriam-Webster, Merriam-Webster Dictionary.

Pengadilan Agama Mojokerto, *Laporan Tahunan PA Mojokerto 2018*. Mojokerto: PA Mojokerto, 2018.

Pengadilan Agama Mojokerto, Putusan Nomor 0667/Pdt.G/2018/PA.Mr.

Pengadilan Agama Mojokerto, Putusan Nomor 0043/Pdt.G/2018/PA.Mr.

Kemedikbud, Kamus Besar Bahasa Indonesia.



APPENDIXES

Research Permission



PENGADILAN AGAMA MOJOKERTO
 JL. RAYA PRAJURITKULON NO. 17 TELP. (0321) 321097 FAX. (0321) 323352
 Website : <http://www.pa-mojokerto.go.id> email : pa_mojokerto@yahoo.com
MOJOKERTO 61326

Nomor : W13-A15/847/PB.01/2/2019 Mojokerto, 27 Pebruari 2019
 Sifat : Segera
 Lampiran : 1 (satu) bendel
 Perihal : Persetujuan Penelitian

Kepada
 Yth. Dekan Universitas Islam Negeri Maulana Malik Ibrahim
 Di_ Malang

Assalamualaikum, Wr. Wb.

Berdasarkan surat saudara Nomor B-861/F.Sy/TL.01/1/2019 tanggal 21 Pebruari 2019 sebagaimana pokok surat, bahwa :

Nama : Mohamad Zakky Ubaid Ermawan
 NIM : 15210024
 Fakultas : Syari'ah
 Jurusan : Al Ahwal Al Syakhsiyah

Diperkenankan melakukan wawancara dengan Hakim Pengadilan Agama Mojokerto untuk menyelesaikan tugas akhir/ skripsi, yang berjudul " *The Causes of Divorce With 30 Years and More Marriage Period In Mojokerto Religious Court (Study of The Judges' Attitude)*" terhitung mulai tanggal 27 Pebruari 2019 sampai dengan selesai.

Demikian disampaikan, atas perhatiannya diucapkan terima kasih.

Wassalamualaikum, Wr. Wb.

An. Ketua
 Sekretaris


Prasetya Puji Raharja, SH., MH.
 NIP. 19820108 200604 1 001

Tembusan :

1. Yth. Ketua Pengadilan Agama Mojokerto.

Interview Guideline

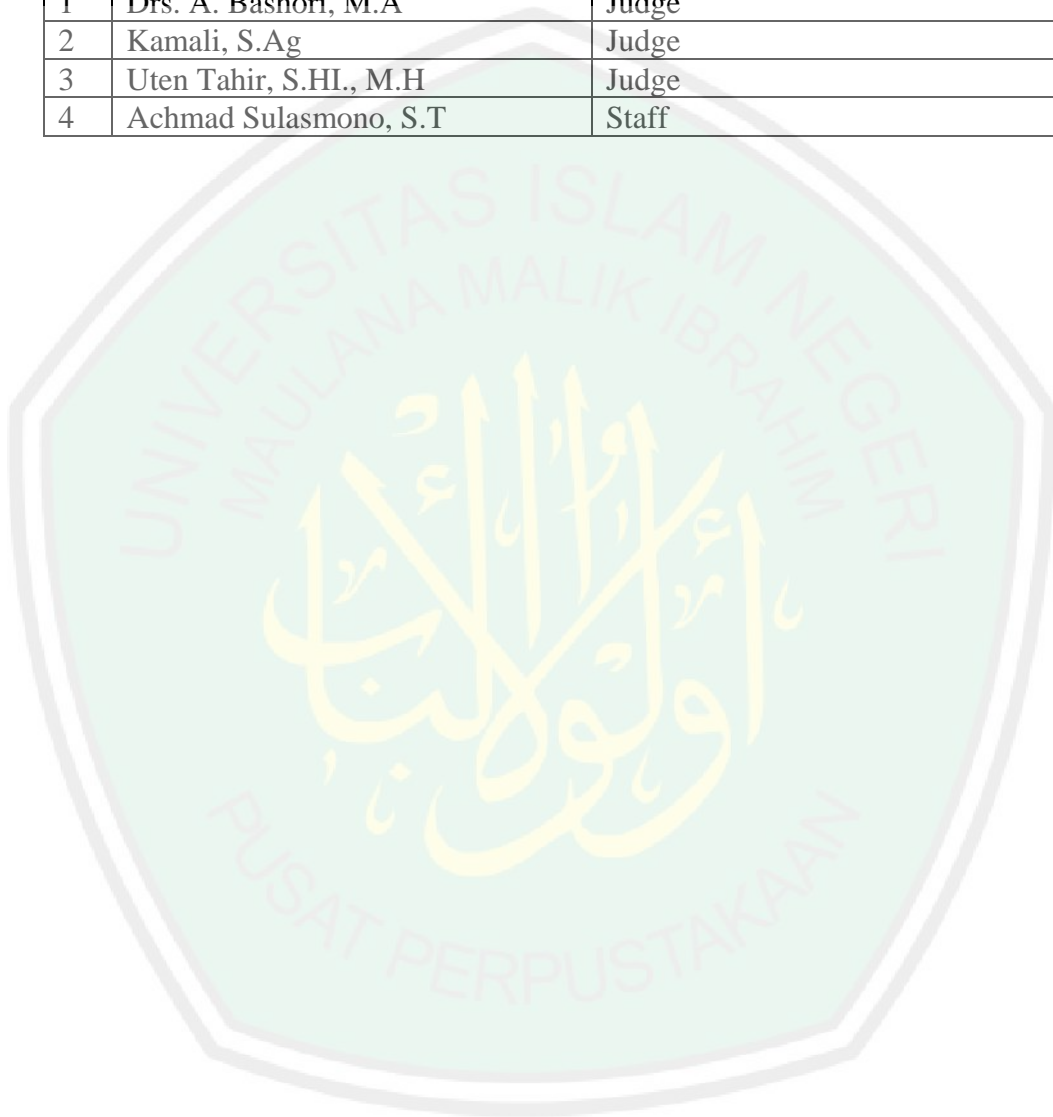
The Divorce Causes Of Couples With 30 Years Marriage Period Or More In The View Of Judges At Mojokerto Religious Court

1. Apa saja faktor perceraian pada pasangan dengan 30 tahun lebih masa perkawinan? (What are the divorce causes of couples with 30 years marriage period or more?)
2. Bagaimana Bapak membuat putusan tentang masalah cerai tadi? Apakah ada pertimbangan-pertimbangan khusus? (is there any specific consideration in judging that divorce case?)

*The Author uses unstructured interview

List of Informants

No	Informant	Position
1	Drs. A. Bashori, M.A	Judge
2	Kamali, S.Ag	Judge
3	Uten Tahir, S.HI., M.H	Judge
4	Achmad Sulasmono, S.T	Staff



Pictures



Picture 1
Interview with Mr. Uten



Picture 2
Interview with Mr. Uten, Mr. Bashori, Mr. Kamali



Picture 3
Interview with Mr. Mono



KEMENTERIAN AGAMA
UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG
FAKULTAS SYARIAH

Terakreditasi "A" SK BAN-PT Depdiknas Nomor : 157/BAN-PT/Ak-XVI/S/II/2013 (Al Ahwal Al Syakhshiyah)
Terakreditasi "B" SK BAN-PT Nomor : 021/BAN-PT/Ak-XIV/S1/III/2011 (Hukum Bisnis Syariah)
Jl. Gajayana 50 Malang 65144 Telepon (0341) 559399, Faksimile (0341) 559399
Website: <http://syariah.uin-malang.ac.id/>

CONSULTATION PROOF

Name: : Mohamad Zakky Ubaid Ermawan
Student ID Number : 15210024
Department : Al-Ahwal Al-Syakhshiyah
Supervisor : R. Cecep Lukman Yasin, M.A., Ph.D
Thesis Title : **THE DIVORCE CAUSES OF COUPLES WITH 30 YEARS MARRIAGE PERIOD OR MORE IN THE VIEW OF JUDGES AT MOJOKERTO RELIGIOUS COURT**

No	Day/Date	Subject	Signature
1.	January 10 th 2019	Consultation of Thesis Proposal	
2.	January 17 th 2019	ACC Thesis Proposal	
3.	February 10 th 2019	Revision of Chapter I, II, III	
4.	February 15 th 2019	ACC Chapter I, II, III	
5.	April 1 st 2019	Consultation of Data Exposure in Chapter IV	
6.	April 17 th 2019	ACC Data Exposure	
7.	April 22 nd 2019	Revision of Data Analysis in Chapter IV	
8.	April 28 th 2019	ACC Chapter IV	
9.	April 30 th 2019	ACC Chapter V	
10.	May 2 nd 2019	ACC Chapter 1-V	

Malang, June 21st 2019

Acknowledged by, Dean

Head of Al-Ahwal Al-Syakhshiyah

Department

Dr. Sudirman, M.A.
NIP 19770822200501 1 003

CURRICULUM VITAE



Personal Data

Name : Mohamad Zakky Ubaid Ermawan
Place, Date of Birth : Jombang, April 25th 1998
Address : Pramuka Street G/18 Wonosari Peterongan Jombang
Phone : 082257335780
E-mail : zakky.ubaid@gmail.com

Formal Education

2002-2004 : TK Al-Iman
2004-2010 : SDI Roushon Fikr
2010-2013 : SMPN 3 Peterongan
2013-2015 : MA Amanatul Ummah Mojokerto
2015-2019 : Universitas Islam Negeri Maulana Malik Ibrahim
Malang

Organization

2015-2016 : Muharrik Language Division at Pusat Ma'had Al-Jami'ah Universitas Islam Negeri Maulana Malik Ibrahim Malang