



Islamic Law Analysis of Divorce Intervened by Parents (Case Study in Jatirogo Village, Bonang Subdistrict, Demak District)

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Abstract

A husband's economic condition becomes a problem in a child's family. Parental intervention is a natural thing, but in a child's household, let the child live independently and learn to manage problems in the household. However, what if parental intervention results in divorce when the problems in the household can actually be resolved well. This happened in Jatirogo Village, Bonang District, Demak Regency. Some married couples divorce due to parental intervention. The aim of this research is to describe the forms of parental intervention towards children's families which result in divorce, the factors of divorce caused by parental intervention towards married couples, and to describe the views of Islamic law regarding forms of parental intervention in divorce towards children's families. This researcher used qualitative methods, with a type of field research, data collection process, interview method with 3 informants who were directly interviewed in a structured manner. This research was conducted for 2 months. The results of the research show that the factors that influence parents to intervene in divorce in Jatirogo Village, Bonang District, Demak Regency are: The presence of parental intervention factors has several impacts on the family and household on children, including the very different parenting patterns of mothers and fathers, changes in thinking patterns and character in children, the presence of traumatised attitudes and mental weakness. Apart from that, this research shows that the analysis of Islamic law intervened in parental divorce in Jatirogo Village, Bonang District, Demak Regency. Based on research results, this form of parental intervention is not prohibited in Islamic law, however, if it causes bad impacts such as divorce experienced by husband and wife households.

Keywords: Divorce, Intervention, Parents, Jatirogo, Demak.

Introduction

Marriages sometimes go bad because of parental influence. Divorce or the shara'a term talak is the breaking of the marriage bond or the breakdown of the

marriage relationship.¹ Dahlan Ihdami, gives the definition of releasing the bond, namely the breakup of marriage with the utterance of a special lafadz such as with the intention of divorce.² In addition, Sayyid Sabiq, gives the definition of divorce to leave, while in shara' terms it is to untie or end the marriage relationship.³ As for other figures who define divorce, namely Zainuddin bin Abdul Aziz, giving the definition according to language is to release the bond is to release the marriage bond by using words.⁴

Talak is a serious issue that requires seriousness to decide, Islam only allows divorce because talak is no other way to get out of the continuous circle of tension in the household. Divorce in positive law is a situation where there is incompatibility between husband and wife which results in the breakup of a marriage, through a court decision after unsuccessful reconciliation.⁵

After marriage the child is no longer the responsibility of the parents, the obligation of the parents to educate, provide for and fulfil all needs is no longer valid.⁶ The limit of parents in the period of childcare is a child when he no longer needs the services of women, has grown up and can stand alone and is able to take care of his own basic needs.⁷

In Jatirogo village, those who live with their parents must be married. This is due to the inability of a husband to provide a place to live alone for his wife and children and decide to live with parents which will open up a great opportunity for parental intervention or interference with the household. Excessive overprotectiveness shown by parents towards their children often causes problems between husband and wife. This small thing becomes a big factor problem for some married couples in Jatirogo Village because of the intervention of parents towards children, which causes disputes and quarrels that lead to divorce.

However, the intervention in Jatirogo Village in some couples causes conflict. This is because parents interfere too much in their children's household affairs in the end, the worst possibility will cause problems in the family. The problems regarding parental intervention in Jatirogo Village can be seen in full in the following table:

¹ Hasanzadeh, M. (2024). Analysing The Concept Of Abhorrence In Divorce From The Point Of View Of Jurisprudence And Law. *Journal Of Woman And Family Studies*, 12(3).

² Jannah, N., & Rosyidah, B. K. (2023). Intervensi Orang Tua Terhadap Rumah Tangga Anak Perspektif Hukum Islam Dan Hukum Positif. *Ta'lim: Jurnal Multidisiplin Ilmu*, 2(1), 1-8.

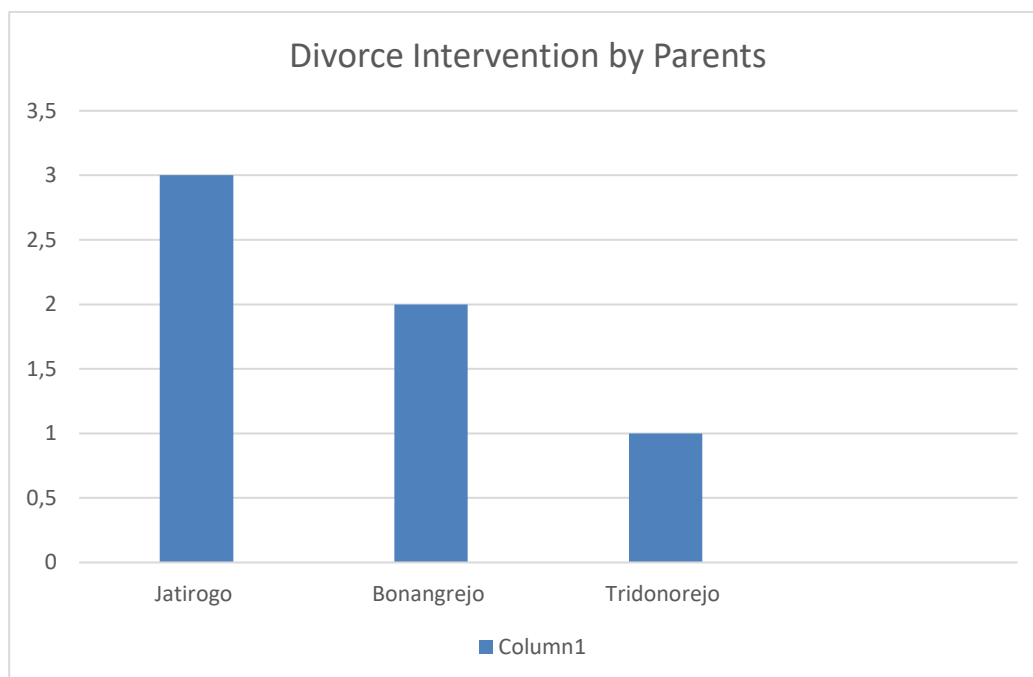
³ Muhazir, M., & Azwir, A. (2024). Divorce Bureaucracy In The Sharia Space: Examining Practices In Langsa City, Aceh. *At-Tafkir*, 17(1), 44-55.

⁴ Alsouri, K., Yousef, M., Altaani, M., & Alsofni, A. (2024). Juristic Principle: (Everything That One Is Permitted To Do, One Can Authorise Others To Do) In Marriage And Divorce. *Jordan Journal Of Islamic Studies*, 20(3), 233-258.

⁵ Yayan Sopyan, *Islam-Negara (Transformasi Hukum Perkawinan Islam Dalam Hukum Nasional)*, (Jakarta: UIN Syarif Hidayatullah Jakarta, 2011) H.172-174

⁶ Zikratul Maulia, 'Intervensi Orang Tua Terhadap Rumah Tangga Anak Menurut Tinjauan Hukum Keluarga Islam (Studi Kasus Di KUA Kec. Darussalam Kab. Aceh Besar)' (UIN Ar-Raniry, 2022).

⁷ Yaqin, M. A., & Kusumawati, I. R. (2023). Analisis Adanya Keandiln Orangtua Dalam Kasus Konflik Pasangan Suami Istri Yang Berakhir Pada Perceraian. *Jurnal Media Akademik (Jma)*, 1(1).



From the diagram above, it can be seen that the village with the most cases of parental intervention divorce for Jatirogo Village has 3 cases, as for the next Bonangrejo Village there are 2 cases and in Tridonorejo Village there are 1 case, based on this it can be seen that Jatirogo Village with cases there are divorces that are intervened by parents. The presence of parents in the family is not always a negative thing for the continuity of children's marriage. There are many positive sides that children can feel if they live with their parents.⁸ After marriage there should be no divorce, only death is the only cause and reason for the divorce of husband and wife.⁹

Divorce is the last solution that can be taken by husband and wife in ending the marriage after making maximum efforts to reconcile.¹⁰ Divorce can be done at the request of the wife, called a gugat divorce. One of the problems comes from the family, namely the interference of parents in the lives of their children, which results in disharmony or lack of harmony between children and their parents. This is unfortunate because the marriage was originally a sacred bond with a sense of trust that was destroyed due to the loss of these elements.¹¹

This study aims to determine what are the factors of divorce intervention against parents in Jatirogo Village, Bonang Subdistrict, Demak Regency and to know how to analyse divorce intervention by parents in Jatirogo Village, Bonang Subdistrict, Demak Regency.

⁸ Saeful Anwar, 'Tinjauan Hukum Islam Terhadap Perceraian Atas Kehendak Orang Tua', Proceedings Of The National Academy Of Sciences, 3 (2015), 1-15.

⁹*Ibid.*

¹⁰ Jiang, L. J. (2024). *Considerations For Intimate Partner Violence Screening And Family Mediation For Family Court Cases* (Doctoral Dissertation, Indiana University).

¹¹ Natasha Nicola Anjani Dekock, "Perceraian Akibat Intervensi Orang Tua"(Analisis Putusan No. 0118/Pdt. G/Pa Js)'.

This research has a firm novelty through previous research. The research was conducted by M. Nur Kholis Al Amin entitled "Islamic Law Review of Parental Interference in Children's Household Life (Field Study in Jeruk Legi Hamlet, Banguntapan Bantul)" UIN Sunan Kalijaga Yogyakarta in 2010.¹² This research was conducted by Mohammad Dhiya Uddin entitled "Forms of parental involvement and their implications in child marriage from the perspective of Maqashid Syariah Jasser Auda (Study in Denanyar Village, Jombang District, Jember Regency)". UIN Maulana Malik Ibrahim Malang in 2018.¹³ This research was conducted by Saeful Anwar entitled "Islamic Law Review of Divorce at the Will of Parents (Case Study in Grinting Village, Bulakamba District, Brebes Regency)". UIN Semarang in 2015. This research was conducted by Saeful Anwar entitled "Islamic Law Review of Divorce at the Will of Parents (Case Study in Grinting Village, Bulakamba District, Brebes Regency)". UIN Semarang in 2015.¹⁴

Research Methods

This researcher uses qualitative methods, while this type of research is *field research*.¹⁵ The research location chosen by the researcher is in Jatirogo Village, Bonang Subdistrict, Demak Regency, the reason the researcher chose this location was based on the results of research when compared to other villages, namely in Tridonorejo Village 2 cases, in Jatirogo Village 3 cases, in Bonangrejo Village 1 case of divorce intervened by parents involving 6 informants. The data collection process uses the interview method with 3 informants who are directly interviewed in structure. This research was conducted over a period of 2 months

Factors Influencing Parents to Intervene in Divorce in Jatirogo Village, Bonang Subdistrict, Demak Regency

Research conducted in Jatirogo Village, Bonang Subdistrict, Demak Regency parental intervention has a negative impact on married couples there are 3 couples taken by researchers from factors influencing parental intervention caused by divorce in Jatirogo Village, Bonang Subdistrict, Demak Regency. So what can be presented is the factor of parental intervention on divorce in Jatirogo Village, Bonang Subdistrict, Demak Regency as follows:

a. First Informant

The first informant is Mukayanah, the parents of Sunita, whose occupation is a farmer and housewife who is 53 years old. Researchers asked how the intervention factors carried out by parents in marriage led to divorce. As said by the first informant who said that:

¹² M N U R Kholis Al Amin-Nim, 'Tinjauan Hukum Islam Terhadap Campur Tangan Orang Tua Dalam Kehidupan Rumah Tangga Anak (Studi Lapangan Di Dusun Jeruklegi, Banguntapan, Bantul)' (UIN Sunan Kalijaga Yogyakarta, 2010).

¹³ Mohammad Dhiya Uddin, 'Bentuk Keterlibatan Orang Tua Dan Implikasinya Dalam Perkawinan Anak Perspektif Maqashid Syariah Jasser Auda: Studi Di Desa Denanyar Kecamatan Jombang Kabupaten Jombang' (Universitas Islam Negeri Maulana Malik Ibrahim, 2018).

¹⁴ Anwar.

¹⁵ Slamet Riyanto And Aglis Andhita Hatmawan, *Metode Riset Penelitian Kuantitatif Penelitian Di Bidang Manajemen, Teknik, Pendidikan Dan Eksperimen* (Deepublish, 2020). p. 43.

"Since the beginning, Sunita has lived in the same house because her parents did not allow her to live alone. On the other hand, I couldn't bear to allow her to live in a household without her parents, because I thought she had grown up, but the parents were still worried about the child's condition. It is true that they are always involved in their children's households, because initially they let them be very stupid. But because Sunita often cried because she was scolded by her husband, Sunita finally asked her husband for a divorce".¹⁶

From the results of Mukayanah's mother's answer, the researcher also asked the father of Mukayanah's husband named Marzuqi, 61 years old, his job is a farmer. Researchers asked about a father's response to his attitude towards the child's family. As said by this informant who said that:

"Personally, I agree with her mother that Sunita and her husband should stay at home. But I don't want to interfere too much in their household, because when a child grows up, everything changes. From mindset, behaviour, character. So let the child take care of his own household. But on the other hand, the mother is not an easy person to accept and people always have no heart for their own children. And I have tried to tell her not to interfere in the child's family matters but still, now in the end it has a bad impact on Sunita's family".¹⁷

Based on the opinion of Mr Marzuqi, his character is very opposite to his wife. Mr Marzuqi has tried but still. After getting information about Mrs Mukayanah's life with her son, the researcher asked about the reasons why she was told to divorce and could not be discussed properly.¹⁸

Based on the results of the interview by Mrs Mukayanah, the researcher obtained information that Mrs Mukayanah was too involved in her son's household problems and did not educate when her son was still not married. Finally, when married, a child is confused in maintaining his household properly.¹⁹

For the next informant, researchers sought information from Sunita, the 30-year-old daughter of Mrs Mukayanah who works as an elementary school teacher and has one son. This research asked the same question about the intervention of parents that resulted in divorce. As said by this informant who said that:

"Previously, I did not want parents to get involved in this problem, but maybe because the mother herself did not want and could not bear her child to cry. And the mother said it was true, that from

¹⁶ 19:00 on 15 June 2024 Interview with Ibu Mukayanah, 'No Title'.

¹⁷ 17:00 on 15 June 2024 Interview with Ms Sunita, 'No Title'.

¹⁸ 19:00 Interview with Mr Marzuqi on 15 June 2024, 'No Title'.

¹⁹ Interview Results with Mrs Mukayanah on 16 June .2024

childhood it was rarely told by parents. Even cooking was never done. The impact is now when the household is like this. The husband always comes home, but when he comes home he is always angry, because he himself cannot serve his own husband properly. Like preparing food and drinks. In the end, her mother told her to divorce her husband because he was too often angry without discussing it properly".²⁰

Based on the results of interviews with Mrs Sunita, the intervention of parents to Mrs Sunita is the decision-making by parents towards their children's households. until then the child really divorced her husband. In addition, parents cannot educate children properly, causing negative impacts when conducting households. The divorce that Mrs Sunita experienced for 3 years resulted in factors that were very harmful to her child. As said by this informant who said that:

"Previously, I never thought that this household could become like this. Honestly, at that time I didn't want to get a divorce but because the conditions at that time did not allow it, I finally agreed. But after a few months of divorce, there were some strange behaviours from my daughter because she was very worried and what she did was not just 1 week but continuously up to 1 month. And did not want to go home and once stayed overnight at her friend's house, rarely talking quietly when asked. Previously never did anything like that. After being asked, it turned out to be angry and said "why do you and mum and dad have to separate? And can't see each other every day, can't hang out together anymore". and it turns out things like that while crying. Finally know the reason why his behaviour is often strange these days".²¹

From the results of the interview with Mrs Sunita, the factor of her divorce was her own child named Khasna. The child is still traumatised because he has often seen his parents fight, so he finally did this thing that should not have been done. Parents should be able to be role models who are not done. Parents should be good role models for their children, because a harmonious family is a family that can maintain harmony and peace in the household.²² From the results of interviews with the first, second, third informants about the factors of divorce parental intervention that everyone has their own rights and obligations in the household. And two informants who have similar problems are the same, preferably when there are problems in the household, they should be resolved in a good way and consult with their husbands. The divorce factor of parental intervention is not prohibited for Islam, but if this does not cause negative factors for children in their domestic life. This seems

²⁰ Interview with Mrs Sunita on 17 June 2024.

²¹ Interview with Mrs Sunita on 17 June .2024

²² Interview with Mrs Sunita on 17 June .2024

to be the case with the divorce experienced by the informant. This kind of divorce is hated by Allah SWT and violates Islamic law.²³

From several factors of divorce cases of intervention against parents that occur in the community of Jatirogo Village, Bonang Subdistrict, Demak Regency, several things can be known, including:

1. Lack of parental acceptance of the economic income of his son-in-law Includes a greedy attitude towards children when economic income is less able to meet the needs of his child's family, as if a man demands to work even harder or even work beyond his ability so that when the expected standard income, then the in-laws patronise his son-in-law as if not accepting the efforts of his son-in-law, this can be a source of conflict that leads to divorce. Factors are indeed part of the breakdown of a household.²⁴
2. Parental intervention in their children's households is too interfering attitude of parents towards their children's home life can be a source of divorce, because a little or a lot of parental intervention can affect the mindset of their children if one day their children are experiencing conflict in the household. Because there are still many children who are married but still a little bit of mum, a little bit of dad, this attitude is actually not good because when there is a little problem with her husband, the original parents interfere. This is not the right solution but instead the child's household relationship. this factor underlies this intervention divorce case.²⁵
3. High egoism among parents, a selfish attitude can sometimes lead to conflict in the family, this happens in the life of households whose marriages lack the blessing of parents, marriage relationships such as very sad divorce, because of the idealistic attitude of parents in choosing a son-in-law, so that when their children get a partner who does not match the choice of parents, the parents will hate it. This is also the reason why divorces like the one experienced at the beginning of their marriage were not approved by their parents.²⁶

By looking at the data, there is a high rate of divorce initiation from the parents compared to divorce initiation from the children themselves. This is an indication that the parents compared to the divorce initiative on the part of the children themselves. This is an indication that parents have a high level of intervention that goes beyond the limit. The thing that has been mentioned is that some children whose early marriages were not approved by their parents, but finally they were matched by their parents who ordered them to divorce. This is quite noteworthy because in Jatirogo Village it is so easy to decide to divorce, if there are problems in the family even if it is trivial. Some people in Jatirogo Village believe that marriage is a sacred event, so those who are married should not be able to

²³ Interview with Mrs Dalip on 19 June 2024, 20:00.

²⁴ Interview with Mr Aziz (RT) on 15 June 2024, 'No Title'.

²⁵ Interview with Ibu Mukayanah on 20 June .2024

²⁶ Interview with Mrs Musyarofah, 10am on 21 June .2024

change their way of life outside of their parents' intervention. This means that those who are married cannot act or do as they please without permission from them.

Islamic Law Analysis of Divorce Intervention by Parents in Jatirogo Village, Bonang Subdistrict, Demak Regency

The scope of Islamic law used as a benchmark for the practice of divorce at the will of parents in the community of Jatirogo Village, Bonang Subdistrict, Demak Regency from the review of the arguments of the Qur'an, Hadith, the opinion of scholars as well as the practice of divorce by parental intervention carried out by the community in Jatirgo Village, Bonang Subdistrict, Demak Regency and according to the laws and regulations in force in Indonesia.

Islam teaches several legal principles that must be fulfilled in a marriage, and these legal principles according to Islam are the basis of marriage.²⁷ The reality of domestic life is that not all marriages can fulfil the principles that have been regulated in Islam so that the marriage cannot achieve its goals as expected divorce becomes the end. However, it is not uncommon for the parents of a husband or wife to order a divorce from him or her without any justifiable reason.²⁸

In essence, the position of parents is very important for children, from childhood to adulthood, even though parents are still obliged to take care of their children. There is no limit in Islamic law as to how long a parent, a child even if he is married, is still obliged to be devoted to his parents.

This obligation is not cancelled even though the child is married and has his own obligations, because the haq path to reach the pleasure of Allah SWT is obtained through the pleasure of parents. The obligation of a child is not cancelled if the child is married and has his own obligations towards his wife and children, but parents must understand when their children are married.²⁹ It is true that a child must always be devoted and respectful, it does not mean that they must always obey their parents' orders. Moreover, the child is already married, so as long as the order does not contain injustice, the child must obey and obey it.³⁰

The problem is that parents' orders when asked to divorce their wives have been in place for a long time. Therefore, the Imams have explained the solution to this problem. In the time of Imam Ahmad (second century) and the time of Shaykh al-Islam (seventh century), the issue was resolved and it was explained that it is not permissible to obey one's parents and divorce one's wife out of lust. Unless the wife is disobedient to the husband, commits wrongdoing, does not take care of her children, walks with other men, is not tabaruj, rarely prays, and when the husband

²⁷ Bakir, I. A., & Hafidz, M. (2022). Konsep Kafa'ah Sebagai Upaya Membangun Ketahanan Keluarga Dalam Membentengi Campur Tangan Orang Tua/Mertua. *Al-Adalah: Jurnal Syariah Dan Hukum Islam*, 7(2), 204-232.

²⁸ Rhodes, C. A. A. (2024). Latent Patterns Of Parent Home Practice And Their Associations With Predictors And Treatment Outcomes In A Preventive Parenting Intervention For Divorced And Separated Families (Doctoral Dissertation, Arizona State University).

²⁹ Solahudin, M. W. (2019). Analisis Putusan No. 1311/PDT. G/2018 Tentang Alasan Perceraian Akibat Intervensi Orang Tua (Penelitian Di PA Serang) (Doctoral Dissertation, UIN SMH BANTEN).

³⁰Subhan. Ulya Maulani, 'Perceraian Suami Istri Didasarkan Intervensi Orang Tua Perspektif Hukum Islam Di Desa Rowotengah Kecamatan Sumber Baru Kabupaten Jember', Skripsi, IAIN Jember, 2020

advises, and reminds but the wife remains nusyuz then the order to divorce must be obeyed.³¹

Some couples say that living in the same house with their parents is normal and not a problem, but for others it can cause problems that might threaten the integrity of the household. When two households are in the same house, there is a concern about avoiding the association that occurs between the child's family and the parent's family, in addition to the intervention of the parents.³²

In its definition, divorce is something that releases and removes the bond of marriage. Divorce by divorce will never occur if there has not been a marriage contract that results in the existence of a marriage rope. Someone other than the husband does not have the right to divorce a wife because he does not have a marital bond with the wife.³³

The scholars differ on the original ruling of divorce. Most of them state that divorce is forbidden, unless it is for a valid reason. According to them, divorce is kufr (disbelief), as it is forbidden to deny the favours of Allah. Therefore, it is not permissible to divorce except for an emergency. The emergency that allows divorce is a husband who doubts the cleanliness of his wife's behaviour or has lost the feeling of love between the two without these reasons divorce is kufr against the blessings of Allah.

The ruling on divorce, like many other issues, can shift to different rulings based on the different motives and circumstances of the marital parties.³⁴ Therefore, the law of divorce can differ according to the different *illat*, such as divorce becomes obligatory when imposed by law. Although it is permissible to divorce, Islam does not justify divorce that is carried out carelessly without any basis from the provisions of Islamic law.³⁵ One of them is the need for the presence of *hakam* who is a party to seek peace between the following husband and wife, this is as one of the words of Allah Surah An-Nisa Verse 35:

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِن يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

Meaning: And if you, the guardians of the husband and wife, become aware of a quarrel between them that may lead to divorce, then send to them a just mediator from the husband's family, and a just mediator from the wife's family, so that they may analyse it and reach a decision that is in the best interests of the couple. And because of the good intentions of the two arbitrators to make peace, and the use of kind words, Allah will guide the couple. Verily, Allah knows nothing of the affairs of His servants, and is attentive to what their souls conceal.

³¹ Rohaeni, H. (2024). Sistem Literature Review: Analisis Penyebab Cerai Gugat Pada Keluarga Muslim Di Indonesia Akibat KDRT. KRTA BHAYANGKARA, 18(2), p. 406-416.

³² Maulia. Maulia, Zikratul, 'Intervensi Orang Tua Terhadap Rumah Tangga Anak Menurut Tinjauan Hukum Keluarga Islam (Studi Kasus Di KUA Kec. Darussalam Kab. Aceh Besar)' (UIN Ar-Raniry, 2022)

³³ Praghlapati, A. (2020). The Impact Of Divorce In Indonesia: A Systematic Literature Review.

³⁴ Jumiati, J., Basri, R., Soemena, M. Y., & Naharuddin, S. R. (2024). The Lifestyle Of Wives And The Harmony Of Samawa Families In Bilalangnge Village: A Review From The Perspective Of Islamic Law. *Marital Journal: Islamic Family Law Studies*, 2(2), p. 92-104.

³⁵ Lestari. Febby Ayu, 'Tinjauan Hukum Islam Terhadap Perceraian Atas Kehendak Orang Tua (Studi Kasus Di Desa Pekalongan Kecamatan Pekalongan Kabupaten Lampung Timur)' (IAIN Metro, 2020)

This verse directs the husband and wife to reconcile through the appointment of two people. Indeed, an alternative is sometimes to divorce after two people conduct research and study of the problems of the two parties husband and wife.³⁶ But this is not a divorce as a term chosen from the agreement of two people.

In the interpretation of Imam Syafi'i that this verse implies the permissibility of reconciling the two parties but does not have the authority to tell them husband and wife to divorce. So if a husband and wife are in dispute while the husband or wife is not willing to give in so that the situation of dispute is allowed to prolong does not rule out the possibility of divorce and even cause hostility that causes mutual hatred and resentment, then an umpire should reconcile the two parties.³⁷

The function or task of the second is to investigate and seek the nature of the problem that has caused the dispute and then try to reconcile the husband and wife as much as possible. If it is not possible to reconcile then the second person has the right to take the initiative to divorce them. The latter submits the matter to the judge to decide and finalise the divorce.

From this explanation, the practice of divorce carried out by the Jatirogo Village community is not in accordance with sharia procedures, namely exceeding the limits of authority as hakam. This is after all the role is to create peace between the two husband and wife to make a conducive atmosphere to take all the efforts to improve that have returned to both husband and wife even though the end is divorce.

Some things that relate to parental intervention in children's households sometimes these interventions can provide assistance to children's families but can also create new problems for children's families. in this case it can be seen that the importance of the term sekufu in choosing a life partner. Because marriage is also not only a matter of mutual love but also harus can balance and unite two families who previously did not know each other so that they become a family when there is a marriage bond. In choosing a partner, one must be careful to consider this, but Islam teaches balance and compatibility. This is not an absolute thing but must also be considered so that a happy and lasting marriage can be achieved.

One of the narrations of Imam Ahmad, which 'Atha also relied on, and one of the opinions of Imam al-Shaafa'i, according to the hakiyat of al-Hasan and Abu Hanifah, states that the two men are the representatives of the husband and wife. In this position the two men are only to reconcile the husband and wife and not to divorce them except with the consent of the husband and wife. The reason for this is that the wife's honour belongs to the husband and the husband's property belongs to the wife, so the other party cannot do anything with them except with their permission.³⁸

³⁶ Chairul Daroji, (2024), Family Transformation Toward Sakinah: A Review of Tarekat Naqsabandiyah Khalidiyah Role In Darul Ulum Islamic Boarding School Turi Panekan Magetan, *Quru': Journal Of Family Law And Culture*, 2(2), 169-191. <https://doi.org/10.59698/quru.v2i2.192>

³⁷ Anik Mukhifah, 'Analisis Pendapat Imam Al-Syafi'i Tentang Hakam Tidak Memiliki Kewenangan Dalam Menceraikan Suami Istri Yang Sedang Berselisih' (Semarang: IAIN Walisongo, 2010).

³⁸ Amir Syarifuddin, 'Hukum Perkawinan Islam Di Indonesia: Antara Fiqh Munakahat Dan Undang-Undang Perkawinan', 2011.

According to the author, this divorce that occurred in Jatirogo Village, Bonang District, Demak Regency did not involve other people from the other family. This is a person who acts to adjudicate and decide a case without any deliberation between the two parties that divorce is the best way for both parties, even though the final result is divorce. So that in this case is an attempt to *islah*. According to article 39 of Law No. 1 of 1974 concerning marriage.³⁹ a) Divorce can only be carried out in front of a court session after the court concerned has tried and failed to reconcile the two parties. b) To carry out a divorce there must be sufficient reason that the husband wife will not live together as husband and wife. c) The procedure for divorce in front of a court session is regulated in its own laws and regulations.

Article 39 of Law No.1 of 1974 confirms that divorce can be carried out in court after the court concerned tries unsuccessfully to reconcile between the two parties, and to carry out divorce there must be sufficient reasons and can be used as a reasonable reason that the husband and wife do not wish to be together as husband and wife.⁴⁰ What is explained above divorce can occur between husband and wife. Divorce actually comes from a husband or wife who can no longer be intact in building a household. Of course there is no right for parents to order their children to divorce their husbands or wives because the right to the household is the husband and wife.⁴¹

In Jatirogo Village, the parents of one of the parties, either husband or wife, can influence their children to divorce. For the process of parents influencing their children, which often makes parents who cannot position well, so that their ego is compared to the benefit of their children's households.

If you look at the pillars and conditions of divorce, the divorce of parental intervention that occurs in Jatirogo Village is not valid, because there are conditions and pillars that are not fulfilled. The pillar of divorce is *qashdu*, which is the presence of intent in divorce.⁴² Meanwhile, the condition of divorce is self-will, namely the will of the husband to impose divorce and is imposed by his own choice, not forced by others.⁴³ Voluntary action is the basis of *taklif*. Therefore, people who are forced to do something in dropping divorce are not responsible for their actions. This is with the words of the Prophet Muhammad SAW:

عن ابن عباس رضي الله تعالى عنهما عن النبي صلى الله عليه وسلم قال : " إِنَّ اللَّهَ وَضَعَ عَنْ أُمَّتِي الْخَطَأَ وَالِتَّسْيَانَ وَمَا اسْتَكْبَرُوا عَلَيْهِ. (رواه ابن ماجه والحاكم)

³⁹ R Subekti And R Tjitrosudibio, 'Kitab Undang-Undang Hukum Perdata, Cetakan Ke-3', Jakarta. *Pradnya Paramita*, 2001.

⁴⁰ Praghlapati, A. (2020). The Impact Of Divorce In Indonesia: A Systematic Literature Review.

⁴¹ Latifah, L., & Ritonga, I. (2022). Difference Of Divorce Determination In Indonesia: A Study Systematic Literature Review. *Jurnal Biometrika Dan Kependudukan (Journal Of Biometrics And Population)*, 11(2), p. 223-235.

⁴² Musthaphar, N. F., & Ahmad, B. (2022). Isu-Isu Perhubungan Suami Isteri Dalam Keluarga Islam Di Malaysia: Analisis Literatur [Husband-Wife Relationship Issues In Muslim Families In Malaysia: A Literature Analysis]. *BITARA International Journal Of Civilizational Studies And Human Sciences (E-ISSN: 2600-9080)*, 5(1), p. 98-113.

⁴³ Widiastuti, I. (2021). The Impact Of Divorce On Children According To A Review Of Islamic Law. *Al-Qanun: Journal of Social Studies and Islamic Law*, 2(4), p. 263-275.

Meaning: From Ibn Abbas R.A. from the Prophet SAW. He said: Indeed Allah releases from my people the responsibility of error, forgetfulness and something that is forced upon him (H.R. Ibn Majah and Al-Hakim).

As for the coercion requirement, according to the divorce case of parental intervention in Jatirogo Village, it has fulfilled its own coercion. The terms of the compulsion, namely:

- a. The ability of a coercive person to realise his threat with pressure.
- b. The inability of the coerced person to resist the coercer by means of escape such as asking others for help.
- c. With coercion, if a person refuses the coerced action, something undesirable will happen. Coercion can take the form of threats some understanding according to character and action.

Thus the divorce of parental intervention in Jatirogo Village is fulfilling the pillars and conditions, so the divorce is essentially invalid. Therefore, parents should not intervene with married children in the breakdown of their household life.

Conclusion

Factors that influence parents to intervene in divorce are the inequality of life after marriage and the inability of the husband in the child's family, which causes several negatives, namely changing the mindset of the child, the attitude of trauma and mental weakness. In the end, a household relationship feels an inconvenience in interacting with each other, besides that disharmony in the family will be a big influence on the married couple, children and both parents. Intervention in the view of Islamic law is allowed as long as it does not contradict the teachings of Islam and does not contain injustice. And it is permissible to involve parents in household problems as peacemakers when there are problems, but married couples are encouraged to live in their own homes to avoid conflict. the divorce factor of parental intervention is not prohibited by Islamic law, if it causes bad factors such as divorce experienced by husband and wife households in Jatirogo Village, Bonang Subdistrict, Demak Regency, then the law is makruh and Islam really hates it.

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