



Dynamics of Divorce Suits and Their Implications for the Judicial System in the Sambas Religious Court, Indonesia–Malaysia Border Area

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Abstract: This research is motivated by the high number of divorce cases filed by wives against their husbands at the Sambas Religious Court, a socio-legal phenomenon indicating significant changes in contemporary Muslim family relations. This increase not only reflects internal household issues but also indicates a growing legal awareness among women in fighting for their rights. The research problem formulation includes the factors causing the increase in divorce cases and their implications for the judicial system, particularly regarding the functional relationship with the Sambas District Court. This study aims to comprehensively analyze the dynamics of divorce cases and assess their impact on the cross-jurisdictional judicial system. The method used is a normative-empirical (socio-legal) approach, with data collection techniques including observation, interviews, and analysis of case decisions. The results indicate that the dominant factors causing divorce cases include economic problems, domestic violence (KDRT), infidelity, and disharmony in marital relationships. Furthermore, this phenomenon has resulted in an increased caseload in the courts, a shift in public perception of the judiciary as a means of protecting women's rights, and the emergence of potential overlapping jurisdictions between the Religious Courts and the District Courts in derivative

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cases. This study concludes that strengthening mediation mechanisms, improving family development programs, and harmonizing the judicial system are necessary to ensure effective and integrated handling of family cases in Indonesia.

Keywords: Divorce litigation, Religious Courts, Judicial system, Islamic family law

Abstrak: Penelitian ini dilatarbelakangi oleh tingginya jumlah perkara cerai gugat yang diajukan oleh istri terhadap suami di Pengadilan Agama Sambas, yang merupakan fenomena sosio-yuridis yang menunjukkan adanya perubahan signifikan dalam relasi keluarga Muslim kontemporer. Peningkatan tersebut tidak hanya mencerminkan permasalahan internal rumah tangga, tetapi juga mengindikasikan meningkatnya kesadaran hukum perempuan dalam memperjuangkan hak-haknya. Rumusan masalah dalam penelitian ini meliputi faktor-faktor yang menyebabkan meningkatnya perkara cerai gugat serta implikasinya terhadap sistem peradilan, khususnya terkait hubungan fungsional dengan Pengadilan Negeri Sambas. Penelitian ini bertujuan untuk menganalisis secara komprehensif dinamika perkara cerai gugat dan menilai dampaknya terhadap sistem peradilan lintas yurisdiksi. Metode yang digunakan adalah pendekatan normatif-empiris (socio-legal), dengan teknik pengumpulan data berupa observasi, wawancara, dan analisis terhadap putusan perkara. Hasil penelitian menunjukkan bahwa faktor-faktor dominan yang menyebabkan terjadinya cerai gugat meliputi permasalahan ekonomi, kekerasan dalam rumah tangga (KDRT), perselingkuhan, serta disharmoni dalam hubungan perkawinan. Selain itu, fenomena ini berdampak pada meningkatnya beban perkara di pengadilan, terjadinya pergeseran persepsi masyarakat terhadap lembaga peradilan sebagai sarana perlindungan hak-hak perempuan, serta munculnya potensi tumpang tindih kewenangan antara Pengadilan Agama dan Pengadilan Negeri dalam perkara-perkara turunan. Penelitian ini menyimpulkan bahwa penguatan mekanisme mediasi, peningkatan program pembinaan keluarga, serta harmonisasi sistem peradilan diperlukan untuk menjamin penanganan perkara keluarga yang efektif dan terintegrasi di Indonesia.

Kata kunci: Cerai gugat, Pengadilan Agama, Sistem peradilan, Hukum keluarga Islam

Introduction

The increasing number of divorce cases filed by wives in Indonesia in recent years demonstrates increasingly complex socio-legal dynamics, particularly in the context of Islamic family law. According to data from the Central Statistics Agency (BPS), the divorce rate in Indonesia will reach 438,168 cases in 2025, an increase of approximately 10% compared to 2024. Of these, the majority are

divorce cases filed by wives, amounting to 346,516 cases (79%), while divorces by divorce (talak) filed by husbands totaled 91,652 cases (21%). The main factors causing divorce are persistent disputes (62.28%), followed by economic problems (25.26%), and domestic violence (KDRT) N¹.

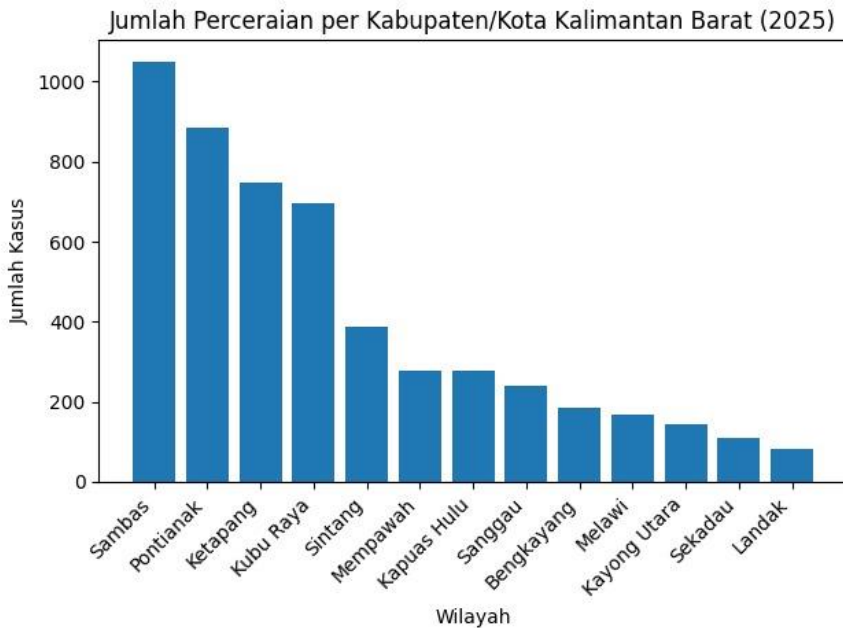
In Sambas Regency, this trend appears quite significant and has attracted serious attention from both academics and legal practitioners. Based on the case trends at the Sambas Religious Court between 2024 and 2026, divorces by petition dominate over divorces by divorce, with a trend that continues to increase annually. While exact figures fluctuate, annual court reports indicate that the majority of divorce cases originate from wives, reflecting changing relationship patterns in contemporary Muslim households.

The divorce rate in Sambas Regency has fluctuated but has tended to increase in recent years. In fact, in the first quarter of 2026 alone, the number of divorce cases reached 660, indicating the potential for significant growth until the end of the year. According to data from the Sambas Class IA Religious Court, 875 divorce cases were recorded in 2021. This figure then increased to 1,078 cases in 2022, before declining to 887 cases in 2023. Despite the initial decline, the divorce trend has increased again in subsequent years. In 2024, the number of divorce cases was recorded at 946, and increased again in 2025 to 1,051 cases. Meanwhile, in the first quarter of 2026, the divorce rate had reached 660 cases, indicating a continuing upward trend² According to Muhammadiyah, the clerk of the Sambas Class IA Religious Court (PA), there is a phenomenon in Sambas Regency where divorce filings at the Sambas Religious Court increase after Eid al-Fitr. For example, according to data from officials, as of March 30, 2026, more than 40 parties had requested information from the Sambas Religious Court regarding the requirements for filing a divorce case³.

¹ BPS, 2026. "Nikah Dan Cerai Menurut Provinsi (Kejadian)." Badan Pusat Statistik Nasional, 2026. <https://www.bps.go.id/id/statistics-table/3/VkhwVUszTXJPVmQ2ZFRKamNIZG9RMVo2VEdsbVVUMDkjMw==/nikah-dan-cerai-menurut-provinsi.html>.

² (Fahrozi PP, 2026). Fahrozi PP. "Angka Perceraian Di Sambas Capai 660 Kasus Dalam 3 Bulan Selama 2026, Pengadilan Agama: Ada Fenomena Bercerai Usai Lebaran." Pontianak Post, 2026. https://pontianakpost.jawapos.com/sambas/2604110054/angka-perceraian-di-sambas-capai-660-kasus-dalam-3-bulan-selama-2026-pengadilan-agama-ada-fenomena-bercerai-usai-lebaran#goog_rewarded.

³ Muhammadiyah, "Wawancara Panitera PA Kelas IA Sambas," 2026.

Table 1. Number of Divorces per Regency/City in Kalimantan Barat Tahun 2025

The graph of the number of divorces per district/city in West Kalimantan in 2025 shows quite significant differences between regions. Sambas Regency recorded the highest divorce rate, around 1,050 cases, followed by Pontianak (± 890 cases), Ketapang (± 750 cases), and Kubu Raya (± 700 cases). Conversely, Landak had the lowest divorce rate, around 85 cases, followed by Sekadau and Kayong Utara. These differences indicate variations in social, economic, and cultural factors in people's household life. This data is important as a basis for evaluating family policies and divorce prevention in West Kalimantan.

In general, the graph shows that Sambas has the highest divorce rate, making it a potential focus for further study on the factors causing divorce, such as economic factors, domestic disputes, early marriage, labor migration, and the influence of digital media on family harmony. However, to draw valid academic conclusions, this data needs to be compared with the population and marriage rates in each region for a more proportional analysis.

Furthermore, based on overall data from the last five years, the most dominant type of divorce is contested divorce, namely divorce filed by the wife. This trend has been evident in the last three years. In 2023, the number of contested divorces reached 798 cases, significantly higher than the 89 cases of

divorce by divorcee. A similar trend also occurred in 2024, with 849 contested divorces recorded, compared to 97 cases of divorces by divorcee. In 2025, the dominance of contested divorces further strengthened, with 921 cases, while 130 cases of divorce by divorcee. This data indicates that contested divorce is the most significant form of divorce in Sambas Regency, reflecting the changing dynamics of household relations in society.

This increase in divorce cases cannot be separated from the paradigm shift in women's understanding of their position and rights within marriage. Women today tend to be more aware of their legal rights, both those derived from Islamic law and positive law in Indonesia⁴. This awareness is supported by broader access to information, higher education, and the courage to leave unhealthy marital relationships. In this context, divorce is no longer viewed as merely shameful, but as a legal mechanism for obtaining justice and protection.

As the institution authorized to handle marriage cases for Muslims, the Religious Court plays a strategic role in responding to this phenomenon. Through its authority, the Religious Court functions not only as an adjudicator but also as a mediator in resolving family conflicts⁵. The high divorce rate in Sambas is an important indicator of the effectiveness of this institution in handling family issues. Furthermore, this phenomenon also has an indirect relationship with the District Court within the national legal system, particularly in derivative cases such as joint property disputes, child custody, and other civil matters that potentially involve jurisdictions across judicial institutions.

The following previous research relevant to the themes of divorce litigation, Islamic family law, and divorce dynamics) that can be used as a basis for studies related to Indonesia's reputation for divorce litigation is very limited, so some studies use a substantively relevant socio-legal approach. First, research conducted by Sujatha Giridhar Elisetty entitled "Research trends on the

⁴ Fadilla Syahriani and Navisa Latifa Auliya, "The Position of Women Witnesses in Islamic Law: An Analysis of Women's Contribution to the Judicial Process in Indonesia," *USRATY: Journal of Islamic Family Law* 2, no. 2 (2024): 113–23, doi:10.30983/usraty.v2i2.8708.

⁵ Putra Pandu Dinata Nurdiansyah et al., "Reconstructing Mediation Regulation in Contemporary Islamic Family Disputes: Reform Urgency in Indonesian Religious Courts," *Legitima: Jurnal Hukum Keluarga Islam* 7, no. 2 (2025): 53, doi:10.33367/2kf5f656.

intricate dimensions of divorce among women: A bibliometric analysis."⁶. This study explains that the increase in divorce is due to social and economic changes and women's empowerment. Furthermore, the impact of divorce is significant on women's social, economic, and psychological aspects. This demonstrates a global trend of increasing female agency in divorce. The second study by Hidayati is entitled "The Sociological-Legal Aspect Review of Divorce in the Era of Spectator Society."⁷. This study explains divorce (including litigation) from a social and legal perspective. It demonstrates that modern social factors (media, changing values) influence the high divorce rate. It confirms the existence of gender stigma against women after divorce. The third study by Sujana Dutta is entitled "Disentangling Societal Inequality from Model Biases: Gender Inequality in Divorce Court Proceedings."⁸. This study explains gender inequality in the divorce process. It shows the increasing number of women challenging the patriarchal system through divorce lawsuits. It links divorce to issues of domestic violence and structural injustice. The fourth study by Lisnawati, entitled "Modernizing Divorce in Courts: How to Realize Justice in Diverse Geographical Conditions?"⁹. The findings show that divorce in court in its implementation causes injustice, especially in Central Kalimantan Province, due to geographical conditions that make it difficult for people to access the courts.

Based on this background, this study formulates three main problems: the factors causing the high number of divorce lawsuits by wives at the Sambas Religious Court, the social and legal dynamics behind it, and its implications for the judicial system, particularly the Sambas Religious Court. This study aims to identify the factors causing divorce lawsuits, both internal and external,

⁶ Sujatha Giridhar Elisetty and Ravi Shanker Datti, "Research Trends on the Intricate Dimensions of Divorce among Women: A Bibliometric Analysis," *Women's Studies International Forum* 108 (2025): 103028, doi:10.1016/j.wsif.2024.103028.

⁷ Hidayati Hidayati, Herza Herza, and Aimie Sulaiman, "Tinjauan Aspek Sosiologis-Yuridis Cerai Gugat Di Era Masyarakat Tontonan," *Journal of Political Issues* 5, no. 2 (January 31, 2024): 124-33, doi:10.33019/jpi.v5i2.154.

⁸ Sujana Dutta et al., "Disentangling Societal Inequality from Model Biases: Gender Inequality in Divorce Court Proceedings," *IJCAI International Joint Conference on Artificial Intelligence 2023-August* (2023): 5959-67, doi:10.24963/ijcai.2023/661.

⁹ Lisnawati Lisnawati, Sabarudin Ahmad, and Bariah Safrut, "Modernizing Divorce in Courts: How to Realize Justice in Diverse Geographical Conditions?," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (2024): 367, doi:10.31958/juris.v23i2.11836.

analyze the development of Islamic family law related to the changing role of women, and assess its impact on the judicial system at large. Theoretically, this study is expected to contribute to the development of Islamic family law studies based on a socio-legal approach and enrich the literature on divorce in Indonesia. Practically, the results of this study can serve as evaluation material for judicial institutions in formulating more responsive policies, and serve as a reference for policymakers in designing preventive programs such as premarital counseling and strengthening family mediation to reduce the divorce rate.

Method

This research employs a normative-empirical method with a socio-legal approach, integrating analysis of applicable legal norms with empirical realities on the ground. This approach allows researchers to not only examine normative provisions contained in laws and regulations, such as Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019, and the Compilation of Islamic Law (KHI), but also understand their implementation and dynamics in religious court practice. The research location focused on the Sambas Religious Court as the primary locus of research, considering that this institution handles various divorce cases and has direct relevance to the study's objective, regarding the systemic implications of divorce on religious court practice. This location was chosen based on the high divorce rate and the availability of data relevant to the research focus.

The data sources in this study consist of primary and secondary data. Primary data were obtained through in-depth interviews with informants selected using purposive sampling, which involves selecting informants based on specific criteria, who are deemed to have knowledge, experience, and direct involvement with the research object. Informants in this study included judges, court clerks, and related parties within the Sambas Religious Court who possess the competence and experience in handling divorce cases. Meanwhile, secondary data was obtained from divorce case decision documents, laws and regulations, academic literature, scientific books, previous research results, and journals relevant to the research theme.

Data collection techniques were conducted through several stages in depth interviews, documentation studies, and limited observations where possible. Interviews were conducted semi structured to obtain comprehensive

information regarding divorce case handling practices, while documentation studies were used to examine relevant court decisions and regulations for data triangulation. The data obtained were then analyzed qualitatively using descriptive-analytical techniques through several systematic stages: data reduction, data presentation, and conclusion drawing. During the analysis process, the researcher employed data coding techniques (coding analysis), including open coding, axial coding, and selective coding. Open coding was conducted by identifying initial themes emerging from interviews and documents. Axial coding was used to connect data categories based on specific relationship patterns. Selective coding was used to formulate the research's main findings related to the systemic implications of divorce on religious court practices.

To maintain the validity and credibility of the data, this study employed source triangulation techniques, comparing interview results, decision documents, and relevant legal literature. Furthermore, this study adhered to ethical research considerations, including obtaining informed consent, maintaining the confidentiality of informants' identities, using data solely for academic purposes, and ensuring that the research process would not negatively impact any parties involved. Therefore, the research is expected to uphold the principles of objectivity, academic integrity, and protection of research subjects. The research conclusions were drawn inductively, based on empirical patterns found in the field, which were then formulated into conceptual findings that can explain the relationship between legal norms and their implementation in religious court practice.

Result and Discussion

The High Number of Divorce Cases at the Sambas Religious Court

The high number of divorce cases filed by petition at the Sambas Religious Court is not merely a statistical phenomenon but also reflects social, economic, and legal awareness changes in the community, particularly among women. In recent years, divorce cases in this region have shown a fluctuating but increasing trend, with a significant predominance of divorce cases filed by petition over divorce by divorce. This indicates a shift in patterns of household relations and family conflict resolution mechanisms within the community.

Based on case data at the Sambas Religious Court, the number of divorces from 2021 to 2026 experienced significant dynamics. In 2021, 875 divorce cases were recorded. This figure then increased sharply in 2022 to 1,078 cases. However, in 2023, there was a decline to 887 cases. This decline was short-lived, as the number of cases rose again to 946 in 2024, and again to 1,051 in 2025. Meanwhile, in the first quarter of 2026 alone, the number of divorces reached 660 cases, indicating that by the end of the year, this figure will likely surpass previous years.

Table 2. Divorce Rate at Sambas Religious Court (2023-2026)

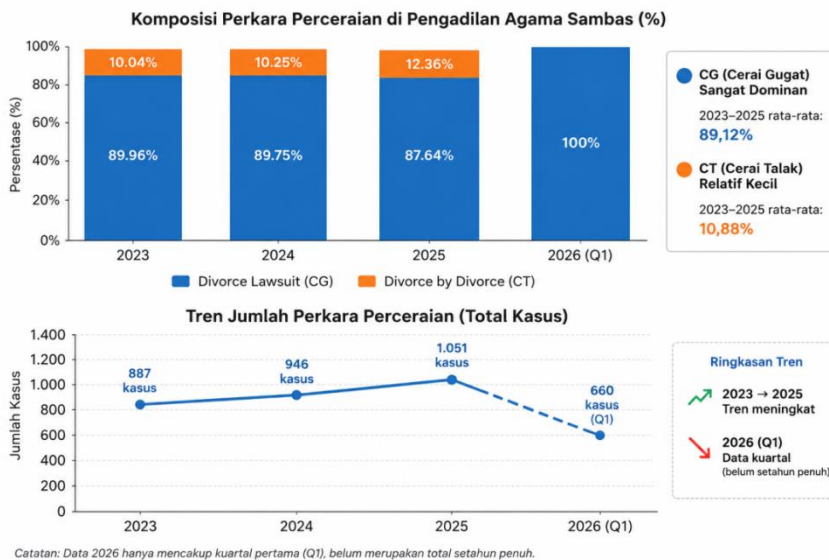
Year	Number of Divorces	Divorce Lawsuit (CG)	Divorce by Divorce (CT)	Information
2023	887 cases	798 cases	89 cases	CG is very dominant
2024	946 cases	849 cases	97 cases	The trend is increasing again
2025	1,051 cases	921 cases	130 cases	CG continues to dominate
2026	660 cases	-	-	Quarterly data (not yet full year)

Description : This table results processed researchers from the data on Divorce Rates at the Sambas Religious Court (2023-2026) which is sourced from from Sambas Religious Court.

The dynamics of the divorce rate at the Sambas Religious Court show a fluctuating pattern with a long-term upward trend. This phenomenon can be interpreted as an indication of the increasing complexity of family issues in society, related to economic factors, interpersonal conflict, domestic violence, changes in social values, and the influence of digital technology developments on marital relations. Sociologically, the increase in the divorce rate may also indicate a growing public awareness of the legal need to resolve domestic conflicts through formal court channels. From the perspective of Islamic family law, this situation presents a challenge for the religious courts, which must function not only as a dispute resolution institution but also as a mediator in maintaining household continuity through optimizing mediation and a family-oriented approach. Therefore, the increasing divorce trend in Sambas needs to be understood multidimensionally, taking into account the normative, social, economic, and cultural aspects of the local community.

The dominance of lawsuits for divorce at the Sambas Religious Court is quite significant, with the number consistently far higher than that of divorces by divorce, even reaching over 80% of the total in some years. This reflects a significant shift in the position and role of women within the household, particularly in their courage and awareness to pursue their rights through legal channels. On the other hand, the divorce trend shows a fluctuating pattern but tends to increase. Despite a decline in 2023, the divorce rate has risen again in subsequent years, indicating that the factors causing divorce have not yet been structurally resolved. Furthermore, there is potential for a significant spike in 2026, given that the number of divorces reached 660 in the first quarter alone. If this trend continues, the total divorce rate for that year is expected to surpass the previous year's figure.

Table 3. Composition of Divorce Cases at the Sambas Religious Court (%)



Description: This table is the result of data processing from the Composition of Divorce Cases at the Sambas Religious Court (%) data sourced from the Sambas Religious Court.

A closer look reveals that of all divorce cases, the most dominant type is divorce filed by the wife. In 2023, the number of divorces by petition reached 798, while divorces by divorce were only 89. This comparison indicates that more than 85% of divorces were divorces by petition. In 2024, this trend strengthened, with 849 divorces by petition compared to 97 divorces by divorce.

Similarly, in 2025, divorces by petition reached 921, while divorces by divorce were only 130. This data confirms that the dominance of divorce by petition is not just a fleeting phenomenon, but has become a consistent pattern over the past few years.

This high rate of divorce proceedings indicates a significant change in the structure of household relations in Sambas society. Traditionally, divorce was more often initiated by the husband through a divorce decree (*talak*)¹⁰. However, in the current context, women are no longer passive in facing domestic conflict. Instead, they are increasingly active in exercising their legal rights to end marriages deemed no longer fulfilling the goals of *sakinah*, *mawaddah*, and *rahmah*. This phenomenon demonstrates women's increasing legal awareness and courage to seek justice through the courts.

Furthermore, the increasing trend in divorce cases is also influenced by various structural and cultural factors. Structurally, access to judicial institutions has become more open, both in terms of costs, procedures, and information. Legal aid programs and administrative streamlining in courts have also encouraged people, especially women, to file for divorce¹¹. From a cultural perspective, there has been a shift in values in society, with divorce increasingly accepted as a solution to prolonged marital conflict, rather than maintaining an inharmonious marriage.

A comparison between divorce by petition and divorce by *talaq* (religious divorce) also provides a clear picture of this dynamic. Divorces by *talaq* (religious divorce) filed by husbands tend to be fewer and relatively stable compared to divorces by petition. This indicates that the divorce initiative is more often initiated by the wife. This difference can be understood in the context of increasing demands for quality marital relationships. Women today demand not only economic needs but also emotional and psychological needs

¹⁰ Fathima Sherin Ottakkam Thodukayil, Udhayakumar Palaniswamy, and Aswathy Kunjumon, "The Causes of Divorce and Its Effects on Women: A Systematic Review," *Marriage & Family Review* 62, no. 2 (2026): 59-94, doi:10.1080/01494929.2025.2484781.

¹¹ Bram Hogendoorn and Lonneke van den Berg, "The Educational Diffusion of Divorce: The Role of Gender and Context," *Journal of Marriage and Family* 86, no. 3 (2024): 738-61, doi:10.1111/jomf.12980.

and protection from violence¹². When these demands are not met, divorce is considered a rational option.

On the other hand, the dominance of contested divorce also reflects fundamental problems within the family institution, such as role imbalance, lack of husband responsibility, and unresolved conflicts. This demonstrates that divorce is not solely an individual issue but is also linked to broader social conditions. Therefore, a comprehensive analysis of the dynamics of contested divorce requires consideration of the various underlying factors.

Overall, the high rate of divorce cases filed by petition at the Sambas Religious Court shows a consistent upward trend and a strong dominance over divorces by talaq (religious divorce). This phenomenon reflects changes in legal awareness, gender relations, and social values within the community. Thus, divorce can be understood not only as a legal phenomenon but also as an indicator of significant social change in the lives of Muslim families in the region.

Multidimensional Analysis of Factors Causing Divorce Lawsuits

The high divorce rate in the Sambas Religious Court cannot be explained by a single factor, but rather is the result of a complex interaction between economic, social, psychological, and legal aspects. Causally, economic pressures often trigger domestic conflict, which is then exacerbated by poor communication, domestic violence, or emotional disharmony, leading to divorce. The predominance of divorces initiated by wives can also be analyzed through the theories of gender awareness and legal awareness, where women increasingly understand their rights and have the legal courage to end marital relationships that are deemed no longer providing justice and the family's well-being.

¹² Chindya Puspa Devi and Aminuddin Aminuddin, "Maqāṣid Al-Syarī'Ah Sebagai Basis Perlindungan Perempuan Dari Kekerasan," *SANGAJI: Jurnal Pemikiran Syariah Dan Hukum* 9, no. 2 (2025): 185-95, doi:10.52266/sangaji.v9i2.5357.

Table 4. Factors Causing Divorce to be Filed at the Sambas Religious Court

No	Causative factor	Description	Impact on Households
1	Economy	Husband's inability to provide for his family, not having a permanent job, or insufficient income	Causes prolonged conflict and family instability
2	Domestic Violence (KDRT)	Physical, psychological, verbal and economic violence experienced by wives	Insecurity, trauma, and a strong urge to end the marriage
3	Affair	Violation of commitment and trust by husband towards wife	Relationship breakdown, loss of trust, and serious conflict
4	Lack of Husband's Responsibility	Not fulfilling the role of head of the family, such as leaving the family or neglecting emotional needs	Role imbalance and double burden on wives
5	Social Change and Women's Legal Awareness	Increased education, access to information, and understanding of women's legal rights	Encourage the wife's courage to file for divorce as a form of self-protection

Description : This table results processed researchers Factor Reason Divorced The lawsuit at the Sambas Religious Court is based on from Sambas Religious Court .

The factors causing divorce litigation as seen in the table are fundamentally interrelated and cannot be understood in isolation, but rather form a complex whole within household dynamics. The increasing prevalence of divorce litigation also reflects a shift in the structure of gender relations, where women increasingly have an equal position and are empowered to make legal decisions. Furthermore, external factors such as social change and increased legal awareness also reinforce internal factors, encouraging wives to file for divorce when facing domestic injustice.

The first and most dominant factor is economic issues, particularly the husband's inability to fulfill his obligation to provide for his wife and family. From the perspective of Islamic family law, providing for the husband is a primary and imperative obligation¹³. When these obligations are not met, it can be a legitimate reason for a wife to file for divorce. In Sambas, many cases show that husbands lack permanent employment, have insufficient income, or even provide no support at all. This situation is exacerbated by increasing living costs

¹³ Selinah Selinah, Hairunnas Hairunnas, and Tohirin Tohirin, "Analysis Of Family Issues From A Psychological Perspective As An Effort To Reconstruct Islamic Family Law In Indonesia," *Hukum Islam* 25, no. 1 (2025), doi:10.24014/hi.v25i1.37554.

and family economic pressures, ultimately leading to prolonged conflict. In situations like this, wives are often in a difficult position, so divorce is seen as a way out to avoid unfair economic burdens.

Besides economic factors, domestic violence (DV) is also a significant cause of the increase in divorce cases. Domestic violence encompasses not only physical violence but also psychological, verbal, and even economic abuse¹⁴. Many wives file for divorce because they can no longer endure stressful and violent relationships. In the context of Indonesian positive law, domestic violence is a serious offense protected by law, thus providing a strong legal basis for wives to file for divorce¹⁵. On the other hand, from the perspective of Islamic law, unjust treatment of a partner is also a justifiable reason to end a marriage¹⁶. Therefore, women's increasing awareness of their rights, including the right to be free from violence, has contributed to the high divorce rate.

The next factor is infidelity by the husband. Infidelity is a violation of marital commitment and trust, which often leads to serious conflict in the household¹⁷. In many cases at the Sambas Religious Court, infidelity is the primary trigger for divorce, as it is difficult to repair a relationship damaged by a loss of trust. Furthermore, infidelity is often associated with other factors, such as a husband's lack of responsibility, neglect of the family, and emotional instability in the household.

A husband's lack of responsibility is also a significant factor driving divorce. Responsibilities within the household extend beyond economic aspects to the role of head of the family, providing protection, care, and guidance to his wife and children¹⁸. In practice, many husbands fail to fulfill this role

¹⁴ Amandine Dziewa and Fabienne Glowacz, "Getting out from Intimate Partner Violence: Dynamics and Processes. A Qualitative Analysis of Female and Male Victims' Narratives," *Journal of Family Violence* 37, no. 4 (2022): 643–56, doi:10.1007/s10896-020-00245-2.

¹⁵ Datuk Muhammad Haidir Ali and Rasdi, "Perlindungan Hukum Terhadap Istri Korban KDRT Di Kota Semarang," *Bookchapter Hukum Dan Lingkungan* 2 (2025): 162–88, <https://bookchapter.unnes.ac.id/index.php/hk/article/view/482>.

¹⁶ Busriyanti et al., "Marriage Law Reform in Indonesia A Maqasid Al-Ushrah Perspective on Legal Adaptation," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 631–49, doi:10.29240/JHI.V10I2.12739.

¹⁷ Salami Mahmud et al., "Moral Education in the Family and the Phenomenon of Infidelity," *Tafkir: Interdisciplinary Journal of Islamic Education* 5, no. 3 (2024): 400–413, doi:10.31538/tijie.v5i3.1111.

¹⁸ Fatum Abubakar, Mazroatus Saadah, and Ulin Na'mah, "The Transformation of the Dilemma of Role Exchange in the Household: Analyzed Gender in Family Resilience

optimally, such as leaving the family without a word, ignoring their emotional needs, or failing to participate in childcare. This situation creates an imbalance in household relationships, with wives having to bear a double burden. As a result, wives feel they are not receiving their full rights, and they choose to end their marriage through legal channels.

In addition to these internal factors, social change and increased legal awareness among women are also significant external factors. In recent decades, there has been a significant shift in women's position in society, including within the family context. Women now have broader access to education, information, and employment opportunities, ultimately increasing their independence and bargaining power within the household¹⁹. Awareness of legal rights, both those derived from Islamic law and positive law, makes women more willing to take legal action when experiencing marital injustice.

This social change is also supported by easier access to judicial institutions, including Religious Courts. Simplified procedures, relatively affordable fees, and the availability of legal aid for the less fortunate are factors driving the increase in the number of divorce cases²⁰. Furthermore, the diminishing social stigma surrounding divorce has also made women feel less compelled to maintain dysfunctional marriages. In this context, divorce is seen as a rational solution to end protracted conflict.

Overall, the factors causing divorce litigation at the Sambas Religious Court are the result of an interaction between various interrelated factors. Economic factors, domestic violence, infidelity, and a lack of husbandly responsibility are internal factors that directly trigger conflict in the household. Meanwhile, social change and women's increasing legal awareness are external factors that strengthen the tendency to file for divorce litigation. Therefore, this phenomenon cannot be viewed in isolation but must be understood as part of

Discourse in National Law and Islamic Law," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023): 1, doi:10.30984/jis.v21i1.1864.

¹⁹ Alfonso Munte and Monica Monica, "Bargaining Power, Economic Independence, Decision Making: Case Study Of Women Informal Workers Through Philosopher John Stuart Mill," *Al-Qalam* 29, no. 2 (November 28, 2023): 231, doi:10.31969/alq.v29i2.1304.

²⁰ Kuni Faizah, Hari Widiyanto, and M. Mustahal, "Peran Pos Bantuan Hukum (POSBAKUM) Dalam Penanganan Perkara Perceraian Bagi Masyarakat Tidak Mampu Di Peradilan Agama," *Kartika: Jurnal Studi Keislaman* 5, no. 2 (August 19, 2025): 1112–24, doi:10.59240/KJSK.V5I2.334.

a broader socio-legal dynamic. Therefore, efforts to reduce the number of divorce litigation require a comprehensive approach through preventive, educational, and structural approaches, both by the judicial institution and by society as a whole.

Islamic Legal Perspective, Juridical Analysis, and Implications for the Judicial System

The high divorce rate in the Sambas Religious Court needs to be analyzed from an Islamic legal perspective and a juridical approach to understand its impact on the judicial system as a whole. Under Islamic law, divorce (*ṭalāq* or *khulu'*) is essentially permitted as a last resort (*ultima ratio*) when the goal of marriage to create a harmonious, loving, and compassionate family is no longer achieved. However, the increasing number of divorce cases indicates increasingly complex derivative issues, such as child custody disputes (*ḥaḍānah*), division of joint property (*gono-gini*), neglect of alimony, domestic violence, and post-divorce civil administration disputes.

Legally, the divorce issue also raises the potential for a misalignment of authority between the Religious Court (PA) and the District Court (PN), particularly in multifaceted cases. For example, the Religious Court (PA) has the authority to resolve divorce cases for Muslims based on the Religious Courts Law and the Compilation of Islamic Law, while cases of domestic violence, criminal disputes, or certain civil rights conflicts may fall under the jurisdiction of the District Court (PN). This lack of synchronization sometimes leads to overlapping handling, differing decisions, or delays in case resolution, which impacts legal certainty for the parties.

From an administrative perspective, the increase in divorces has led to an increased caseload, the need for mediation, renewal of civil documents, and the management of post-divorce rights such as child support and custody. Meanwhile, from a legal perspective, this situation calls for regulatory harmonization, strengthened coordination across judicial institutions, and optimized mediation functions to ensure more effective, equitable, and beneficial family dispute resolution for the public.

Discussions on Islamic legal perspectives, juridical analysis, and implications for the judicial system can be supported by the integration of several key theories. In Islamic law, the theory of *maqashid al-shari'ah*, developed

by Abu Hamid al-Ghazali and Abu Ishaq al-Shatibi, serves as an important basis for assessing whether a decision has safeguarded the public interest, such as protecting religion, life, intellect, descendants, and property²¹. This is reinforced by the theory of *maslahah mursalah*, which emphasizes that law must be oriented towards social benefit. From a juridical perspective, Gustav Radbruch's theory of legal certainty and John Rawls' theory of justice are used to assess the consistency and substantive justice of judges' decisions²². Meanwhile, Satjipto Rahardjo's progressive legal theory provides a more humanistic and contextual approach to judicial practice²³. To see the implications as a whole, Lawrence M. Friedman's legal system theory explains the relationship between the structure, substance, and culture of law²⁴. Thus, the combination of these theories produces a comprehensive analysis, encompassing normative, legal, and sociological aspects of the justice system.

The phenomenon of the high number of divorce cases in the Sambas Religious Court cannot only be analyzed from a sociological perspective, but also requires in-depth study from an Islamic legal perspective and juridical analysis within the framework of positive law in Indonesia. In Islam, divorce, also known as *khulu'* (divorce with the return of a dowry/ransom), is permitted when a wife is no longer able to live with her husband for sharia-compliant reasons (violence, lack of support, husband's wrongdoing)²⁵. The main evidence comes from the Koran and the Hadith of the Prophet, which emphasize justice and the protection of women's rights. Following the word of Allah SWT in QS. Al-Baqarah : 229:

²¹ Ahmad Imam Mawardi, *Fiqh Minoritas Fiqh Al-Aqaliyat Dan Evolusi Maqashid Al-Syariah Dari Konsep Ke Pendekatan* (Yogyakarta: LKIS PELANGI AKSARA, 2010).

²² Karman Karman et al., "Studi Tentang Konfrontasi Antara Gagasan Keadilan Dan Kepastian Hukum Dalam Filsafat Hukum," *Iuris Studia: Jurnal Kajian Hukum* 6, no. 3 (November 26, 2025): 751-60, doi:10.55357/IS.V6I3.1051.

²³ Darlipius Buulolo and Padrisan Jamba, "Relevansi Teori Hukum Progresif Dalam Upaya Reformasi Sistem Peradilan Pidana Di Indonesia," *Legalite : Jurnal Perundang Undangan Dan Hukum Pidana Islam* 11, no. 1 (March 12, 2026): 181-96, doi:10.32505/LEGALITE.V11I1.13958.

²⁴ Izzy Al Kautsar and Danang Wahyu Muhammad, "Sistem Hukum Modern Lawrence M. Friedman: Budaya Hukum Dan Perubahan Sosial Masyarakat Dari Industrial Ke Digital," *SAPIENTIA ET VIRTUS* 7, no. 2 (October 4, 2022): 84-99, doi:10.37477/sev.v7i2.358.

²⁵ Wahbah az-Zuhaili, *Fiqh Islam Wa Adilatuhi Jilid 9 Pemikahan; Talak; Khuluu'; Illaa'; Li' aan; Zhihar; Masa Iddah* (Depok: Gema Insani, 2021).

الطَّلَاقِ مَرَّتَيْنِ ۖ فَاِمْسَاكُ بِمَعْرُوفٍ اَوْ تَسْرِيْحُ بِاِحْسَانٍ ۗ وَلَا يَحِلُّ لَكُمْ اَنْ تَاْخُذُوْا بِمَا اَتَيْتُمُوْهُنَّ
 شَيْئًا اِلَّا اَنْ يَخَافَاْ اَلَّا يُقِيْمَا حُدُوْدَ اللّٰهِ ۗ فَاِنْ خِفْتُمْ اَلَّا يُقِيْمَا حُدُوْدَ اللّٰهِ ۗ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا
 افْتَدَتْ بِهٖ تِلْكَ حُدُوْدَ اللّٰهِ ۗ فَلَا تَعْتَدُوْهَا ۗ وَمَنْ يَتَعَدَّ حُدُوْدَ اللّٰهِ فَاُولٰٓئِكَ هُمُ الظّٰلِمُوْنَ

Meaning : Divorce (which can be referred to) that twice. (After That husband can) hold with good , or release with good . It is not halal for You take return something that has been You give to they, except both (husband) And wife) worried No capable operate the laws of God. If you (guardian) are worried that both of them No capable operate the laws of God, then both of them No sinful on payment that (must) be given (by wife) for redeem himself . That's it the laws of God, then don't You violates it . Whoever violate the laws of God, they those are the oppressors²⁶.

Whereas hadith Rasullah SAW narrated Ibn 'Abbas Radhiyallahu anhuma said, 'The wife of Thabit bin Qais bin Syammas went to Rasulullah sallallaahu 'alaihi wa sallam and said:

يَا رَسُوْلَ اللّٰهِ مَا اَنْقَمُ عَلٰى ثَابِتٍ فِيْ دِيْنٍ وَلَا خُلُقٍ اِلَّا اَنْيْ اَخَافُ الْكُفْرَ. فَقَالَ رَسُوْلُ اللّٰهِ صَلَّى
 اللّٰهُ عَلَيْهِ وَسَلَّمَ : فَتَرَدِّيْنَ عَلَيْهِ حَدِيْقَتَهُ. فَقَالَتْ: نَعَمْ. فَرَدَّتْ عَلَيْهِ وَاَمَرَهُ فَفَارَقَهَا

Meaning : " Oh Messenger of Allah , I No to criticize Tsabit in religious matters and his morals , will but I Afraid will kufr ." Then Prophet Muhammad May Allah bless him and grant him peace wa greetings said , " Is it you Want to return garden to him ?" He answer , "Yes ." Then Then garden That returned to Thabit bin Qais And ordered him For divorce his wife."²⁷.

The argument in Surah Al-Baqarah verse 229 confirms the limit of raj'i divorce to only two times, and opens the mechanism of *khulu'* when the wife is unable to maintain household life according to sharia, with compensation of ransom. Hadith Hadith Thabit bin Qais no. 5276 strengthens the legitimacy of *khulu'* as a solution when there is subjective disharmony on the part of the wife despite the goodness of the husband. Both demonstrate the flexibility of Islamic law in maintaining the welfare, preventing injustice, and providing a just

²⁶ Kemnterian Agama RI, *Al-Quran Dan Terjemahannya* (Jakarta: BALITBANG DIKLAT KEMENAG RI, 2019).

²⁷ al-Bukhari, *Shahih: [Irwaa-Ul Ghaliil (No. 2036)], Shahiih Al-Bukhari (IX/395, No. 5276).*, n.d.

solution through the principle of willingness and the return of the dowry as a form of balance of rights and obligations.

In Islamic jurisprudence, divorce petitions filed by wives are known in several concepts, including *khulu'* and *fasakh*.²⁸ *Khulu'* is a divorce that occurs at the request of the wife by providing compensation to the husband, usually in the form of returning the dowry, as a form of agreement to end the marriage²⁹. Meanwhile, *fasakh* is the annulment of a marriage by a judge on the basis of certain reasons justified by the Shari'a, such as the husband's inability to provide a living, the presence of violence, or a disability that hinders the purpose of the marriage³⁰. These two concepts demonstrate that under Islamic law, a wife has the legal right to terminate a marriage when there is harm that can no longer be tolerated.

The opinions of Islamic scholars also legitimize a wife's right to file for divorce. The Hanafi, Maliki, Shafi'i, and Hanbali schools of law essentially recognize a woman's right to file for divorce through certain mechanisms, although there are differences in the requirements and procedures³¹. The Maliki school, for example, provides more room for wives to file for *fasakh* on the basis of harm (*dharar*), including violence and neglect³². The Shafi'i school of thought, which is the primary reference in Islamic legal practice in Indonesia, also recognizes *khulu'* as a valid form of divorce, although its implementation requires the husband's consent or a judge's decision³³. Thus, the high rate of divorce in Sambas can be understood as part of the implementation of women's rights which have been recognized in the Islamic jurisprudence tradition.

²⁸ Ainul Yakin, *Fiqh Perkawinan: Pengantar Hukum Perkawinan Islam Di Indonesia* (Probolinggo: Pustaka Nurja, 2023).

²⁹ Asman, *Konsep Hukum Khulu' Dalam Perkawinan Sebuah Kajian Aksiologi Teoritis* (Jorong Pale: PT. Insan Cendekia Mandiri Group, 2024).

³⁰ Abdul Latief Zainul Mu'ien Husni, "Keabsahan Praktek Fasakh Dalam Perkawinan Karena Murtaf," *Hakam : Jurnal Kajian Hukum Islam Dan Hukum Ekonomi Islam* 6, no. 1 (2022).

³¹ Ali Abubakar and Maulizawati Maulizawati, "Persyaratan Hak 'Iwadh Khulu' (Analisa Terhadap Pendapat Mazhab Maliki)," *El-Ussrah: Jurnal Hukum Keluarga* 1, no. 1 (2018): 19-36, doi:10.22373/UJHK.V1I1.5566.

³² Martina Purna Nisa, "Critical Review of Domestic Violence as Reason for Divorce (Comparison of Divorce Laws in Indonesia, Malaysia and the Maldives)," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 1 (2021): 1-26, doi:10.19105/al-lhkam.v16i1.4292.

³³ Wahbah az-Zuhaili, *Fiqh Islam Wa Adilatuhi Jilid 9: Pernikahan, Talak, Khuluu', Illaa', Li'aan, Zhihar, Dan Masa Iddah*. Terj. Abdul Hayyei Al-Kattani (Cet, Ke. 1; Jakarta: Gema Insani, 2011).

A divorce suit under the Marriage Law is a divorce suit filed by a wife (or her attorney) against her husband in a Religious/District Court, in accordance with Article 40 of Law No. 1 of 1974 and Government Regulation No. 9/1975. A divorce is valid if the court decides it for legitimate reasons such as ongoing disputes, adultery, or domestic violence³⁴. In the context of positive law in Indonesia, the concept of divorce by lawsuit has strong relevance to the provisions in the Compilation of Islamic Law (KHI). According to Article 132 paragraph (1) of the KHI, the lawsuit is filed at the Religious Court where the wife lives, unless the wife leaves the shared residence without her husband's permission³⁵. The Compilation of Islamic Law explicitly stipulates that a wife can file for divorce with the Religious Court for certain reasons, such as the husband's failure to provide maintenance, violence, or ongoing disputes. Based on Circular Letter No. 3 of 2023, this must be proven by a minimum of six months of separation from the household, unless there is domestic violence³⁶. This provision demonstrates the harmonization of Islamic legal principles with the national legal system. Thus, the practice of divorce litigation in Religious Courts not only has a normative basis in Islamic jurisprudence but also enjoys strong legitimacy in applicable laws and regulations.

From a legal perspective, the judge's ruling in the Sambas Religious Court's divorce case generally complies with applicable legal provisions. In making this decision, the judge not only adheres to formal legal aspects but also considers substantive justice, particularly in protecting women's rights³⁷. In many decisions, judges grant divorce petitions if there are valid reasons, such as the husband's inability to provide maintenance, domestic violence, or irreconcilable conflict. The judge's legal considerations are usually based on the facts of the trial, the evidence presented, and the provisions of the Marriage Law and the Compilation of Islamic Law.

Table 5. Analysis of Islamic Law Perspective, Juridical, and Judicial Implications

³⁴ Tim BIP, *Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 Tentang Perkawinan* (Jakarta: Gramedia, 2017).

³⁵ (Ministry of Religious Affairs of the Republic of Indonesia, 2018)

³⁶ SEMA, "JDIH MAHKAMAH AGUNG RI," *Mahkamah Agung Republik Indonesia*, 2023, <https://jdih.mahkamahagung.go.id/legal-product/sema-nomor-3-tahun-2023/detail>.

³⁷ Emy Handayani and Alfarado, "Penemuan Hukum Oleh Hakim Dalam Perspektif Hukum Progresif," *Cakrawala Hukum: Majalah Ilmiah Fakultas Hukum Universitas Wijayakusuma* 27, no. 1 (2025): 10-18, doi:10.51921/chk.p6mncb10.

No	Study Aspects	Substance	Description	Implications
1	Islamic Legal Perspective	Khulu'	Divorce at the wife's request with compensation (iwadh) to the husband	Providing legal space for wives to end their marriages
		Fasakh	Annulment of marriage by a judge for sharia reasons (maintenance, domestic violence, disability)	Protects the wife from harm in the household
		Hanafi, Maliki, Shafi'i, Hanbali schools of thought	Recognizing the wife's right to sue for divorce with varying conditions and procedures	Normative legitimacy of women's rights in divorce
2	Opinions of Islamic Scholars	Maliki school of thought	Expanding the reasons for fasakh on the basis of dharar (harm)	Broader protection for wives
		Shafi'i school of thought	Recognizing khulu' with the husband's consent or a judge's decision	Relevant to legal practice in Indonesia
		Compilation of Islamic Law	Regulates the wife's right to file for divorce on certain grounds	Harmonization of Islamic law and national law
3	Positive Law (KHI)	Judge's Decision	Based on the Marriage Law, KHI, and trial facts	Guarantee legal certainty and justice
		Judge's Consideration	Maintenance, domestic violence, constant disputes	Substantive protection of the wife's rights
		Mediation	Mandatory before trial, but low success rate	Need to strengthen mediation mechanisms
4	Legal Analysis	Case Load	Increase in the number of divorce cases	Increasing the workload of judges and officials
		Public Perception	Religious courts are considered pro-women	Increase public trust
		Hereditary Matters	Child custody, joint property	Potentially involving the District Court
5	Judicial Implications			

Dualistic System	Separation of authority between PA and PN	Gives rise to complexity and the need for coordination
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Description : This table results processed researchers from analysis of Islamic law perspective , juridical, and judicial implications

The table illustrates the close relationship between Islamic law, positive law, and judicial practice in handling divorce cases. These three aspects do not stand alone but rather complement each other, forming a complete legal framework. Islamic law provides the normative basis, positive law regulates its formal implementation, while judicial practice provides the actualization of both systems³⁸. The resulting implications are not only normative in nature at the regulatory level, but also have a structural impact on the national legal system, particularly in terms of caseload, coordination between judicial institutions, and the effectiveness of case resolution.

Furthermore, the role of mediation in divorce cases is also a crucial aspect of legal analysis. According to Supreme Court regulations, every civil case, including divorce, must go through mediation before proceeding to trial. The purpose of mediation is to provide the parties with an opportunity to reconcile and maintain the integrity of their marriage³⁹. However, in practice, the success rate of mediation in divorce cases is relatively low, especially when the conflict is deep and prolonged. This suggests that while mediation plays a strategic role, its effectiveness still needs to be improved through a more comprehensive approach, including the involvement of family counselors or professional mediators.

The implications of this high number of divorce cases are also significant for the judicial system as a whole. One of the most obvious impacts is the increasing caseload in Religious Courts. The high number of divorce cases increases the workload for judges and judicial officials, which ultimately impacts

³⁸ Badruddin Badruddin and Aditya Prastian Supriyadi, "Dinamika Hukum Islam Indonesia : Reaktualisasi Norma Islam Dalam Menalar Hukum Positif Merespon Sosio-Kultural Era Kontemporer," *De Jure: Jurnal Hukum Dan Syar'iah* 14, no. 1 (2022): 38–57, doi:10.18860/j-fsh.v14i1.15512.

³⁹ Syafri Syafri, "Peran Mediator Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Menurut Hukum Islam," *Jurnal Tana Mana* 6, no. 3 (2026), <http://ojs.staialfurqan.ac.id/jtm/article/view/1404>.

the effectiveness and efficiency of case handling⁴⁰. Furthermore, this phenomenon also influences public perception of judicial institutions, particularly Religious Courts, which are increasingly viewed as responsive and proactive institutions in protecting women's rights.

The high number of divorce cases also has implications for the District Court, although not directly. This is evident in the derivative cases that arise after a divorce, such as child custody disputes, division of joint property, and other civil matters that may involve the jurisdiction of the District Court⁴¹. This situation demonstrates the functional relationship between Religious Courts and District Courts within the national justice system. Furthermore, this phenomenon also reveals the complexity of Indonesia's dualistic judicial system, where there is a separation of authority between religious courts and general courts. In some cases, this separation can create coordination challenges and prolong the case resolution process.

Overall, the high number of divorce cases filed at the Sambas Religious Court not only reflects social dynamics and changing gender relations in society, but also demonstrates how Islamic law and positive law interact in judicial practice. A legal analysis of judges' decisions demonstrates an effort to balance legal certainty and substantive justice, while the implications for the judicial system emphasize the need for integration and harmonization between judicial institutions. Therefore, strategic steps are needed to increase the effectiveness of mediation, strengthen coordination between judicial institutions, and develop policies that are more responsive to the dynamics of family law in Indonesia.

Analysis Findings Study To Dynamics The height Divorced Lawsuit in Sambas as a whole The Judicial System at the Sambas Religious Court

⁴⁰ Amran Suadi, "Peranan Peradilan Agama Dalam Melindungi Hak Perempuan Dan Anak Melalui Putusan Yang Memihak Dan Dapat Dilaksanakan / The Role Of Religious Court In Women And Children Rights Protection Through Partial And Executable Decision," *JURNAL HUKUM DAN PERADILAN* 7, NO. 3 (2018): 353-74, DOI:10.25216/JHP.7.3.2018.353-374.

⁴¹ Masniari Munthe and Heri Firmansyah, "Tittle Analisis Penyebab Meningkatnya Angka Perkara Cerai Gugat Tahun 2020-2022 Di Pengadilan Agama Medan Kelas IA," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (2022): 679-90, doi:10.37680/almanhaj.v4i2.2198.

Based on the results of the research conducted, it was found that the high divorce rate in the Sambas Religious Court is a phenomenon influenced by various interrelated factors, both internal to the household and external to the community. Economic factors are one of the main causes, particularly related to the husband's inability to fulfill his obligation to provide for his wife and family. This condition often causes tension and prolonged conflict that culminates in the wife's decision to file for divorce. Furthermore, social factors such as increasing levels of women's education, changing values in society, and increasing access to information have also strengthened women's position in understanding and fighting for their rights. Women's increasing legal awareness is also a significant factor, where women are no longer passive in facing injustice in the household, but are instead actively using legal channels to obtain protection and justice.

Table 6. Key Research Findings

No	Aspects of Findings	Description of Findings	Implications
1	Causative factor	Divorce lawsuits are influenced by economic and social factors and increasing legal awareness of women.	Encourage an increase in divorce rates and changes in case filing patterns
2	Gender Relations	There has been a shift in gender relations in Muslim households towards a more equal position.	Women are more empowered in making legal decisions
3	Judge's Decision	Judges tend to be responsive to the protection of wives' rights.	Increasing access to justice for women in divorce cases
4	Case Load	There has been an increase in the number of cases in the Religious Courts	Implications for the effectiveness and efficiency of case handling
5	Justice System	There are indirect implications for the District Court through derivative cases.	Gives rise to complexity and the need for coordination between judicial institutions

Description : This table results processed researchers from analysis of main research findings

Analysis findings The table shows that all the factors and aspects analyzed are interrelated and form a complex dynamic of family law. The perspective of Islamic law, both through the concepts of *khulu'* and *fasakh*, provides normative legitimacy for the wife's right to file for divorce, which is then strengthened by the views of Islamic scholars and accommodated in the Compilation of Islamic Law as part of positive law in Indonesia. In practice,

legal analysis of judges' decisions shows a tendency to prioritize substantive justice, especially in protecting the wife's rights, although still based on the provisions of applicable laws and regulations.

On the other hand, the implications of this phenomenon are not only felt by the individual litigants but also have a broader impact on the judicial system as an institution. The increase in the number of divorce cases has increased the workload of Religious Courts, while also influencing public perception of the judiciary as an institution that is increasingly responsive to the protection of women's rights⁴². Furthermore, the existence of derivative cases following divorce also demonstrates a connection with the District Court, demonstrating the complexity of the dualistic judicial system. Therefore, efforts to harmonize and strengthen coordination between judicial institutions are needed to create a more effective and integrated legal system.

Furthermore, the phenomenon of divorce litigation also demonstrates a shift in gender relations within Muslim households. While previously women tended to be subordinate and dependent on their husbands' decisions, the current context has seen a significant shift toward a more equal relationship. Women no longer merely act as recipients of their circumstances, but also as legal subjects with the right to determine the continuation of their marriage⁴³. This shift is influenced not only by internal family factors but also by broader social changes, including modernization, globalization, and the development of gender equality discourse. In this context, divorce can be understood as an indicator of social transformation in Muslim society, particularly in terms of the relationship between husband and wife.

Research findings also indicate that judges' decisions at the Sambas Religious Court tend to be responsive to the protection of wives' rights. In examining and deciding divorce cases, judges not only adhere to formal legal aspects but also consider aspects of substantive justice. This is evident in the

⁴² Universitas Islam et al., "Building Legal Compliance: A Study on the Practice of Unregistered Marriages in Tanjung Raya Subdistrict, Agam Regency, West Sumatra, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (2025): 416-37, doi:10.22373/sjhk.v9i1.28306.

⁴³ Juniar Azzahra Kusumadhani and Baidhowi, "Kedudukan Perempuan Kepala Keluarga Dalam Perspektif Hukum Perkawinan," *Bookchapter Hukum Dan Lingkungan 2* (2025): 497-514, <https://bookchapter.unnes.ac.id/index.php/hk/article/view/498>.

tendency of judges to grant divorce petitions if there is sufficient evidence of a violation of the wife's rights, such as failure to provide child support, domestic violence, or ongoing disputes. The legal considerations used by judges generally refer to provisions in the Marriage Law and the Compilation of Islamic Law, and are supported by facts revealed during the trial. This responsive attitude demonstrates the important role of religious courts in providing access to justice for women, particularly in the context of protecting marital rights.

On the other hand, the high number of divorce cases has also resulted in an increased caseload in Religious Courts. The increasing number of cases each year has led to an increased workload for judges and judicial officials⁴⁴. This has the potential to impact the effectiveness and efficiency of case handling, especially if it is not accompanied by increased human resources and adequate supporting facilities. Furthermore, the complexity of divorce cases is also increasing, as they often involve various other aspects such as child custody, division of joint property, and psychological issues between the parties. This situation demonstrates that divorce is not merely a legal issue, but also has social and psychological dimensions that require comprehensive treatment.

Furthermore, the findings of this study also indicate indirect implications for the District Court, particularly in relation to derivative cases following divorce. Although the primary authority for divorce for Muslims falls under the jurisdiction of the Religious Courts, in practice, there are several aspects that may involve the District Court, such as disputes over joint property under certain circumstances or other civil matters relating to the rights and obligations of the parties⁴⁵. This demonstrates the functional relationship between the two judicial institutions within the national legal system. However, the dualistic nature of Indonesia's judicial system, with its separation between religious and general courts, can in some cases create complexities, particularly in terms of coordination and the effectiveness of case resolution.

⁴⁴ Muliani Samiri et al., "The Optimization of Judge Workload Management and Its Implications for Judicial Integrity and Quality," *Jurnal Pembangunan Hukum Indonesia* 7, no. 2 (August 8, 2025): 288–306, doi:10.14710/jphi.v7i2.108-127.

⁴⁵ Ijum Setiawan and Muhil Mubarok, "Inkonsistensi Yuridis Penerapan Hukum Keluarga Di Indonesia," *Jurnal Penelitian IPTEKS* 11, no. 1 (2026): 85–95, doi:10.32528/PENELITIANIPTEKS.V11I1.4834.

Overall, the findings of this study confirm that the high number of divorce cases filed at the Sambas Religious Court is a complex and multidimensional phenomenon. Economic, social, and women's legal awareness factors are the main drivers, while shifts in gender relations indicate a transformation in Muslim family structures. While the responsiveness of judges in protecting wives' rights is a positive aspect of judicial practice, the increasing caseload and complexity of the judicial system pose challenges that need to be addressed. Implications for the District Court also highlight the need for better coordination within the national judicial system. Therefore, strategic measures are needed that are not only curative through the judiciary, but also preventative through strengthening family institutions and social policies that support household resilience.

Conclusion

The high divorce rate at the Sambas Religious Court is a structural phenomenon influenced by various changes in social, economic, and legal aspects. This development reflects women's increasing legal awareness and changing domestic relations, which increasingly demand justice and balanced roles. In this context, the Religious Court plays a very strategic role as an institution that provides access to justice for women, particularly in fighting for their rights within marriage.

On the other hand, this phenomenon also has broad implications for the justice system, both in terms of the increasing caseload and the complexity of handling cases involving various legal aspects. Therefore, strategic measures are needed, such as strengthening mediation mechanisms as a preventative measure to reduce the divorce rate, integrating the justice system to address dual authority, and developing preventive policies oriented toward family resilience.

As a recommendation, premarital counseling programs need to be optimized to better prepare couples for starting a family. Furthermore, strengthening regulations related to women's protection is crucial to ensure the fulfillment of marital rights. Equally important, more effective synergy between Religious Courts and District Courts is needed in handling derivative cases, thus creating a more integrated, responsive, and equitable justice system.

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Author Contributions Statement

AS, was responsible for the conceptualization of the study, research design, methodology development, data collection and analysis, manuscript drafting, and revision. MA, contributed to the supervision of the research process, validation of the analytical framework, critical review of the manuscript, and final editing. AK, contributed to the development of the theoretical framework, literature review, and refinement of the scholarly content. KH, contributed to the evaluation of the research findings, methodological review, and enhancement of the manuscript for publication. All authors have read and approved the final version of the manuscript and agree to be accountable for all aspects of the work, ensuring the accuracy and integrity of the research.

AI Usage Statement

The authors used Artificial Intelligence (AI) tools solely to assist with language enhancement, grammar correction, and the improvement of manuscript readability. All research ideas, analyses, interpretations, arguments, and scholarly contributions presented in this article are the original work and sole responsibility of the authors. The authors carefully reviewed and verified all AI-assisted outputs prior to submission to ensure their accuracy, integrity, and compliance with accepted academic and ethical standards.

Conflict of Interest

The authors declare that there are no conflicts of interest, whether financial, professional, institutional, or personal, that could have influenced the conduct, findings, interpretation, or publication of this research. The authors further affirm

that the study was conducted independently, objectively, and in accordance with established principles of academic integrity and research ethics.

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