

Escalation of Divorce Suits From Wives Against Husbands From the Perspective of Maqashid Syari'ah Case Study in Lore Utara District, Poso Regency

Tamrin Talla¹, Kamarudin Kamarudin², Fatimawali Fatimawali³, & Gazali Gazali⁴

^{1,2,3,4}Department of Islamic Family Law, State Islamic University of Dato' Karama Palu

ABSTRACT

The divorce rate in Indonesia continues to increase, as data shows that in 2021, there were 447,743 divorce cases, with 75.34% of them being divorce lawsuits filed by wives. This phenomenon is no exception in North Lore District, Poso Regency, where divorce lawsuits have increased significantly in the last three years. This study aims to analyze the main causes of the escalation of divorce lawsuits by wives against husbands in the area from the perspective of Maqashid Syari'ah. Data shows that domestic conflicts are often triggered by violations of the husband's rights and obligations, domestic violence, and unmanaged differences in character. In addition, the quality of marriage advice, which is still formal, contributes to the weak readiness of couples to face the challenges of marriage. Through a qualitative approach, this study found that the wife's increasing awareness of her rights is a significant factor in filing for divorce. This study emphasizes the importance of improving the quality of marriage advice based on Maqashid Syari'ah to prevent domestic conflict and maintain family integrity.

ARTICLE INFORMATION

Keywords:

Premarital pregnancy, married, Islamic law, compilation

1. Introduction

The Director General of Islamic Community Guidance announced in 2022 that the divorce rate in Indonesia is increasing (Heaton & Cammack, 2011). Every year, 400 thousand people reach this number. According to data, about 10% of marriage-related events result in divorce. This shows that we produce 400,000 widows or widowers every year (Widyastari, Isarabhakdi, Vapattanawong, & Völker, 2020).

These data show that although starting a family seems simple, building a family to the level of happiness and success that every married couple dreams of is not an easy challenge. These challenges often arise from various problems in marriage, which involve the union of two individuals with different personalities, characters, educational backgrounds, and outlooks on life. As a result, these differences

often trigger estrangement and conflict in the household.

Every married couple longs to form a lasting family full of love (*mawaddah*) and peace (*sakinah*). However, married couples often face various problems, such as the tendency to give up on marriage too quickly or immediately file a lawsuit when facing problems in the household. This phenomenon occurs both among couples who refuse divorce and between husbands and wives who are reluctant to accept divorce suits.

In the context of classical fiqh, a husband has the right to divorce his wife because of the textuality of the verses of the Qur'an and the hadith of the Prophet Muhammad. The wife may ask for divorce only in cases that are justified by Sharia law by returning the dowry that has been given by her husband at the beginning of marriage.

What about divorce lawsuits wives file because their husbands violate their rights and obligations? Data from the Central Statistics Agency (BPS) shows the fact that in 2021, there were 447,743 divorce cases in Indonesia, an increase of 53.50% from 291,677 cases in 2020. This study also shows that wives file for divorce more often than husbands. In detail, there were 110,400 cases of divorce by talaq and 337,343 cases of divorce by lawsuit. This means that 75.34% of divorces occurred because of divorce lawsuits filed by the wife and decided through the litigation process in court.

Most residents of Lore Utara District, Poso Regency have not practiced the values of maintaining and nurturing marital relationships. As a result, they often experience shocks or disputes in their personal relationships. In fact, both husbands and wives are involved in inappropriate activities in the household and abandon the responsibilities that must be fulfilled (Qibthiyyah & Utomo, 2016).

The most crucial thing is to find a way to maintain the integrity of the family even though disputes between husband and wife often occur in household life. This can be seen among the Muslim community in North Lore District, Poso Regency, where recently, many families have experienced domestic turmoil that has led to disputes and quarrels. These problems are often triggered by one party's actions and exacerbated by the increasing number of wives suing their husbands for divorce. More and more women are starting to dare to show their existence and reject arbitrary treatment from their husbands. When domestic violence becomes unbearable, wives tend to act to protect their rights, including by filing for divorce at the Religious Court.

Based on a preliminary study conducted by the authors at the Poso Regency Religious Court, the number of divorce lawsuits in the last five years has varied. In 2017, there were 163 cases, in 2018, there were 167 cases, in 2019, there were 99 cases, in 2020, there were 134 cases, and in 2021, there were 68 cases.

The author found that in the last three years, divorce cases in North Lore District have increased compared to previous years. In 2022, from January to December, there were eight divorce cases. As a comparison, in East Lore District, the number of divorce cases in the last five years has also increased. Meanwhile, based

on initial observations, no divorce cases were found in the Lore Peore and Central Lore areas.

Specifically for North Lore District, which is the location of this research, the increase in divorce cases appears significant when compared to the number of marriage events which ranges from 45 to 50 per year in the area, with a total Muslim population of 5,943 people. Based on initial observations, the author obtained facts and data showing various household problems, which are why many wives file for divorce against their husbands.

Looking at the condition of the people of North Lore District, Poso Regency, the solution that can be proposed is to improve the quality of marriage advice. This advice must be of high quality, substantive, and not just a formality for prospective brides and grooms. There are important things that need to be given serious attention by every prospective bride and groom to equip them to face the challenges of married life. However, this hope has not been fully realized in the field, so the divorce rate remains challenging to suppress.

Based on the background above, the author is interested in analyzing this problem in more depth, entitled "Escalation of Divorce Lawsuits from Wives Against Husbands in the Perspective of Maqashid Syari'ah (Case Study in North Lore District, Poso Regency).

2. Literature Review

2.1.1. Terms of Divorce and Divorce Lawsuit

According to etymology, the term divorce comes from the word "divorce," which originally meant separating or ending a marriage. Then, the prefix "per" and the suffix "an" were received, which gave it the meaning of separation or the process of separation.

According to Sayyid Sabiq, the scholars created a definition of divorce that in substance, only used slightly different words;

إفقة العلاء وإنهاء الزواج رابطة حل هو الطلاق
لزوجية

Meaning:

"Divorce is the breaking of the bonds of marriage or the dissolution of a marital relationship."

The process of officially terminating a marriage relationship based on social norms or

e-ISSN: 2715-4580

p-ISSN: 2715-8268

legal provisions is known as divorce. Thus, the relationship between husband and wife ends after the divorce occurs. Depending on the party who wants to end the marriage and tries to do so, there are various ways that are in accordance with Islamic law. In this case, there are four possibilities:

- 1) Marriage can be terminated at the request of the husband for certain reasons, and the husband's wishes are expressed in writing or by signs for non-verbal men. Talaq is the name for this type of Divorce (Yunus, Rusli, & Abidin, 2020).
- 2) The wife's decision to dissolve the marriage on the grounds of inability due to something that is considered detrimental to her, even though the husband does not want a divorce. The woman offers her husband something important to break the marriage bond, and the husband agrees. Khulu is the term for a divorce initiated by the wife in this way.
- 3) After observing something about the husband or wife that indicates that the union of the two individuals cannot be maintained, the judge makes a decision about the marriage. This kind of dissolution of marriage is known as faskh.
- 4) The end of a marriage by the command of Allah SWT. In other words, one of the partners dies.

Divorce as explained in the fiqh book *Al-Muyassar* about the meaning of divorce with a general meaning, namely Linguistically, *ath-Thalaq* (الطلاق) is to release. Therefore, when viewed from the side of sharia, then divorce means the release of the bonds of marriage and ending the relationship between husband and wife. Divorce is something that is prescribed, namely the basis or evidence is the Qur'an, hadith, and ijma' (Ahmad, 2003).

Only when the divorce has been pronounced is it accepted as valid. As a result, some words have the potential to cause divorce. The term divorce is generally divided into two parts: explicit words and implicit words.

First, the explicit wording of talak refers to any word whose meaning is clear when spoken. If a husband pronounces talak correctly, then according to religious law, he has legally divorced his wife from the moment the husband says it. Even if the divorce was only meant as a joke, it will still be legally binding. Second is

implicit wording, which is any word that is similar in meaning to the wording of talak. For example: "I release you, you are released, I have separated from you," and the like.

The release of the bonds of marriage or talak is the explicit meaning of divorce according to sharia, but academics of the school of thought propose another definition. Hanafi and Hambali scholars define divorce as a special phrase that directly releases the bonds of marriage for the future. This school of thought is of the view that the words talak or divorce, which are said firmly, need to be legally binding (Essof, 2011).

He defines talak, in contrast to the Syafi'i school, as the termination of a marriage contract using the word talak or its meaning (divorce). The definition offered at the beginning of divorce seems more inclined to the Syafi'i school. Since the majority of Muslims in Indonesia adhere to the Syafi'i school, it is only right that we do the same in our understanding of the pillars, conditions, and other aspects of divorce (van Huis, 2019).

Thus, the term talak refers to the release or termination of marriage between husband and wife, either verbally or in writing. At the same time, talak is a legal provision which, according to the opinion of experts from the Maliki school, is to end the relationship between husband and wife, which is legally recognized. There is still no certainty whether talak requires a specific wording or not. In general, talak can be classified into four types, namely: talak *raj'i*, talak *ba'in*, talak *sunni* and talak *bid'i*.

Firstly, talak *raj'i* is often referred to as first or second talak. During the iddah period, husband and wife are still allowed to reconcile without requiring a dowry or new contract. The reconciliation is carried out directly, so that the two can return to their relationship as husband and wife as before. This is explained by Allah SWT, in His words QS.Al-Baqarah (2): 231 as follows:

أَوْ بِمَعْرُوفٍ فَأَمْسِكُوهُنَّ أَجَلَهُنَّ فَبَلَّغْنَ النِّسَاءَ طَلَّقْتُمْ وَإِذَا
يَقَعْنَ وَمَنْ أَلْتَعْتَدُوا أَضْرَارَ تُمَسِّكُوهُنَّ وَلَا بِمَعْرُوفٍ سَرَخُوهُنَّ
نِعْمَتْ وَأَذْكُرُوا هُرُوجَ اللَّهِ الْبَيْتِ تَتَّجِدُوا وَلَا نَفْسَهُ ظَلَمَ فَقَدْ ذَلِكَ
وَأَنْقُوا بِهِ يُعْطِكُمْ وَالْحِكْمَةَ الْكُتُبِ مِنْ عَلَيْكُمْ أَنْزَلَ وَمَا عَلَيْكُمْ اللَّهُ
عَلَيْكُمْ □ شَيْءٍ بِكُلِّ اللَّهِ أَنْ وَاعْلَمُوا اللَّهَ

sTranslation:

"And if you divorce (your) wives, then until (the end of) their iddah, then restrain them in a good way, or divorce them in a good

way (also). And do not detain them with evil intentions to oppress them. Whoever does this has wronged himself. And do not use the verses of Allah as an object of ridicule. Remember Allah's favor upon you and what Allah has sent down to you, namely the Book (Al-Qur'an) and Wisdom (Sunnah), to teach you. And fear Allah and know that Allah is All-Knowing of everything."

Second, Talak *ba'in* is the third Divorce, or Divorce before the wife has intercourse. Third, Sunni Divorce, this type of divorce is a divorce that is allowed. *Sunni Divorce*. Given by the husband to the wife who is pure and is not interfered with during the pure time.

Fourth, *bid'i* divorce is a type of divorce that is prohibited in Islamic law. It is given when the wife is menstruating or in a holy period, but there has been a husband-and-wife relationship during the holy period. Therefore, *bid'i* divorce is considered invalid and has no legal consequences.

2.2 Legal Basis for Divorce Lawsuit

In essence, divorce is allowed in Islam as long as it is done according to Sharia law. The existence of evidence that allows divorce, both from the Qur'an, the hadith of the Prophet, and the *ijma'* of the Ulama

, proves that Islam does not prohibit divorce.

The Qur'an, the Prophet's hadith, and the agreement of the scholars are the basis for this divorce lawsuit.

The Word of Allah SWT in QS.al-Baqarah (2): 229:

وَلَا بِإِحْسَانٍ سُرِّيخَاتٍ أَوْ بِمَعْرُوفٍ فِيمَسَاكٍ مَرَّتَيْنِ الطَّلَاقُ
فِيْمَا أَلَا يَخَافُ أَنْ أَلَا شَيْئًا أَنْتُمْ مِمَّا تَأْخُذُوا أَنْ لَكُمْ يَحِلُّ
فِيْمَا عَلَيْهِمَا جُنَاحٌ فَلَا اللَّهُ حُدُودَ يُعِيْمَا أَلَا خِفْتُمْ فَإِنَّ اللَّهَ حُدُودَ
اللَّهِ حُدُودٌ يَنْعَدُ وَمَنْ هَا تَعْتَدُوا فَلَا اللَّهُ حُدُودَ تَلِكُ بِهِ أَفْتَدَبَتْ
الظَّلْمُونَ هُمْ قَاوَلِكُ

Translation:

"Divorce (which can be referred to) twice . After that it is permissible to reconcile again in a way that is ma'ruf or to divorce in a way that is good. It is not lawful for you to take back anything from what you have given them, unless both of them fear that they will not be able to carry out the limits of Allah. If you fear that they (husband and wife) will not be able to carry out the limits of Allah, then

there is no sin on either of them for the payment that the wife gives to redeem herself. Those are the limits of Allah, so do not transgress them. Whoever transgresses the limits of Allah, those are the wrongdoers."

In the Tafsir Al-Munir, Wahbah Az-Zuhaili explains that the meaning of the verse (مَرَّتَيْنِ الطَّلَاقُ) is the imposition of a divorce that can be referred back. The word *thalāq* (Divorce) with the meaning *ta ṭ hlīq* (imposition of divorce) is similar to the word *salām* (greeting) with the meaning *taslīm* (expression of greeting). The word *marratān* means twice.

In the verse fragment (بِمَعْرُوفٍ فِيمَسَاكٍ) means that after reconciling, a husband must restrain his wife by treating her well and not causing her misery. In the days of ignorance, there was no limit to the number of divorces. A man could divorce his wife and then take her back, so that their relationship would continue. However, there are times when a man intends to hurt his wife by taking her back before the *iddah* period is over, then returning to divorce her. This pattern can continue repeatedly until his anger subsides. Islam then came to correct these deviations.

2.3 Legal Consequences of Divorce

In accordance with Allah's will, divorce indicates rejection of hostility and commitment to upholding Allah SWT's laws. The legal consequences of a divorce suit are:

Hadith of the Prophet narrated by Ibn Majah

أيما امرأة سألت زوجها طلاقاً في غير ما بأس فحرام
عليها راحة الجنة

It means :

"Any woman who asks her husband to divorce her, without any justifiable reason, is forbidden from smelling heaven."

The hadith above explains that if a wife asks her husband for a divorce even though their relationship is in a good household and there are no disputes or quarrels between the husband and wife, and there is no sharia reason that justifies the existence of *khulu'*, then it is forbidden to ask for a divorce (Mir-Hosseini, 1986). However, if a different situation is found from this, for example the husband neglects his responsibilities as head of the household and his children, does not perform prayers, even though he has been reminded. Likewise, if the husband has beliefs or actions that can cause the wife's beliefs to leave

Islam and make her an apostate, then the wife is able to prove it before the judge to be sentenced to separation, then that is where the path of divorce is taken.

Ahmad Mustafa Al-Maragi linked the hadith's meaning to QS. Al-Baqarah verse 229. He explained that tyranny is putting something in the wrong place or doing something that should not be done. Acts of tyranny can damage the order of life and destroy a people's existence, especially if they occur in a husband-and-wife relationship.

The relationship between husband and wife is the strongest bond. Therefore, it is difficult to imagine the sustainability of a society if this most basic bond experiences a shift in values. This hadith strongly urges that divorce be avoided, even forbidding it unless the circumstances really force it.

2.3 Factors Causing Divorce Lawsuits

The Qur'an does not stipulate a clause requiring a wife to provide a specific justification for exercising her right to divorce her husband in divorce cases. However, a wife can explain the reasons why she is no longer happy with her husband and file a divorce request. The wife's unhappiness, in this case, is subjective.

Although the Qur'an does not explicitly require a specific reason to end a marriage, the conditions for divorce are still regulated and must be met. In practice, Religious Courts generally apply a strict approach in handling divorce cases. Divorce must meet certain conditions and must be carried out before the court because only divorces carried out through the court are legally recognized, valid, and binding. In Marriage Law No. 1 of 1974, it states that "Divorce can only be granted before a court hearing if the court concerned has attempted and failed to mediate peace between the parties." In general, the reasons for carrying out a divorce are:

1. Economic Factors

Economic factors are one of the most common causes of divorce, both due to lack of and excess of finances. The high cost of living, the difficulty of finding decent work, and frequent layoffs significantly impact the family's economic stability (Amri, Adnan, & Fitri, 2022). On the other hand, the financial success of a couple, especially the wife, can lead to behavioral

changes due to excess material possessions. This psychological and cultural shift often leads to higher demands or expectations of the partner.

2. Poor communication

Communication problems are the second leading cause of divorce after economic problems. Lack of communication makes married couples more prone to conflict and unhappiness.

3. Difference

Divorce is also caused by differences. Differences in social status, wealth (rich wife or vice versa), knowledge, beliefs, ideas, opinions, and other differences between husband and wife are some of the variations that often lead to divorce.

4. No Consensus on Marriage

Some forms of inconsistency that cause divorce. For example, the presence of a third party, the husband cannot be responsible, the husband does not provide for his wife and children, the wife does not maintain her honor and her family, the wife cannot keep her husband's secret, the wife is unable to maintain the dignity of the family, and there are still many other forms that can cause divorce.

5. Affair

One of the main causes of divorce between husband and wife is adultery. If a couple cheats, then one of them will file for divorce.

6. Work

Another factor that contributes to divorce is the husband's excessive work schedule outside the home, which prevents him from spending time with his family. A wife who is often left at home is likely to experience feelings of loneliness and loss of meaning in life. Although the husband provides sufficient income, or even more, this is not always accompanied by the expected attention. As a result, this condition can encourage the wife to file for divorce against her partner.

7. Lack of attention

Lack of attention from the partner is the next element that often leads to divorce. For example, the husband ignores his wife or vice versa.

8. Suspicious of each other

Blind jealousy is forbidden. This blind jealousy will give birth to a suspicious nature toward the partner, which in turn will give birth to bad prejudices, accusations, and slander. In the end, a husband and wife who are controlled by feelings of blind jealousy will not have long-lasting and peaceful lives, which can lead to divorce.

9. Often quarrel

Most couples choose to divorce due to the high frequency of arguments between them. Frequent and repeated arguments, even over small issues, can increase the risk of divorce.

10. Violence

Domestic violence (DV) is one of the main factors causing divorce. Many divorce cases occur due to acts of violence, either by the husband against the wife or vice versa. However, there is a unique phenomenon in cases of DV, where women who are victims of violence often show a tendency to reject divorce for various reasons. Based on statistical data, most wives who experience physical violence only leave the house temporarily before finally returning.

11. Sexual problems

This issue should not be ignored, considering that almost 50% of the purpose of marriage is related to sexual relations. After marriage, sexual relations between husband and wife become lawful. If this sexual aspect is disturbed, it can cause problems that lead to divorce.

For example, suppose the husband experiences impotence or premature ejaculation so that the wife feels dissatisfied, and the wife cannot be patient with the condition. In that case, this can trigger tension in the household. On the other hand, if the husband feels dissatisfied with sexual intercourse, the husband can decide to divorce his wife.

12. Child

This aspect includes various situations that can lead to divorces, such as the inability to have children, having too many children that cause the couple to feel overwhelmed in raising them, differences in expectations regarding children, as well as problems related to children's health and education, and other factors.

3. Methodology

This study uses qualitative methods. In qualitative research, the use of theory is only a guide so that the research focus is in accordance with the facts in the field (Nurdin & Pettalongi, 2022; Nurdin, Stockdale, & Scheepers, 2016). The data was collected through direct observation, in-depth interviews, and written document analysis at the research site (Rusli, Hasyim, & Nurdin, 2021; Rusli & Nurdin, 2022). The object of this research is the cases of divorce lawsuits filed by wives against their husbands from the perspective of maqasid sharia in the North Lore sub-district, Poso Regency.

The interviews involved ten local figures who know the cases of premarital pregnancy within the district. The results of the transcripts were consulted with the participants to obtain their consent (Nurdin, Scheepers, & Stockdale, 2022). The data analysis technique used a deductive thinking technique, which can be interpreted as a research procedure that produces deductive data from the interviews and field notes. Data analysis was conducted using thematic analysis from Strauss and Corbin (1998). The analysis started with open, axial, and selective coding. The final result of the data analysis is themes found from the data.

4. Results and Discussion

4.1 *Escalation of Divorce Lawsuits from Wives Against Husbands in North Lore District*

Escalation is a term that is now often used in various fields, such as economics, politics, psychology, and technology. This term generally refers to an increase or increase in a situation. In addition, escalation is often associated with a change in an increasingly serious situation. Therefore, understanding the meaning of the term escalation is very important to recognize the context of its use. In this article, the escalation is an increase or increase in the number of divorce cases that occur in society.

Divorce lawsuits, or divorce lawsuits, refer to divorces filed by the wife or her attorney in the religious court in the area where the wife lives. The escalation in divorce lawsuits is seen from the increase or decrease in divorce lawsuits in the last three years, which is compared with data obtained from the Poso Regency Religious Court. North Lore District, which is part of Poso Regency, recorded several cases of divorce lawsuits between 2020 and 2022.

Based on the research results, the author found data that in Poso Regency, there were 367 divorce cases from 2020 to 2022. This is in line with the informant's statement in an interview with the author, who said that:

It is true that the divorce rate in Poso Regency has increased in the last three years, namely from 2020 to 2022, compared to the previous year, especially in cases of divorce lawsuits, where more wives filed for divorce than husbands. This can be clearly seen from the divorce rate graph recently released by the Poso Regency Religious Court.

In 2020, the number of divorce cases in Poso Regency reached 110 cases. The highest number of cases were received in January and July, with 15 cases each. A total of 8 cases were withdrawn, and 99 cases were granted, with the highest number in October, which was 15 cases. In 2021, the number of divorce cases increased to 144 cases, with the highest number in August, which was 19 cases. Of the total, 9 cases were withdrawn, 134 cases were granted, and the highest number of cases granted also occurred in August, which was 18 cases. There was also 1 case rejected in June. In 2022, there was a slight decrease in the number of divorce cases received, with a total of 113 cases. The highest number was recorded in March, which was 17 cases.

Regarding the divorce suit being rejected (the report was withdrawn), one informant explained that:

Divorces submitted to the Religious Court are not all granted according to the applicant's request. If the evidence submitted is strong enough, then the process will run smoothly and be granted. However, if the evidence submitted by the applicant (wife) is not strong enough, then the lawsuit will not be decided and the report can be withdrawn.

Women should not just demand divorce unless there is a reason that is in accordance with the sharia. One of the reasons that the sharia allows a wife to file for divorce is when the husband does not fulfill the wife's rights properly, while if they continue to live together, the wife will face destruction. In this case, divorce should be the last solution, not the first choice.

Based on data obtained from the Poso Religious Court regarding the number of divorce lawsuits in general, researchers also collected

data in North Lore and East Lore Districts to compare the escalation of divorce lawsuits that occurred in North Lore District.

The basis for the judge's considerations in deciding all divorce cases, as explained above, are legal considerations.

4.2 Factors Influencing the Escalation of Divorce Lawsuits

Basically, many things can influence the escalation of divorce lawsuits. As explained in the previous literature review, the main points that can cause divorce lawsuits generally include economic factors, poor communication, sharp differences, and inconsistency with marriage. Other factors that sometimes dominantly influence divorce are infidelity, work factors, lack of attention from one partner, domestic violence committed by a husband or wife, frequent quarrels, sexual problems, and child problems.

In the author's research results, based on data obtained from respondents through interviews with divorce suit perpetrators, it was found that the dominant factors causing divorce suits from wives to husbands were domestic violence (KDRT), infidelity committed by husbands, and husbands who did not provide for their wives. This is in accordance with what was conveyed by the informant when the author conducted the interview, where he stated:

In divorce cases filed at the Poso Regency Religious Court, the average reason for divorce is domestic violence (KDRT) and infidelity committed by the husband (defendant).

As we all know, infidelity in marriage life is often a source of rift or even destruction of a family order. Infidelity does not only happen to most men but can also be done by women. The presence of a third person in a marriage is one of the most significant factors in causing divorce.

Infidelity is not a simple matter because it is related to the loss of trust, which is the basis of a strong relationship. Therefore, infidelity can lead to widespread psychosexual problems. If infidelity occurs in a family, the destruction of the family can have a wide impact on society. On the other hand, if the family is happy and prosperous, then that happiness contributes to many people.

Based on the results of this study, which was conducted through interviews with eight respondents of divorce lawsuits in North Lore District, it was found that the main factors causing divorce lawsuits from wives to husbands were infidelity, domestic violence (KDRT), and the husband's inability to provide a living. Age and occupation did not have a significant effect on the divorce decision.

Likewise, the results of interviews with six respondents who filed for Divorce in East Lore District showed that the main factors causing divorce lawsuits from wives to their husbands were domestic violence and the husband's inability to provide for his wife.

5. Conclusion

The escalation of divorce lawsuits in North Lore District, based on data from the Poso Regency Religious Court from 2020 to 2022, shows a significant increase. Factors that influence the escalation of divorce lawsuits include domestic violence (KDRT), infidelity, and the husband's inability to provide for his wife. From the perspective of Maqashid Syariah, Divorce is seen as the last solution in Islam when a marriage relationship can no longer be saved. Divorce is present as a way to avoid injustice for both parties, both husband and wife, so even though marriage is a recommended worship, divorce in certain situations is also the Prophet's sunnah as a better solution.

REFERENCES

- Ahmad, F. (2003). UNDERSTANDING THE ISLAMIC LAW OF DIVORCE. *Journal of the Indian Law Institute*, 45(3/4), 484-508. Retrieved from <http://www.jstor.org/stable/43951877>
- Amri, K., Adnan, M., & Fitri, C. D. (2022). Does poverty affect divorce rates? The role of women's income as moderating variable. *Cogent Social Sciences*, 8(1), 2069908. doi:10.1080/23311886.2022.2069908
- Essof, I. (2011). Divorce in Australia: From an Islamic Law Perspective. *Alternative Law Journal*, 36(3), 182-186. doi:10.1177/1037969x1103600309
- Heaton, T., & Cammack, M. (2011). Explaining the Recent Upturn in Divorce in Indonesia: Developmental Idealism and the Effect of Political Change. *Asian Journal of Social Science*, 39(6), 776-796. doi:<https://doi.org/10.1163/156853111X619229>
- Mir-Hosseini, Z. (1986). DIVORCE IN ISLAMIC LAW AND IN PRACTICE: THE CASE OF IRAN. *Cambridge Anthropology*, 11(1), 41-69. Retrieved from <http://www.jstor.org/stable/23817245>
- Nurdin, N., & Pettalongi, S. S. (2022). Menggunakan Paradigma Studi Kasus Kualitatif Interpretatif Online dan Offline Untuk Memahami Efektivitas Penerapan E-Procurement. *Coopetition: Jurnal Ilmiah Manajemen*, 13(2), 155-168.
- Nurdin, N., Scheepers, H., & Stockdale, R. (2022). A social system for sustainable local e-government. *Journal of Systems and Information Technology*, 24(1), 1-31. doi:10.1108/JSIT-10-2019-0214
- Nurdin, N., Stockdale, R., & Scheepers, H. (2016). Influence of Organizational Factors in the Sustainability of E-Government: A Case Study of Local E-Government in Indonesia. In I. S. Sodhi (Ed.), *Trends, Prospects, and Challenges in Asian E-Governance* (pp. 281-323). Hershey, PA, USA: IGI Global.
- Qibthiyyah, R., & Utomo, A. J. (2016). Family Matters: Demographic Change and Social Spending in Indonesia. *Bulletin of Indonesian Economic Studies*, 52(2), 133-159. doi:10.1080/00074918.2016.1211077
- Rusli, R., Hasyim, M. S., & Nurdin, N. (2021). A New Islamic Knowledge Production And Fatwa Rulings: How Indonesia's Young Muslim Scholars Interact With Online Sources. *Journal of Indonesian Islam*, 14(2), 499-518.
- Rusli, R., & Nurdin, N. (2022). Understanding Indonesia millennia Ulama online knowledge acquisition and use in daily fatwa making habits. *Education and Information Technologies*, 27(3), 4117-4140. doi:10.1007/s10639-021-10779-7
- Strauss, A., & Corbin, J. M. (1998). *Basics of Qualitative Research: Grounded Theory Procedures and Techniques* (2 ed.). California, USA: Sage Publications, Inc.
- van Huis, S. C. (2019). *Khul' over the longue durée: the decline of traditional fiqh-*

based divorce mechanisms in Indonesian legal practice. *Islamic Law and Society*, 26(1-2), 58-82.
doi:<https://doi.org/10.1163/15685195-00254A05>

- Widyastari, D. A., Isarabhakdi, P., Vapattanawong, P., & Völker, M. (2020). Marital Dissolution in Postmodern Java, Indonesia: Does Early Marriage Increase the Likelihood to Divorce? *Journal of Divorce & Remarriage*, 61(8), 556-573. doi:10.1080/10502556.2020.1799308
- Yunus, H., Rusli, R., & Abidin, A. (2020). The Concept of A Marriage Agreement in the Compilation of Islamic Law *INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY*, 2(2), 35-45.