

Legal Review of Divorce Cases in The Religious Court of Serang City, Banten 2025 based on Law No. 1 of 1974 Concerning Marriage

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Abstract. *This study aims to analyze the factors that cause an increase in divorce filings by wives in the Serang Religious Court in 2025 and to examine legal protection for wives based on law No. 16 of 2019, an amendment to Law No. 1 of 1974 concerning Marriage and the Compilation of Islamic Law. The background of this study stems from the high number of divorces filings in the last five years, which indicates domestic disharmony and changes in women's legal awareness. The urgency of this study lies in the need to evaluate the implementation of the rights and obligations of husbands and wives and the guarantee of legal protection for wives amid increasing social dynamics. This study uses a normative juridical method combined with an empirical approach through observation and interviews with court officials and parties involved in cases at the Serang Religious Court. The results of the study show that constant disputes and arguments as well as economic problems are the dominant factors causing divorce. In addition, the study found that although legal regulations guarantee the rights of wives, implementation in the field has not been fully effective, especially regarding the fulfillment of iddah maintenance, madhiyah maintenance, mut'ah, and the division of joint property. This study recommends strengthening access to legal aid, increasing awareness about women's rights, and optimizing the enforcement of court decisions so that legal protection for wives can be realized in a more fair and comprehensive manner*

Keywords: Divorce; Marriage; Protection; Religious Court; Wives rights.

1. Introduction

One of the basic human needs is the desire to have a life partner. This need is not only related to biological and social aspects. The factor that drives humans to live with other people is sexual desire, which is a natural instinct that every individual has to maintain and preserve their lineage. In this case, marriage becomes an important process, because through marriage, individuals can build stronger and more stable bonds with their partners. Marriage not only

serves as a means to fulfill emotional and sexual needs, but also as a foundation for forming a family and continuing the next generation. (Firdausi & Burhanuddin, 2024)

Marriage is a sacred relationship, not only uniting the two individuals who marry, but also uniting their two families. In various religious teachings, marriage is an obligation for those who are physically and mentally mature. Through marriage, it is hoped that the relationship between a man and a woman will be honorable, that domestic life will be peaceful and tranquil, and that a sense of affection will be created among family members, so that ultimately harmony will be achieved within the family.

Based on Article 1 of Law No. 16 of 2019 amending Law No. 1 of 1974 concerning Marriage, marriage is defined as a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and lasting family (household) based on belief in God Almighty, as regulated in the aforementioned law. Law No. 16 of 2019 concerning amendments to Law No. 1 of 1974 contains a principle and guarantee of human rights. One of the main principles contained in this law is that marriage has the purpose of forming a harmonious, happy, and eternal family, therefore this law emphasizes the importance of human values and happiness in family life. However, in recent years, the phenomenon of divorce, especially those filed by wives, has shown a significant increase (Sriono, 2014).

Table 1. Data on Divorce Lawsuits from 2021 to 2025 at the Serang Religious Court

No	Year	Divorce Suit
1	2021	2.655
2	2022	2.692
3	2023	2.761
4	2024	2.454
5	2025	2.298
(January-August)		
Total		10.406

(Source: Secondary Data from the Serang Religious Court)

The city of Serang, as the capital of Banten Province, has seen an upward trend in the number of divorce cases filed by wives, as recorded in data from the local Religious Court. This phenomenon indicates a significant change in the social and cultural structure of society, particularly in relation to the role and position of women in the household. In the past, divorce was often considered a difficult and taboo decision for a wife, but now many women are more courageous in taking this step when they feel they are not getting justice or happiness in their marriage. Thus, the increase in the number of divorce cases in Serang City reflects a shift in social values and an increase in women's awareness of their rights and dignity in domestic life.

Initial observations conducted at the Religious Court of Serang City, Banten, show that the deputy registrar identified two main factors causing an increase in divorce, namely continuous disputes and arguments, as well as economic problems. Disputes that often occur between husband and wife usually stem from dissatisfaction or tension arising from unstable economic conditions (Sa'adiyyah et al., 2023).

As times change, shifts in lifestyle and moral values in society also affect family life. Although husband and wife have taken vows before a religious leader and promised to live together to achieve the goal of marriage, which is to create a perfect life, in reality, many fail to maintain the integrity of their household due to various factors. This condition shows that marriage, which ideally should be a source of guarantee for the continuity of the relationship, can be ended for various reasons (Hartini & Kalman, 2024).

A marriage ends when the continuation of the husband and wife's relationship has the potential to cause harm or loss. According to Article 38 of the Law on Marriage, there are several causes for the termination of a marriage, namely death, divorce, or a court decision that determines the termination of the marriage (M'phun's, 1860). Arguments and problems are normal. Every couple will inevitably face various challenges that can trigger conflict. It is very important for a husband and wife to support each other and work together to resolve any issues that arise. Good communication and mutual understanding are key to overcoming differences and conflicts that may arise. Therefore, it is hoped that the marriage relationship can be maintained well and not end up in a religious court going through a divorce process. Facing problems together with a positive attitude and mutual respect will strengthen the relationship between the couple and create a harmonious household atmosphere (Hidayati, 2022).

Various studies, such as the first one conducted by Annisa (2025), only sought to evaluate the extent to which Supreme Court Circular Letter Number 1 of 2016 aimed to facilitate the mediation process in divorce cases in the religious court of Serang. It only shows data on divorce rates in 2023 and 2024, therefore the study only focuses on the mediation procedure in divorce cases (Khairunisa et al., 2025).

The second study by Dahris Siregar (2023) focuses on the increase in divorce rates in Indonesia and its impact on children, both psychologically and physically, as well as the legal consequences of divorce on children. This study not only explains the legal regulations governing divorce but also describes the real conditions in society regarding how divorce affects the welfare and development of children. The focus is more on a general description of the increase in divorce rates and their impact on children, without conducting an in-depth empirical analysis in the field.

This study does not present primary data such as interviews with divorced parties, children affected by divorce, or court officials, so the results tend to be theoretical (Siregar et al., 2023).

Finally, Winda Fitri's (2023) study analyzes the role and authority of *judex facti* in religious courts in resolving divorce cases, particularly talak divorce. This study focuses on how religious courts as first-level judicial institutions and high religious courts as appellate institutions carry out their judicial functions in assessing legal facts, determining cause and effect, and enforcing Islamic law in the context of divorce. The weakness of this study lies in its focus, which only emphasizes divorce by repudiation, making the discussion less comprehensive when compared to divorce by lawsuit. Although this study explains the general differences between the two, an in-depth analysis of divorce by lawsuit filed by a wife is not discussed proportionally (Fitri et al., 2023).

Therefore, the focus of this study is oriented towards three main points of analysis. First, this study analyzes various factors that encourage a wife to file for divorce in a Religious Court, both those originating from internal household conditions such as emotional conflict, disharmony, and role incompatibility, as well as external factors such as economic pressure, social environment, and changes in family dynamics. Second, this study examines the implementation of the obligations and rights of husbands and wives as stipulated in the Law on Marriage and the Compilation of Islamic Law. Third, this study focuses on the forms of legal protection that wives can obtain in the divorce process. Through a normative juridical approach and supported by empirical data from the Serang Religious Court, this study aims to reveal the dominant factors causing divorce and evaluate the effectiveness of the application of marriage law in providing certainty and protection for wives.

2. Research Methods

This study uses a normative juridical method and is supported by empirical data. The normative approach is carried out by examining applicable legal provisions, such as Law Number 1 of 1974 concerning marriage. The empirical approach was carried out by collecting primary data from observations and interviews with relevant parties at the Serang Religious Court, such as judges, court clerks, legal aid officers, and parties filing for divorce. The location for collecting secondary data in this study was the Serang Religious Court, as this institution is where the phenomenon of an increase in divorce cases filed by wives, which is the focus of this study, occurs (Muhaimin, 2020).

Data analysis in this study on the juridical review of the number of wives filing for divorce from their husbands at the Religious Court of Serang City, Banten, in 2025 based on the Law on Marriage used normative descriptive analysis with a qualitative approach. This approach was

used to obtain legal clarity in examining the phenomenon of the increase in divorce suits filed by wives and to interpret its relationship with applicable legal norms. In the process, the researcher interpreted the data from interviews with court officials and the parties involved to answer the problem identification and draw legal connections between the provisions in the Marriage Law and the practice of divorce lawsuits in the field. The results are expected to provide a complete picture of the factors causing the high number of wives filing for divorce, the application of the law by the courts, and the forms of legal protection for the parties, so that ultimately a juridical and empirical conclusion can be drawn regarding the implementation of marriage law in the Serang Religious Court (Arianto, 2021).

3. Results And Discussion

3.1 Factors Contributing to Divorce That Interact to Influence Divorce Rates

Based on the findings and data analysis conducted in this study, the researcher will describe in more detail the factors behind divorce filed by wives in the Serang Religious Court. This discussion will not only focus on identifying the causal factors, but also relate them to the extent of the effectiveness of the implementation of the Law on Marriage in regulating and protecting the rights and obligations of husbands and wives. Thus, this analysis is expected to provide a more comprehensive picture of the relationship between the social reality of divorce and the implementation of marriage laws in Indonesia. Finally, it is also intended to make a real contribution to understanding the social dynamics behind the phenomenon of divorce by lawsuit in the city of Serang and to provide considerations for various parties, including academics, the government, and social institutions, in finding appropriate solutions to reduce the divorce rate in the future (Sa'adiyyah et al., 2023).

Based on the results of the observations that have been carried out, the researcher will then present data on various factors that cause divorce, particularly in cases of divorce filed by wives at the Serang Religious Court. The data presented covers the period from January to August 2025. Obtained from the official report of the Serang Religious Court, this data is presented in tabular form to make it more systematic and easier to understand. As we can see in the following table:

Table 2. Data on Factors Causing Divorce (Divorce Lawsuits)

No	Causes of Divorce (Contested Divorce)	Number
1	Adultery	0
2	Drunkenness	0
3	Drug addiction	0
4	Gambling	4
5	Abandonment of one spouse	8
6	Imprisonment	0
7	Polygamy	2

No	Causes of Divorce (Contested Divorce)	Number
8	Domestic violence	1
9	Physical disability	0
10	Constant disputes and quarrels	248
11	Forced marriage	0
12	Apostasy	0
13	Economic	91
14	TOTAL	354

Based on the explanation of Article 39 paragraph (2) of the Marriage Law, the table is almost similar to the reasons used as grounds for divorce, namely as follows: (1) One of the parties commits adultery or becomes an alcoholic, drug addict, gambler, or other such person who is difficult to cure; (2) If one of the parties abandons the other for two consecutive years without the other party's permission and without a valid reason or due to other circumstances beyond their control; (3) One of the parties is sentenced to five years' imprisonment or a heavier punishment after the marriage has taken place; (4) One party commits cruelty or severe abuse that endangers the other party; (5) One party suffers from a physical disability or illness that prevents them from fulfilling their obligations as a husband or wife; 6. There are constant disputes and arguments between the husband and wife, and there is no hope for a harmonious family life ("Pasal 39 Ayat (2) Undang-Undang Perkawinan," 1860).

And as can be seen from the table above, the causes of divorce in 2025 (January-August) show that constant disputes and arguments occupy the highest position as a cause of divorce, followed by economic factors, abandonment of one party, and gambling. This phenomenon is a sign of disharmony in marital relationships, rooted in the failure to fulfill the rights and obligations of husbands and wives in a balanced manner. This is in line with the provisions stipulated in the Marriage Law, specifically in Chapter VI Articles 30-34 ("Bab VI Pasal 30-34 Undang-Undang Tentang Perkawinan," 2018), which emphasizes that husbands and wives have the noble obligation to uphold the household as the basic unit of society, whereby a husband is obliged to protect his wife and provide for all the necessities of household life according to his ability, while a wife is obliged to manage household affairs as well as possible. These provisions indicate that a balance of roles between husband and wife is the main foundation for forming a family that is *sakinah*, *mawaddah*, and *Rahmah* (Erdi & Mubarrak, 2024).

However, the social reality found in this study shows that the large number of divorce cases filed by wives in the Serang Religious Court indicates that the application of the principles of rights and obligations as stipulated in the law is not yet effective. Economic factors, for example, are the dominant cause, indicating that husbands are often unable or unwilling to fulfill their financial obligations to their families. When financial obligations are not met, tension and

ongoing arguments arise between husbands and wives, leading to the wife's decision to file for divorce. This condition also shows that the wife's right to receive physical and emotional support as guaranteed by law has been ignored by the husband, resulting in a loss of justice and peace in the household. Increased legal awareness and economic independence among women have also encouraged more wives to dare to file for divorce when their rights are not fulfilled. In this context, social modernization and women's access to education and employment have provided them with the opportunity to no longer remain in unhealthy or unfair relationships. This is reinforced by research in interviews with wives who stated that women with a good level of education and economic independence are more likely to decide to end their marriage when they feel that they are not getting emotional or material well-being in their household (Gustina, 2024).

Internal factors possessed by a husband and wife greatly influence economic success in the family. Their educational backgrounds also determine their ability to manage household finances wisely. In addition, good communication and deliberation before making decisions or taking action are important. This process not only helps create understanding between a husband and wife, but also serves as a joint evaluation to determine the direction, planning, and future of household life (Purwadi & Arpin, 2021). In addition to internal factors related to the ability of husbands and wives to manage finances and maintain communication, this study also shows that economic instability and failure to perform household roles in a balanced manner often interact with other social factors that accelerate divorce.

In this case, the husband's failure to fulfill his role not only covers economic aspects, but also neglects emotional support, affection, attention, and moral leadership in the family. In fact, based on articles 33 and 34 of the Marriage Law, husbands and wives are obliged to love each other, respect each other, be faithful, and provide physical and emotional support to each other. Neglecting these aspects makes the husband-wife relationship devoid of emotional and spiritual values, which ultimately leads to constant arguments, as reflected in the data on divorce cases in the Serang Court.

The exercise of the rights and obligations of husbands and wives in marriage has two dimensions, namely the normative legal dimension and the moral-spiritual dimension. The normative legal dimension includes the husband's obligation to provide financial support, a place to live, and protection for his wife as stipulated in the Law and Compilation of Islamic Law (KHI) Articles 77-84. Meanwhile, the moral-spiritual dimension includes aspects of affection, care, and moral responsibility to maintain household harmony. Both dimensions are complementary, and failure in one dimension can lead to household breakdown. In the context

of divorce lawsuits in Serang, these two dimensions do not appear to be balanced, as many husbands only emphasize the formal aspects of marriage without understanding the substance of their moral obligations as heads of the family.

The rights and obligations between husband and wife are comprehensively regulated in the Qur'an and the hadith of the Prophet. In essence, husbands are prohibited from looking for faults in their wives with the intention of taking back what they have given. Husbands are also required to treat their wives with kindness and justice, where the rights of a wife must be balanced with the obligations she must fulfill. This is in line with the provisions of the Marriage Law. Articles 30 to 34 explain that husbands and wives have a shared responsibility to form a harmonious household as the basis for community life. The rights and positions of husbands and wives are considered equal, both in family and social life. Both are obliged to love, respect, and be faithful to each other, as well as to provide physical and emotional support. Husbands have a responsibility to protect their wives and provide for the household according to their means (Hasibuan et al., 2025).

3.2 Forms of Legal Protection for Wives in the Marriage Law

In this section, the researcher will describe the forms of legal protection provided to wives in the Marriage Law, particularly in the context of the increasing number of divorce cases in the Serang Religious Court. Based on data collected from the Serang Religious Court, there are several dominant factors that encourage a wife to file for divorce, mainly related to the issues listed in the table below, namely economic problems and constant arguments and disputes. These two factors indicate that the wife's rights in the household are not being fulfilled, both in terms of material and emotional support, as well as the right to protection and peace in married life. Therefore, legal protection is needed in terms of economic issues and constant arguments and disputes.

Table 3. Data on factors for divorce with the highest numbers

No	Causes of Divorce (Contested Divorce)	Number
1	Economy	91
2	Constant Arguments and Disputes	248

(Source: Secondary Data from the Serang Religious Court)

A husband's economic capacity is a major factor influencing the amount of alimony he can provide. Weak economic conditions are often used as a basis for reducing or delaying the fulfillment of alimony obligations, even though these obligations remain mandatory and cannot be ignored. In fact, these economic or financial limitations are often used as a justification, resulting in the suboptimal fulfillment of alimony obligations and impacting the rights of wives and children.

As a housewife, a wife certainly has a form of protection in terms of alimony fulfillment from her husband. Wives have the right to demand material and emotional support because this obligation is clearly stipulated in the constitution as the husband's responsibility. This provision is also emphasized in Presidential Regulation No. 1 of 1991 concerning the Compilation of Islamic Law, which states that according to his economic ability, the husband is obliged to provide: (a) Financial support, clothing, and housing for the wife; and (b) Household expenses, care expenses, and medical expenses for the wife and children (*Kompilasi Hukum Islam*, 2001).

The Marriage Law also regulates the form of protection for wives in terms of financial support. This is included in Article 33 and Article 34 paragraph 1. Article 33 emphasizes that husbands and wives must love each other, respect each other, be faithful, and provide physical and emotional support to one another. And Article 34 paragraph (1) states that husbands must protect their wives and provide everything necessary for household life according to their abilities (Undang-Undang Nomor 1 Tahun 1974 Pasal 33 Tentang Perkawinan, 1974).

The obligation to provide financial support plays a very important role in building a household that is expected to run happily, harmoniously, and prosperously. Inability or negligence in fulfilling this obligation is often one of the causes of marital breakdown, and can even trigger ongoing arguments and disharmony in family life. There are also husbands who are financially capable but are indifferent to the needs of their families, causing tension and discomfort in the household. The husband's failure to provide financial support is often the main trigger for the disruption of the stability and continuity of the marriage (Fahrezi, 2022).

Legal protection in the economic sphere is increasingly evident in the provisions regarding the wife's right to file for *madhiyah alimony*, *iddah alimony*, and *mut'ah* during the divorce process. These three forms of alimony serve as a protective mechanism so that the wife does not suffer economic loss as a result of the termination of the marriage. Madhiyah alimony is alimony that has not been fulfilled during the marriage, iddah alimony is given during the waiting period after divorce, while mut'ah is a gift to comfort and ease the psychological burden on the wife due to divorce. These provisions show that the state provides comprehensive protection to wives, not only during marriage but also after the marriage ends.

In addition, in the context of household economics, the law also provides protection or rights to a wife to obtain a fair share of joint property (*gono-gini*). The provisions regarding joint property as stipulated in Article 35 of the Marriage Law are a form of legal protection aimed at preventing one party, especially the wife, from being economically disadvantaged due to an imbalance of power in the household. In the event of divorce, joint property must be divided fairly between

the husband and wife in accordance with their contributions and legal provisions, so that a wife continues to receive economic security for her livelihood (Muhctar, 2025).

Thus, legal protection for wives in economic matters is not limited to the fulfillment of basic needs during marriage, but also includes comprehensive protection in the event of conflict, dispute, and divorce. These mechanisms prove that the law seeks to ensure that a wife is included in all aspects of household life. This also provides a guarantee that the rights of wives as part of the family must continue to be respected, protected, and fulfilled in accordance with the principles of justice and welfare.

The second legal protection is for ongoing disputes and arguments, which researchers have analyzed as the most prominent issue to be examined. Legal protection for divorced couples due to ongoing disputes is clearly regulated in Indonesian legislation. The Marriage Law, together with the Compilation of Islamic Law, stipulates that divorce can only be carried out through a legal court process, in which the court is tasked with ensuring that the rights of each party concerned are fulfilled. However, the reality on the ground shows that many women still face obstacles in obtaining their rights after divorce, particularly in relation to iddah and mut'ah alimony, which are the responsibility of the former husband. In fact, there are many court decisions that require the provision of alimony that are not complied with, so that women must make their own efforts to obtain the rights or protection they should receive.

From an Islamic law perspective, the protection of women after divorce is a highly emphasized aspect to ensure that their welfare is still fulfilled even though their marriage has ended. Various rights granted to women after divorce, such as iddah and mut'ah alimony, are a form of the husband's responsibility aimed at preventing women from economic hardship and providing a guarantee of a decent life. In addition, Islamic law also pays great attention to child custody rights and child support obligations, because even though the parents have separated, the children's needs and rights must still be fulfilled for their optimal growth and development. These principles show that Islamic family law places justice, balance, and welfare as the main foundations in every legal decision related to marriage and divorce, so that the decisions made not only protect women but also ensure that the interests of children are maintained.

In reality, the implementation of legal protection for women who are divorced due to ongoing disputes still faces a number of obstacles. The lack of public understanding of women's rights after divorce, the weak enforcement of legal regulations, and the negative stigma against women who are widows are major obstacles in efforts to provide justice for them. Therefore, concrete steps are needed to strengthen legal protection mechanisms, including through

increased education on women's rights in divorce, strengthening the capacity of judges to handle divorce cases in a more sensitive and fair manner, and empowering women's protection agencies to provide legal assistance and support to those who need it.

In many cases in Serang, these ongoing arguments or disputes usually stem from differences in values, lifestyles, or expectations between husbands and wives that cannot be reconciled. Imbalances in roles and responsibilities, both in terms of economics and emotional needs, often worsen the relationship between couples. In Islamic law, husbands must provide physical and emotional support, while wives are responsible for maintaining the honor and integrity of the household. If one of the spouses feels that they are not being treated fairly or that their rights are not being fulfilled, conflict can easily arise and become the main reason for divorce.

To resolve these issues, concrete actions are needed to strengthen legal protection for women facing divorce due to constant arguments and disputes. One such measure is to improve the effectiveness of legal institutions in guaranteeing the fulfillment of women's rights after divorce. Religious courts, as institutions that handle divorce cases for Muslims, must play an active role in overseeing the implementation of decisions related to iddah, mut'ah, and child custody rights so that they are properly carried out by the obligated parties. In addition, legal aid or assistance services for women filing for divorce need to be expanded so that they gain a better understanding of their rights and receive adequate protection during the trial process.

Ultimately, efforts to protect women who experience divorce due to ongoing disputes must be based on the principles of justice and welfare for all parties involved. Islamic family law has provided clear rules regarding the rights and obligations of husbands and wives in the event of divorce, but its application in the Indonesian legal system still needs to be improved in order to function more effectively. Through regulatory reform, improved law enforcement, and broader public education, it is hoped that legal protection for women after divorce can be maximized and have a real impact on achieving justice in family life. Thus, legal protection does not only stop at granting rights after divorce, but also includes conflict prevention and the creation of fair, safe, and dignified household conditions for each couple from the beginning of their marriage (Ubaidila & Halimatus Sa'dia, 2025).

4. Conclusion

Based on the results of research on the number of wives filing for divorce at the Serang Religious Court in 2025, it can be concluded that the phenomenon of increasing divorce rates is influenced by various interrelated factors, both internal and external to the household. The most dominant factors are unmet economic needs and continuous disputes and arguments, as reflected in the

data from the Serang Religious Court. These two factors indicate that domestic disharmony often occurs due to the unfulfillment of the rights and obligations of husbands and wives, particularly the obligation of a husband to provide physical and emotional support and to act as the head of the family. The Law on Marriage and the Compilation of Islamic Law, in principle, provide clear legal protection for wives, both during marriage and in the divorce process. However, based on empirical findings, the implementation of this protection has not been fully effective, especially in terms of fulfilling iddah, mut'ah, madhiyyah, and guaranteeing the economic rights of wives after divorce. In addition, social barriers, low public understanding of the law, and weak supervision of court decisions also pose challenges in achieving justice for women who file for divorce. This study emphasizes the importance of the role of the state, religious courts, and legal aid institutions in strengthening protection mechanisms for women through increased access to legal aid, education about women's rights, and strengthened law enforcement against parties who do not fulfill their obligations. In addition, conflict prevention and family quality strengthening efforts need to be optimized through premarital education, counseling, and more comprehensive family guidance. Thus, this study is expected to contribute academically to understanding the social and legal dynamics of the increase in divorce suits filed by wives, as well as to provide recommendations for stakeholders to improve the effectiveness of the application of marriage law in order to achieve justice and welfare in family life.

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