

# Implementation of Husband's Obligations Post-Divorce (Case Study in Mutiara Timur District, Pidie Regency)

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## ABSTRACT

Mutiara Timur is one of the districts in Pidie Regency, Aceh Province. Divorce cases in this district are increasing every year. After the divorce, the exhusband is obliged to carry out several obligations to his ex-wife and children, but in practice the process of fulfilling the obligations of the ex-husband to the child and post-divorce wife has not been carried out properly. This type of research is field research, namely research that is directly carried out in the field or to respondents. In this study, the researcher used a qualitative descriptive analysis. And using an empirical-juridical approach, which is a legal research method that functions to be able to see the law in a real sense and examine how the law works in a community environment. The obligations of the ex-husband after the divorce are: to provide *mut'ah*, *iddah* rights, *madhiyah* maintenance, division of joint assets, paying off dowries owed, and providing a living for their children. After the author conducted research on 18 divorced couples, the author found that there were 13 ex-husbands who were obliged to provide for their children. Of the 13 ex-husbands, only two people carry out the obligation to provide maintenance for their children perfectly. There are 7 people who are obliged to give *mut'ah* and the right of *iddah* to the ex-wife. Of the 7 people, only one person is carrying out his obligations. There are 7 people who are obliged to carry out the distribution of joint assets. Of the 7 people, there are only two people who carry out their obligations. Meanwhile, there are 7 people who are obliged to pay for *Madhiyah's* living. Of the 7 people, there is not a single person who carries out his obligations. The factors behind the effective and ineffective implementation of husband's obligations after divorce in Mutiara Timur District include: economic factors, communication factors, education factors, remarriage factors, and divorce background factors.

**Keywords:** Implementation; obligations of ex husband; wife; childrems

## A. INTRODUCTION

### 1. Background of the problem

There are two types of divorce in the Religious Courts, namely *talak* divorce and *sued* divorce. Divorce *talak* is a divorce application submitted by the husband to the religious court to obtain permission to impose divorce on the wife. A divorce lawsuit is a divorce lawsuit

filed by a wife against her husband. The difference between the two has an impact on the different rights obtained by women and children after divorce. If the marriage breaks up due to divorce, then the ex-husband is obliged to give the ex-wife in the form of *mut'ah*, living, food (place to live) and *kiswah* (clothing) during the *iddah* period, paying off dowry, joint

property rights and *hadhanah* rights. However, if the marriage breaks up due to divorce (*khuluk*), then the wife is not entitled to receive *iddah*, *mut'ah*, *maskan* and *kiswah*. The wife is considered to have been willing to give up all her rights for the sake of the fall of divorce.

Divorce is the most common case in Indonesia. According to data obtained by researchers from the website of the Supreme Court of the Republic of Indonesia, in 2018 there were 419,268 divorce cases decided. Of this number, the most divorces occurred were from women, namely 307,778 people. Meanwhile, the men were 111,490 people. Meanwhile, in 2019, 468,276 have been decided. 347,234 are lawsuits and 121,042 are talak divorces (mahkamahagung.go.id).

In Pidie District, Aceh Province, the Syar'iyah Court of Sigli Class I-B also recorded a higher divorce rate than talak. Chairman of the Sigli Syar'iyah Court Class I-B, Pidie Regency, Dr. H. Munir, SH., M.Ag announced that there were 298 cases of wives suing their husbands for divorce that had been handled from January to 20 December 2019. While the cases of husband and wife divorced as many as 133 cases. The total number of divorce cases that have been handled is 431 cases. The divorce rate in Pidie Regency increased from the previous year

which only amounted to 397 cases. Of which 277 cases were divorced from husbands and 120 cases were talak divorces (Website of AJN, 20-12:2019).

Pidie Regency has 23 sub-districts, one of which is Mutiara Timur District. Divorce cases in Mutiara Timur sub-district are also increasing every year. Mutiara Timur District consists of 48 villages (gampong) including: Tong Peria, Alue Adan, Barieh, Dayah Adan, Dayah Usi, Kampong Lada, Karieng, Kulam Ara, Gumpueng Mosque, Jeurat Manyang, Usi Mosque, Meugit, Mon Ara, Nibong , Paloh Lhok Usi, Pulo Drien, Rambong, Rambot Adan, Reubat, Arrived Mosque, Tiba Raya, Tong Weng, Ulee Tutue, and Ulee Gampong. Researchers will research in 7 villages as a sample. They are Tong Peria Village, Gumpueng Mosque, Ulee Gampong, Jeurat Manyang, Ulee Tutue, and Menasah Lam Kuta. From each village the researcher will examine 3 divorce cases as samples.

This research was deliberately carried out in Mutiara Timur District because the number of divorce rates in Mutiara Timur sub-district is increasing every year. It is not known whether the ex-husband's obligation to the rights of his wife and children after the divorce has been carried out has been carried out in accordance with existing regulations or vice versa. So this study aims to examine

the mechanism for implementing husband's obligations after divorce in Mutiara Timur District, Pidie Regency.

## B. RESEARCH METHODS

This type of research is field research, namely research that is directly carried out in the field or to respondents ('Etta Mamang Sangaji & Sopiah, 2010: 28). In this study, researchers used a qualitative descriptive analysis. Descriptive research is research that describes certain objects and explains things related to or systematically describes the facts of certain population characteristics in certain fields factually and carefully (Sarifuddin Azwar, 1998: 7). A qualitative approach is a research and understanding process based on a methodology that investigates a social phenomenon and human problem. Based on this understanding, the researcher concludes that descriptive qualitative research is a way to describe social phenomena that occur around. This research uses an empirical-juridical approach, which is a legal research method that functions to be able to see the law in a real sense and examine how the law works in a community environment.

## C. RESULTS AND DISCUSSION

### 1. Implementation of Husband's Obligations After Divorce in Mutiara Timur District

A husband who has divorced his wife is obliged to provide *mut'ah*, *iddah*, and *madhiyah* expenses, this is in accordance with Law Number 1 of 1974 concerning Marriage in Article 34 and the Compilation of Islamic Law in Article 149 letter (a), (b), and 158 (*Kompilasi Hukum Islam*: 2012).

In Article 149 of the KHI, in the event of a divorce, the husband is obliged to:

- a) Giving a proper *mut'ah* to his ex-wife, either in the form of money or goods, unless the ex-wife is *qabla aldukhul*.
- b) Giving dowry and *kiswah* to the ex-wife during the *iddah* period, unless the ex-wife has been sentenced to *talak ba'in* or *nusyuz* and is not pregnant.
- c) Pay off the dowry owed in full and in half when *qabla al dukhul*.
- d) Provide *hadhanah* fees for their children who have not reached the age of 21 years ('Mohd Idris Ramulyo, 1996: 161).

To find out how the husband's implementation efforts after divorce in East Mutia District, researchers went directly to villages in East Mutia District to interview divorce actors. In this case the researcher took 7 villages as samples. Namely: Ulee Gampong Village, Cot

Gampong Village, Tong Weng Village, Barieh Village, Tong Peria Village, Gumpueng Mesjid Village, and Usi Mesjid Village. From each of these villages, the researcher took 3 divorced couples to be interviewed. The total number of couples interviewed by the researchers was 21 divorced couples. 11 couples are divorced and 10 couples are divorced. Divorce obligations after divorce with talak divorce are: mut'ah rights, iddah rights, madhiah property, dowry owed, division of joint property, and child support. Meanwhile, after the divorce, there is no obligation for mut'ah and iddah rights. The results of interviews that have been conducted by researchers are as follows:

1. First Divorce Couple (Zulhendri and Ernidar)

Zulhendri married at the age of 25, while his wife, Ernidar, was 23. A few months after the wedding, Zulhendri invited his wife to stay at his mother's house. Zulhendri feels more comfortable living in his own mother's house than at his mother-in-law, Ernidar's mother. Ernidar also did not object to this. At the beginning of the marriage there were no problems in their household. Later that day, a problem arose. The first problem arose when Zulhendri did not allow Ernidar to return to his mother's house. Even so, when there are activities at his

mother's house, Ernidar still returns to his mother's house because he misses his family. From that point on, the problem got bigger. Zulhendri and Ernidar often argue about this. And also because there are several other problems so that their household is increasingly on the verge of divorce. In 2018, Zulhendri gave Ernidar a triple divorce. They lived life as husband and wife for 3 years. From this marriage they were blessed with a son named Ifad Asy-Sharif. Ifad currently lives with his mother (interview with Ernidar, 2-6: 2021).

After the divorce, Ernidar did not demand any rights from Zulhendri. This he did not do because at the beginning of the divorce he was still traumatized and needed time to calm down. At that time there was absolutely no desire to get any treasure from Zulhendri. He does not demand wealth or a living for the children. The treasure they have is a Vario 150 motorbike.

Zulhendri did not give any rights to Ernidar. The first reason he didn't give him any rights was because Ernidar didn't demand it. The second reason, according to him, Ernidar is a wife who is nusyuz for not obeying her husband's orders. Even so, Zulhendri still gives pocket money to his son. There is no nominal allowance for the allowance and there is no schedule determination. This is because Zulhendri's

economy is unstable (interview with Zulhendra, 27-5: 2021).

From the research above, we can conclude that ex-husbands do not fulfill their obligations in distributing property in the form of Vario 150 motorbikes. Ex-husbands also do not fully support their children, only provide snacks. The ex-husband also does not give mut'ah, even though the divorce is done from the husband's side. In this case, the ex-wife should also get a proper place to live from the ex-husband. Unless the ex-wife is really disobedient or nusyuz. This is based on the word of Allah SWT:

*“Let them live where you live, according to your means. And don't bother them to put pressure on them. If they are pregnant, spend on them until they give birth. And if they breastfeed for you, compensate them fairly. Treat one another well. If you have difficulties, ask another woman to breastfeed for her.”* (Ath-Thalaq: 6).

## 2. Second Divorce Couple (Muhammad Rizal and Nurlaini Fadhillah)

Muhammad Rizal and Nurlaini Fadhillah's marriage was held in 2006. At that time Muhammad Rizal was only 18 years old and Nurlaini Fadhillah was only 15 years old. Very young age to run a household. Because they got married at a

very young age, their household was often colored with various problems. Despite many household shocks and problems, they can maintain their household for up to 10 years. Exactly in 2016 they decided to end their household. The main reason for the decision was because of the affair. From the woman's side, it was said that M. Rizal had an affair. Meanwhile, M. Rizal admits that it was Nurlaini who committed the affair. From their marriage they were blessed with two children. One daughter named Syifa Rizkina Fanisa and one son named Muhammad Adam.

The type of divorce that occurred between M. Rizal and Nurlaini Fadhillah was a gugut divorce. Nurlaini herself filed for divorce in court. Because the divorce is carried out by the wife (lawful divorce), the ex-wife does not get mut'ah, the right of iddah in the form of living, clothing and housing (interview with Nurlaini Fadhillah, 2-6: 2021).

The ex-husband's obligation in this case is to distribute seharkat (joint assets) and provide a living for his two children. From the beginning of the divorce until now, M. Rizal always provides for his two children who have been living with his ex-wife. Routine costs that are always given every month amount to Rp. 1,500,000. All the baby's needs are met by M. Rizal. This is also confirmed by Nurlaini. However, M. Rizal did not carry out the distribution

of joint assets. The common property they have is a motorcycle. The reason M. Rezal did not distribute the motorbike was because he used it for work. The results of his work are also given to the children. Meanwhile, Nurlaini also did not demand to share the motorbike (interview with Muhammad Rizal, 3-6: 2021).

### 3. Third Divorce Couple (Heriadi and Rismawati)

Heriadi married Rismawati in 2001. At that time Heriadi was 20 years old while Rismawati was 18 years old. Their marriage was still classified as young marriage, although at that time women were allowed to marry under the age of 19. At the beginning of the marriage there was no impact that the couple would separate. Their household is far from problematic. After a few years, a problem arose. The initial emergence of the problem was due to the economy which was then followed by domestic violence (KDRT). Domestic violence is committed by a husband against his wife. At the height of the problem, there is hardly a day without the anger of the husband being received by the wife. Domestic violence also continues even though there have been several peace talks. So in 2010, Rismawati decided to end the household with Heriadi. With the help of her relatives, Rismawati ventured to file for divorce to the Sigli Syar'iyah

Court. From this marriage they were blessed with 3 sons, namely: Salmandi, M. Sandi, and Rifaulha (interview with Rismawati, 2-6: 2021).

Because the divorce is carried out by the wife (lawful divorce), the ex-wife does not get mut'ah at all, the right of iddah (subsistence, clothing and housing). This case is almost the same as the case of the second pair. The husband's obligation after the divorce in this case is the division of seharkat (joint property) and providing for his two children. However, as long as they are married together, there is no property that can be used as joint property. Therefore, the automatic distribution of joint assets is no longer an obligation on Heriadi. It's just that Heriadi is obliged to provide for his 3 children who have lived with Rismawati since they divorced. However, Heriadi does not carry out the obligation to provide a living for children in any form.

### 4. Fourth Divorce Couple (Asnawi and Saljiwati)

Asnawi and Saljiwati married in 2000. At that time Asnawi was 23 years old and Saljiwati was 20 years old. From the beginning of Asnawi's marriage, it seemed that he did not pay much attention to Saljiwati as a wife. Asnawi does not think about making a living for his wife. Asnawi also rarely returns to his wife's house. He prefers to live with his mother

in Dayah Bubue Village. Sometimes Saljiwati also returns to her in-laws' house to meet her husband. For daily living, Saljiwati looks for it herself. Sometimes Saljiwati also gives money to her husband because his husband doesn't work (interview with Saljiwati, 2-6: 2021).

A few years later Saljiwati began to feel tired of her domestic life like that. Then Saljiwati reported it to the family. The goal is not to divorce but to advise Asnawi to carry out his obligations. Then the problem was reported to the village head for a family meeting. In the family meeting Asnawi is required to provide a living for Saljiwati Rp. 10,000 per day. Asnawi agreed. The days after the meeting were not much different from the previous days. Asnawi still does not carry out what has been set. He only gave money to Saljiwati twice. One time Rp. 30,000 and one time Rp. 20,000. In 2007, Saljiwati decided to file for divorce from Asnawi after being married for 7 years. They have no children from their marriage (interview with Asnawi, 2-6: 2021).

In this case the ex-husband is not obliged to give mut'ah and the right of iddah, because the divorce is carried out by the woman. There is also no obligation to support children because they do not have children. And also there is no obligation to share joint property, because there is no joint property. The ex-husband

is only obliged to pay *Madhiyah's* living. *Madhiyah* sustenance is a living for the wife's needs which should be given to the wife while in the marriage bond as the husband's obligation after the marriage contract, but the living is not given by the husband to the wife. So the husband has a debt that must be paid when the marriage breaks up. Among the obligations of a husband to his wife, the strongest is the obligation to provide a living in the form of food, clothing (*kiswah*) and a place to live.

##### 5. Fifth Divorce Couple (Alhusni and Jannati)

Alhusni married Jannati in 2006. At that time Alhusni was 23 years old and Jannati was 17 years old. Like domestic life in general. At the beginning of the marriage there were no problems in their household. Problems arose around 2017 with the presence of third parties. Starting from that, the domestic relationship between Alhusni and Jannati began to look disharmonious. Such a relationship lasted until 2019.

In 2019, Alhusni gave Jannati three divorces because he felt it was more appropriate. They have three sons. Namely: M. Al-Annas, Az-Zikra, and Ammar.

After the divorce, Jannati did not get mu'ah and the right of iddah. Because he does not demand and he also does not



understand the existence of *mut'ah* and the right of *iddah*. He's only ever questioned the support for the children who have been living with him since the divorce (interview with Jannati, 2-6: 2021).

In this case, the ex-husband is obliged to give *mut'ah* and the right of *iddah* in the form of a place to live to the ex-wife, because the divorce is done from the male side (triple *talaq*). However, Alhusni did not carry out his obligations because his ex-wife did not demand. The husband is also obliged to provide for his children. In this case, Alhusni is still trying to provide a living for his children in the form of school snacks. While others are also not fulfilled by Alhusni. In this case the ex-husbands are also obliged to carry out the division of joint property, because they have 2 motorbikes. In the division of joint property, each of them took a motorbike that was usually used by each (interview with Alhusni, 2-6: 2021).

#### 6. The Sixth Divorce Couple (Zulkarnaini and Cut Devi)

Zulkarnaini and Cut Devi married in 2019. At that time Zulkarnaini was 28 years old while Cut Devi was 24 years old. Problems in their household because they do not have the same understanding in managing the household. Cut Dewi wants to run a household in her village. Meanwhile, Zulkarnaini also wants to run their household in his own village. At first

Cut Devi agreed to live with her husband at the in-laws' house. Then because Zulkarnaini did not allow Cut Devi to return to her house, she began to feel uncomfortable. Several times Cut Devi returned to her house without Zulkarnaini's permission. Which then becomes a problem in their household.

In 2017 Cut Devi decided to file for divorce to the Court. So that in 2017 Zulkarnaini and Cut Devi officially divorced with a lawsuit. They have 2 daughters. Namely: Aisyah Az-Zahara and Kalbina Rifa (interview with Cut Dev, 2-6: 2021).

In this case the ex-wife is not entitled to *mut'ah* and *iddah*. Because the divorce is done from the woman (divorce sued). The ex-husband is only obliged to provide for his two children. However, Zulkarnaini did not fully implement in providing for his children. He only gave it when he visited his son. There is no set amount and no set schedule. They have no common property.

#### 7. Seventh Divorce Couple (Edi Saputra and Azizah)

Edi Saputra and Azizah married in 2005. At that time Edi was 25 years old while Azizah was 16 years old. Problems in their household started from economic problems. In 2014, due to economic urgency, Edi wanted to sell satellite dishes at home. Such action was not permitted by



Azizah. Azizah did not want the satellite dish to be sold. Karen did not accept each other, so they argued with each other. Which then ended in divorce. Edi divorced Azizah in 2014. They lived together for 9 years. From their marriage, they were blessed with 3 children. Namely: M. Fadhil, Nabila, and Aisyah Alifa.

In this case, Azizah is entitled to *mut'ah*, the right of *iddah* in the form of a proper place to live. Also ex-husbands are obliged to provide for their children. However, the husband's manta does not give *mut'ah* and *iddah* rights. Meanwhile, maintenance for children is only given when asked for. There is no set amount and also no set schedule. They have no common property (interview with Edy Saputra, 3-6: 2021).

#### 8. Eighth Divorce Couple (Hasan and Afriani)

Hasan and Afriani were married in 1997. At that time Hasan was 24 years old while Afriani was 19 years old. Problems in their household stems from economic problems. Afriani must earn his own money as a living. For children's snacks, Afriani also gives more often than Hasan. Even so, Afriani didn't mind it, because she was used to making a living from before getting married. About 5 years before the divorce, Hasan had not given Afriani a living at all. Problems in their

household increased with the presence of a third party from Hasan's side. Because of the presence of this third person, Afriani finally decided to have sex with Hasan (interview with Afriani, 3-6: 2021).

In 2011, Hasan and Afriani officially divorced with a lawsuit. They lived together for 14 years. From that marriage they were blessed with 3 children. Two boys and one girl. Namely: Zulkhairi, Intan Sahara and Azlan Azizi.

In this case the ex-wife is not entitled to receive *mut'ah* and *iddah* rights. Because the divorce that occurred from the woman (divorce sued). The husband is only obliged to provide a living for the children, the division of joint property and pay for the *madhiyah* living. After the divorce, Hasan never provided a living for his children until 2018. Then in 2018 when his children were older and had the courage to ask his father for money, Hasan gave him a livelihood. What is asked for, that will be given. It doesn't matter the nominal terms and the schedule of giving.

Afriani did not get the distribution of the property in kind, because Hasan did not distribute it. Afriani himself also did not demand and did not make a problem. While the payment of *Madhiyah* living for 5 years was also not carried out by Hasan. This is because Hasan and Afriani do not know at all that there is an obligation to

pay *Madhiyah* property (interview with Hasan, 6-3: 2021). *Madliyah* sustenance is a living for the wife's needs which should be given to the wife while in the marriage bond as the husband's obligation after the marriage contract, but the living is not given by the husband to the wife. So the husband has a debt that must be paid when the marriage breaks up. Among the obligations of a husband to his wife, the strongest is the obligation to provide a living in the form of food, clothing (*kiswah*) and a place to live.

9. The Ninth Divorce Couple (T. Jafaruddin and Fauziah)

T. Jafaruddin married Fauziah in 2005. At that time T. Jafaruddin was 29 years old while Fauziah was 34 years old. In 2016 they started not living in the same house because of the household problems they were experiencing. Then in 2021 Fauziah filed for divorce from T. Jafaruddin to the Court. They lived as husband and wife for 16 years. From this marriage they were blessed with three sons. Namely: T. Zalfahmi, T. Zulhilmi, and Abdul Aziz.

In this case the ex-wife is not entitled to receive *mut'ah* and iddah rights. Because the divorce occurs from the woman (divorce sued). The husband's husband is only obliged to provide for the children, the division of joint property and the payment of *madhiyah* expenses. In the

distribution of joint property, Fauziah received a motorcycle. While the maintenance for children is not carried out by T. Jafaruddin. T. Jafaruddin also did not pay *Madhiyah's* living (interview with Fauziah, 3-6: 2021).

10. Tenth Divorce Couple (M. Thahir and Khadijah)

M. Thahir and Khadijah married in 2011. At that time M. Thahir was 31 years old while Khadijah was 21 years old. Divorce in their household is motivated by economic problems. Before officially divorced, M. Thahir had already dropped one divorce on Khadijah. Then they came back. Even though they have reconciled, their domestic life is not yet harmonious. M. Thahir also rarely provides for his wife. Then in 2020, Khadijah filed for divorce from her husband. From this marriage they were not blessed with children.

In this case the ex-wife (Khadijah) is not entitled to receive *mut'ah* and the right of iddah. Because the divorce is carried out by the woman (divorce sued). The ex-husband (M. Thahir) also has no obligation to provide for the children, because their marriage is not blessed with children. The ex-husband is obliged to pay *Madhiyah's* living. Because during marriage the husband does not provide a living for his wife. However, the ex-husband has not paid the *Madhiyah's*

living until now. The ex-wife doesn't demand it either (interview with M. Thahir, 4-6: 2021).

#### 11. Eleventh Divorce Couple (Abu Bakar and Yusra)

Abu Bakar married Yusra in 2013. At that time Abu Bakr was 32 years old while Yusra was 30 years old. During his household, Yusra worked to provide for himself. Meanwhile, Abu Abar did not want to work. Marriage with Abu Bakr was not Yusra's wish. Their marriage is an arranged marriage from their parents. Gradually Yusra did not like living like that anymore. My husband does nothing to earn a living. Not wanting to continue living like that, in 2018 Yusra filed for divorce from her husband. They lived as husband and wife for 5 years. In the household they are not blessed with children.

In this case the ex-wife is not entitled to receive *mut'ah* and iddah rights. Because the divorce that occurred from the woman (divorce sued). The ex-husband also has no obligation to provide for children, because their marriage is not blessed with children. However, the ex-husband is obligated to pay a living for *madhiyah*, because as long as he is married the husband does not provide a living for his wife. However, the ex-husband has not paid the *Madhiyah's*

living until now. The ex-wife didn't sue either (interview with Yusra, 4-6: 2021).

#### 12. The Twelfth Divorce Couple (Fauzi and Nur Saimi)

Fauzi married Nur Saimi in 2020. Fauzi's age at marriage was 33 years and Nur Saimi was 20 years old. Fauzi is not a rich man, his daily job is helping the villagers plow the fields. From the start of their marriage, Fauzi and Nur Saimi looked incompatible. Their marriage only lasted 8 months. In March 2021 they officially separated with a divorce suit filed by Nur Saimi. They have no children from their marriage.

In this case, the ex-wife is not entitled to receive *mut'ah* or iddah. Because the divorce is carried out by the woman (divorce sued). The ex-husband also has no obligation to provide for the children, because their marriage is not blessed with children. And also there is no obligation to support *madhiyah* because before marriage, Fauzi routinely provided for his wife (interview with Fauzi, 4-6: 2021).

#### 13. Thirteenth Divorce Couple (Ramli and Lisna)

Ramli and Lisna married in 2003. At that time Ramli was 33 years old and Lisna was 28 years old. The divorce between Lisna and Ramli was caused by domestic violence (KDRT) committed by Ramli against Lisna and also the presence of a third party. In 2015 Ramli gave Lisna

triple talaq. From this marriage they were blessed with 2 daughters. Namely: Nadiatus Safira and Raisa Safira.

In this case, the ex-husband is obliged to give *mut'ah* and the right of iddah in the form of a place to live to the ex-wife, because the divorce is done from the male side (triple talaq). The ex-husband is also obliged to provide for his two children. However, Ramli did not fulfill his obligations. He did not give *mut'ah* and also did not give the right of iddah in the form of a place to live. As for the livelihood for his two children, sometimes there are gifts and sometimes there are none (interview with Lisna, 28-5: 2021).

#### 14. Fourteenth Divorce Couple (Musthafa and Nur Hafni)

Mustafa and Nur Hafni married in 2010. At that time Mustafa was 25 years old while Nur Hafni was 27 years old. Their divorce is due to economic factors. Mustafa rarely provides for Nur Hafni. Therefore, Nur Hafni had to make a living on her own. In their household there are often problems. In March 2021, Mustafa divorced Nur Hafni. They were married for 11 years. From this marriage, they have 3 children. Namely: Syahrul Ramadhan, Anis and Naura.

In this case, the ex-husband is obliged to give *mut'ah* and the right of iddah in the form of a place to live to the

ex-wife, because the divorce is done from the male side (triple talaq). The ex-husband is also obliged to pay *Madhiyah* support to his ex-wife and is also obliged to provide for his three children. However, Mustafa did not fulfill any of his obligations (interview with Nur Hafni, 28-5: 2021).

#### 15. Fifteenth Divorce Couple (Dainon and Darniati)

Dainon married Darniati in 2015. At that time Dainon was 54 years old while Darniati was 49 years old. This is their second marriage after both were left by their respective partners. During their marriage they both earn a living for each. Darniati, who has a child from her first husband, has to work harder to earn a living. In 2018, Dainon divorced Darniati. They have no children.

In this case, the ex-husband is only obliged to give *mut'ah* and iddah rights in the form of a place to live to the ex-wife. Because the divorce is done from the male side (triple talaq). And also obliged to pay a living *madhiyah*. However, Dainon did not carry out this duty (interview with Darniati, 28-5: 2021).

#### 16. Sixteenth Divorce Couple (Zulkifli and Maria Ulfah)

Zulkifli and Maria Ulfah married in 2002. At that time Zulkifli was 26 years old, while Mari Ulfah was 22 years old. Their domestic life was in a commotion.

In addition to the commotion, domestic violence (KDRT) was also experienced by Maria Ulfah. In 2013 Zulkifli gave one divorce to Maria. Then in 2014, Maria filed for divorce to the court and they were officially divorced in 2014. From this marriage they were blessed with 4 children. They are: Nur Safillah, M. Ausin, M. Dinal Akbar, and Nailul Autar.

In this case, the ex-wife is not entitled to receive *mut'ah* or iddah. Because the divorce that occurred from the woman (divorce sued). The ex-husband is only obliged to provide for his children and the distribution of joint property. However, this was not done by the ex-husband. The husband does not divide the joint assets in the form of: house, paddy field and car. Support for children is only provided if they live with their father. Custody of the child is in the hands of the mother. Even so, Maria still allowed her children to live with her father so that they could provide for their livelihood. However, none of their children were comfortable living with their father, because his father had remarried (interview with Maria Ulfah, 26-5: 2021).

#### 17. Seventeenth Divorce Couple (Gani Dram and Jamaliah)

Gani Dram and Jamaliah married in 2008. At that time Gani Dram was 38 years old, while Jamaliah was 27 years

old. Gani Gram's place of origin is in central Aceh. The beginning of the problems in their household was when Jamaliah found out that Gani Dram already had a wife and child in Aceh. In which Gani Dram covered his married status to Jamaliah. During his stay with Jamaliah Gani Dram also never provided for Jamaliah. In fact, it was Jamaliah who provided a living for Gani Dram. One year after graduating, Gani Dram returned to Central Aceh without telling Jamaliah. Three years later, Gani Dram returned to Jamaliah's house, Jamaliah also took him back. 5 months later Gani Dram returned to Central Aceh and has never returned to Jamaliah's house until now. In 2018, Jamaliah filed for divorce to the Court. They are officially divorced. From this marriage they were blessed with a son named Badrul Kamal.

In this case the ex-wife is not entitled to receive *mut'ah* and iddah rights. Because the divorce is carried out by the woman (divorce sued). The ex-husband is only obliged to provide for his children and pay off the *madhiyah* income. However, Gani Dram did not fulfill any of his obligations (interview with Jamaliah, 26-5: 2021).

#### 18. The Eighteenth Divorce Couple (Zulkarnaini and Ratna Dewi)

Zulkarnaini and Ratna Dewi were married in 2013. At that time Zulkarnaini

was 27 years old while Ratna Dewi was 18 years old. Their divorce occurred because of a dispute between the two. In 2018, Zulkarnaini gave Ratna Dewi one divorce. After undergoing mediation in the Court and several courts, they finally officially divorced. They lived together for 5 years. From this marriage they were blessed with a daughter named Namira Adelia (interview with Ratna Dewi, 26-5: 2021).

In this case, the ex-husband is obliged to provide *mut'ah*, *iddah* rights in the form of a living, *kiswah* (clothing) and proper housing to the ex-wife. The ex-husband is also obliged to divide the joint property and provide for his children. All these obligations were carried out properly by Zulkarnaini. For *mut'ah*, Zulkarnaini gave a gift to Ratna Dewi. For the right of *iddah*, Zulkarnaini gave Rp. 5,000,000 according to the court's decision. Meanwhile, for the children, Zulkarnaini routinely gives him IDR 1,000,000 per month and has one sack. He also fulfills the needs of his other children (an interview with Zulkarnaini, 26-5: 2021).

From the description above, we can understand that in general the obligations of the ex-husband after a divorce are twofold. Namely obligations to children and obligations to ex-wife. From the results of the interviews above, it can be concluded that the implementation of husband's obligations

after divorce in Mutiara Timur District is as follows:

1. Implementation of obligations towards children

In this study, researchers found that there were 13 cases of ex-husbands who were obliged to provide for their children. Of the 13 ex-husbands above, only two people carry out their obligations to provide for their children to the maximum. Namely M. Rizal and Zulkarnaini Tong Peria. From the beginning of the divorce until now, M. Rizal has been actively providing for his two children who have been living with his mother. The routine costs that M. Rizal always gives each month amount to Rp. 1,500,000. Zulkarnaini Tong Peria routinely gives him Rp. 1,000,000 and one sack of rice per month for one of his children. While the other 11 people did not carry out their obligations completely. There are even those who do not carry out the obligation to provide for their children at all. There are 3 people who do not provide maintenance for children. And who only executes part<sup>1</sup> of the obligation to provide a living for children are 8 people.

From the description above, the researcher can conclude that the

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<sup>1</sup>In the group of people who carry out some of these obligations, the researcher includes all those who have ever provided a living for their children in any form, even if only once.

implementation of the obligation to provide for children after divorce in East Mutia District in this study is 46.1%.

## 2. Implementation of Obligations to Ex-Wife.

In this study, researchers found 4 obligations of ex-husbands to ex-wives after divorce. Namely: giving *mut'ah*, giving the right of iddah, distributing joint assets and paying *madhiyah* living.

There are 7 people who are obliged to give *mut'ah*. Of the seven people who are obliged to give *mut'ah* to their ex-wife, only one person carries out this obligation, namely Zulkarnaini Tong Peria. He gave gifts in the form of clothes as *mut'ah*. While the other 6 people did not carry out the obligation to give *mut'ah* to the ex-wife. The percentage of husband's obligation to give *mut'ah* to his ex-wife after divorce in Mutiara Timur District in this study was 14.3%.

There are also 7 people who are obliged to carry out the obligation to give the right of iddah. Of the 7 people, only one person carried out this obligation, namely Zulkarnaini Tong Peria. He gave Rp. 6,000,000, in accordance with the amount determined in the trial. While the other 6 people did not carry out the obligation to give the right of iddah to the ex-wife. The percentage of implementation of husband's obligations in giving iddah rights to ex-wife after

divorce in Mutiara Timur District in this study was only 14.3%.

There are 7 people who are obliged to carry out the distribution of joint assets. Of the seven people who are obliged to carry out the distribution of joint assets, there are only two who carry out their obligations. The first is Zulkarnaini Tong Peria. In the division of joint property they agreed to value all the goods they had and then divided into 2 parts. One part is taken by the ex-husband and the other part is taken by the ex-wife. Each of them gets a share of Rp. 67,580,000. Second, Alhusni, they agreed to share the 2 motorcycles they own. The ex-husband took the motorbike he used to use and the ex-wife took the motorbike he used to use. While the other 5 people did not carry out the obligation to distribute joint assets. The percentage of implementation of husband's obligations in the distribution of joint assets with ex-wife after divorce in Mutiara Timur District is 28.6%.

There are 7 people who are obliged to pay for *Madhiyah's* living. Of the 7 people above, there is not one person who carries out the obligation to pay *madhiyah* expenses to his ex-wife. The percentage of husband's obligation to pay a living *madhiyah* to his ex-wife after divorce in Mutiara Timur District in this study was 0%.



To better understand the description above, you can see the following table:

**Table 1.1 Percentage of implementation of child support:**

Obligation	Required Amount	WIF	YIP	WDNI	POWI	POWDNI
Child's Livelihood	13people	2 people	8 people	4 people	46,1%	53,9%

Information:

WIF : Who Implements Fully

YIP : Who Implements Partially

WDNI : Who DoNot Implement

POWI : Percentage Of Who

Implements

POWDNI : Percentage Of Who Do

Not Implement

**Table 1.2 Percentage of execution of ex-husband's obligations to ex-wife**

No	Obligation	Required Amount	WI	WDNI	POWI	POWDNI
1.	Mut'ah	7 people	1 person	6 people	14,3%	85,7%
2.	Right of Iddah	7 people	1 person	6 people	14,3%	85,7%
3.	Shared Property	7 people	2people	5 people	28,6%	71,4%
4.	Madhiyah's livelihood	7people	-	7 people	0%	100%
<b>Total Percentage</b>					14,3%	85,7%

Information:

WI : Who Implements

WDNI :Who DoNot Implement

POWI : PercentageOf Who

Implements

POWDNI : Percentage Of Who

DoNot Implement

## 2. The Background of the Effective and Ineffective Implementation of Husband's Obligations After Divorce

The factors behind the ineffective implementation of husband's obligations after divorce in Mutiara Timur District are as follows:

### 1. Economic Factor

Economic factors are one of the factors behind the obligation of husbands after divorce in Mutiara Timur sub-district, Pidie Regency. The ex-husband who does not have sufficient income is the reason for not carrying out his obligations after the divorce. And ex-husbands who carry out their obligations are those who have economic income.

### 2. Remarriage Factor

After the divorce is decided, both the ex-husband/wife has the right to remarry. If the parties have remarried, the issue of children born in previous marriages becomes very important to ensure, especially regarding the cost of living. Although the rights of the ex-wife

and children, for example, have been guaranteed in the decision of the Religious Courts, if the ex-husband has remarried, it will be very difficult for the ex-husband to continue to provide the child's living expenses and give rights to the ex-wife.

### 3. Educational Factor

The higher the education, the higher the level of obedience to the law so that the process of implementing the former's obligations towards the ex-wife and children can be carried out properly and vice versa, the lower the level of education, the lower the level of compliance with the law and this causes the implementation of the husband's mut'ah to be hampered. An uneducated ex-husband doesn't seem to know his responsibilities after a divorce. Most of those who carry out their obligations are those who are educated.

### 4. Divorce background

The divorce background also has a fairly high influence, such as from some of the respondents we got, when the divorce background is due to the dominance of mistakes made by the wife, this results in the husband's reluctance to give obligations to his ex-wife. On the other hand, divorce by divorce leads to the implementation of post-divorce obligations.

### 5. Communication Factor

The thing that must be maintained after the divorce between ex-husband and ex-wife is to maintain communication. Because with good communication, the ex-husband's obligations which are the rights of his wife and children will be carried out properly. And vice versa (interview with Mr. Armia, MH (Head of KUA Mutiara Timur), 10-6: 2021).

## D. CONCLUSION

The ex-husband's obligations after the divorce are: giving mut'ah, giving iddah rights, carrying out the distribution of joint assets, paying off madhiyah expenses and providing a living for children.

Of the 18 divorced couples that the researchers interviewed, there were 13 ex-husbands who were obliged to provide for their children. There are only two people who carry out their obligations to the maximum. There are 8 people who carry out part of their obligations. And there are 3 people who do not carry out their obligations. In percentage terms, those who carry out the obligation to provide maintenance for children are 46.1%.

There are 7 people who are obliged to give mut'ah and the right of iddah to the ex-wife. Only one person carries out their obligations (14.3%). Meanwhile, there are 7 people who are

obliged to carry out the distribution of joint assets. Of the 7 people, there are only two people who carry out their obligations (28.6%). Then there are 7 people who are obliged to pay for *Madhiyah's* living. Of the nine people, there is not one person who carries out his obligations (0%). So, ex-husbands who carry out post-divorce obligations in this study are 14.3%.

The factors behind the ineffective implementation of post-divorce husband obligations in Mutiara Timur District include: economic factors, remarriage factors, low levels of education, divorce background, and communication factors.

## E. REFERENCES

### 1. Book:

- Sangaji, Etta Mamang dan Sopiah. (2010). *Metodologi Peneleitian: Pendekatan Praktis dalam Penelitian*. Yogyakarta: Andi.
- Azwar, Sarifuddin. (1998). *Metode Penelitian*. Yogyakarta: Pustaka Pelajar.
- Kompilasi Hukum Islam. (2012). Bandung: Nuansa Aulia. III Printing.
- Ramulyo, Mohd Idris. (1996). *Hukum Perkawinan Islam: Suatu Aalisis dari Undang-Undang No. 1 Tahun 1974 dan Kompilasi Hukum Islam*. Jakarta: Bumi Aksara. I Printing.

Etta Mamang Sangaji and Sopiah, *Metodologi Peneleitian: Pendekatan Praktis dalam Penelitian* (Yogyakarta: Andi, 2010), p. 28

Sarifuddin Azwar, *Metode Penelitian* (Yogyakarta: Pustaka Pelajar, 1998), p. 7

*Kompilasi Hukum Islam*, (revised edition), 3rd mold, (Bandung: Nuansa Aulia, 2012)

Mohd Idris Ramulyo, *Hukum Perkawinan Islam: Suatu Aalisis dari Undang-Undang No. 1 Tahun 1974 dan Kompilasi Hukum Islam*, 1st mold, (Jakarta: Bumi Aksara, 1996) p. 161

### 2. Online's Source

- Supreme Court of the Republic of Indonesia. (2020). Accessed March 7, 2020, from <https://badilag.mahkamahagung.go.id/perkara-diterima-dan-diputus-pada-tingkat-pertama/data-perkara/perkara-diterima-dan-diputus-pada-tingkat-pertama>
- Aceh Journal National Network. (2019). Accessed March 5, 2020, from <https://www.ajnn.net/news/istri-gugat-cerai-suami-masih-tinggi-di-pidie/index.html>