

The Impact of the Corona Virus Disease 2019 (Covid-19) Pandemic on Divorce Maqasid Syari'ah Perspective (Case Study in Religious Court 1A Palu)

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ABSTRAK

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Various dynamics and problems in life have contributed to the occurrence of divorce even though the husband and wife have tried to maintain the integrity of their household. The newest problem in the current world order of life is the emergence of a pandemic known to the general public as the Corona Virus or Covid-19. In the last 2 years (2020-2021) Covid-19 has been widely used as an excuse or main problem that occurs in society, namely on the side of social life and economic growth which indirectly affect one's household line of life which in turn has an impact on divorce.

The research method used is a type of qualitative research with interview, observation, and documentation methodologies and is strengthened by the maqasid sharia perspective.

Research result The Covid-19 pandemic has had an impact on divorce at the Religious Court 1 A Palu which is factored in by economic factors, the factor of leaving one of the parties, the factor of constant disputes and bickering, the factor of domestic violence, the factor of third party interference and the drunken factor. Divorce during the covid-19 pandemic from the perspective of sharia analysis due to economic problems, third party interference, drunkenness.

1. Introduction

In nature, everyone wants a marriage that is done once in a lifetime or a marriage that lasts forever. However, in various aspects of life, marriages are found that do not live up to their original expectations with the age of marriage being as old as corn or in other words a relatively short marriage life.

Various dynamics and problems in life have contributed to the occurrence of divorce even though the husband and wife have tried to maintain the integrity of their household. The newest problem in the current world order of life is the emergence of a pandemic known to the general public as the Corona Virus or Covid-19. In the last 2 years (2020-2021) Covid-19 has been widely used as an excuse or main problem that occurs in society, namely on the side of social life and economic growth which indirectly affect one's household line of life which in turn has an impact on divorce.

Based on the background above, the author will conduct a scientific search and formulate the problem, namely what are the factors causing divorce during the Covid-19 pandemic at the Religious Court 1 A Palu and what is the maqasid shari'ah perspective on divorce during the Covid-19 pandemic at the Religious Courts 1 A Hammer.

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2. Literature Review

2.1. Maqasid Syari'ah

One of the important and very basic concepts in Islam which is the subject of discussion is the concept of maqasid sharia which emphasizes that the presence of Islam is to create and maintain the welfare of mankind. The scholars have recognized the concept of Maqasid Sharia and become a fundamental standard in Islam. The spirit of Maqasid Sharia is to create goodness while avoiding evil, or to take advantage and eliminate harm (*dar'u al-mafasid wa jalb al- masalih*), a term that corresponds to the essence of Maqasid Syariah is *maslahat*, because Islam and *maslahat* are like inseparable twins. (Musolli, 2018)

Islam is a heavenly religion that has the holy book Al-Qur'an and as the main source. The Qur'an contains various teachings, among the scholars there are those who divide the contents of the Qur'an into 3 (three) major groups, namely *aqidah*, *khuluqiyyah*, and *'amaliyah*. *Aqidah* is related to the basics of faith. *Khuluqiyyah* is related to ethics or morals. *Amaliyah* is related to legal aspects arising from *aqwal* (expression), and *af'al* (human action), and in the systematics of Islamic law it is divided into two things. The first is worship, in which the pattern of human relations with God is regulated. The second is *muamalah*, in which the h pattern is regulated relationship between human beings. (Muhammad Lutfi Hakim, 2017). According to Wahbah al-Zuhaili, *maqashid shari'ah* are the values and objectives of shari'a which are contained in most of His laws. These values and targets are interpreted as the

goals and secrets of shariah, which are set forth by al-shari' in every statutory provision. Yusuf al- Qaradawi defines maqashid al-shari'ah as the goal that is the target of the text and some regulations to be applied in human life, both in the form of instructions, prohibitions, and permits for individuals, families, groups, and all people, or can also be interpreted as wisdom which is the existence of legal provisions, whether determined by religion or not. Because in every law that Allah has set for His servants, there must be a noble purpose or wisdom behind the law. (Muhammad Lutfi Hakim, 2017)

When setting a law, this ranking order will determine how important a law is when it conflicts with its benefit. The dharuriyyat rank occupies the first place, then hajiyyat precedes the tahsiniyyat rank. With this understanding, it can be used as an understanding that the first rank is complemented by the second rank and the second rank is complemented by the third rank

2. 2 Overview of Divorce

Marriage in Arabic fiqh literature is called by two words, namely nikah (نكاح) and zawaj (زواج). Literally the word marriage or zawaj means "joining" (ضم), "sex relations" (وطء) and also means "aqad" (عقد). In terms of terminology in many fiqh books, it is interpreted as: *الوطء بالفظ النكاح او ال تزويج ينضم من عقد اباحة*, which means; akad or agreement that contains the intention of allowing sexual intercourse by using the lafaz na-ka-ha or za-wa-ja. (Aris Rauf, 2022).

Marriage that is carried out forever until the end of life is basically a desired marriage in Islamic teachings. But do not rule out the existence of certain conditions to avoid harm in marriage so breaking the marriage relationship with divorce is one of the steps and a way out that cannot be avoided. (Amir Syarifuddin, 2007).

Divorce that occurs is essentially a legal event that results in a person losing or gaining rights or obligations. Thus, divorce as a legal event has a close relationship with behavior and actions in law which are responsibility for offspring or children and property. Basically, divorce is a common word in Indonesian which has the same meaning as divorce from the word "ithlaq" which means to leave or let go. The word "divorce" in religious terms means the dissolution of marital relations or the release of the marriage bond. Thus releasing the marriage bond means the dissolution of the husband and wife relationship. (Aulia Muthia, 2020).

The word "divorce" in the Indonesian Language Dictionary is defined as separation or breaking of the relationship as husband and wife. Therefore "divorce" is a word that refers to a condition from the meaning of the word "divorce". In this condition it can be understood that those who break up in the event of divorce are only limited to the bond as husband and wife so that the two are no longer allowed to have relations as husband and wife. As for other relationships such as human relations, they should not be disturbed, let alone break up. Likewise, the parent and child relationship, both remain in a bond as father and mother to their children. The quality of this relationship and the rights and obligations that arise from it do not change at all, both inside and outside (post-divorce) marital relations.

Islamic teachings provide a mention of divorce with "Divorce" with the origin of the word "Ithlaq", which means leaving or letting go. Divorce in religious terms is defined as releasing a marriage bond or dissolving a marriage relationship. Releasing a bond means severing the relationship between husband and wife resulting in divorce or the end of the marriage. Meanwhile, "divorce" according to Sabiq is to release the marriage bond and end the marital relationship between husband and wife. Another definition of divorce in terms of fiqh is talak or furqah. (Kamal Mukhtar, 2004)

3. Methodology

The type of research used in this study is a type of qualitative research. This type of qualitative research is a type of research that is used to examine the conditions of natural objects (as opposed to experiments). Natural objects are objects that develop as they are, are not manipulated by researchers and the presence of researchers does not affect the dynamics of the object. (Sugiyono, 2009).

Data sources are divided into 2, namely primary data, namely data sources that directly provide data to data collectors. In this case, those who are competent and related to research, namely Deputy Chairperson of the Religious Court 1 A Palu, Judges, Registrars, Junior Registrars of Law, Junior Registrars of Lawsuits, One Stop Service Officer (PTSP) of the Religious Courts 1 A Palu who were selected as informants study. and consumers and secondary data sourced from literature, books,

and other documents that are still related to the discussion. As for data collection techniques using observation techniques, interviews and documentation. (Sugiyono, 2010).

4. Results and Discussion

Divorce is something that is often found in all circles of society that do not look at a person's social status or the time and circumstances as with the current situation which is the Covid-19 pandemic which gives a new nuance to the issue of divorce. In its implementation, divorce is an event that often occurs in society, both urban and rural communities, both from the lower, middle and upper class levels, both farmers and employees, so it can be said that this divorce often occurs in all circles. Likewise in Religion 1 A Palu, divorce continues to occur every year and even monthly, especially in the Covid situation, it also has little impact or reason for those who want a divorce at the Religious Court 1 A Palu. The Religious Court is a judicial institution authorized by law to resolve marital disputes. After the promulgation of Law Number 3 of 2006 the Religious Courts were more stable in carrying out their duties and functions as one of the judicial institutions in the archipelago. In deciding a case, apart from having to pay attention to the reasons and grounds, the judge must also contain the provisions of the relevant regulations or unwritten sources of law which are used as the basis for adjudicating. The judge is the main element in the court, even the judge is also synonymous with the court itself. After the promulgation of Law Number 3 of 2006 the Religious Courts were more stable in carrying out their duties and functions as one of the judicial institutions in the archipelago. In deciding a case, apart from having to pay attention to the reasons and grounds, the judge must also contain the provisions of the relevant regulations or unwritten sources of law which are used as the basis for adjudicating. 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This precarious situation also has an impact on disputes between couples who have built a household, based on data available at the Religious Courts which can be seen online that the factors of disputes or fights that cause couples to file for divorce at the Religious Courts are varied, ranging from lack of income, constant bickering so that the couple does not find comfort with each other because of constant bickering, there are also infidelity factors, the factor of leaving one of the parties, these factors are factors that are in the database of the divorce decision of the Religious Court 1 A Palu. If you look at these factors that occurred in the Religious Courts, this can also be said to have had an effect due to the presence of Covid-19, how come the impact of Covid-19 has not caused an economic downturn with an economic downturn which of course will have an impact on households, causing continuous quarrels, makes people lose their minds by being attacked by a psychic and of course they seek peace, maybe by getting drunk, playing social media which can create seeds of infidelity. However, the scope of the Religious Court 1 A Palu also continues to try to mediate for couples who propose to be able to rethink their household, the court provides input so that couples think about all the bad effects of divorce how could the impact of Covid-19 not make the economy crash with the economic downturn, of course, have an impact on households, causing constant fights, making people lose their minds with psychic attacks and of course they seek peace, maybe by getting drunk, playing social media which can sowing the seeds of infidelity. 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Furthermore, existence in *hifs nafs* (mindfulness of the soul) is included in domestic violence. The domestic violence disclosed above is one of the causative factors of divorce in the Religious Court 1 A Palu, namely the factor of domestic violence, this is also contradictory in Islam because if one partner acts violently, it will not be possible to achieve domestic harmony. Religious Court 1 A Palu during a pandemic, namely interference from third parties. Third party interference can be construed with infidelity Cheating is not just adultery it also contributes to terrible atrocities, especially the breakdown of family relationships. The real consequences of deception will be mention of other sins such as lying, adultery, assault on husband and so on.

5. Conclusion

Based on the description of the previous chapters the writer can draw the following conclusions:

1. The Covid-19 pandemic has had an impact on divorce at the Religious Court 1 A Palu which is factored in by economic factors, the factor of leaving one of the parties, the factor of constant disputes and bickering, the factor of domestic violence, the factor of third party interference and the drunken factor.
2. Divorce during the Covid-19 pandemic from the perspective of sharia analysis due to economic problems, interference from third parties, drunkenness, disputes and continuous fights is a relevant decision where the judge has also tried to reconcile the two parties. during the Covid-19 pandemic is a *dharuriyyat* problem which gives an understanding of something that must exist in order to carry out benefits or in other words that *dharuriyyat* is benefit that depends on the existence of these benefits human life depends on religion and the world.

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