

The Impact of Divorce on Children from a Sociology of Law Perspective: A Case Study in Tondong Tallasa District

Sikra¹, Rusdaya Basri²

^{1,2}Institut Agama Islam Negeri Parepare, Indonesia

Correspondence Email: sasidriyen@gmail.com

Abstract

This study examines the impact of divorce on children from a sociology of law perspective in Tondong Tallasa District. The objectives of this research are to identify the effects of divorce on children and to analyze the factors contributing to divorce in Tondong Tallasa District. The research employs a descriptive qualitative method, which is a problem-solving procedure that investigates phenomena by describing and portraying the conditions of the research subjects or objects as they currently exist, based on observable facts. Data were collected through observation, interviews, and documentation. The collected data were analyzed by reviewing and synthesizing the findings to produce concise thematic summaries. The results of the study indicate that the causes of divorce in Tondong Tallasa District vary, including: (1) domestic violence, (2) infidelity, (3) economic factors, and (4) parental interference. Furthermore, the impact of divorce on children is generally similar, namely that children tend to become less open with others and experience feelings of shame in relation to their peers.

Keywords: Divorce, Children's Welfare, Sociology of Law, Socio-Legal Impact, Tondong Tallasa District

Introduction

In a marital relationship, harmony does not always proceed as ideally envisioned from the outset. Various factors—whether intentional or unintentional—may hinder the stability and harmony of family life. One consequence arising from such conflicts is divorce. In Indonesia, divorce is no longer considered an unfamiliar phenomenon; rather, it has become increasingly common and socially normalized (Veronika et al., 2022). Divorce does not occur solely among individuals from lower socioeconomic backgrounds but also among those from higher economic classes with sufficient financial resources. Moreover, divorce is not limited to ordinary citizens; it also occurs among public figures, including artists, musicians, and even religious leaders (Yakin, 2016).

Divorce not only causes harm to the couple involved but also adversely affects other parties. In reality, divorce is not something that is expected or encouraged; although it is discouraged, the number of divorces in society continues to rise each

year. A more concrete example can be observed among celebrities, who often engage in repeated marriages and divorces without fully considering the psychological consequences that divorce may cause. For them, even the high financial costs associated with divorce do not pose a significant concern (Cipta, 2017).

As university students, it is important to recognize that the consequences of divorce can be severe, particularly for children. When parents divorce, children often experience emotional distress, feelings of neglect, and a lack of parental attention and affection (Indriani et al., 2018). Psychologically, divorce can significantly influence a child's development, whether during early childhood or adolescence (No et al., 2023). This undergraduate thesis draft seeks to examine the impact of parental divorce on adolescent development. The effects of divorce on adolescents tend to be more pronounced than on younger children, as adolescents generally possess a more developed capacity for thinking and emotional awareness (Pragholapati, 2020).

The laws and regulations governing divorce proceedings in Indonesian courts include Law Number 1 of 1974 on Marriage, which broadly regulates divorce but lacks detailed distinctions, particularly regarding divorce procedures under Islamic law. Furthermore, Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 provides more detailed provisions regarding court jurisdiction over divorce cases and practical divorce procedures. In addition, Law Number 23 of 2004 on the Elimination of Domestic Violence (KDRT) provides legal protection for individuals who experience abuse within the household (Analisis et al., 2024). In Islamic teachings, the use of violence in resolving family disputes is considered a last resort. The initial steps involve providing good advice, followed by temporary separation of sleeping arrangements; only if these steps fail may physical discipline be applied, and even then, it must be educational in nature and must not involve striking the face (Turap et al., n.d.).

Based on these conditions, this study seeks to examine the factors contributing to divorce and its negative impacts, as well as to analyze the effects of parental divorce on children from the perspective of the sociology of law in Tondong Tallasa District, Pangkep Regency.

Research Methods

This study employs a qualitative research approach that is oriented toward naturally occurring phenomena or symptoms and is fundamental in nature. The data analysis is inductive. Qualitative research does not seek to obtain evidence for testing hypotheses derived from theory, as is commonly done in quantitative approaches. Instead, the researcher conducts fieldwork to collect various forms of evidence through close examination of phenomena, and based on these observations, theories are subsequently formulated (Widiastuti, 2015).

This research adopts a qualitative case study design. Qualitative research is a method used to investigate natural conditions in which the researcher acts as the

primary research instrument. This method is applied to obtain in-depth and comprehensive data (Ridwan, n.d.).

The research was conducted in Tondong Tallasa District, Pangkep Regency. The research subjects consist of children affected by parental divorce and parents who have undergone divorce in Tondong Tallasa District, Pangkep Regency.

The selection of Tondong Tallasa District as the research location was based on the researcher's residence in the area, which facilitated access and data collection. This study applies a case study approach, focusing on unique personal experiences that are not shared by others or other groups. Case studies emphasize extreme or extraordinary cases in order to gain deeper understanding.

The data sources used in this study are as follows: Primary Data, obtained directly from the field through interviews with relevant and competent informants. Secondary Data, collected through analysis of various references, including papers, books, undergraduate theses, journals, archival sources, personal documents, and official documents related to the research problem, as well as relevant laws and regulations, particularly Law Number 1 of 1974 on Marriage (Alkalah, 2016).

To ensure the validity and trustworthiness of the data so that it aligns with the objectives of the study, triangulation techniques were employed. The type of triangulation used in this research is source triangulation, whereby data collection and verification are conducted through multiple sources, including community members and peer observers (Zidni, 2020). Data obtained from these three sources are not averaged as in quantitative research; instead, they are described and categorized to identify similarities, differences, and specific perspectives among the sources. After analysis and the formulation of conclusions, the findings are validated through confirmation with the three data sources (Mone, 2019).

The data generated from the research findings are described according to the researcher's subjective interpretation of the information obtained during the study. The determination of perspective and interpretation of field findings is strongly influenced by the researcher's intellectual capacity in elaborating the data. Therefore, the data obtained must accurately reflect the realities observed in the field (Ariani, 2019).

Result and Discussion

The research was conducted in Tondong Tallasa District, which covers an area of 111.20 km² and is characterized by mountainous highland terrain. Administratively, Tondong Tallasa District is bordered by Barru Regency and Bone Regency to the north, Bone Regency and Maros Regency to the east, Balocci District to the south, and Bungoro District to the west. The district consists of six villages, twelve hamlets, twenty-three neighborhood associations (RW), and fifty-eight community units (RT). The total population is 8,707 people, comprising 4,174 males and 4,533 females, with a

sex ratio of 92. The population density is 78 people per km², with Malaka Village being the least densely populated area at 48 people per km².

Divorce is an aktual social issue that has occurred continuously throughout history. Even in pre-modern societies, divorce was already a complex social problem. In the modern era, this issue has become increasingly complicated due to the influence of modernization, freer social interactions, and other socio-cultural factors affecting human behavior (Julijanto et al., 2016; Ikhwan et al, 2025).

Domestic Violence as a Factor in Divorce

From the perspective of marital relations, the family is ideally a place of cooperation marked by love and affection, where spouses regard one another as lifelong partners. Therefore, any difficulties or hardships should be faced together according to their respective responsibilities, without abandoning one another or evading responsibility (Turap et al., n.d.).

In this study, domestic violence refers to all acts that result in suffering and hardship experienced by women, whether psychological, physical, sexual, or in the form of threats, coercion, or deprivation of rights. Such violence is often influenced by socio-cultural norms that position women as weak and subordinate to men (Pragholapati, 2020).

An example of domestic violence involving both physical and psychological abuse is illustrated by the experience of Mrs. Hera (pseudonym), as described below:

"I am a housewife who filed for divorce due to physical abuse committed by my husband. I had been married for 18 years, during which I frequently experienced violence. However, in the 18th year of marriage, the abuse worsened. My husband began to physically assault me and destroy valuable household items when he was angry. Eventually, I filed for divorce. After the divorce, I felt more comfortable and happier. My former husband also failed to provide for the family, even refusing to support our children's needs. As a result, my eldest child was unable to continue higher education."

This testimony illustrates that domestic violence is closely linked to socio-cultural influences that regard women as inferior. Furthermore, children who grow up witnessing violent behavior from their fathers are likely to imitate such behavior in the future (Mone, 2019).

Infidelity as a Factor in Divorce

The findings also indicate that infidelity is another significant factor contributing to divorce. Several causes were identified, including women's busy work schedules that require them to spend long hours outside the home, resulting in household responsibilities being delegated to domestic helpers. In some cases, women worked night shifts, causing them to be absent when their husbands returned home (Ariani, 2019). Another contributing factor is the nature of the husband's occupation, which may require frequent late working hours or extended travel for work.

One respondent shared her experience regarding her former husband's infidelity as follows:

"I am a retired civil servant with two children, and my husband was a retired soldier. Our marriage lasted many years, and we even had three grandchildren. Initially, we were a happy family. However, my husband later claimed he was frequently assigned to projects outside the region. At first, I believed him, but eventually I grew suspicious whenever his phone rang and he answered it away from me. One day, I read a text message filled with affectionate language, which triggered frequent arguments. Out of curiosity, I followed him without his knowledge and discovered that he had remarried and had a one-year-old child. I could not accept this betrayal, and in late 2013 I officially filed for divorce. Now I feel that living alone is better than living with an unfaithful partner."

Interestingly, cases of infidelity were found not only among younger couples but also among individuals over the age of 25 or even 35 (Untari et al., 2018). This suggests that emotional instability and strong personal desires may persist regardless of age, contributing to the decision to divorce.

Economic Factors as a Cause of Divorce

In general, meeting the family's economic needs is considered the husband's responsibility. Therefore, husbands are expected to have stable employment in order to fulfill their family's needs (Widiastuti, 2015). According to data from the Pangkajene Religious Court, economic problems are the most common reason cited in divorce cases. One judge explained:

"In general, divorces at the Pangkajene Religious Court are caused by economic problems or disputes related to finances, the presence of another man or woman, abandonment by one party, or other reasons as stipulated in Article 116 of the Compilation of Islamic Law."

When only one party wishes to divorce while the other does not, the court prioritizes mediation. This was explained by Abdul Rivai Rinom, S.Hi., M.H.:

"The court conducts mediation efforts to prevent harm and to assess the purpose of marriage as a spiritual and physical bond aimed at achieving a harmonious family. However, if one party firmly insists on divorce, the panel of judges may grant it after considering the principles of preventing harm and promoting benefit."

A similar statement was expressed by Fadhilah Mus, S.Hi., M.H.:

"Mediation is conducted by a judge appointed as mediator. If mediation fails and the grounds for divorce are proven, the judge will grant the divorce."

One respondent, Misra (pseudonym), described her experience as follows:

"I am a home-based cake maker who supports my family through customer orders. My husband did not have a stable job. We have one school-aged child who requires financial support. Initially, I accepted this situation and managed both household duties and income generation. However, over time I became exhausted because my husband showed no effort to change and spent his days eating and sleeping, even asking me for money to

buy cigarettes. This led to constant arguments. Eventually, I filed for divorce, and afterward I felt relieved and happier. My child has also come to accept the situation."

In marriage, both material and emotional support are essential. Failure to fulfill either obligation may negatively affect marital stability. The findings indicate that employment and economic responsibility play a crucial role in divorce, particularly regarding the husband's role as the primary provider (Lie et al., 2019).

Interference from Third Parties (Parents)

Third-party interference may come from extended family members, including parents and siblings of either spouse, as well as extramarital partners (M. Yusuf, 2014). Such interference often stems from the belief that parents have the right to intervene in their children's marital affairs, sometimes without considering whether their actions are beneficial or harmful (Cipta, 2017).

The study found divorce cases resulting from excessive involvement by the husband's family, particularly mothers-in-law. One respondent, Siti (pseudonym), shared her experience:

"I am 35 years old and was married for 11 years with one child. My husband was the only son and the family's financial pillar. His mother often reported family problems to him. After my sister-in-law pawned the family house, my mother-in-law lived with us. From then on, conflicts intensified. When I bought a smartphone for my child, my mother-in-law accused me of being wasteful. This led to severe arguments, and eventually I decided to file for divorce. After the divorce, I gained custody of my child and resumed my work."

Judicial testimony confirms that parental interference can significantly disrupt marital harmony and lead to divorce, as outlined in Article 116 of the Compilation of Islamic Law (M. Yusuf, 2014). Judges emphasize that mediation is mandatory in every divorce case before a final decision is made.

Impact of Divorce on Children

Divorce represents a major disruption in a child's life, as it signifies the breakdown of family unity that previously served as the primary source of emotional security, socialization, and protection. For children, the family is not merely a legal or social institution but a fundamental environment in which values, norms, and emotional attachments are formed. When parents divorce, children often experience profound emotional distress, including feelings of grief, loss, confusion, and anxiety. The absence of one parent from daily life may lead to persistent feelings of longing and emotional emptiness, particularly when contact with the non-custodial parent becomes limited or irregular.

From a sociological perspective, divorce can be understood through exchange theory, which conceptualizes marriage as a reciprocal exchange of rights, obligations, rewards, and sacrifices between spouses. In a stable marriage, this exchange is perceived as balanced and mutually beneficial. However, when one party perceives

the exchange as unfair—due to unmet emotional, economic, or social needs—the marital relationship may deteriorate and eventually dissolve. The dissolution of this exchange not only affects the spouses but also disrupts the social and emotional equilibrium of children, who are indirectly involved in the consequences of failed marital negotiations. Differences in social background, values, expectations, and needs between spouses require continuous negotiation; failure to manage these differences increases the likelihood of divorce and its subsequent impact on children (Lie et al., 2019).

1. Negative Impacts of Divorce on Children

Divorce often results in significant psychological and behavioral challenges for children. One of the most common effects is a crisis of personality and identity, particularly among children and adolescents who are in critical stages of emotional and social development. Behavioral manifestations of this crisis may include declining academic performance, reduced motivation to learn, social withdrawal, heightened aggression, and oppositional behavior toward teachers, peers, and parents. In some cases, children may develop feelings of low self-esteem, insecurity, and self-blame, believing that they are responsible for their parents' separation.

Furthermore, children of divorced parents may seek attention and emotional validation through inappropriate or deviant behaviors. These behaviors can include classroom disruptions, delinquency, excessive dependence on peers, or engagement in risky activities. Such actions often function as coping mechanisms through which children attempt to compensate for the emotional void created by the absence of parental unity and consistent affection. Without adequate emotional support and guidance, these behavioral problems may persist into adolescence and adulthood, affecting long-term social adjustment.

2. Impact of Court-Ordered Divorce on Children

In the context of court-ordered divorce, children may experience additional psychological pressure due to prolonged legal processes, parental conflict, and custody disputes. From the child's perspective, the family serves as a safe and stable environment that provides affection, protection, guidance, and emotional reassurance. Legal divorce proceedings often disrupt this stability, particularly when children are exposed to parental hostility or are forced to choose between parents.

The loss of a secure family environment can hinder children's emotional, social, and cognitive development both directly and indirectly. Direct impacts include emotional stress, anxiety, and fear of abandonment, while indirect impacts may involve changes in living arrangements, reduced economic stability, and diminished parental supervision. These conditions may affect children's ability to concentrate, form healthy relationships, and develop trust in authority figures. Consequently, court-ordered divorce can have long-term implications for children's psychological well-being and social integration.

3. Impact of Divorce Due to Death (Cerai Mati)

“*Cerai mati*” refers to the termination of marriage due to the death of one spouse, resulting in the involuntary dissolution of the marital bond. Unlike divorce initiated by conflict or legal proceedings, *cerai mati* is characterized by the sudden and permanent loss of a parent. Although not explicitly defined in statutory law, *cerai mati* is recognized under the Marriage Law and the Compilation of Islamic Law as a legitimate form of marital dissolution caused by death.

For children, the impact of *cerai mati* is often marked by deep grief, emotional trauma, and a sense of irreversible loss. The surviving parent is frequently required to assume dual parental roles, which may affect the quality of emotional support provided to the child. While *cerai mati* differs from legal divorce in terms of causation, its consequences for children can be equally profound, particularly when adequate emotional, social, and economic support systems are lacking.

Conclusion

Based on the research findings presented in the previous chapters, it can be concluded that the main factors contributing to divorce in the Tondong Tallasa district include domestic violence, infidelity, financial difficulties, and interference from parents. These factors create significant strain on marital relationships, ultimately leading couples to separate. Domestic violence, whether physical, psychological, or emotional, undermines trust and safety within the family, while infidelity and economic challenges further destabilize the marital bond. In addition, interference from extended family, especially parents, can exacerbate conflicts and accelerate the decision to divorce.

The impact of divorce on children in this context is profound and multifaceted. Many children experience trauma, feelings of shame, and social withdrawal, which affect their ability to interact comfortably with peers and adapt to their social environment. Emotional distress manifests as anxiety, restlessness, and difficulty forming relationships, making it challenging for children to adjust to changes in family structure. Consequently, these children often miss out on the sense of joy and normalcy that other children of the same age typically experience, highlighting the deep and lasting emotional effects of parental divorce.

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