



**International Journal of Education, Social Studies,**

**And Management (IJESSM)**

**e-ISSN : 2775-4154**

**Volume 5, Issue 3, October 2025**

The International Journal of Education, Social Studies, and Management (IJESSM) is published 3 times a year (**February, Juny, October**).

**Focus :** Education, Social, Economy, Management, and Culture.

**LINK :** <http://lppipublishing.com/index.php/ijessm>

## **An Analysis of Islamic Family Law on Divorce Due to Migration (Merantau) Among the Mandar Community in Polewali Mandar Regency**

**Riswan<sup>1</sup>, Hasnawati<sup>2</sup>, Abdul Latif<sup>3</sup>, Solimin<sup>4</sup>**

<sup>1,2,3</sup> *Universitas Islam DDI A.G.H Abdurrahman Ambo Dalle Polewali Mandar, Indonesia*

<sup>4</sup> *Sekolah Tinggi Ilmu Tarbiyah Al-Urwatul Wutsqo Jombang, Indonesia*

### **ABSTRACT**

This study is motivated by the increasing divorce rate in Indonesia, including in Polewali Mandar Regency, where migration (merantau) has become one of the dominant contributing factors. The merantau tradition, which has long been an integral part of the Mandar community's social identity, often disrupts family life due to physical distance, limited communication, and economic pressures. This research aims to analyze the influence of migration on family resilience and to examine its implications from the perspective of Islamic Family Law. The study employs a qualitative approach with a socio-legal research design, utilizing interviews, observations, and document analysis interpreted through a descriptive-analytical framework. The findings reveal that migration contributes to the rise of divorce cases within the Mandar community as a result of shifting family roles, physical absence, and weakened emotional communication. Nevertheless, traditional mediation mechanisms and Islamic values continue to play a significant role in resolving domestic conflicts. The implications of this study highlight the necessity of integrating Islamic legal principles with local wisdom to strengthen family resilience among migrant communities. The originality of this research lies in its interdisciplinary analysis that bridges Islamic law and Mandar culture in explaining divorce caused by migration as a complex socio-religious phenomenon.

### **Keywords**

*Islamic Family Law, Migration (Merantau), Divorce, Mandar Community, Socio-Legal Research, Local Wisdom*

**Corresponding Author :** 

[riswanamir151@gmail.com](mailto:riswanamir151@gmail.com)

## **INTRODUCTION**

In recent years, the divorce rate in Indonesia has shown a consistently significant upward trend. According to data released by the Directorate General of the Religious Courts under the Supreme Court of the Republic of Indonesia, divorce cases constitute the largest proportion of all cases handled by the Religious Courts (Badan Peradilan Agama Mahkamah Agung RI, 2025). This phenomenon is influenced by various causal factors, including economic

hardship, interpersonal conflicts within households, and the broader socio-cultural dynamics that shape marital relations in society.

The divorce rate in Indonesia continues to increase year by year. In 2020, approximately 447,000 divorce cases were recorded, and this number slightly rose in 2021. The trend continued in 2022, reaching about 516,000 cases, while in 2023 it remained around 500,000. Entering 2024, preliminary data from the Religious Courts indicate that the figure remains high, exceeding 480,000 cases, and projections for 2025 suggest that a significant decline is unlikely (Badan Peradilan Agama Mahkamah Agung RI, 2025). This situation underscores that divorce remains a serious and complex social problem within the structure of Indonesian family life.

A similar pattern can be observed in Polewali Mandar Regency, where the trend of divorce has also increased over the past few years. Based on data from the Polewali Mandar Religious Court, there were approximately 1,080 divorce cases in 2020, increasing to 1,310 cases in 2021. This upward trend continued in 2022 with a total of 1,485 cases before experiencing a slight decrease to 1,402 cases in 2023. By 2024, the number of divorce cases remained around 1,400, and projections for 2025 suggest that this number will not change significantly (Mandar, 2024). Most of these cases are *cerai gugat* (wife-initiated divorces), with the predominant reasons being economic difficulties, domestic conflicts, and the absence of a spouse due to migration.

One of the distinctive aspects of Mandar society is the *merantau* (migration) tradition, which is deeply rooted as part of their cultural identity and family economic strategy. For the Mandar people, *merantau* is perceived as a moral duty and an act of responsibility, particularly among men who migrate to other regions such as Kalimantan, Central Sulawesi, and even abroad to earn a living. However, behind the economic and social values embedded in this tradition lies a set of consequences that cannot be ignored, especially concerning marital harmony. Geographic distance, limited communication, and economic pressure often create emotional tension between spouses, which can ultimately lead to divorce (Nurjanah, 2021). Based on this context, it is essential to examine the phenomenon of divorce caused by migration within the Mandar community through the lens of Islamic Family Law, to understand how Islamic norms provide an ethical and juridical framework for addressing such socio-cultural dynamics.

This study identifies a clear research gap compared to previous studies, which generally focused on common factors of divorce such as economics, disputes, and communication breakdowns, without considering the underlying cultural context. Studies by Sitti Rahmah (2021), Fadli (2022), and Nurul Aini

(2023) also adopted an Islamic Family Law perspective, yet their analyses were confined to normative and procedural aspects within the Religious Court setting. In contrast, this research offers a new contribution by examining merantau as a specific factor causing household disruption among the Mandar people, for whom migration is an integral part of social and economic identity. Therefore, this study fills both theoretical and empirical gaps in the field of Islamic Family Law by integrating juridical and socio-cultural approaches to understand how the merantau tradition interacts with *shar'i* norms in the context of divorce in Polewali Mandar.

The urgency of this research lies in the need to deepen understanding of how migration (merantau), as an integral aspect of Mandar social identity, affects household stability and marital integrity from the perspective of Islamic Family Law. Consequently, this study holds significant scientific value, both theoretically and practically, as it provides a foundation for strengthening family law regulation and developing family guidance strategies in regions where the merantau tradition is deeply embedded, such as Mandar. Based on the aforementioned context, this research aims to analyze the impact of the merantau phenomenon on household disruption and to examine its implications within the framework of Islamic Family Law.

## **RESEARCH METHODE**

This study employs a qualitative approach with a socio-legal research design, as the issues under investigation are not only related to the codified norms of Islamic Family Law but also to the social and cultural practices of the Mandar community, which upholds the tradition of merantau (migration).

Data were collected through interviews, observations, and document studies. Unlike studies that rely solely on case data, this research integrates a combination of court document analysis, in-depth interviews with affected parties (husbands, wives, family members, and religious leaders), and participatory observation. Such a methodological design provides a process-oriented understanding of how migration-induced divorce emerges and is resolved within the community. This approach also critiques the methodological limitations of previous studies that tended to be one-dimensional in nature.

Data analysis was conducted using a descriptive-analytical method through three main stages: data reduction, data display, and conclusion drawing. To ensure the validity and reliability of the findings, the study applied source and method triangulation, member checking by verifying interview results with informants, and a systematic audit trail documenting the entire

research process. The researcher also paid close attention to local ethnographic aspects to ensure that the interpretation of findings remains contextual and aligned with Mandar cultural values.

Through this methodological framework, the study aims to produce findings that are both replicable and verifiable, thereby contributing to the broader scholarship on Islamic Family Law grounded in local cultural contexts.

## RESULT AND DISCUSSION

### Divorce in Islam

In the context of marriage, the term *thalāq* refers to the dissolution of the marital bond between husband and wife (Rofiq, 2015). In Indonesian, divorce denotes the termination of a marital relationship through a court decision, whereby both parties are no longer bound by the obligations of family life (Kementerian Pendidikan dan Kebudayaan, 2017). According to Syarifuddin, divorce is the legal termination of a valid marital relationship between husband and wife whether through the *ṭalāq* pronounced by the husband, the wife's request granted by the husband (*khulu'*), or the annulment decreed by a judge (*fasakh*) for specific legal reasons (Syarifuddin, 2019).

From the perspective of family systems theory, the family is understood as a dynamic unit composed of interrelated subsystems; therefore, a change in one part inevitably affects the entire system (Minuchin, 2012). In this context, migration or merantau can be regarded as an external factor that alters family structure and function, particularly in terms of communication and gender roles (Olwig, 2018). Amiruddin's study demonstrates that distance and the physical absence of a spouse often create instability in household functioning (E. O. Amiruddin, 2024). These factors may contribute to divorce, even though Islam discourages such dissolution except under unavoidable circumstances, despite its legal permissibility.

### Migration (Merantau) in Socio-Cultural Perspective

Merantau carries a meaning that extends far beyond physical relocation (Setiawan, 2021). In much of the sociological and anthropological literature, merantau is viewed as a symbol of individual independence, self-development, and a means of expanding social networks. This philosophy emphasizes that merantau is not an end in itself but a process of social and economic learning beneficial to both the individual and the family.

Within the broader context of the Indonesian archipelago, merantau represents a social practice rooted not only in economic necessity but also in value systems and cultural identity. From the perspective of migration anthropology, it is understood as an adaptive strategy employed by coastal and

agrarian communities to gain access to economic resources while maintaining social status (Salazar, 2018). Among the Mandar people, merantau embodies dual meanings: as an act of livelihood-seeking (mappasiamase-mase) and as an expression of masculine responsibility toward one's family. Murad asserts that this practice generates new social dynamics within family relations, as it creates physical and emotional distance that may lead to marital tension (A. Murad, 2019).

Several scholars also emphasize that migration serves as a communal adaptation strategy to overcome limited resources in one's homeland (R. Wirawan, 2018). Migrants are expected to return the benefits of their experiences through economic support or by transferring knowledge and skills to their families and local communities.

In the study of Islamic Family Law in Indonesia, two major approaches can be identified: the normative approach, which emphasizes textual sources such as the Qur'an, Hadith, and the Compilation of Islamic Law (KHI); and the socio-cultural approach, which views Islamic law as a system interacting with local cultural realities. The socio-legal perspective highlights how cultural values such as the merantau tradition—shape public perceptions of responsibility, marital roles, and the legitimacy of divorce (A. Moussa, 2021).

Accordingly, this research seeks to bridge these two perspectives—linking *shar'i* legal norms with the lived social realities of the Mandar community, which is deeply rooted in migratory tradition. It conceptualizes merantau not merely as a variable of distance or absence but as a cultural construct influencing gender roles, economic responsibility, and kinship norms. Hence, the analysis does not solely assess whether divorce reasons conform to *shar'i* provisions but also examines how cultural values mediate the interpretation of these legal norms within local practice. In doing so, this study expands the juridical literature through a cultural-empirical perspective. Divorce Due to Migration (Merantau) in the Mandar Community of Polewali Mandar Regency

The phenomenon of divorce caused by migration (merantau) within the Mandar community of Polewali Mandar Regency reveals complex interconnections between social, economic, and emotional dimensions. Based on interview findings, migration has a significant impact on household communication and stability. The prolonged absence of one spouse often leads to misunderstandings, emotional tension, and feelings of neglect, while the economic burden tends to accumulate on the partner who remains at home, eventually triggering conflicts that culminate in divorce.

"My spouse and I got married with the hope of supporting each other. However, since my husband had to migrate for work, our communication

became limited. Small conflicts were left unresolved and gradually accumulated. Finally, after several attempts to fix our problems, we agreed to divorce at the beginning of 2025" (Hamza, Research Interview, 2025).

Several major factors contribute to migration-induced divorce, including distance and limited communication, economic pressure, and differing priorities and lifestyles during migration. This phenomenon does not occur suddenly; rather, it results from the accumulation of unresolved issues that could not be settled through family deliberation.

"When my husband migrated, our communication became infrequent, financial problems piled up, and our household management differences became more apparent. All of this made our relationship increasingly strained until we finally decided to divorce" (Hamza, Research Interview, 2025).

The phenomenon of divorce due to migration in the Mandar community can also be examined through the perspectives of community leaders and traditional elders. Both types of informants provide insights into how frequently divorce occurs, observable trends, and community efforts to address domestic conflicts arising from migration. Such information is essential to understand the scale of the social issue and to serve as a foundation for Islamic family law analysis.

According to community leader Mr. Andi:

"In recent years, divorce cases due to migration have increased. Many couples rarely meet and struggle to maintain communication, so domestic conflicts often end in divorce" (Mr. Andi, Research Interview, 2025).

Based on statements from community and customary leaders, the trend of divorce caused by migration has risen in recent years, although the Mandar community continues to strive to preserve family integrity through deliberation and customary mediation.

"Even though divorce rates have increased due to migration, the Mandar people still try to resolve conflicts through customary deliberations. This shows a social awareness to maintain family unity before deciding on divorce" (Mr. Junaidi, Traditional Leader, Research Interview, 2025).

Similarly, the following interview supports this view:

"Before a divorce is finalized, the extended family and traditional elders usually bring both parties together. We try to mediate communication, financial, and household responsibility issues. Not all cases can be saved, but the process gives couples a chance to mend their relationship" (Mr. Junaidi, Traditional Leader, Research Interview, 2025).

The mediation mechanism prior to divorce involves the nuclear family, traditional leaders, and religious figures, who serve as mediators of household

conflicts and affirm Islamic legal principles of responsibility and justice. This process reflects a synergy between social norms and religious law in maintaining family harmony. However, not all mediations succeed, and some couples still opt for divorce after numerous attempts.

The impact of divorce caused by migration is widely felt – not only by the spouses but also by children, extended families, and the surrounding social environment. Children experience a loss of emotional attention, family relations become distant, and the community itself experiences shifts in social dynamics. Overall, migration affects three key aspects of family life: limited communication, increased economic stress, and deteriorating psychological well-being.

“After the divorce, my relationship with my children became more limited, and communication with my extended family became strained. The children feel the loss of one parent’s attention, so I have had to adjust to ensure they still receive emotional support” (Hamza, Research Interview, 2025).

Meanwhile, community leader Mr. Andi added a broader social view:

“Divorce due to migration affects interfamily relations and social interactions in the village. The community often acts as a mediator, but there is still a shared sense of concern for the children and disrupted family relationships” (Mr. Andi, Research Interview, 2025).

These data illustrate the social consequences of migration-related divorce before legal analysis is applied. Divorce has profound implications for family relationships and social life, including communication limitations, psychological effects on children, and shifts in community social dynamics.

## Discussion

The phenomenon of migration-related divorce in the Mandar community demonstrates profound social and emotional complexity. Migration, initially intended to improve the family’s economic condition, instead creates physical and emotional distance between spouses. This condition reflects a dilemma between economic needs and household harmony (N. Rahmawati, 2022). One of the main causes of divorce is the lack of communication resulting from physical separation and occupational demands. According to interpersonal communication theory, relationships that lose face-to-face interaction experience declining emotional quality and empathy (Devito, 2019). In Islam, harmonious communication constitutes part of the *maqāṣid al-syārī’ah* in preserving family unity (Qur'an, Ar-Rum 30:21).

Economic pressure is another dominant factor accelerating divorce. Financial instability often becomes a major trigger of emotional stress between spouses. Uncertain economic conditions heighten anxiety and psychological

tension, particularly when the family's basic needs cannot be adequately met (Muhammad Zakih, 2024). Within fiqh siyasah iqtishadiyyah, the provision of sustenance is part of the husband's duty as qawwam of the family.

Changes in household roles also generate conflict. Wives left behind often assume dual roles as caregivers and supplementary earners, while migrant husbands lose their social role within the home. This imbalance of gender relations may lead to value and role conflicts (Nurdin, 2020).

Migration also induces behavioral and social changes. Migrant workers experience shifts in values, norms, and interactions influenced by adaptation to new environments, integration with local communities, and pursuit of economic goals (Muhamad Al Syahab & Lesti Heriyanti, 2023). In Islam, maintaining amanah (trust) and iffah (chastity) are essential to sustaining marital faithfulness.

Weak family mediation functions exacerbate household fractures. Many couples choose divorce without engaging in ishlah (reconciliation) or family deliberation. Yet the Qur'an (An-Nisa 4:35) emphasizes the importance of appointing arbiters (hakam) from both sides to restore the relationship. Resolving household problems through deliberation is a crucial preliminary step toward mutual agreement before deciding on divorce. Family deliberation typically involves both spouses, extended family members, and respected figures to find peaceful and rational solutions. This approach allows both parties to express their perspectives openly, minimizing potential misunderstandings (Moh Iqbal & Gasim Yamani, 2024).

The rising trend of migration-related divorce in Mandar indicates a significant increase in recent years. Field data show that the dominant factors are the spouse's physical absence and divergent life orientations. This finding aligns with disorganization theory, which posits that family imbalance—stemming from unequal roles, responsibilities, or physical distance—serves as a major driver of divorce. When one partner bears the economic and caregiving burden alone while communication with the migrant spouse diminishes, tension and feelings of inequity intensify within the marriage (Halimatuz Zahro & Sri Devi Januarifka Fitria, 2023).

Nevertheless, Mandar customary values continue to play a vital role in promoting reconciliation through deliberation to achieve justice. Justice and peaceful conflict resolution are key principles in Islam, emphasizing the balance of rights and duties for every individual (Nico Akbar & Rapung Rapung, 2024). Justice entails placing matters appropriately, giving each party their due, and avoiding harm to others—objectives pursued through communal deliberation in Polewali Mandar.

In conflict resolution, Islam encourages peaceful approaches through deliberation (musyawarah) and mediation as alternatives to dispute. Mediators act as neutral parties employing communication, negotiation, and persuasion techniques throughout the process to help disputing parties voluntarily reach an agreement. This approach aligns with Islamic jurisprudence principles that seek to prevent harm (dar' al-mafâsid) and promote welfare (jâlb al-mashâlih), thereby fostering harmony and social justice.

The deliberation process before divorce in Mandar involves extended families, traditional elders, and religious leaders. Both customary and Islamic legal perspectives prioritize conflict resolution through deliberation to achieve reconciliation (Muhammad Habibi Miftakhul Marwa, 2021). In customary law, disputing parties engage in discussions facilitated by both families as mediators to find fair solutions and maintain harmony without resorting to divorce.

According to the Compilation of Islamic Law (Article 115), mediation is mandatory as a form of restorative justice emphasizing relationship restoration rather than termination. Religious leaders play a vital role in ensuring that divorce decisions do not contradict Sharia principles. They remind couples not to treat divorce (talâq) as a first option but as a last resort after reconciliation efforts fail. This reflects the fiqh siyasah perspective that divorce should be prevented to preserve social welfare (maslahah).

The most severe impact of migration-related divorce is borne by children. They lose complete parental figures and face psychological pressures such as loneliness and declining academic performance (H. Amiruddin, 2020). When one or both parents migrate, children lose essential emotional support crucial for character formation, emotional stability, and a sense of security. This often leads to loneliness, anxiety, and emotional distress that can disrupt their mental balance.

This phenomenon reinforces the view that divorce represents a form of social disorganization with broad implications for family well-being. The effects of divorce extend to the extended family, where relationships become strained due to shame or unresolved conflict. Thus, migration does not directly cause divorce but intensifies pre-existing family tensions. Communication, economic, and psychological factors interact to create household vulnerability.

This study expands the literature on migration and divorce by highlighting Islamic legal perspectives, Mandar customary law, and fiqh siyasah as integrative approaches for understanding the dynamics of contemporary family life.

## **CONCLUSION**

The phenomenon of divorce caused by migration (merantau) within the Mandar community of Polewali Mandar Regency represents a complex social and religious issue in which economic, psychological, and cultural factors intertwine. The tradition of merantau, originally understood as a form of responsibility and livelihood-seeking, has the potential to disrupt the balance of marital relations when communication and physical presence are not maintained. From the perspective of Islamic Family Law, this condition necessitates a reaffirmation of the values of sakinah, mawaddah, and rahmah as the foundational principles of family life—principles that are not merely material but also spiritual and emotional in nature.

This study asserts that resolving divorce cases resulting from migration cannot be adequately addressed solely through formal legal approaches. Instead, it requires socio-cultural and religious perspectives that take into account the dynamics of Mandar culture, thereby fostering a more contextual, humanistic, and justice-oriented understanding of Islamic law.

## **ACKNOWLEDGEMENT**

I would like to the management of the Mandar community institutions for their support and cooperation during the data collection process.

## **REFERENCES**

- A. Moussa. (2021). Migration, Family Separation, and Islamic Legal Responses: A Socio-Legal Perspective. *Journal of Islamic Family Law Studies*, 9(2).
- A. Murad. (2019). Cultural Migration and Social Adaptation in Maritime Indonesia.
- Amiruddin, E. O. (2024). The Influence of Long-Distance Relationships on Marital Harmony in Parepare. IAIN Parepare.
- Amiruddin, H. (2020). Family Psychology and the Impact of Divorce on Children. Makassar: UIN Alauddin Press.
- Religious Court Agency of the Supreme Court of the Republic of Indonesia. (2025). Case Statistics 2022–2023.
- Devito, J. A. (2019). *The Interpersonal Communication Book* (15th ed.).
- Fadli, M. (2022). Divorce in the Perspective of Islamic Family Law: A Study at the Religious Court of Majene. Faculty of Sharia and Islamic Law, IAIN Parepare.
- Halimatuz Zahro, Sri Devi Januarifka Fitria, & Y. A. P. (2023). The Role of Family Disorganization in the Strategies of Single Parents to Fulfill Their Living Needs in Sumbersari, Jember. *Cross-Border*, 6(1).

Ministry of Education and Culture. (2017). The Great Dictionary of the Indonesian Language.

Mandar, P. A. P. (2024). Annual Report of the Religious Court of Polewali Mandar 2020–2024.

Minuchin, S. (2012). Families and Family Therapy.

Moh Ikbal, Gasim Yamani, & S. R. (2024). Marriage and Divorce Disputes and Their Alternative Resolutions. In Proceedings of Islamic Studies and the Integration of Knowledge in the Society 5.0 Era (KIIIES), 3(1).

Muhammad Al Syahab & Lesti Heriyanti. (2023). Study on the Changes in the Social Structure of Migrant Workers at Dua Ikan Crackers Factory, Bengkulu City. *Jurnal Ilmiah IDEA*, 3(2).

Muhammad Habibi Miftakhul Marwa. (2021). Models of Marital Dispute Resolution from the Perspective of Customary and Islamic Law. *USM Law Review*, 4(2).

Muhammad Zakih. (2024). The Influence of Economic Factors in Divorce Cases on the Decisions of the Religious Court in Jember (A Case Study of Decision No. 4318/Pdt.G/2023/PA.Jr.). *Jurnal Cahaya Mandalika*, 5(2).

N. Rahmawati. (2022). The Phenomenon of Migration and Family Resilience in West Sulawesi. *Journal of Islamic Social Studies*, 11(3).

Nico Akbar, Rapung Rapung, & A. R. (2024). Islamic Jurisprudence Perspective on *Şulh Fuḍūlī* in the Reconciliation Process of Disputing Parties. *AL-QIBLAH: Journal of Islamic and Arabic Studies*, 3(4).

Nurdin, A. (2020). Gender Relations and Household Resilience in Traditional Muslim Communities. Yogyakarta: Gadjah Mada University Press.

Nurjanah, S. (2021). The Phenomenon of Migration and Its Impact on Household Life in West Sulawesi. *Journal of Sociology of Religion*, 7(2).

Nurul Aini. (2023). The Dynamics of Divorce from the Perspective of the Compilation of Islamic Law (A Case Study at the Religious Court of Polewali Mandar). Faculty of Sharia and Islamic Law, IAIN Parepare.

Olwig, K. F. (2018). Temporalities of Migration: Kinship, Family and Care. *Current Anthropology*, 59(5), 647–666. [\[https://doi.org/10.1086/699504\]](https://doi.org/10.1086/699504) [\[https://doi.org/10.1086/699504\]](https://doi.org/10.1086/699504)

R. Wirawan. (2018). Social Theories in Three Paradigms.

Rofiq, A. (2015). Islamic Law in Indonesia.

Salazar, N. B. (2018). Momentous Mobilities: Anthropological Musings on the Meanings of Travel.

Setiawan, B. (2021). Social Mobility and the Phenomenon of Migration in Indonesia. *Journal of Sociology of Education*, 6(2).

Sitti Rahmah. (2021). Analysis of the Causes of Divorce from the Perspective of Islamic Law (A Case Study at the Religious Court of Polewali). Faculty of Sharia and Islamic Law, IAIN Parepare.

Syarifuddin, A. (2019). Islamic Marriage Law in Indonesia.