



Analysis of family law related to divorce due to parental interference

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ABSTRACT

This research aims to describe the form parental intervention in the child's household cause divorce and analysis of Islamic family law regarding parental intervention in household of children which causes divorce. This research is a normative-empirical type of research. This research describes and describes how parents intervene in the household children who cause divorce. This research describes and describes how parents intervene in the household children who cause divorce are then analyzed through family law This research produced two findings. First, Parental intervention in a child's household can lead to divorce. This is based on the child's mindset who still depend on parents and children who still live with other people. secondly based on family law analysis parental intervention in their child's household is not could be a reason for divorce, but this conflict triggers the birth of reasons be grounds for divorce. actually parental intervention in their child's household is permitted but first we will see how far the intervention has gone. Divorce due to parental intervention is not included in the classification of reasons for divorce, However, this problem will fall under Article 116 KHI letter (f), namely constant quarrels and no hope of getting along again.

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1. Introduction

Marriage is an inner and outer bond between one person a woman and a man as husband and wife to form a happy and eternal family based on the Godhead of Almighty. (Ekonomi et al., 2021a) For this reason, marriage must be carried out with comply with the legal regulations for marriage set. In Indonesia the provisions of the rule of law regarding marriage is regulated in Law No.1 of 1974 about Marriage.

After marriage the husband is obliged to provide a place to live for wife according to her abilities. So that the wife is awake honor and feel peace in life household with husband Meanwhile, young families generally choose live with parents, not in a rented house or even your own house. Some choose to live together in-laws due to pressure from the wife's parents or relatives. (Habibaty & Wadi, 2023) Partly because of economic pressures, so it is better funded the limited allocated for

interests Another benefit than paying house rent. Part again because of the urge to be filial to parents. There are advantages to living with in-laws or parents.

Parents have had a lot of life experience can provide guidance to children and daughters-in-law, so they can build a family with condition better. Parents can also provide assistance to their children's households, without making them the foundation of her child's household is weak.(Percerain 7, n.d.)

However, their parents intervened Sometimes it can be a problem in a child's household. Parental intervention in a child's household is a form of participation interference of parents in the child's household. Interfering parents their child's household can lead to divorce, because even if it is a little or The amount of parental intervention can have an effect on their child if at all The child is experiencing problems at home. (Munawara & Penyebab, n.d.-a)

This is due to children who are still dependent on their parents or are usually called *ibunen* or *We're growing*, meaning a little bit by the mother, a little bit by the father. This behavior Actually, it's not good if there are problems in the household, whether small or Of course parents have to come along. In fact, being married requires mental preparedness strong enough to face future household problems.(EVEKTIFITAS MEDIASI TERHADAP PENYELESAIAN SENGKETA, n.d.) So that when a problem comes, the person who has to solve the problem must solve it. It must be husband and wife themselves, they must discuss and understand each other existing problems.(Wati, 2018) If the problem is too big and difficult to solve is completed then ask for help from a third person to complete it, however In helping to solve problems, the person must be fair and must not escalate the atmosphere of the dispute. So it is necessary to understand that the role of parents in their children's family life is good if within certain limits, based on this, it is important to carry out this research so that parents and married couples know the benchmarks for parental involvement in the household. Based on this, this research will discuss divorce due to parental interference based on family law analysis

2. Method

The type of research that researchers will use is normative-empirical research. Normative research, an approach that is based on Islamic law for reach a conclusion that something is appropriate or not with sharia provisions, and also empirical research namely research that focuses on examining a phenomenon or the condition of the research object in detail with collect the facts that happened as well develop existing concepts. This research can also be called a type of descriptive research disclose statutory regulations relating to legal theories become the object of research. This research illustrates and outlines how parents intervene in The child's household that caused the divorce is then analyzed using family law. The data source used in this research is a court decision which is analyzed as the main source to see the occurrence of divorce.

3. Analysis and Results

The family is the smallest institution in society consisting of the head of the family, wife and children. Every individuals who enter family life through marriage.(Fahmi Arifudin & Taupiqurrohman, 2023) Based on this marriage it is believed the creation of a harmonious, cheerful and prosperous family is born inner self and obtain salvation in worldly life and the afterlife. Thus, the idea of family life will be realized in accordance with pious guidance, namely *sakinah*, *mawaddah*, and *mercy*.(Sujana, 2017) Islam instructs several *halal* standards must be fulfilled in marriage, and *halal* principles according to Islam is the basis of marriage. (Apriasari Universitas Gadjah Mada et al., 2021)Reality of life married, not all marriages can fulfill standards that have been set in Islam so marriage cannot achieve its goals as such expected and divorce is the conclusion.(Masuk et al., 2023) After all, it was different if it was the husband or wife's parents who actually ordered a divorce without any reason should be justified.

3.1. Parental Intervention in a Child's Home Causes The emergence of reasons that form the basis for divorce

Children's obligations to their parents when they are adults and married indeed it will still be there, but the position of the parent in the child has been growing up and getting married is what will be different. (Munawara & Penyebab, n.d.-b) If the child is married, then the child has his own responsibility towards his family. (Farid Dosen Tetap STAIN Watampone & Selatan, n.d.) Meanwhile, the position of parents towards children is only limited to parents and children, meaning that parents are only advisors and internal guides child's family if needed. (Ekonomi et al., 2021b) However, it is actually parental intervention in the household Children are still allowed, because if there are problems in the household and cannot be resolved together with a partner, a child will definitely run to someone old. (Literatur et al., n.d.) However, the parental intervention referred to is only giving fair advice and should not be excessive. This means that if the household experiences disputes then it can asking for advice from parents, but the attitude of parents in giving advice must be fair. (Marzuki, n.d.) In handling these disputes, parents do not You can act as you please, not because your husband/wife is your biological child parents only side with one of them. (Perceraian 15, n.d.)

Parents who dominate their child's household too much when they are young If a problem occurs, they usually tend to defend their biological child and that will make the daughter-in-law feel uncomfortable, this could happen becomes a subject of dispute in the child's household. (Tingginya Angka Perceraian di Lingkungan Peradilan Agama dan Upaya Penanggulangannya Malik Ibrahim, n.d.) If These disputes always arise so the child may choose to divorced because they were no longer comfortable in their domestic relationship. (Perceraian 12, n.d.) Actually, there can be cases of divorce due to the dominance of parental intervention resolved amicably, because if the parents-in-law and daughter-in-law can understand each other and understand if a problem occurs then it will be can be resolved immediately. (Sholeh, n.d.) This case can also be reduced if married couples choose to separate their homes from their parents, so that problems with parents can at least be resolved. (Imron, 2016) It can be said that parental intervention after their child is married is not allowed interfering too much in the child's household affairs in this case is excessive because can trigger disputes, but it would be better for parents not to interfering in a child's household, because the child already has a household alone then let a child solve the problem alone together with a partner.

3.2. Family Law Analysis of Person Intervention Parents in the Household of Children that Cause Divorce

A child who is married means that person can be said to be mature and able to take responsibility in running life get married without having to intervene from parents. Because after children get married, parents' obligations towards children have changed. (Syafriani Manna et al., 2021) Like in Law No. 1 of 1975 concerning Marriage Chapter X Articl 45 namely: a) "Both parents are obliged to care for and educate their children the best", b) "The obligations of parents referred to in paragraph (1) of this article apply.

Until the child marries or is able to stand alone, whichever obligation applies continues even though the marriage between the parents breaks down. (Perceraian 6, n.d.) "This explains the position of parents when giving obligations only until the child is an adult and married.

According to Article 39 of Law No.1 of 1974 concerning marriage is stated as follows: a) Divorce can only be done in front of a court court after the relevant cour tried and failed to reconcile the two sides party, b) To carry out a divorce there must be sufficient reasons that husband and wife will not live in harmony as husband and wife, c) Procedures for divorce before a court session are regulated in its own laws.

Article 39 Law no. 1 of 1974 confirms that divorce can be carried out by the district court after the court in question tried and failed to reconcile between the two parties, and to. (Munawara & Penyebab, n.d.-c) To carry out a divorce there must be sufficient reasons can be used as a

reasonable excuse that between husband and wife there is no longer any hope for life together as husband and wife. From the explanation above, divorce can occur above husband and wife's wishes. (Mone, 2019) Divorce actually comes from husband and wife who can no longer build a complete family. According to the rules, of course parents have no right to control things their children to divorce husband and wife, because of the expert and the right to the household rests with the husband and wife. (Perceraian 2, n.d.)

In Government Regulation Number 9 of 1975 concerning Implementation of Law Number 1 of 1974 concerning Marriage jo. Article 116 KHI explained several reasons that are the basis for divorce. As for These reasons are as follows: a) "One of the parties commits adultery or becomes a drunkard, a thief, a gambler, and so on which are difficult to cure", b) "One of the parties leaves the other party for 2 (two) consecutive years without the permission of the other party and without valid reasons or for other reasons. beyond his capabilities", c) "One of the parties received a prison sentence of 5 (five) years or punishment which is more severe after the marriage takes place", d) "One of the parties committed serious cruelty or abuse endanger others", e) "One of the parties has a physical disability or disease with negative consequences able to carry out their obligations as husband or wife", f) "There are constant disputes between husband and wife quarrels and there is no hope of living in harmony again in the house ladder, g) "The husband violated the divorce agreement", and h) "Religious conversion or apostasy is what causes disobedience harmony in the household.

Then based on this parental intervention Children are allowed in the household, but first see to what extent, has sparked continuous arguments then that is not allowed, and although the reasons for parents who interfere too much in their children's households are not is in the classification of causes of divorce, but the reasons are within divorce suit if a quarrel is revealed between the husband and wife because the parents of one of the partners interfere too much in household matters their steps and this reason can be accepted as a reason for the lawsuit divorce is included in article 116 KHI letter (f).

3.3. Analysis of Divorce Based on Parental Intervention

The researcher conducted an analysis of 3 (three) divorce decisions caused by parental intervention, so it can be seen that parental intervention in the household of the plaintiff is classified as excessive because it is proven by the plaintiffs which includes these reasons as a reason for filing a lawsuit. Exaggeration in this case is that it has become the subject of continuous dispute continuously, giving rise to reasons for divorce partner. The reasons for divorce in the three Decision caser religious courts.

Table 1. Religious court decisions and reasons for divorce

Court Ruling	Reason For Divorce
reason for divorce decision number 1	The defendant did not provide adequate living so it often triggers its occurrence quarrel, <input type="checkbox"/> The defendant's parents often make them feel hurt plaintiff, by always comparing the plaintiff with his son-in-law other <input type="checkbox"/> The defendant's parents always interfered in the house the plaintiff's steps until the choke check occurred <input type="checkbox"/> When there is a choke check, the defendant often throws it or slamming things together and creating the plaintiff was depressed
reason for divorce decision number 2	The defendant's parents were too involved in the house plaintiff's ladder <input type="checkbox"/> The defendant remained silent while the plaintiff was being raped cursed by the defendant's parents <input type="checkbox"/> From the beginning of the defendant's marriage there was no support the plaintiff
reason for divorce decision number 3	There are always economic problems reason for quarrel <input type="checkbox"/> The defendant's parents always interfere in matters the plaintiff's household as well as tended to does not consider or respect the plaintiff

□ The defendant is no longer supporting the plaintiff
for 1 year

Source: Primary data, 2023 (Edited).

Looking at the table above, parental intervention in their child's household used as a reason to sue your partner. But actually, intervention parents in their child's household cannot be a reason for divorce. This reason exists if the conflict regarding parental intervention in their child's household occurs continuously in the couple, therefore will most likely trigger the birth of basic reasons to divorce as stated in the table.

4. Conclusion

This research found that Parental intervention in their child's household cannot be an excuse divorce, but this conflict triggers the birth of reasons that become grounds for divorce. There is parental intervention that causes birth the reasons that are the basis for divorce in their child's household third Religious Court Decision first, always interferes in the child's household until arguments continue to arise continuously, and then parents of one of the parties who always compare with others, the last the parents of one of the parties did not consider or respect the plaintiff. parental intervention which causes the emergence of reasons that become the basis for divorce, namely that parents actually intervene in their children's households is permitted but first we will see how far the intervention has gone. Then the divorce because of parental intervention is not there classification of reasons for divorce, but this problem is included in the causes divorce that falls into the category of article 116 KHI letter (f), namely constant quarrels and no hope of getting along again. So based on this research and the existing laws and regulations in this case KHI it can be concluded that parental interference in marriage is part of the reason for divorce which leads to quarrels as the basic reason for divorce.

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