

The Phenomenon of Divorce during the Election Period in the Perspective of Islamic Law

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ABSTRACT

This article delved into the perspectives of Islamic law about the divorce phenomena as it pertains to the election period. This phenomenon has been the subject of very little research about Islamic law. Legal anthropology brings an Islamic and conceptual studies perspective to this study technique. Consequently, this study aims to provide an Islamic perspective on these events and analyze them from a legal Islamic perspective. This article explained that ikhtilaf happened throughout the Islamic culture. During the election period, societal shifts inside the family led to the dissolution of the marriage. Since political opinions do not constitute nusyuz against the spouse, Muslims are free to have differing views on this matter. Only in religious issues is a woman bound to obey her husband. Thus, divorce is forbidden in Islam because of disparities in personal decisions. This study is expected to provide the groundwork for Islamic law and help families work through disagreements over political candidates during election period.

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1. Introduction

It is well-known that Indonesia's democratic system is based on the popular election of the president and vice president.¹ Every person has the freedom to choose, and every vote count. Direct, free, confidential, and independent decision-making is within the people's power and potential. The general elections provide citizens with the opportunity to choose the leaders who will supervise their government. Therefore, they are vital political processes in a

¹ Devin Caughey, Christopher Warshaw, and Yiqing Xu, 'Incremental Democracy: The Policy Effects of Partisan Control of State Government', *Journal of Politics*, 79.4 (2017), 1342-58. <https://doi.org/10.1086/692669>.

democratic society. Conversely, political disagreements may emerge among family members, particularly during election periods.²

An essential feature of a democratic nation is its system of representative government, which includes holding elections for the office of president, vice president, and other public officials at all levels of government.³ Accordingly, this paper explored certain Islamic practices that might assist Muslims in maintaining composure and strengthening familial bonds under political strife. Since an individual's immediate social circle comprises their family, family members often depend on and cultivate strong emotional connections with each other.⁴

It is noticeable that patience, empathy, and open dialogue may overcome family disputes.⁵ This article explored Islamic strategies for effectively managing family political matters in a way that promotes peace and good relationships.⁶ Concurrently, the family members tend to depend on and cultivate strong emotional connections with each other.⁷ Families serve as the bedrock for our beliefs, goals, and worldviews. Consequently, it is not unexpected that differences in political views and voting choices might lead to tension within a household. There might be negative outcomes from family conflicts that stem from political differences and voting preferences.⁸

When family members are at odds with one another, it may strain communication, lead to emotional distance, and derail efforts at unity. When family members are unable to communicate and build trust with one another, it may have a devastating effect on everyone's mental and emotional health.⁹ Even while disagreements over politics are certain to arise in every family, it is crucial that everyone learns to appreciate and respect one another's viewpoints, communicates effectively, and stays close.

According to statistics compiled by the Religious Courts Agency Indonesia, the percentage of divorces attributed to political reasons varies over time. There were 402 reported divorces in 2009 as a result of political unrest. In 2010, the number of cases dropped to 334. The number of divorces spurred by political factors reached 650 in 2011. Nonetheless, there is a high

² Yordan Gunawan and Yovi Cajapa Endyka, 'The Protection of Small and Medium Enterprises in Yogyakarta: The Challenges of ASEAN Economic Community', *Pertanika J. Soc. Sci. & Hum*, 25 (2017), 199-206.

³ Yordan Gunawan, M. Fabian Akbar, and Eva Ferrer Corral, 'WTO Trade War Resolution for Japan's Chemical Export Restrictions to South Korea', *Padjadjaran Jurnal Ilmu Hukum*, 9.3 (2022), 408-31. <https://doi.org/10.22304/pjih.v9n3.a6>.

⁴ Benjamin Allen Stevens and others, 'Local Candidate Effects in Canadian Elections', *Canadian Journal of Political Science*, 52.1 (2019), 83-96. <https://doi.org/10.1017/S0008423918000367>.

⁵ Satryo Pringgo Sejati and Ahmad Burhan Hakim, 'Politik Primordial Dan Politik Identitas Dalam Perkembangan Demokrasi Dan Politik Lokal Di Indonesia', *Josh: Journal of Sharia*, 2.02 (2023), 154-63. <https://doi.org/10.55352/josh.v2i2.533>.

⁶ Saiful Mujani and R. William Liddle, 'Indonesia: Jokowi Sidelines Democracy', *Journal of Democracy*, 32.4 (2021), 72-86. <https://doi.org/10.1353/jod.2021.0053>.

⁷ Nandorari Saptenly Buling and Aloysius L.S. Soesilo, 'Komunikasi Dan Interaksi Antara Anggota Keluarga Yang Mengalami Konflik Akibat Pilkada Di Kabupaten Alor', *Jurnal Psikohumanika*, 13.1 (2021), 1-21. <https://doi.org/10.31001/j.psi.v13i1.1144>.

⁸ Nazita Lajevardi and Marisa Abrajano, 'How Negative Sentiment toward Muslim Americans Predicts Support for Trump in the 2016 Presidential Election', *The Journal of Politics*, 81.1 (2019), 296-302. <https://doi.org/10.1086/700001>.

⁹ Afinia Sandyarini, 'Strategic Family Therapy Untuk Menyelesaikan Konflik Keluarga', *Martabat: Jurnal Perempuan Dan Anak*, 4.1 (2020), 23-40. <https://doi.org/10.21274/martabat.2020.4.1.23-40>.

divorce rate due to political unrest in 2015 or the year after the 2014 election. There were 21,193 instances in all.¹⁰

According to a study by Benjamin R. Warner et al., "Political Differences and Polarization in Families: The Role of (un) Accommodating Communication in Dealing with Identity Differences,"¹¹ and research conducted by Stephen L. Wasby entitled "The Impact of the Family on Politics: An Essay and Literature Review."¹² Consequently, studies on family conflicts and elections and methods for keeping the peace when confronted with political disagreements are very pertinent. Families may learn to live in harmony and provide a nurturing atmosphere for personal growth regardless of political differences by identifying and addressing the root causes of conflict.

This article examines Islamic strategies for effectively managing family political matters in a way that promotes peace and good relationships. Families serve as the bedrock for our beliefs, goals, and worldviews, so it is not surprising that differences in political views and voting choices can lead to tension within a household. Family conflicts stemming from political differences and voting preferences can have negative outcomes.

When family members are at odds, it can strain communication, lead to emotional distance, and derail efforts at unity. Inability to communicate and build trust within the family can have a devastating effect on everyone's mental and emotional health. While disagreements over politics are inevitable, it is crucial for everyone to appreciate and respect one another's viewpoints, communicate effectively, and maintain closeness.

According to statistics compiled by the Religious Courts Agency Indonesia, the percentage of divorces attributed to political reasons varies over time. In 2009, there were 402 reported divorces due to political unrest. In 2010, the number dropped to 334. However, the number of divorces spurred by political factors reached 650 in 2011. Notably, in 2015, following the 2014 election, there was a significant increase in divorces due to political unrest, with 21,193 reported instances.¹³

2. Research Method

The flexibility of Islamic law is a long-standing issue that continues to divide views. Should Islamic law be applied in accordance with its normative textual demands, or should it be modified to fit modern circumstances? Consequently, there is never any consensus on the application of Islamic law since discussions around it and how it should be implemented are inherently contentious. There are other, more pressing concerns about the distinction between

¹⁰ Muhammad Sholeh, 'Peningkatan Angka Perceraian Di Indonesia: Faktor Penyebab Khulu' Dan Akibatnya', *Qonuni: Jurnal Hukum Dan Pengkajian Islam*, 1.01 (2021), 29-40. <https://doi.org/10.59833/qonuni.v1i01.182>.

¹¹ Benjamin R. Warner, Colleen Warner Colaner, and Jihye Park, 'Political Difference and Polarization in the Family: The Role of (Non)Accommodating Communication for Navigating Identity Differences', *Journal of Social and Personal Relationships*, 38.2 (2021), 564-85. <https://doi.org/10.1177/0265407520967438>.

¹² Kathleen Gallagher Cunningham, Reyko Huang, and Katherine M. Sawyer, 'Voting for Militants: Rebel Elections in Civil War', *Journal of Conflict Resolution*, 65.1 (2021), 81-107. <https://doi.org/10.1177/0022002720937750>.

¹³ Antonio José Bacelar da Silva and Erika Robb Larkins, 'The Bolsonaro Election, Antiblackness, and Changing Race Relations in Brazil', *The Journal of Latin American and Caribbean Anthropology*, 24.4 (2019), 893-913. <https://doi.org/10.1111/jlca.12438>.

divine law – the rule of God – and human law – the law of man – the difference between an Islamic state and a secular one, etc. Research on Islamic law, including the article of normative laws found in the Quran and empirical laws seen in Muslim practice, has not properly used the legal anthropology method. The Islamic legal system was based only on normative-theological principles believed to be explicit and unambiguous in the Quran and Sunnah.

Thus, it is a reason to have a different approach that does not cast doubt on Islamic law's provisions but rather conducts research to put them in perspective. The revelation of legal verses in the Quran certainly has historical and anthropological dimensions. The analytical works of *asbab al-nuzul*, *makkiyah-madaniyah*, and *nasikh mansukh* attest to this fact among ancient experts. There was a slow (*tadarruj*) descent of the Quran as if an attempt were being made to "reconcile" it with the setting of the community that would receive it. Muslims should see this fact as a lesson from the Quran on determining law in a dynamic and adaptable way. The Quran and *rahmatan lil alamin* both teach this to be true.¹⁴

This essay illustrates that Islamic legal study benefits greatly from the legal anthropology method. Islamic law, as it is established via *ushul fiqh*, considers not just *bayani* reasoning, which is based on verses or texts, but also *ta'lili* reasoning, which is based on ratios and laws, and *istislahi* reasoning, which is based on benefits. Integrating text and context is necessary for the formation of Islamic law. Consideration of socio-empirical events in the lives of people at that time is vital because, while all of the Quran's verses are *azali*, they were revealed in empirical reality. To construct Islamic law, the field of legal anthropology must quickly examine the social processes and roles of law-making. Finding the intellectual underpinnings of Islamic law and ways to update it for the modern world is the goal of a legal anthropology study.¹⁵

3. Results and Discussion

3.1. The Phenomenon of Divorce During the Election Period

The connection between conflict and societal transformation is the last part of Dahrendorf's theory of conflict, which is related to the reality that many viewpoints are always valuable in times of societal transformation. Increased social strife is a result of societal developments.¹⁶ Regarding Karl Marx's notion of ownership and control of means, Ralf Dahrendorf claims that disagreement is half the rejection and change. According to Dahrendorf, the owner of the means did not necessarily serve as a controller, particularly throughout the nineteenth century. The fact that industrial society has changed so much since the 1800s is evidence of his rejection. Both internal and external forces may bring about social transformation.¹⁷ According to Salert, conflict occurs when two social structures – one dominating and one minimal – clash

¹⁴ Yordan Gunawan and Hanna Nur Afifah Yogar, 'Handbook of Research on Innovation and Development of E-Commerce and E-Business in ASEAN', *Handbook of Research on Innovation and Development of E-Commerce and E-Business in ASEAN*, 2 (2020), 594–606. <https://doi.org/10.4018/978-1-7998-4984-1>.

¹⁵ Timothy Frye and Ekaterina Borisova, 'Elections, Protest, and Trust in Government: A Natural Experiment from Russia', *The Journal of Politics*, 81.3 (2019), 820–32. <https://doi.org/10.1086/702944>.

¹⁶ Mufliha Wijayati and others, 'Justice Brokers: Women's Experiences with Injustice and Dependence in the Divorce Process', ed. by Kevin Cheng, *Cogent Social Sciences*, 7.1 (2021). <https://doi.org/10.1080/23311886.2021.1966208>.

¹⁷ Jonathan Lepie, 'The Theory of a Working Class: A Re-Appreciation of Ralf Dahrendorf', *Employee Responsibilities and Rights Journal*, 30.2 (2018), 145–79. <https://doi.org/10.1007/s10672-018-9316-x>.

in a dynamic society. Societal resources, including monetary and political capital, are being sought after.¹⁸

Changes will be drastic if the disagreement is big. In addition, violent conflict may cause structural changes to happen quickly. Sociology must so get acquainted with the nature of the link between conflict and either the status quo or change.¹⁹ Disagreement and conflict in society may serve as catalysts for societal transformation. Despite its negative connotations, the conflict can potentially be a positive catalyst for improved community relations.²⁰ Thus, disagreements over political beliefs between divorcing spouses are common and unavoidable. Social changes brought about by this disagreement help the marriage become more organized and mature.

When married spouses get a divorce, no relatives are involved, and society transforms. Differences in political interests, which are fundamental ideals everyone should respect and support, impact their social ties, leading to this transformation. Disagreement emerges from competing interests, which in turn causes shifts in established norms and principles. Domestic quarrel is a result of one spouse's inability to live up to their obligations as a husband or wife and the other's inability to keep things as they are.

According to statistics compiled by the Religious Courts Agency Indonesia, the percentage of divorces attributed to political reasons varies over time. In 2009, there were 402 reported divorces due to political unrest. In 2010, the number dropped to 334. However, the number of divorces spurred by political factors reached 650 in 2011. Notably, there was a significant increase in divorces due to political unrest in 2015, following the 2014 election, with 21,193 reported instances. Furthermore, approximately 1,200 divorces were reported during the 2019 presidential election due to differences in political preferences.²¹ Another common source of contention in marriages is the belief that a husband is an independent person with the power to divorce, as opposed to a dependent relative. Consequently, disagreements over political decisions involving familial links threaten family unity. An effective resolution of marital disputes stemming from divergent political views is desirable, according to the author, because it increases the likelihood that the spouses will be able to communicate with one another and, ultimately, reconcile. However, after looking at all the angles, the author concluded that neither could keep the house. If they stay together, strife will rage for a long time; society will shift towards more order if they split up.²²

Andik Matulesy, a specialist in political psychology, claims that extreme fanaticism is the mentality of someone who has lost the ability to think rationally and objectively. According to social psychologists, these psychological signs make sense when being observed through the lens of in-group and out-group membership, particularly when A is seen as belonging to one's

¹⁸ Ghobad Mansouri and others, 'Synthesis, Characterization and Antibacterial Study of Cyclometalated Rhodium (III) Complex Containing Dithiocarbamate', *Journal of Molecular Structure*, 1121 (2016), 128–34. <https://doi.org/10.1016/j.molstruc.2016.05.057>.

¹⁹ Muliono, 'Pola Perubahan, Wacana, Dan Tren Konflik Sosial Di Indonesia', *Al-Adyan: Journal of Religious Studies*, 1.2 (2020), 115–32. <https://doi.org/10.15548/al-adyan.v1i2.1949>.

²⁰ Ute Stephan and others, 'Organizations Driving Positive Social Change', *Journal of Management*, 42.5 (2016), 1250–81. <https://doi.org/10.1177/0149206316633268>.

²¹ Cindy Xinshan Jia and Jessica Chi-mei Li, 'Work-Family Conflict, Burnout, and Turnover Intention among Chinese Social Workers: The Moderating Role of Work Support', *Journal of Social Service Research*, 48.1 (2022), 12–27. <https://doi.org/10.1080/01488376.2021.1942393>.

²² Mohammad Hazyar Arumbinang, Yordan Gunawan, and Andi Agus Salim, 'Prohibition of Child Recruitment as Soldiers: An International Regulatory Discourse', *Jurnal Media Hukum*, 30.1 (2023), 21–32. <https://doi.org/10.18196/jmh.v30i1.19322>.

own group. A is nice, he will say afterward.²³ They think in a certain manner. Because fanaticism is based on ideology, which becomes deindividuation—the loss of individual identity in favour of a collective mind—it can lead to destructive, emotional, suggestible, and irritable behaviours, such as fighting amongst followers.²⁴

There is currently zero room for ignorance that political choice is a basic concept.²⁵ Because one partner has strong political beliefs and is inherently different from the other, it is not uncommon for husband and wife to have disagreements, fights, and quarrels over trivial matters. These differences can even lead to a divorce. If a prospective political supporter is deceived or insinuated in any manner, one of the partners will undoubtedly back them and may even take offense. Indeed, distinctions are not inherently problematic until they serve as a guiding principle in daily life. However, if disagreements become basic principles, there will be conflict for a long time, particularly in the home, the smallest social unit.²⁶

Dealing with arguments, disputes, and conflicts in the home is often the only option because two distinct people, each with their values shaped by their own cultural experiences and upbringings, come together in a marriage. To build a new set of values for their family, they must address these pre-existing divisions and learn to live with one another. This process might be stressful for them, along with many other changes, such as new living arrangements, habits, or social activities.²⁷

Common causes of divorce include financial difficulties, adultery, and failure to fulfil marital responsibilities. Political disagreements as a reason for the dissolution of a marriage are very unusual. However, as a result of societal shifts, disagreements over politics might lead to a divorce. Something is said to be changing when it occurs differently at distinct intervals or between two points in time, such as before and after an action. Change is inevitable in every endeavour.²⁸ Every aspect of society, including the economy, politics, and culture, may be impacted by this shift. Values, attitudes, and behaviour patterns among social groupings are all susceptible to change due to institutional changes in any given culture. All of these things might be seen as ideas for societal transformation.²⁹

²³ Iriyani Astuti Arief, Muhammad Ishak Syahadat, and M. Najib Husain, 'Dinamika Perilaku Politik Masyarakat Menjelang Pemilihan Kepala Daerah Serentak 2024 Di Kecamatan Lawa Kabupaten Muna Barat', *Journal Publicuho*, 6.4 (2024), 1602–10. <https://doi.org/10.35817/publicuho.v6i4.322>.

²⁴ Karey L. O'Hara and others, 'Parenting Time, Parenting Quality, Interparental Conflict, and Mental Health Problems of Children in High-Conflict Divorce.', *Journal of Family Psychology*, 33.6 (2019), 690–703. <https://doi.org/10.1037/fam0000556>.

²⁵ Askari Razak and others, 'Balancing Civil and Political Rights: Constitutional Court Powers in Indonesia and Austria', *Journal of Indonesian Legal Studies*, 8.2 (2023). <https://doi.org/10.15294/jils.v8i2.70717>.

²⁶ Ah. Badawi and Khoiruddin Nasution, 'Deviasi Seksual Sebagai Alasan Perceraian Perspektif Hukum Islam', *Millah*, 20.2 (2021), 417–48. <https://doi.org/10.20885/millah.vol20.iss2.art9>.

²⁷ Brian F. Schaffner, 'The Heightened Importance of Racism and Sexism in the 2018 US Midterm Elections', *British Journal of Political Science*, 52.1 (2022), 492–500. <https://doi.org/10.1017/S0007123420000319>.

²⁸ fahrurrozi, 'Diaspora Politik Keluarga Organisasi Nahdlatul Wathan Pada Pemilu Legislatif 2014 Di Lombok, Nusa Tenggara Barat', *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies*, 13.1 (2017). <https://doi.org/10.18196/aijjs.2017.0068.82-109>.

²⁹ Umar Sholahudin, 'Membedah Teori Kritis Mazhab Frankfurt : Sejarah, Asumsi, Dan Kontribusinya Terhadap Perkembangan Teori Ilmu Sosial', *Journal of Urban Sociology*, 3.2 (2020), 71. <https://doi.org/10.30742/jus.v3i2.1246>.

Since one partner often adheres to political ideologies and consistently has different opinions from people who hold different political ideologies, it is common for husband and wife to experience conflicts, quarrels, and disputes, which can lead to divorce due to these fundamental differences, for example, the outcomes of governmental decisions. The spouse hopes his decision will have the complete backing of his wife's extended family.³⁰

Alternatively, the woman wants to make political decisions without being pushed to agree with her husband. This condition ensures that at least one spouse consistently supports a political candidate and takes offense when others comment negatively about them. Alterations to a society's guiding philosophy or a shift in focus from the past to the future, leading to a consolidation of power, may also trigger change development. Science (and the human mind), technology (and their application in society), and changes in communication, transportation, urbanization, and rising human expectations and demands all contribute to the emergence of new social norms and practices.

3.2. Unravelling *Ikhtilaf* As God's Gift of Tolerance

Even prophets had differing opinions (*ikhtilaf*) from those of their companions and priests. According to what is said in Surah Al-Anbiya: 78–79, the prophets Daud and Sulaiman had differing views until Allah showed them that Sulaiman was right. Nevertheless, it is said in that scripture that both of them, not just the Prophet Daud, were endowed with knowledge and insight.³¹

Besides, according to Tafsir Ibn Kathir, Allah commends Sulaiman in that passage for refraining from criticizing Dawud. That is why the prophets conveyed non-criticism and non-hatred messages in the Quran, even when people disagreed. According to Ibnu Katsir, who cited a hadith from Sahih Bukhari, even the wrongdoer receives compensation, even when there are disagreements in *ijtihad*, as shown by the examples of Prophet Sulaiman and Prophet Daud.

To further emphasize that distinctions have existed since humankind was formed, it is helpful to refer to passages in the Koran, such as Qs. Hud: 118 and al-Maidah: 48. God does not use that power, although the Almighty can unite all people into one nation. As a blessing, God permits people to have differing viewpoints, but He also lays difficulties on them, such as getting into heated debates or competing based on virtue rather than evidence.

During the Prophet's lifetime, there were disagreements among his friends, and the Prophet acknowledged the validity of their divergent viewpoints. Specifically, how the companions differed in obeying the Prophet's command during the *Ahzab* War to refrain from doing *Asr* prayers anywhere other than *Bani Quraizhah*; this was particularly problematic since some of the companions were still traveling at *Asr* time. As a result, a few of them contended that, per the Prophet's instructions, they would not go to *Bani Quraizhah* to do the *Asr* prayers.

While some said they were not obligated to worship at *Bani Quraizhah*, others maintained that they had to as they knew the Prophet's command was to hasten their travel to perform *Asr*

³⁰ Anna Baringer, Michael C. Herron, and Daniel A. Smith, 'Voting by Mail and Ballot Rejection: Lessons from Florida for Elections in the Age of the Coronavirus', *Election Law Journal: Rules, Politics, and Policy*, 19.3 (2020), 289–320. <https://doi.org/10.1089/elj.2020.0658>.

³¹ Deni Setiyawan and others, 'Green Restorative Justice: Environmental Enforcement and Justice', *Revista de Gestão Social e Ambiental*, 18.2 (2024), e05194. <https://doi.org/10.24857/rgsa.v18n2-095>.

there. Nonetheless, the companions who disagreed with the Prophet brought their disagreements back to him, and he affirmed their views.

But when these disparities are considered together, what happens? Despite their obvious dissimilarities, they adhere to *adab*, believing that diversity is a strength and that the Quran and Sunnah are the ultimate sources of truth (rather than our own interpretations). For instance, Imam Malik allowed for several viewpoints and encouraged followers to pick and choose which ones to follow according to what was most applicable to them.

Elders, imams, and scholars taught Muslims to avoid becoming rigid in our own views or sects and to approach the opinions of others with skepticism. Instead, they impart onto us the principles of tolerance, inclusivity, and reverence. The reason is that those of us who are too dogmatic, closed-minded, or cynical miss out on the insights, lessons, and messages that could exist outside of our views. Wisdom is a lost possession for every believer, as Sayyidina Ali put it. That being said, even hypocrites say it. Furthermore, getting a full and fair view of perspectives other than one's own is difficult when one has a negative attitude toward diversity.

Apart from differences of opinion, there are also triggers for divorce. One of the main causes of divorce due to political differences is the moral factor, which is an emotional response. This includes feelings of hurt, jealousy, resentment, anger, and dislike towards others because they are seen as receiving rights that should have belonged to oneself. The second factor is ongoing disputes stemming from a lack of harmony. The majority of respondents describe how conflicts begin with minor issues. When one problem remains unresolved, it gives rise to subsequent issues. The reason for divorces is often initiated by the wife through a legal action known as "*cerai gugat*", which is more prevalent than "*cerai talak*". This is mainly due to increased awareness of women's rights, gender equality, mainstream gender relationships, and women's economic empowerment, alongside factors such as insufficient education and religious knowledge.

Disagreements or conflicts between married couples that can lead to divorce due to these underlying differences, such as when one spouse in Sindang Asih Village strongly adheres to a particular political ideology and consistently disagrees with those who hold different political beliefs. This often results in marital conflicts and arguments arising from differing political preferences. The husband expects full support for his political choices from the wife's extended family, while the wife desires the freedom to make her own political decisions without feeling pressured to align with her husband's choices. Consequently, one of the partners will consistently support and may feel offended if someone criticizes or speaks negatively about their preferred political candidate. This is because the community in Sindang Asih Village prioritizes maintaining their political views, often valuing political beliefs over family harmony.³²

3.3. The Phenomenon of Divorce During Elections from an Islamic Legal Perspective

According to a report from ANTARA in 2019, Chairman of the Indonesian People's Consultative Assembly (MPR RI) Bambang Soesatyo stated that the implementation of local

³² Muhil Mubarak, 'Perceraian Karena Perbedaan Perspektif Pilihan Politik Teori Konflik Di Kabupaten Tangerang', 4.1 (2021), 59-73. <https://doi.org/10.18860/jifas.v4i1>.

elections (*Pilkada*) in Indonesia has led to 826 married couples getting divorced. This indicates a significant impact of the democratic process in the country on household stability.

The reason for divorce due to political differences is not explicitly mentioned as the cause of divorce, but rather other triggers are highlighted. Article 19 of Government Regulation No. 9 of 1975 on the Implementation of Law No. 1 of 1974 on Marriage, Article 116 of the Compilation of Islamic Law (KHI), and Article 39 of Law No. 1 of 1974 on marriage mentions that continuous disputes and arguments between husband and wife, with no hope of living harmoniously again in the household, are among the grounds for divorce. Although political differences are not directly stated as grounds for divorce in these legal texts or religious opinions, a closer examination reveals that these differences can indeed lead to divorce as they fall under broader categories mentioned in these articles, such as continuous conflicts and disputes between spouses without prospects for reconciliation. This is because divorces resulting from political differences also result in ongoing disagreements and conflicts between married couples.³³

To be considered a devout Muslim wife, one must submit to her husband's authority, as is mandated in several Quran passages and the Prophet Muhammad's hadith. Sheik Wahbah Az-Zuhayli shows that the woman submits and obeys her husband. What makes a lady submit to her husband is whether or not he gives her permission to go out and have fun.³⁴ A wife's obedience or submissiveness is required by Islam, considering the great rights of a husband over his wife. Many scholars use the following hadith of the Prophet Muhammad as an argument for the necessity of a wife's obedience or obedience. As in the hadith, HR Abu Dawud, Al-Baihaqi:

"From Abu Bakr, Muhammad bin Husein Al-Qathan, Ahmad bin Yusuf As-Sulami, Abdurrahman bin Abu Bakar An-Nakha'i, his father, Hushain bin Abdurrahman As-Sulami, Amir As-Sya'bi, and Qais, we received narrations. In my observation, the locals bowed down before the authority figures. I secretly thought that we were more deserving of submitting to Rasulullah SAW. I returned to see the Prophet of Allah, explained what had happened to me, and informed him that we are entitled to kneel to you, O Rasulullah SAW, when we meet him. Oh, please do not. "Will you bow down if you see my grave in the future?" Rasulullah SAW inquired. 'No,' I said. "You should not. "Because Allah has granted these women significant privileges via their husbands, I would command these ladies to prostrate themselves before their husbands if it were lawful to do so."³⁵

Scholars believe a woman is responsible for obeying her husband, based on several passages and hadiths. The only difference is that the duty to follow and conform is not limitless but rather *muqayyad*, with some limitations that will be discussed later on:³⁶

³³ Fahad Al Aghbari and others, 'Rights of Women in the Establishment and Dissolution of Marriage in Oman: Between CEDAW and Sharia Perspective', *Legality: Jurnal Ilmiah Hukum*, 32.1 SE-Journal's Articles (2024), 33–50. <https://doi.org/10.22219/ljih.v32i1.31493>.

³⁴ Moch. Yunus, 'Kajian Tafsir Munir Karya Wahbah Az-Zuhayli', *Humanistika: Jurnal Keislaman*, 4.2 (2018), 162–72. <https://doi.org/10.36835/humanistika.v4i2.37>.

³⁵ Siti Khoirotul Ula, 'Qiwama Dalam Rumah Tangga Perspektif Teori Mubadalah Dan Relevansinya Di Indonesia', *Mahakim: Journal of Islamic Family Law*, 5.2 (2021), 135–48. <https://doi.org/10.30762/mahakim.v5i2.138>.

³⁶ Sholahuddin Al Fatih and Asrul Ibrahim Nur, 'Does the Constitutional Court on Local Election Responsive Decisions?', *Journal of Human Rights, Culture and Legal System*, 3.3 (2023), 569–96. <https://doi.org/10.53955/jhcls.v3i3.74>.

"Following two verses from Allah SWT – "Men are protectors of women because of several advantages that Allah has given to others and because of some of the wealth they earn" and "They have rights commensurate with the obligations they properly assume" – the ulama (religious scholars) agree that a wife must obey her husband. At the same time, males have an edge over women on one level. As far as a wife's allegiance to her husband takes the shape of disobedience to Allah, the scholars believe that it is *muqayyad* rather than total or unrestricted. The rationale for this is because, as the teachings of the Prophet Muhammad make clear, "There is no obedience to fellow creatures regarding disobedience to Allah." This rule stipulates that humans must obey Allah at all times."³⁷

Wives have rights that their husbands must satisfy in addition to *muqayyad* or restricted responsibilities. A wife's rights extend beyond the realm of economics. To illustrate this point, Sheikh Wahbah Az-Zuhayli said: "Women have economic rights, meaning dowry and livelihood, and non-economic rights, including excellent treatment, pleasant interactions, and justice."³⁸

It should come as no surprise that the National Conference of Alim Ulama at the Qomarul Huda Islamic Boarding School in Bagu, Pringgarata, Central Lombok, NTB addressed the status of women in Islam on 16-20 Rajab 1418 H/17-20 November 1997 AD, in accordance with the *muqayyad*, or limited obligations and non-economic rights. In the 1997 NU National Conference forum, the Kiai (Muslim clerics) recognized that men and women perform different duties owing to inherent and cultural distinctions, such as when it comes to nursing. In addition to that, according to Allah SWT, men and women have non-natural duties in society and must work together to fulfil them:

Allah SWT said:

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضُهُمْ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ
وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

Believers, men, and women, some of them become helpers for others. They enjoin (do) good deeds, prevent (do) evil, enforce prayer, pay zakat, and obey Allah and His Messenger. Allah will give them mercy. Indeed, Allah is All-Mighty, All-Wise. At-Taubah [9]:71.

Islam has outlined the responsibilities and rights of women inside the home, and both the husband and wife must adhere to these regulations, according to the Nahdlatul Ulama (NU) National Conference Forum in 1997 AD. However, women have a place in public life. Women are responsible for upholding their social responsibilities with more enthusiasm, transparency and protection to exercise their state and political rights. The Islamic faith allows women to hold public office, which gives them the respect and credibility necessary to occupy high positions in social and political fields.

In 1999 AD, at the 30th NU Congress held in the Lirboyo Islamic Boarding School in Kediri Regency, the NU *Kiai* emphasized that men and women should have equal public responsibilities, including politics. They are against gender bias in politics because it treats

³⁷ Neng Fatimah, 'Konsep Kafaah Dalam Penentuan Calon Istri Kader Pondok (Studi Pada Pondok Modern Darussalam Gontor Ponorogo)', *Kalosara: Family Law Review*, 3.1 (2023), 41. <https://doi.org/10.31332/kalosara.v3i1.5259>.

³⁸ Faisal Haitomi, 'Reinterpretasi Hadis Ketaatan Istri Terhadap Suami Perspektif Qira'ah Mubadalah', *Al-Dzikra: Jurnal Studi Ilmu Al-Qur'an Dan Al-Hadits*, 15.2 (2021), 209–26. <https://doi.org/10.24042/al-dzikra.v15i2.9764>.

women like property in a male-dominated society.³⁹ Additionally, the *Kiai* disapproved of women's lack of initiative when serving in public roles. Also, women should be encouraged to use their voting rights independently and judiciously, irrespective of whether their political views coincide with those of their partners. Women no longer face the danger of being stigmatised as unfaithful spouses for using their political voting rights in accordance with their own convictions.⁴⁰

Irrespective of their political affiliation, wives are still required to obey their husbands and adhere to religious rules. Different political views do not diminish a woman's standing as a faithful wife. In light of the rulings reached at the 1999 AD NU Congress and the 1997 AD NU National Conference on women's public roles and positions, it is important for husbands and wives to show mutual respect for each other's political choices and perspectives. In addition, it is imperative that they refrain from provoking each other via the use of religious or other euphemism while discussing political issues.

Divorce is legal in Islam, yet Allah despises it. Thus, it implies that couples only consider getting a divorce after all other options have been exhausted. The verse 227 of the Al Baqarah says, "And if they are determined to divorce, then indeed, Allah is All-Hearing, All-Knowing." Verses 228–232 of Surah Al Baqarah continue this section with the rule of divorce.⁴¹

Muhammadiyah does not explicitly address the many legal options available during elections. But generally speaking, NU and Muhammadiyah agree. In general elections, spouses cannot obstruct one other's voting rights. Each spouse (husband and wife) must embrace and observe the Islamic regulations that govern women's rights and responsibilities within the household. There is a public role for women. A stronger, more open, and more safeguarded social role for women as citizens and members of society has been mandated by the rights to statehood and politics. Even if their husbands have different political views, wives can follow their religious leaders. Put simply, a woman's status as a devout wife is unaffected by political disagreements.

3.4. The Concept of an Islamic Solution to the Phenomenon of Divorce During the Election Period

Tensions rise, and arguments break out in families during national elections. When members of the same family have very divergent political opinions, it may lead to intense disagreements that strain family relationships. Understanding, tolerance, and effective communication are the keys to resolving family disputes. How to keep the family peaceful despite political differences is the topic of this essay.⁴²

³⁹ Awaludin Marwan, Diana Odier-Contreras Garduño, and Fiammetta Bonfigli, 'Detection of Digital Law Issues and Implication for Good Governance Policy in Indonesia', *Bestuur*, 10.1 (2022), 22–32. <https://doi.org/10.20961/bestuur.v10i1.59143>.

⁴⁰ Muhtar Said, Ahsanul Minan, and Muhammad Nurul Huda, 'The Problems of Horizontal and Vertical Political Accountability of Elected Officials in Indonesia', *Journal of Indonesian Legal Studies*, 6.1 (2021), 83–124. <https://doi.org/10.15294/jils.v6i1.43403>.

⁴¹ Choirunnisa Nur Novitasari, Dian Latifiani, and Ridwan Arifin, 'Analisis Hukum Islam Terhadap Faktor Putusnya Tali Perkawinan', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 3.2 (2019), 322. <https://doi.org/10.22373/sjhk.v3i2.4441>.

⁴² Febrihada Gahas Candramukti, 'Peranan Agama Dalam Menyikapi Konflik Komunal Pada Pilpres 2019', *Entita: Jurnal Pendidikan Ilmu Pengetahuan Sosial Dan Ilmu-Ilmu Sosial*, 2.2 (2020), 245–56. <https://doi.org/10.19105/ejpis.v2i2.3406>.

- 1) Respect differences of opinion:⁴³ A key component of a democratic society is the freedom for individuals to have differing political views. People in any family should be able to express their opinions without fear of retaliation. The peace in the family will improve if each member's viewpoint is respected.⁴⁴
- 2) Avoid Emotional Arguments:⁴⁵ Family strife is common when members get into heated and emotionally charged political debates. Staying focused on the political subject and avoiding emotive discussions might help to avoid this problem.⁴⁶ When tempers flare up in a conversation, it is best to go away to collect yourself before returning to the subject.
- 3) Communicate well:⁴⁷ Open and honest communication is the secret to happy family relationships. Try to hear other people out before offering criticism or cutting them off. Family members must ensure that someone's political differences do not hinder everyone from engaging in a respectful dialogue where they may freely express their opinions.⁴⁸ Try to see things from other family members' political perspectives and provide your well-reasoned arguments.
- 4) Focus on similarities:⁴⁹ No matter how much the election brings out divisions in the family, it is important to remember that you are all in this together. Always put your loved ones' needs before yours since your family is where your heart belongs.⁵⁰ Also, family bonds may improve by finding common ground in the ideals and aspirations of each member.
- 5) Keeping political disagreements out of the family is a good idea if they keep escalating and causing friction. Set aside certain times to talk about politics, such as when meeting for a formal discussion. Also, outside of politics, many other great things can be done to improve family relationships.
- 6) Recommendation for managing family disagreements is to maintain emotional composure, seek a serene environment, exercise self-control, maintain composure, and avoid the influence of your emotions. To effectively manage overwhelming emotions, it is advisable to practise deep breathing, temporarily distance oneself from the

⁴³ Muhammad Zuhdi dan Faisal, 'Sikap Dan Etika Dalam Menghadapi Ikhtilaf Pendapat Mazhab Fiqih', *Al-Qadha*, 6.2 (2019), 12-20. <https://doi.org/10.32505/v6i2>.

⁴⁴ Louay Alsamayat and Ahmad Al-Qudah, 'The Divorce of the Drunk in Islamic Fiqh and Jordan Personal Status Law', *An-Najah University Journal for Research - B (Humanities)*, 33.3 (2019), 433-62. <https://doi.org/10.35552/0247-033-003-004>.

⁴⁵ Asri Dewi, Irma Yulita Silviany, and Heru Pratikno, 'Kemampuan Bernalar Dan Pengembangan Alinea Dalam Membuat Wacana Mahasiswa Universitas Islam Bandung', *Jurnal Bastrindo*, 4.2 (2023), 136-52. <https://doi.org/10.29303/jb.v4i2.1255>.

⁴⁶ Amra Bone, 'Islamic Marriage and Divorce in the United Kingdom: The Case for a New Paradigm', *Journal of Muslim Minority Affairs*, 40.1 (2020), 163-78. <https://doi.org/10.1080/13602004.2020.1737412>.

⁴⁷ Afna Fitria Sari, 'Etika Komunikasi', *Tanjak: Journal of Education and Teaching*, 1.2 (2020), 127-35. <https://doi.org/10.35961/tanjak.v1i2.152>.

⁴⁸ M. Alipour, 'Islamic Shari'a Law, Neotraditionalist Muslim Scholars and Transgender Sex-Reassignment Surgery: A Case Study of Ayatollah Khomeini's and Sheikh Al-Tantawi's Fatwas', *International Journal of Transgenderism*, 18.1 (2017), 91-103. <https://doi.org/10.1080/15532739.2016.1250239>.

⁴⁹ Raeda Abjad, Nurma Angkotasan, and Idrus Alhaddad, 'Analisis Kemampuan Pemecahan Masalah Matematis Siswa SMP Pada Materi Sistem Persamaan Linear Dua Variabel', *Jurnal Pendidikan Guru Matematika*, 2.3 (2022), 303-14. <https://doi.org/10.33387/jpgm.v2i3.5148>.

⁵⁰ Nur Imamah and others, 'Islamic Law, Corporate Governance, Growth Opportunities and Dividend Policy in Indonesia Stock Market', *Pacific-Basin Finance Journal*, 55 (2019), 110-26. <https://doi.org/10.1016/j.pacfin.2019.03.008>.

situation, or participate in activities that promote relaxation and emotional control. It is not unusual for family members to have differing political views, particularly when an election is near. But remember, political disagreements do not matter nearly as much as familial bonds. Families may navigate the election period without jeopardizing important connections by respecting differing opinions, communicating effectively, and keeping cool.

4. Conclusion

The Islamic civilization was the genuine era when *ikhtilaf* was practiced. Contradictions happened between the ulama and the prophets and between the prophets and their companions. Although diversity is anticipated and embraced, Muslims firmly believe that the Quran and Sunnah serve as the definitive sources of truth, rather than our own interpretations. Factors related to societal change inside the family unit are the root cause of divorce occurring during election periods. Divorce was the outcome of domestic strife brought on by these societal shifts. Disparities in political leanings between spouses constitute this societal shift. His political decisions have driven him to extreme levels of fanaticism, which is another issue. Since this pertains to the citizen's right to freedom of choice, Islamic law permits families to have different political opinions during election period. The husband does not have the authority to compel his wife to decide just because she is obedient to him. A woman must submit to her husband when it comes to religious things. According to Islamic law, the sole reason a husband and wife cannot divorce is *ikhtilaf*. Islamic perspective on family strife around election time includes listening to and understanding one another's perspectives, keeping emotions in check, communicating effectively, finding common ground, and keeping political conversations to a minimum.

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