

RECONSTRUCTING ISLAMIC FAMILY LAW IN INDONESIA: A PSYCHOLOGICAL LENS ON CONTEMPORARY FAMILY CHALLENGES

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Abstract

This research explores the reconstruction of Islamic family law in Indonesia through the integration of family psychology as a means to enhance household resilience and prevent disintegration arising from early marriage, infidelity, divorce, and domestic violence. Within the framework of fiqh al-munakahat, the reconstruction seeks to redefine marital principles by incorporating psychosocial maturity, financial responsibility, and equitable parenting roles to realize justice and compassion within the family. Employing a literature review and policy analysis approach, the study examines couples' emotional readiness, premarital financial literacy, and sharia-based conflict resolution mechanisms. The findings suggest the need to: (1) amend the Marriage Law to include psychosocial criteria in Islamic marriage authorization; (2) develop a psychosocially oriented premarital module that provides training in communication skills, emotional regulation, and conflict resolution aligned with the principles of al-musawah (equality) and al-ta'awun (mutual support); (3) engage family psychologists in premarital counseling and religious court mediation through BP4 to strengthen couples' coping abilities; and (4) establish Family Consultation Institutions (LKK) at the community level as interdisciplinary education hubs. The proposed reconstruction model aims to foster a proactive and holistic Islamic family law paradigm that emphasizes psychological resilience, social harmony, and collective well-being.

Keywords: *Islamic Family Law; Family Psychology; Marriage Resilience; Premarital Counseling, Law Reform*

ABSTRACT

This study examines the reconstruction of Islamic family law in Indonesia by integrating family psychology approaches to strengthen household resilience and prevent rifts caused by early marriage, infidelity, divorce, and domestic violence. From the perspective of fiqh munakahat, the reconstruction of Islamic family law is directed at the reformulation of marriage norms including the requirements of psychosocial maturity, maintenance responsibility, and the division of parenting roles in order to realize justice and affection in the family. Literature review and policy analysis methods were used to examine the needs of couples' emotional readiness, premarital financial literacy, and sharia-based conflict resolution mechanisms. The results of the study show that it is necessary to: (1) revise the Marriage Law to affirm the integration of psychosocial requirements in Islamic marriage licensing; (2) create a mandatory psychosocial-based premarital module that includes effective communication training,

emotional management, and conflict resolution strategies according to the principles of almusawah and alta'awun can reduce the risk of divorce; (3) involving family psychologists in premarital counseling in BP4 and religious court mediation to improve couples' coping skills; (4) make Family Consultation Institutions (LKK) at the sub-district/village level effective as a center for cross-scientific education. The implementation of this reconstruction framework is expected to result in an Islamic family law that is proactive, holistic, and oriented towards psychological resilience and the welfare of the people.

Kata Kunci: *Hukum Keluarga Islam; Psikologi Keluarga; Ketahanan Pernikahan; Konseling Pranikah; Reformasi Hukum*

INTRODUCTION

Psychology, defined as the scientific study of human behavior and mental processes, views marriage as a significant developmental phase. During this phase, individuals adapt to life as a married couple, assume parental roles, and manage household responsibilities. Successfully navigating this stage can lead to marital contentment. However, establishing and maintaining a household presents numerous challenges, including financial management, fostering effective communication, and fulfilling children's educational needs.¹

Fachruddin Hasballah posits that family psychology is a discipline dedicated to understanding, recognizing, and internalizing marital life, while clarifying the rights, duties, obligations, and responsibilities of each family member. The awareness of divine warnings regarding human creation, as exemplified by Prophet Adam, is considered a crucial element in family life.² Nicky describes marriage as a divine life system designed for reciprocal service and lifelong love between a man and a woman.³

Vries further emphasizes that marriage extends beyond love, requiring sustained effort and attention to navigate joys and sorrows, maintain well-being, and overcome diverse challenges and threats. Sigalman defines marriage as a committed relationship between a man and a woman functioning as husband and wife, involving distinct roles and responsibilities encompassing intimacy, companionship, affection, sexual fulfillment, and parenting.⁴ Islamic Family Psychology is an interdisciplinary field that investigates human behavior, mental functions, and psychological dimensions of family life, grounded in Islamic teachings. This

¹ Masfi Sya'fiatul Ummah, *Family and Marriage Psychology, Sustainability (Switzerland)*, vol. 11, 2019, p. 19.

² Hasyim Iskandar and Alfin Nur Farida, "Early Marriage in the Perspective of Family Psychology," *JDARISCOMB: Journal of Islamic Communication and Broadcasting* 1, no. 01 (2021): 79, <https://doi.org/10.30739/jdariscomb.v1i01.803>.

³ Ummah, *Family and Marriage Psychology*, pp. 19-20.

⁴ Ummah, *Family and Marriage Psychology*, pp. 19-20.

knowledge serves as a vital guide in family therapy provided by institutions such as the Office of Religious Affairs, BKKBN, and religious courts, with the primary objective of fostering harmonious and prosperous family units.⁵

In Indonesia, consulting family psychologists for family issues remains uncommon. Typically, family problems are addressed through a hierarchical process, beginning with the nuclear family, extending to the extended family, and eventually resorting to legal channels. The Office of Religious Affairs plays a significant institutional role, yet its family consultation unit, BP4, operates suboptimally, evidenced by a rising divorce rate. Consequently, the KUA's function should expand beyond mere marriage registration to include professional marriage counseling, offering guidance and conflict resolution. Psychology, therefore, holds a pivotal role in addressing familial challenges by facilitating an understanding of couples' psychological states, thereby contributing to the achievement of marital ideals such as *sakinah*, *mawaddah*, and *warahmah*.⁶

The overarching aim of family development is to cultivate a *sakinah* family, characterized by happiness and harmony. Within the Indonesian family law system, the implementation of pre-marriage education or courses, despite existing guidelines, has not reached its full potential. Practical shortcomings include insufficient course duration, inadequately qualified instructors, and various technical obstacles that necessitate systemic reform within the national family law framework. Family education and counseling, particularly through psychological approaches, are crucial for preventing and managing family issues. Moreover, the aspect of emotional maturity has received inadequate attention in family law, despite its significant influence on familial roles, encompassing affection, mutual respect, and serving as positive role models.⁷

Common internal family conflicts include strained relationships between spouses, parents and children, siblings, and in-laws, often leading to pressure and domestic discord. Furthermore, researchers identify a lack of effective open communication as a precursor to misunderstandings and conflicts. Domestic violence, encompassing physical, verbal, and emotional abuse, inflicts profound psychological trauma and renders the home environment insecure. Divorce frequently results in severe emotional impacts on all parties, particularly

⁵ Ahwan Fanani, "Alternative Conflict Resolution Models in Islamic Law," *Al-Manahij: Journal of Islamic Law Studies* 7, no. 2 (2013): 271–90, <https://doi.org/10.24090/mnh.v7i2.569>.

⁶ Danu Aris Setiyanto, "The Construction of Family Law Development in Indonesia Through a Psychological Approach," *Al-Ahkam*, 27, no. April (2017): 25–42.

⁷ Danu Aris Setiyanto, "The Construction of Family Law Development in Indonesia through a Psychological Approach," *Al-Ahkam* 27, no. 1 (2017): 25, <https://doi.org/10.21580/ahkam.2017.27.1.1183>.

children, who are vulnerable to shifts in family structure. These issues contribute to unhealthy family relationships characterized by dysfunctional dynamics such as manipulation, neglect, or excessive emotional dependence, which can impede the optimal growth and development of family members.

Therefore, supplementary approaches are essential to complement Islamic family law, aiming for a more comprehensive framework to achieve marital objectives.⁸ A psychological approach to household dynamics offers critical insights into family functioning, enabling proactive conflict prevention. Effective resolution of family problems enhances mental well-being and strengthens intra-familial relationships, thereby fostering a positive environment. Family psychology plays a vital role in creating a secure, supportive, and nurturing household atmosphere conducive to the development of each member. Building upon this rationale, the present study seeks to analyze efforts to reconstruct Islamic family law in Indonesia by examining family issues through a psychological lens. Additionally, this research will explore psychologists' perspectives on contemporary family law matters, including marriage, infidelity, and divorce, from the general perspective of Islamic psychology, which is founded on Islamic teachings and jurisprudential principles.

RESEARCH METHODS

This study employs a qualitative research methodology. Consistent with Sugiyono's framework, qualitative research is characterized by its execution within naturalistic settings, where the researcher functions as the primary instrument throughout the inquiry process. Data for this investigation were drawn from a diverse range of scholarly literature, including academic journals, articles, books, and written narratives or documents. The data collection strategy involved a comprehensive literature review, gathering relevant sources pertaining to Islamic family law in Indonesia from scientific journals, articles, books, and papers. The data was subsequently analyzed using descriptive analysis. As Sugiyono states, descriptive analysis aims to process and present acquired data as is, without formulating general conclusions or generalizations. The compiled data was organized into a table format and analyzed descriptively.⁹ In this research, the investigator elucidated all pertinent information concerning contemporary family issues, analyzed through a psychological lens. This analysis was then integrated with existing Islamic family law regulations in Indonesia to facilitate the reconstruction of the legal framework itself.

⁸ Faithful.

⁹ Suggestion, *Educational Research Methods Qualitative, Quantitative and R&D Approaches* (Bandung: Alfabeta, n.d., 2013), p. 226.

RESULTS OF RESEARCH AND DISCUSSION

1. The Psychological Dimensions of Marriage in the Indonesian Context

Marriage, as defined by Article 1 of Law Number 1 of 1974, establishes a spiritual and physical union between a man and a woman, aimed at fostering a harmonious and enduring family founded on the principle of the One Godhead. This legal framework underscores the deep connection between matrimony and religious and spiritual values within Indonesia, a nation built on Pancasila, particularly its inaugural tenet. Consequently, marriage encompasses not merely physical dimensions but also crucial intrinsic and spiritual components. Beyond the pursuit of familial happiness, marriage is intrinsically linked to the perpetuation of progeny and the parental responsibilities inherent in child-rearing and education. This perspective clarifies that marriage transcends mere physical gratification, addressing deeper spiritual needs.

Marital happiness, a subjective evaluation shared by spouses, significantly contributes to their overall well-being and relational satisfaction. Achieving this state necessitates comprehensive preparation across various domains, including both mental and material readiness, which can help mitigate unforeseen challenges. The family unit, often metaphorically described as a journey with successive stages, is inherently susceptible to diverse challenges. As the foundational social organization, the family bears substantial responsibility for societal welfare and human continuity. Familial harmony is contingent upon each member effectively fulfilling their prescribed roles and functions, a condition further enhanced by adherence to religious values that promote amicable social interactions.¹⁰

From a psychological perspective, marriage represents a developmental phase during which individuals learn to coexist as a married couple, assume parental roles in raising children, and manage household affairs as a cohesive unit. The successful navigation of this process can serve as a profound source of happiness. However, domestic responsibilities present significant complexities, including financial management, cultivating effective communication, child education, and addressing their developmental needs. Therefore, a comprehensive understanding of marriage and family psychology has become indispensable for those embarking on married life, offering guidance for addressing and resolving domestic issues. While some may perceive marriage as a cultural or traditional practice, psychological theories

¹⁰ Mohamat Hadori and Minhaji Minhaji, "The Meaning of Happiness and Domestic Harmony in a Psychological Perspective," *LISAN AL-HAL: Journal of the Development of Thought and Culture* 12, no. 1 (2018): 5–36, <https://doi.org/10.35316/lisanalhal.v12i1.139>.

view it as a fundamental human need, pivotal for achieving personal happiness and maintaining mental health.¹¹

A deeper examination reveals numerous benefits inherent in marriage psychology, including its role in fulfilling fundamental needs such as sustenance, shelter, biological requirements, affection, and security. Marriage enables individuals to experience a profound sense of purpose, which is often amplified by the presence of children. Empirically, individuals engaged in harmonious marriages frequently report greater tranquility and happiness, leading to a more directed life and an enhanced sense of meaning in their endeavors. Nevertheless, marital conflict remains an inevitable aspect, given that marriage unites two distinct individuals, both physiologically and psychologically. This convergence of differing personalities engenders unique dynamics that necessitate continuous understanding and adjustment.

According to the criteria for healthy marriage established by the National Family Planning Coordinating Board, the optimal age for marriage is stipulated as 25 years for men and 20 years for women. Marriages contracted below these age thresholds are categorized as early marriages. From a chronological age perspective, which denotes biological maturity, these limits indicate physical preparedness. Conversely, mental age, typically ranging from 18 to 40 years in accordance with psychological developmental theories, suggests that marital readiness is more profoundly determined by the successful completion of individual developmental tasks. Developmental theory posits that an individual is deemed prepared for marriage upon the successful navigation of early adulthood tasks, irrespective of whether they have attained the age of 20 or 25. A critical developmental task involves establishing more serious relationships with the opposite sex and preparing for the marital stage. Therefore, marriages preceding this developmental maturity can also be classified as early marriages.¹²

As previously established, Law Number 16 of 2019 revised the minimum marriage age, originally 19 years for men and 16 years for women, by amending Article 7, Paragraph 1 of Law Number 1 of 1974 to mandate that "marriage is only allowed when a man and a woman have reached the age of 19." Fauziah indicates that Indonesia's policy regarding the age limit for marriage is influenced by moderate Islamic interpretations, which are adapted to conform with child protection principles. This legislative amendment reflects a more progressive paradigm, premised on the state's responsibility to mitigate early marriages that could adversely

¹¹ *Ummah, Psychology of Family and Marriage*, p. 19.

¹² Achmad Al-Muhajir and Amrotus Soviah, "Early Marriage from the Perspective of Islamic Law and Positive Law in Indonesia," *Hope* 5, no. 2 (2023): 34–61, <https://doi.org/10.58293/asa.v5i2.75>.

affect children's physical, mental, and social development. Furthermore, this change aligns with principles of gender justice, achieved by equalizing the minimum age of marriage for both men and women.¹³

Individuals inherently seek a harmonious and fulfilling family life characterized by mutual respect and appreciation. However, marital realities frequently involve conflicts arising from various sources, including physical challenges, mental unpreparedness, and psychosocial issues among family members. A lack of comprehensive understanding of marriage and insufficient mental and physical readiness in prospective spouses can often lead to household conflicts, ranging from minor disagreements to divorce. This phenomenon is largely due to inadequate awareness among married couples regarding their designated roles and responsibilities.¹⁴

The World Health Organization defines mental health as an individual's capacity to effectively manage stress and life pressures. Impaired mental health can consequently hinder an individual's ability to adapt to their environment. The repercussions of early marriage on mental health warrant significant attention, as it is often linked to domestic problems stemming from the physical and mental immaturity of the partners involved.

Despite legislative provisions establishing minimum age limits for marriage, child marriage or early marriage persists. Its prevalence is often influenced by personal background and family circumstances. Research indicates that several factors contribute to early marriage, including limited knowledge, parenting styles, parental involvement, economic disparities, and cultural or traditional practices. Furthermore, educational attainment and the living environment significantly impact these decisions. Parental influence plays a crucial role in a child's marital decisions, and early marriage is frequently perceived as a failure to uphold children's rights. The consequences of early marriage are extensive, encompassing both biological and psychological dimensions. Biologically, the reproductive organs of young girls are often underdeveloped, making them unready for sexual intercourse, pregnancy, or childbirth. Such forced engagement can lead to trauma, infection, and life-threatening complications.¹⁵

¹³ Muhammad Ihsan, "A Comparative Analysis of the Marriage Age Limit in Indonesia and Malaysia," *Itiqadiah*, no. 1 (2025): 1–15.

¹⁴ Muhammad Zainuddin Sunarto and Fathor Rozy, "Marriage Restrictions Reviewed from Psychology," *Journal of Socio-Economics and Humanities* 8, no. 4 (2022): 616–24, <https://doi.org/10.29303/jseh.v8i4.167>.

¹⁵ Endang Prastini, "Aufklärung : Journal of Education, Social and Humanities of Early Marriage in a Review of Law and Child Psychology," *Title: Journal of Education, Social and Humanities* 2, no. 2 (2022): 43–51.

From a psychological standpoint, young couples often struggle to fulfill their spousal roles and responsibilities due to emotional and mental immaturity. A tendency towards self-centeredness can escalate relational tensions. Psychologically, early marriage may also contribute to the development of mental disorders, such as depression, stemming from prolonged disappointment and severe emotional distress. Additionally, young couples typically lack the necessary economic and social preparedness, thus undermining the stability of their married life. Conflicts and disputes are common in early marriages, often triggered by divergent viewpoints, heightened emotional reactivity, and an inability to assume household roles. Husbands seeking to prolong their youth may fail to effectively lead the household or guide their wives, and this self-centeredness impacts family management and financial provision. Consequently, many young couples become embroiled in conflict, experiencing domestic disintegration rather than anticipated peace and happiness, often due to their inability to resolve problems maturely.¹⁶

Marital harmony and dynamic equilibrium are fostered through effective spousal interaction. This harmony depends on the extent to which two individuals with distinct personalities can integrate. Marital happiness is primarily supported by five key factors: effective communication, role flexibility, emotional intimacy, personality compatibility, and a shared approach to conflict resolution. Couples with strong emotional bonds tend to dedicate significant time together, engage in diverse discussions, and exhibit openness, honesty, and mutual acceptance. A critical task in marriage involves balancing the need for individual autonomy with the desire for intimacy and togetherness. Marital satisfaction is positively correlated with the frequency of emotional validation, understanding, and empathy exchanged between partners, rather than responses of anger or indifference during conflict.¹⁷

From a psychological perspective, marriage to a partner sharing similar religious beliefs can enhance marital harmony and satisfaction. Individuals generally gravitate toward partners with shared characteristics. Therefore, marriages between individuals from similar sociodemographic backgrounds tend to exhibit greater stability and success, as partners share common values and behaviors. Within a religious context, homogamous marriages promote mutual trust, contributing to long-term stability and supporting child well-being. Beyond religious factors, other aspects such as lineage, wealth, and physical attractiveness are also

¹⁶ Prastini, p. 50.

¹⁷ Vira Primanugrah Shakanti and Dini Rahma Bintari, "The Principle of Islamic Marriage Reviewed from a Psychological Perspective," *Journal of Scientific Studies* 23, no. 1 (2024): 95–106, <https://doi.org/10.31599/pn48wf16>.

considered in partner selection. Upon marriage, individuals integrate into their partner's family, underscoring the importance of selecting a partner from a supportive family environment. In psychology, behaviorism posits that human behavior, viewed as mechanistic, is significantly shaped by the objective external environment.¹⁸

A psychological examination of marriage in Indonesia reveals a complex interplay of individual and social developmental processes. Marriage transcends the mere union of two individuals, forming a family unit that profoundly influences the psychological well-being of the couple and their social milieu. Based on various marital phenomena observed in Indonesia, a psychological approach highlights:

- 1) **Emotional Maturity and Mental Readiness:** Early marriages are frequently associated with insufficient emotional maturity and psychological preparedness, which can instigate domestic conflicts, mental health issues, and difficulties in fulfilling spousal and parental roles.
- 2) **Psychological Consequences of Early Marriage:** Marrying at a young age carries the potential for significant psychological distress, including stress, anxiety, depression, and diminished self-confidence, and can disrupt adolescent development across educational, career planning, and social domains.
- 3) **Marital Relationships and Happiness:** Marriage psychology underscores the importance of healthy communication, trust, and mutual appreciation in fostering harmonious and enduring marital relationships. Emotional closeness and quality time together are also crucial for strengthening the marital bond.
- 4) **The Role of Social Support:** The presence of support from family, friends, and the broader community is highly influential in sustaining the couple's mental health. This social support assists couples in navigating the pressures and challenges inherent in married life.

A Psychological Perspective on Marital Dysfunctions

Infidelity, defined as a breach of trust or loyalty within a relationship, encompasses a range of behaviors from emotional confiding to physical intimacy outside the committed partnership. This transgression fundamentally undermines the principles of marriage and family. Regardless of its form or underlying reasons, infidelity is generally considered an unjustified act with detrimental consequences.¹⁹

¹⁸ *Shakanti and Bintari, hlm 98.*

¹⁹ Sifa Nur Inayah and Universitas Pendidikan Indonesia, "Infidelity in the Perspective of Islam in the Era," *Journal of Interdisciplinary Scientific Studies* 8, no. 6 (2024): 134–40.

In Indonesia, data indicates a rising trend of infidelity cases contributing to divorce, affecting both long-standing and newly formed marriages. The proliferation of internet technology has significantly facilitated these instances, enabling individuals to engage in extramarital affairs irrespective of temporal, spatial, or geographical constraints. Despite its societal prevalence, in-depth academic research on infidelity remains limited, with much of the discussion confined to popular articles rather than rigorous scholarly examination.²⁰

Infidelity has profound adverse psychological and emotional effects on both the victim and the perpetrator, regardless of gender or the specific type of infidelity. The process of emotional recovery following an affair is often protracted and challenging, posing significant difficulties for psychological therapeutic interventions. Furthermore, when children are involved, parental infidelity can profoundly impact their mental well-being and has been identified in some Indonesian studies as a contributing factor to juvenile delinquency. Consequently, strengthening family institutions through pre- and post-marital programs and training is crucial. Given these considerable psychological ramifications, a thoughtful assessment of potential consequences prior to engaging in such conduct is prudent for maintaining relationship stability and the emotional well-being of individuals and families.²¹

According to Allport's theory, several characteristics can indicate infidelity, namely:²²

- 1) Frequent late returns: Partners consistently arriving home late for work or overtime reasons.
- 2) Frequent travel: Partners often traveling for work, refusing accompaniment for various reasons.
- 3) Noticeable attitude changes: Sudden, unprovoked shifts in demeanor, becoming unusually warm or distant.
- 4) Suspicious phone calls: Receiving calls where the partner speaks quietly, appears tense, or moves away to avoid being overheard.
- 5) Changes in intimate relationships: Observable alterations in the couple's sexual life.

Indonesian psychologist Anna Surti Ariani defines infidelity as a breach of loyalty to a partner, ranging from mere attraction to physical involvement with others. Dr. H. Boyke Dian Nugraha, SpOG Mars, categorizes infidelity into "dry" and "wet" types. Dry infidelity includes emotional interactions such as texting, dining together, or special calls, while wet infidelity

²⁰ Rinanda Rizky Amalia Shaleha and Iis Kurniasih, "Infidelity: A Scientific Exploration of Infidelity," *Psychology Bulletin* 29, no. 2 (2021): 218, <https://doi.org/10.22146/buletinpsikologi.55278>.

²¹ Shaleha and Kurniasih, p. 225.

²² Putu Yunita Widhayanti and Fabiola Hendrati, "The Relationship of Personal Maturity with Husband Infidelity," *Journal of Psychology* 6, no. 1 (2011): 390–403.

involves physical contact, including soothing touch, kissing, and sexual intercourse. Infidelity is a primary catalyst for domestic conflict, frequently leading to divorce. Supreme Court data confirms that disputes stemming from infidelity are a significant and increasing cause of marital dissolution.²³

Research by Watkins and Boon suggests that women primarily engage in infidelity due to emotional dissatisfaction within their marriage, whereas men are more often driven by sexual motivation. Brand further elaborates that emotionally unfulfilled women tend to seek partners who offer greater attentiveness and emotional support. Jeanfreau et al. highlight that insufficient quality time, an inability to resolve conflicts, and a lack of attention within the relationship are key factors contributing to infidelity. The ensuing negative impacts on both victims and perpetrators are substantial, and the emotional healing process is often prolonged and difficult, presenting a considerable challenge in therapy due to the deep-seated wounds incurred.²⁴

Parental infidelity, particularly in families with children, can negatively affect a child's mental state. Indonesian studies indicate that it can be a factor contributing to behavioral problems in children, underscoring the importance of strengthening family institutions through various programs both pre- and post-marriage. Acknowledging the severe psychological impact, individuals are encouraged to consider the consequences of infidelity to preserve relationship stability and the emotional well-being of themselves and their families. The psychological dynamics influencing a household's resilience against infidelity are multifaceted, encompassing the desire to protect children from negative effects, individual motivations, emotional factors, economic conditions, and observations of the surrounding environment.

While every family ideally seeks a safe, comfortable, and harmonious home life, individual differences and socio-cultural factors can naturally engender conflict. Unresolved minor conflicts can escalate into domestic violence, which can manifest in various degrees and, in severe cases, result in fatalities. Effective resolution requires family members to possess the maturity and courage to address these situations. When family members lack the capacity or resources to address domestic violence internally, community support, expert intervention, and governmental assistance become crucial for victim protection and preventing further harm.²⁵

²³ Sadath Ode Arwa, Andi Mirza Ronda, and Des Hanafi, "Phenomenology of Perception of Perpetrators of Undercurrent Infidelity in Marriage Enklarandes Versteheren Analysis," *Communicology: Journal of Communication Sciences* 11, no. 2 (2023): 163–77, <https://doi.org/10.21009/comm.1102.01>.

²⁴ Shaleha and Kurniasih, "Infidelity: A Scientific Exploration of Infidelity.", pp. 221 – 222.

²⁵ Rochmat Wahab, "Domestic Violence: Basically Every Family Wants," *Unisia* 61, no. 3 (2012): 247–56.

Ideally, domestic issues should be resolved through familial approaches, deliberation, and reconciliation. However, if these methods prove ineffective and divorce becomes the final option, it is permissible under normative and legal frameworks, provided it adheres to applicable legal provisions. In Islamic teachings, divorce is viewed as a last resort to avert harm and achieve greater well-being for married couples. In Indonesia, positive law provisions regarding divorce are outlined in Law No. 1 of 1974, Article 39 Paragraph 2, concerning marriage, further elaborated in Government Regulation No. 9 of 1975, Article 19, and the Compilation of Islamic Law. These provisions emphasize that divorce must meet specific conditions and be based on clear justifications, preventing impulsive actions. From a psychological perspective, divorce reflects a failure in spousal adjustment, specifically in confronting and resolving existing conflicts. Divorce can precipitate severe psychological impacts, particularly during the first year post-separation, with a high potential for trauma affecting the emotional state of all nuclear family members, including spouses and children.²⁶

The Impact of Psychological Distress in Marital Relationships on Household Stability

Divorce represents the legal dissolution of a marital union, thereby terminating spousal obligations and cohabitation. While divorce may not directly impact children in childless partnerships, its occurrence in families with children often leads to significant psycho-emotional disturbances for the offspring. Typically, children from such marriages are raised by one parent. The family unit plays a critical role in fostering a child's positive personality development; conversely, familial discord, particularly when accompanied by violence, can disorient a child. Though legally concluding a marriage, divorce dynamically influences an individual's psychological trajectory. Frequently viewed as a means to restore personal autonomy for former spouses, divorce also commonly impacts the psychological and economic well-being of the children involved.²⁷

From a psychological perspective, divorce often signals a failure in spousal adaptation regarding domestic challenges, particularly when effective conflict resolution mechanisms are absent. A protracted inability to sustain a marital relationship can prompt couples struggling with adjustment to perceive divorce as a solution. While many divorcing individuals anticipate a reduction in conflict-related stress and an enhanced capacity for personal fulfillment, divorce

²⁶ Nida Rafiqah Izzati, Robi'atin A'dawiyah, and Abdul Qodir Zaelani, "Divorce in a Normative-Juridical and Psychological Perspective," *Journal of Islamic and Law Studies* 8, no. 1 (2024): 62–81.

²⁷ Muhammad Syarif, "The Impact of Divorce on Children's Psychological, Emotional and Mental Perspectives in Islamic Law," *SYARIAH: Journal of Islamic Law* 4, no. 2 (2023): 38, <https://doi.org/10.22373/sy.v4i2.580>.

carries substantial ramifications, particularly during the initial year post-separation, affecting the overall well-being of all nuclear family members.²⁸

Elizabeth B. Hurlock identifies several challenges confronted by individuals undergoing divorce:²⁹

- 1) Economic Disparities. Primarily affecting wives, this involves the necessity of achieving financial independence post-divorce, often without spousal support.
- 2) Practical Adjustments. Both former spouses must independently manage household responsibilities in separate residences following the termination of cohabitation.
- 3) Emotional Repercussions. While some experience relief from marital discord, negative emotions such as blame, resentment, animosity, vengefulness, and future anxiety are common, particularly among women.
- 4) Childcare Responsibilities. Divorced parents face the imperative of sharing childcare duties and meeting their children's needs, a transition often challenging for both parents and children
- 5) Shifts in Self-Concept. A lack of clear understanding regarding the marital breakdown can lead to mutual recrimination between former spouses, fostering ongoing hostility and animosity.

Mental health disorders are definable conditions within the broader category of mental illness, characterized by alterations in emotional state, cognitive processes, and behavioral patterns. When these changes significantly impair daily functioning and impede a normal lifestyle, they are clinically recognized as psychiatric disorders. Common mental disorders include:³⁰

- 1) Anxiety Disorders: Manifested by excessive apprehension, uncontrollable worry, irrational fears, and panic attacks. This category encompasses generalized anxiety disorder, panic disorder, phobias, and social anxiety disorder.
- 2) Depression: Core symptoms include persistent sadness, anhedonia, alterations in appetite or weight, sleep disturbances, fatigue, and impaired concentration..
- 3) Bipolar Disorder: Characterized by pronounced mood fluctuations, ranging from manic to depressive episodes.

²⁸ Izzati, A'dawiyah, and Zaelani, "Divorce in a Normative-Juridical and Psychological Perspective."

²⁹ Izzati, A'dawiyah, and Zaelani, *hlm* 75 - 76.

³⁰ Kevin Vitoasmara et al., "Gangguan Mental (Mental Disorders)," *Student Research Journal*, no. 2 (2024): 57–68.

- 4) Obsessive-Compulsive Disorder: Involves recurrent, intrusive, and unwanted obsessive thoughts that typically drive repetitive compulsive behaviors aimed at alleviating anxiety.
- 5) Post-Traumatic Stress Disorder: Develops following exposure to a traumatic event, presenting symptoms such as flashbacks, nightmares, intense anxiety, avoidance behaviors related to the trauma, and mood dysregulation.
- 6) Schizophrenia: A severe psychotic disorder marked by delusions, hallucinations, disordered thought processes, and difficulties in social interaction.
- 7) Narcissistic Personality Disorder: Identified by pervasive self-centeredness, an exaggerated need for admiration, a lack of empathy, and a propensity to manipulate others for personal gain.
- 8) Past Trauma: Previous traumatic experiences can precipitate various mental health conditions, including PTSD, depression, and anxiety disorders.

Psychologically, parental divorce significantly influences a child's demeanor, sense of responsibility, and emotional equilibrium. Common attitudinal shifts include increased shyness, diminished self-confidence, social difficulties, and a tendency towards isolation, stemming from psychological developmental disruptions that can induce depression due to parental separation. Furthermore, children's responsibilities may change; previously demonstrating initiative in learning and assisting parents, they may become less motivated, engage more in play, and exhibit reduced accountability post-divorce. The emotional impact on children is also notable, often involving inner turmoil, social embarrassment, and feelings of guilt that can lead to internal conflict. Consequently, children may become irritable, rebellious, and challenging to manage, lacking a consistent role model within the family structure.³¹

From a psychological standpoint, family resilience denotes the capacity to constructively manage stress and conflict, thereby fostering emotional robustness in children. Spiritually, family resilience encompasses the integration of religious values, beliefs, and practices that provide moral fortitude and existential meaning when confronting life's adversities. By reinforcing these dimensions, families can cultivate secure and supportive environments, safeguarding children from violence and promoting their holistic well-being. Effective emotional regulation is crucial for human psychological health, mitigating tension

³¹ Asiva Noor Rachmayani, "The Impact of Parental Divorce on Children's Psychological Development," *Journal of Islamic Education and Science* 2, no. 2 (2015): 6.

arising from uncontrolled emotions. Conversely, negative emotions can destabilize hormonal balance and induce mental distress. Key indicators of family resilience encompass three primary aspects:³²

- 1) Physical Resilience. Pertaining to the fulfillment of fundamental needs such as nutrition, clothing, shelter, healthcare access, and education.
- 2) Social Resilience. Encompassing religious values, effective interpersonal communication among family members, commitment to familial roles, and the capacity for social engagement and conflict resolution.
- 3) Psychological Resilience. Involving the ability to navigate non-physical challenges, manage emotions healthily, maintain a positive self-perception, and foster mutual concern and cooperation between spouses.

Reconceptualizing Islamic Family Law in Indonesia: A Psychological Approach

In Indonesia, family issues are infrequently brought to family psychologists for consultation. These matters are typically addressed incrementally, starting within the nuclear family, then extending to the extended family, and eventually progressing through legal channels to the courts. The Office of Religious Affairs plays a significant role in this process. Although a family consultation service unit, BP4, exists, its effectiveness remains underdeveloped, as evidenced by the consistent annual increase in divorce rates. Consequently, the KUA's function should extend beyond merely being a marriage registry; it ought to be optimized as a marriage counseling institution capable of offering professional guidance and conflict resolution. Fundamentally, the psychological dimension is crucial in resolving family conflicts, as a psychological approach facilitates understanding the mental states of married couples, thereby fostering harmonious marital goals such as *sakinah*, *mawadah*, and *rahmah*. Furthermore, family psychology is instrumental in providing solutions to household problems linked to psychiatric conditions or other issues affecting a couple's mental well-being.³³

Within the Marriage Law, the concept of emotional maturity is implicitly addressed across various articles delineating the rights and obligations of husbands, wives, and children. The formation of families through marriage inherently requires a psychological perspective, as marriage is founded on a commitment to mutual affection. However, premarital education or courses in Indonesian family law have not been adequately implemented despite existing

³² Khasnah Syaidah, Siti Rohmah, and Tomi Hendra, "Prevention of Violence Against Children: A Psychological Perspective on Family Resilience," *Indonesian Journal of Counseling and Development* 6, no. 1 (2024): 46–59, <https://doi.org/10.32939/ijcd.v6i1.3623>.

³³ Setiyanto, "The Construction of Family Law Development in Indonesia through a Psychological Approach.", pp. 117-118.

guidelines. Practical shortcomings include brief course durations, non-expert speakers, and technical hurdles that necessitate further structural refinement in Indonesian family law. Family education and counseling are vital for anticipating and resolving family problems through a psychological lens. Moreover, emotional maturity is currently undervalued in family law, despite its close link to emotional stability and family roles such as affection, mutual respect, and exemplary conduct.³⁴

The researcher identifies several phenomena and problems within Indonesian family law, analyzed from a psychological perspective:

1) Early Marriage

Psychologically, early marriage can precipitate mental disorders, including depression, stemming from prolonged disappointment and severe emotional distress. Young couples often lack economic and social preparedness, undermining the foundation for a stable married life. Such marriages frequently experience conflict and disputes due to differing viewpoints, elevated emotional reactivity, and an inability to assume household roles. Husbands who desire to retain their youth may fail to lead effectively, neglecting their guidance responsibilities. This self-centeredness impacts family management, both domestically and financially, often leading to conflict rather than marital peace and happiness, as couples lack the maturity to resolve problems constructively.

2) Interfaith Marriage

This can significantly affect children's psychological well-being, underscoring the critical role of parental guidance. Social stigma associated with such children can induce feelings of shame and fear in social interactions, potentially leading to severe trauma. Nevertheless, with appropriate guidance, children can develop into tolerant individuals with strong social spirits. The diverse characteristics of partners in interfaith marriages also influence children's personality and behavioral development, largely shaped by family and environmental factors. A child's personality evolves within their environment; thus, living in a religiously strong environment can aid in deepening their religious understanding..

3) Infidelity

Infidelity profoundly negatively impacts both the victim and perpetrator, irrespective of gender or type. The emotional recovery process is often challenging and prolonged, requiring extensive psychological therapy. When children are involved, parental infidelity

³⁴ *Ibid*, p. 124.

can also affect their mental state. Studies in Indonesia indicate that parental infidelity can contribute to child delinquency.

4) Parental Divorce

Psychologically, parental divorce leads to changes in children's behavior, sense of responsibility, and emotional stability. Children frequently exhibit increased shyness, diminished self-confidence, social difficulties, and a tendency toward isolation, arising from developmental disruptions that can induce depression due to parental separation.

The psychological approach to reconstructing Islamic family law in Indonesia aims to develop and strengthen a more comprehensive legal system that integrates individual psychological aspects and family relationship dynamics. This approach seeks to establish a fairer, more responsive, and efficient legal system for addressing various family issues, prioritizing the mental and emotional well-being of all parties within the legal framework. Based on these phenomena, the researcher posits a necessity for reconstructing Islamic family law in Indonesia. A crucial strategic step involves mandatory and systematic integration of psychosocial-based premarital training. This training should encompass not only legal and religious aspects but also modules on effective communication, conflict management, emotion regulation, and problem-solving strategies rooted in empathy and negotiation.

Furthermore, a reform of the family justice system is needed, moving beyond a purely juridical approach to include family psychologists in mediation processes within religious courts. This is vital to mitigate the psychological impact of family problems on litigants and their children. Concurrently, a Family Consultation Institute should be established at the sub-district or village level, functioning not merely as a grievance mechanism but also as a family education center actively promoting socialization, mental-emotional coaching, and household financial literacy. This aligns with practices in countries like Australia, where Family and Relationship Centres serve as front-line services for preventing household rifts through interdisciplinary approaches [Relationships Australia].³⁵

The reconstruction of family law must also address the structural dimensions of gender and economic roles within the household. Given that not all husbands can fully meet economic needs and not all wives are emotionally prepared, regulations must reaffirm that alimony and parenting roles are not rigidly gender-based but rather founded on reciprocity, adaptive capacity, and the principles of *al-musawah* and *al-ta'awun*. This approach will better equip

³⁵ Relationships Australia, "About Relationships Australia," accessed July 13, 2025, <https://www.relationships.org.au/about/>.

couples to develop internal strategies for managing challenges without resorting to mutual blame.

Therefore, the reconstruction of family law in Indonesia must transcend a mere normative approach, delving holistically into the substance of family life by integrating psychological aspects, laws, and institutions that support domestic well-being. This reorientation should strengthen couples' resilience and provide platforms for conflict resolution, thereby minimizing the need for divorce. Thus, the law becomes a foundational element for building resilient, mentally healthy, and emotionally stable families from the outset, rather than solely intervening at times of family breakdown.

CONCLUSION

The reconstruction of Islamic family law in Indonesia demands a shift beyond purely normative approaches, advocating instead for a holistic perspective that integrates individual psychological aspects and the dynamics of family relationships. To achieve this, legal provisions and institutions supporting domestic life should prioritize strengthening marital resilience through early interventions. These ought to include mandatory psychosocial-based premarital training, covering modules on effective communication, conflict management, emotional regulation, and problem-solving strategies rooted in empathy and negotiation. Furthermore, the family justice system, particularly religious courts, should integrate family psychologists as mediators to mitigate the psychological impact of disputes on litigants and their children.

Equally crucial is the establishment of Family Consultation Institutes at the sub-district or village level. These institutes should serve not merely as grievance mechanisms but as proactive family education centers, promoting socialization, mental-emotional coaching, and household financial literacy. Such an initiative mirrors practices seen in Australian Family and Relationship Centres, which employ interdisciplinary approaches to prevent household discord. Moreover, family law must re-evaluate gender and economic roles, affirming flexibility in maintenance and parenting responsibilities, grounded in the principles of *al-musawah* and *al-ta'awun*. This approach will empower couples to develop internal strategies for addressing challenges without resorting to mutual blame. Ultimately, through this comprehensive framework, family law can become a foundational element for fostering resilient, mentally healthy, and harmonious families from the outset, rather than acting solely as an intervention after breakdown.

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