



## *Social Media As A Cause of Divorce* (Case Study at the Religious Court of Ternate City)

Alfandi S. Stomer<sup>1</sup>, Djestylna Kobu Kobu<sup>2</sup>, Suwarjono Boturu<sup>3</sup>

<sup>1,2,3</sup> Nurul Hasan University of Bacan

### **Abstract**

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One of the factors behind the emergence of divorce lawsuits that is interesting to discuss in this writing is the factor of social media usage. Looking at previous cases, divorces are mostly dominated by economic factors and domestic violence. So it becomes a trend when social media becomes one of the causes of divorce. Much jealousy of infidelity begins on social media. The number of people uploading evidence from photos or statuses on social media is a driver of divorce. Looking at previous cases, divorces are mostly caused by economic factors. So it becomes a trend when social media becomes one of the causes of divorce. Much jealousy of infidelity begins on social media. The number of people uploading evidence from photos or statuses on social media is a driver of divorce. This arises because the husband or wife is considered to prefer being busy on social media rather than caring about the family. Not only that, infidelity is increasingly easy through social media. Quarrels due to playing with feelings can occur more often through the presence of intimate photo tags of a partner with someone else.

**Keywords:** *Analysis, Social Media, Divorce*

(\*) Corresponding Author: [rukminarbain2092@gmail.com](mailto:rukminarbain2092@gmail.com), [Fadilaabdullah2024@gmail.com](mailto:Fadilaabdullah2024@gmail.com), [muhaagus197@gmail.com](mailto:muhaagus197@gmail.com)

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## INTRODUCTION

Marriage is required in Islam to create a *sakinah mawaddah warahmah* family. However, it is not uncommon for married couples who are bound by the bonds of marriage to be unable to create a *sakinah mawaddah warahmah* family. The reality in society is that many couples who are bound as husband and wife have an inharmonious household life, which ends in divorce.

The Qur'an describes several situations in the lives of husband and wife that indicate a rift in the household that can lead to divorce. The rift in the household begins with the failure to implement the rules set by Allah for the life of husband and wife in the form of rights and obligations that must be fulfilled by both parties.

One of the factors behind the emergence of divorce lawsuits that is interesting to discuss in this writing is the factor of social media usage. Social media is a communication tool that makes it easier to interact with people who are far away, new interactions arise both with people known and with people who are not known so free communication occurs with outside parties that can cause jealousy and end in infidelity (Arsyad, 2020).



Infidelity is a moral disease, social media As a new social networking trend, it certainly has a negative side, it is unexpected indeed, because when Cell Phones (HP) began to appear and became a necessity in society, there were already many stories about how Cell Phones (HP) could "smooth out" infidelity, and now via Facebook it will be even more terrible (Astuti, 2023).

Based on previous cases, divorce is mostly caused by economic factors. So it becomes a trend when social media becomes one of the causes of divorce. This arises because the husband or wife is considered to prefer to be busy on social media rather than caring about the family. The use of social media is not directly a factor in causing divorce, but it is a means used, that results in continuous disputes and quarrels in a family.

As is well known, the reasons for divorce in Law No. 1 of 1974 in conjunction with Law Number 16 of 2019 concerning Marriage in Article 39 paragraph 2, Government Regulation of the Republic of Indonesia No. 9 of 1975 concerning the Implementation of Law No. 1 of 1974 concerning Marriage in Article 19, and in the Compilation of Islamic Law Article 116, states that continuous disputes and quarrels are one of the factors causing divorce.

## **RESEARCH METHODS**

The method used in the research is empirical legal research, or field research, namely studying the applicable legal provisions and what happens in reality in society. In this research, the researcher also used two methods of approach, namely the statute approach and the case approach. The purpose and use of the research are intended to reveal the legal reality that exists in the Ternate City Religious Court environment, especially the scope of social media cases as a cause of divorce. Research informants who act as direct information suppliers through interviews include the parties who filed for divorce and officials within the Ternate City Religious Court. The types of data used in this research include Primary data and Secondary Data consisting of primary legal materials, secondary legal materials, and tertiary legal materials.

## **RESULTS AND DISCUSSION**

### ***1. The Role of Social Media as a Cause of Divorce***

Advances in technology are inevitable in human life, especially advances in communication, namely social media. In the past, there were no sophisticated communication tools, even if there were, it was communication via telephone, but nowadays there are many ways to contact or connect with other people, tools to contact or be contacted are usually called social media or social media.

The definition of social media itself is an online media, with its users being able to easily participate, share, and create content for blogs, social networks, wikis, forums, and virtual worlds. Blogs, social networks, and wikis are the most common forms of social media used by people around the world. Some examples of social media that are widely used by the general public are WhatsApp, Instagram, and Facebook.

The existence of Social Media that is so easy should be an advantage for its users, but the existence of social media is like a double-edged sword, on the one hand, the existence of Social Media makes it easier to maintain long-distance

relationships, but on the other hand, it is one of the causes of household breakdowns.

Ternate City is one of the cities/regencies in North Maluku that is experiencing an increasing trend, this can be seen from the period of September-November 2023, on average the causes are economic factors and social media, but looking at the two factors that dominate the most divorce cases is because of social media where some continuous disputes and quarrels lead to divorce (Riko, 2023)

One evidence that social media plays a major role in household breakdowns is data from the Ternate City Religious Court for the period 2021-2023, divorce cases caused by disputes and quarrels have increased. The research results that researchers found in the field are as follows:

FACTORS CAUSING DIVORCE IN 2021		
O	FACTOR	AMOUNT
	Adultery	-
	Drunk	-
	Compactor	-
	Gambling	-
	Separate	79
	Sentenced to Prison	-
	Polygamy	-
	KDRT	-
	Physical Disability	-
0	Disputes and Quarrels	463
1	Forced Marriage	-
2	Apostasy	-
3	Economy	67
4	Etc	45
<b>Amount</b>		<b>654</b>

FACTORS CAUSING DIVORCE IN 2022		
O	FACTOR	AMOUNT
	Adultery	1
	Drunk	10
	Compactor	-
	Gambling	6
	Separate	143

	Sentenced to Prison	-
	Polygamy	2
	KDRT	39
	Physical Disability	-
0	Disputes and Quarrels	509
1	Forced Marriage	1
2	Apostasy	1
3	Economy	4
4	Etc	-
<b>Amount</b>		<b>716</b>

O	FACTORS CAUSING DIVORCE IN 2023	
	FACTOR	AMOUNT
	Adultery	1
	Drunk	-
	Compactor	-
	Gambling	4
	Separate	10
	Sentenced to Prison	-
	Polygamy	2
	KDRT	5
	Physical Disability	-
0	Disputes and Quarrels	328
1	Forced Marriage	-
2	Apostasy	-
3	Economy	67
4	Etc	10
<b>Amount</b>		<b>427</b>

Source : [www.pa-ternate.go.id](http://www.pa-ternate.go.id)

In 2023, the period from September to November, the divorce rate at the Ternate Religious Court was not as high as in previous years, where the causes of disputes and quarrels in the period from 2021 to 2022 had relatively increased, the cause was more dominated by infidelity via social media, social media WhatsApp and Facebook were the reasons for the parties to file for divorce. Regarding the

Role of Social Media as a Cause of Divorce at the Ternate City Religious Court, in terms of increasing divorces due to disputes and quarrels, it has increased.

Most divorce cases due to disputes and quarrels are influenced by social media. Because of the existence of Short Message Service (SMS), WhatsApp (WA), and Facebook becoming a trend, one of the reasons for the parties to file for divorce. The impact of social media is very pronounced and even tends to increase. However, in the end, the article on disputes and quarrels was taken, not social media, because the article on IT in divorce does not yet exist.

However, it cannot be denied that disputes and quarrels due to social media are some of the causes that have a major influence on the reasons for filing for divorce. From here, it can be proven that divorces due to disputes and quarrels start from communicating via social media. From the results of the author's interview with Mrs. Haji Andi Wanci, it is known that divorces that often occur are due to disputes and quarrels that continue to occur due to the presence of a third party, namely social media, which is the cause, resulting in an increase in divorce cases in court.

The increasing condition of divorce due to social media has increased in the Ternate Religious Court, showing that the role of social media can also be dangerous, one of the divorce cases due to social media is in the Ternate City PA decision with case number 420/Pdt.G/2023/PA.Tte.

## **2. Judge's Consideration**

Marriage is a social institution that has existed since humans were created by Allah SWT, namely between the prophet Adam and Siti Hawa. From here, we can understand that it is human nature to pair up with each other, so Allah has determined a legitimate way for that, namely through an institution called marriage.

In Law No. 1 of 1974 Article 1 it is stated that marriage is a physical and spiritual bond between a man and a woman as husband and wife. While in the Compilation of Islamic Law, it is stated in article 2, that marriage according to Islamic law is marriage, namely a very strong contract (*misaqon gholdhon*) to obey Allah's command and carry it out in worship (Surkalam, 2005).

However, in the course of the marriage, there are very complicated and unavoidable problems that threaten the end of a marriage relationship, often the problems that exist in the household that often occur are the rights and obligations of one party (wife or husband) cannot be fulfilled or carried out.

As in the divorce case at the Ternate Religious Court with Case Number 420 / Pdt.G / 2023 / PA.Tte which was caused by frequent disagreements and quarrels, but in the duplicate reply it turned out that the wife was having an affair with another man and Facebook was the trigger for the affair.

In this case, the wife sued her husband for divorce on July 13, 2023. The plaintiff stated in her lawsuit that the main reason for suing her husband for divorce was because there was no more goodness and harmony, often quarreling and fighting continuously due to economic factors at first, but in the duplicate reply it turned out that the plaintiff had an affair with another man and Facebook was the trigger for the affair.

In the plaintiff's lawsuit, in its primary form, it was not proven that the defendant violated the divorce agreement, but based on the facts in the plaintiff and defendant's household life there were often quarrels due to economic reasons, the defendant did not meet daily needs and the plaintiff had a love affair with another man either by telephone, SMS or Facebook which resulted in the plaintiff and defendant living apart.

Regarding the evidence, the plaintiff submitted written evidence in the form of a photocopy of the Marriage Certificate Extract, a photocopy of the Family Card, a photocopy of the Birth Certificate of the plaintiff and defendant's child of 1 child, a photocopy of the SD N 34 Ternate City School Contribution Card, a photocopy of the Status Profile in the name of Nurul Inayah which was removed from Facebook, a photocopy of the Status Profile in the name of Allief Febrianza which was removed from Facebook, a photocopy of a collection of photos in the name of Nurul Inyah which was removed from Facebook.

In the author's opinion, regarding written evidence, it is by Article 165 HIR, which is written evidence that is authentic evidence that has met formal and material requirements so that it has strong evidentiary power, while the witness evidence is by Article 22 paragraph 2 of Government Regulation Number 9 of 1975, namely:

"The lawsuit in paragraph (1) can be accepted when it is clear enough for the Court about the reasons for the disagreement and argument and after listening to the family and people close to the husband and wife".

As for other evidence that judges rely on in deciding divorce lawsuits because of social media, there are 5 pieces of evidence according to Article 1886 of the Civil Code, including letter evidence, witnesses, presumptive evidence, confession evidence, and sworn evidence, well regarding social media it is the judge also rely on presumptive evidence because if there is evidence of same-sex photo sharing on Facebook, the judge does not immediately consider that as evidence or something correct, because that is the domain of the IT expert while in the court itself, there is not yet, so the judge only considers that as evidence testimony alone and also evidence from letters or each witness himself (Conoras, 2023).

From the results of the author's interview with Mr. Bahri Conoras, the explanation above is clear that in terms of evidence in divorce cases due to social media, there is indeed no specific article that regulates it, but looking at Article 1886 of the Civil Code, judges only rely on presumptive evidence in deciding divorce cases caused by social media. From there, the panel of judges tried to provide advice to the plaintiff and defendant to get back together, but to no avail, because the plaintiff had stated his attitude by remaining firm in his stance to divorce the defendant. This is by Article 31 of Government Regulation Number 9 of 1975 concerning divorce:

- ✓ The judge who examines the divorce lawsuit tries to reconcile the two parties.
- ✓ As long as the case has not been decided, efforts to reconcile can be made at each examination session.

Because the plaintiff still wants a divorce, then to be able to file a divorce there must be sufficient reasons between the husband and wife that they can no

longer live in harmony as husband and wife as referred to in Article 39 of Law Number 1 of 1974 concerning marriage. The reasons for filing a divorce are contained in Article 116 of the Compilation of Islamic Law, as follows:

1. One party commits adultery or becomes a drunkard, addict, gambler, and so on which is difficult to cure;
2. One party leaves the other party for 2 (two) consecutive years without the permission of the other party without a valid reason or for other reasons beyond his/her ability;
3. One party is sentenced to 5 (five) years in prison or a heavier sentence after the marriage takes place;
4. One party commits cruelty or serious abuse that endangers the other party;
5. One party has a physical disability or illness with the result that they cannot carry out their obligations as husband and wife;
6. There are continuous disputes and quarrels between husband and wife and there is no hope of living in harmony again in the household;
7. The husband violates the taklik talak;
8. Conversion of religion or apostasy which causes disharmony in the household;

From the reasons stated above and the facts and evidence obtained relating to the case between the plaintiff and the defendant, there have been continuous disputes and quarrels and there is no hope of living in harmony in the household again, then in the Decision of the Panel of Judges, the Panel of Judges granted the divorce suit filed by the wife, in its considerations the Panel of Judges could and sufficiently only argue in Article 9 letter (f) of Government Regulation Number 9 of 1975 or based on the provisions of Islamic law as contained in the Compilation of Islamic law article 116 letter (f), relating to case number 420/Pdt.G/2023/PA.Tte (Conoras 2023)

In the author's opinion, the judge's legal argument stated above is correct, because the core of the problem in this case is that there are continuous disputes and quarrels between husband and wife and there is no hope of living in harmony again in the household, and this has violated Article 3 of the Compilation of Islamic Law (KHI) regarding the basis and purpose of marriage:

"Marriage aims to create a household life that is peaceful, loving and compassionate (**sakinah, mawadah, warrahmah**)."

Regarding iddah maintenance, in a divorce case, the husband is not required to provide iddah maintenance to the wife, except that the judge may give the husband an obligation if at the time of the divorce, the wife is pregnant, then the judge has the right to determine and charge the ex-husband for the cost of childbirth.

In the author's opinion, the ex-husband should be given the obligation to provide iddah maintenance to his wife by taking a jurisprudential decision of the High Religious Court which interprets Article 14 letter c of Law Number 1 of 1974 concerning Marriage, the iddah maintenance given to the ex-wife by the ex-husband is adjusted to his ability.

## CONCLUSION

1. Based on the results of research at the Ternate Religious Court, there has been a change in the trend of the highest factor causing divorce, from economic factors to disputes. Disputes, usually arise because of the presence of a third party which is the cause and social media is the initial trigger for disputes and quarrels.
2. The judge's consideration in resolving divorce cases caused by disputes and quarrels is because the wife is having an affair (having a love relationship with another man that started from social media), and the Panel of Judges also included Article 19 letter f of Government Regulation Number 9 of 1975 in conjunction with Article 116 letter f Compilation of Islamic Law as its legal consideration.

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