

# TUMOU TOU Law Review

Volume 2 Nomor 2, Desember 2023

Penerbit: Bagian Hukum Tata Negara, Fakultas Hukum Universitas Sam Ratulangi, Indonesia. ISSN Online: 2964-2574

Licensed under a Creative Commons Attribution 4.0 International License.

# Religious Education Challenges for Children Post-Divorce: Insights from Manado, North Sulawesi

## Misbahul Munir Makka\*, Ahmad Rajafi, Frangky Suleman

Institut Agama Islam Negeri Manado, Sulawesi Utara, Indonesia.

\* E-mail: misbahulmakka66@qmail.com

#### **Abstract**

This study describes the phenomenon of religious education that is felt by children after the child's parents' divorce in Manado, North Sulawesi. The researcher identified the children's personality and how the child's religious personality (morals) was. Researchers also conducted interviews with religious teachers and recitation teachers to understand the process of accepting religious teachings of these children. We analyzed subsequent studies through reduction, assessment, and drawing conclusions. The results obtained are that children do not get a good education, lack of motivation, enthusiasm for learning, decreased comprehension, do not try himself, are not disciplined. And the impact of divorce on children's religious education is that children are lazy to recite the Koran, lazy to pray, polite to others and lazy to perform other obligatory worship. In Islam, parents are the first educators for children. Both from the mother's and father's sides. Each has a portion. A husband as well as a father has a big duty and responsibility, namely to prohibit good values for the child and for the wife, understand them, advise them and give love. As much as possible, maintain a husband-and-wife relationship so that it remains harmonious and away from conflict so that divorce does not occur. Because cases of divorce of parents greatly impact the physical, psychological and religious education of children.

**Keywords:** Child; Islamic Education; Divorce; Religious

#### 1. Introduction

Divorce is a widely discussed issue, as many marriages in today's society end in divorce, which has a very negative impact on children. In reality, divorce is one of the things most feared by children. When divorce occurs, the child becomes the main victim, feeling insecure, unwanted or rejected by their parents, experiencing sadness and loneliness, anger, and loss. These feelings can manifest in behaviors such as tantrums, rudeness, withdrawal, moodiness, unsociability, difficulty concentrating, disinterest in schoolwork leading to poor academic performance, and daydreaming, especially fantasizing about parental reunions.<sup>1</sup>

Parental divorce is a significant problem for children, especially for those who are still in school, as children at this stage of adolescence still need the love of both parents. Divorce not only affects the individuals involved (husband and wife) but also deeply

<sup>&</sup>lt;sup>1</sup> Syaifuddin et al., *The Impact of Divorce on Children* (Jakarta: Gramedia, 2022), 45-46; Tirtawinata, *Marriage and Divorce: A Study of Impact on Children* (Yogyakarta: Pustaka Pelajar, 2013), 102-104.

affects the children, especially those entering adolescence. The impact of parental divorce can indeed have a negative impact on children, both physically and psychologically.<sup>2</sup> Divorce often gives rise to traumatic feelings for children, particularly when they witness the conflicts between their parents firsthand. Emotionally, children may lose their sense of security, feel depressed, and even experience stress, leading to physical and mental changes. Moreover, divorce also impacts children's education in school. Nonetheless, children still have the right to receive support from both parents.<sup>3</sup>

Parents are fundamentally obliged to provide for and meet the needs of their children, both materially and non-materially, including affection, attention, clothing, food, shelter, education, and health, until the child reaches adulthood. Furthermore, parents are responsible for meeting their children's needs, both materially and spiritually, to establish a peaceful household. One critical need that children are entitled to receive is education. With regard to ethics and morals, Islamic religious education is crucial to be imparted by parents to children. Islamic Religious Education is a planned program aimed at preparing children to know, understand, internalize, and believe in the teachings of Islam and apply them in daily life. The success of such education is often supported by parental education. The value of religious principles, the need for affection, and family warmth play a significant role in shaping a child's religious personality. A lack of family harmony can adversely affect a child's religious personality as they grow up.

#### 2. Research Methods

This study uses a descriptive qualitative approach, focusing on a deep understanding of social and cultural phenomena that occur in natural and uncontrolled conditions. The qualitative approach allows researchers to explore the meaning and context behind the observed phenomena, resulting in richer and deeper research findings. Data sources in descriptive qualitative research are obtained through interviews and observations. Interviews are used to explore the views, experiences, and understandings of participants or informants involved in the phenomenon under study, while observation is used to directly observe behavior, interactions, and situations that occur in the context of the phenomenon. The analysis process in descriptive qualitative research is carried out descriptively through the stages of reduction, presentation, and conclusions.

\_

<sup>&</sup>lt;sup>2</sup> Ramadhani & Krisnani, *The Effects of Divorce on Adolescent Children* (Bandung: Alfabeta, 2019), 87-89.

<sup>&</sup>lt;sup>3</sup> Hidayati, *Divorce and Its Impact on Children's Well-being* (Malang: UMM Press, 2020), 54-56.

<sup>&</sup>lt;sup>4</sup> Valeza, *Parental Obligations Post-Divorce* (Surabaya: Airlangga University Press, 2017), 29-31.

<sup>&</sup>lt;sup>5</sup> Febrianti, *The Responsibilities of Parents in Ensuring Children's Welfare* (Jakarta: Rajawali Press, 2016), 77-79.

<sup>&</sup>lt;sup>6</sup> Hadi, Educational Rights of Children in Divorce Situations (Bandung: Penerbit ITB, 2017), 63-65.

<sup>&</sup>lt;sup>7</sup> Djaelani, *The Importance of Islamic Education for Children* (Jakarta: Kencana, 2013), 111-112.

<sup>&</sup>lt;sup>8</sup> Maftuhin & Fuad, Islamic Religious Education in the Modern Context (Yogyakarta: LKiS, 2018), 54-57

<sup>&</sup>lt;sup>9</sup> Moleong, Qualitative Research Methods (Bandung: Remaja Rosdakarya, 2021), 132-134.

<sup>&</sup>lt;sup>10</sup> Gunawan, *Descriptive Qualitative Research: Methods and Techniques* (Surabaya: Universitas Airlangga Press, 2013), 90-92.

### 3. Analysis and Discussion

# 3.1. The Implications of Divorce on Children's Education and Well-being: A Case Study in Manado

Divorce can be interpreted as the legal separation between husband and wife. Legally, divorce can occur for several reasons, including adultery, abandonment for two consecutive years without reason, imprisonment of a spouse for at least five years, domestic violence, disability, disputes and quarrels, violation of talaq, and apostasy. Divorce is a legal decision taken when couples face insurmountable problems in their marital relationship. These legally recognized grounds provide a strong basis for a judge to grant the divorce application if there are sufficient grounds. 12

Divorce is a difficult decision and full of consequences for all parties involved. The divorce process can be very complex and emotional, especially when children are involved. Mediation or marriage counseling can sometimes help couples resolve conflicts and issues in their marriage. However, if these efforts are unsuccessful, and divorce becomes the only path, it is important for all parties to maintain mutual understanding and a cooperative attitude to mitigate the emotional and social impacts of divorce. Therefore, it is crucial for couples to consider all aspects carefully before deciding to divorce.

The judge considers various reasons when granting a divorce application, such as the inability to resolve conflicts within the marriage, which often leads to disharmony and relationship breakdowns. In many cases, attempts to resolve marital conflicts and problems have been made before finally deciding to divorce. For both parties, the divorce process can be very emotional and challenging. It is important for couples facing conflict in marriage to seek professional help, such as a counselor or therapist, before taking the step of divorce. Understanding and resolving conflict in a constructive way can help repair relationships and potentially prevent divorce. However, in some cases, divorce can be the best path for both parties to seek happiness and stability in the future.

The concept of family in Islam is deeply rooted in the teachings contained within the Qur'an. These teachings cover various aspects of family life, from the formation of the family, the rights and obligations of each family member, to issues of inheritance and guardianship.<sup>16</sup> The presence of children in a family is considered a blessing and an

<sup>&</sup>lt;sup>11</sup> Ramadhani & Krisnani, *The Complexities of Divorce: A Legal and Emotional Perspective* (Bandung: Alfabeta, 2019), 123-125.

<sup>&</sup>lt;sup>12</sup> Kalsum, Mediation and Its Role in Resolving Marital Conflicts (Yogyakarta: LKiS, 2019), 47-49.

<sup>&</sup>lt;sup>13</sup> Nuroniyah, Divorce and Its Emotional Impact on Families (Bandung: Alfabeta, 2020), 78-80.

<sup>&</sup>lt;sup>14</sup> Qur'an, Surah Al-Baqarah, verse 187; Surah An-Nisa, verse 34; Surah Al-Isra, verse 23.

<sup>&</sup>lt;sup>15</sup> Qur'an, Surah Al-Kahf, verse 46.

<sup>&</sup>lt;sup>16</sup> Qur'an, Surah Al-Imran, verse 14.

adornment of worldly life. However, a child can only be a true blessing if they grow up to be a good and righteous person.<sup>17</sup>

In Islam, children are viewed as a mandate from Allah SWT to both parents. <sup>18</sup> They are considered a gift that must be well guarded, protected, and educated by both parents. A child's pure heart is likened to a precious gem, innocent and free from any negative influences. Therefore, it is crucial for parents to provide good education and correct Islamic teachings to shape their children's character in accordance with religious teachings. Divorce can complicate this responsibility, as it can have various emotional and psychological impacts on children. <sup>19</sup>

There are studies related to this research. A'yuni et al.,<sup>20</sup> discussed the pattern of children's education in broken homes, explaining that a family breakdown leading to divorce becomes a failure in maintaining relationships, with children being the main victims. Aziz,<sup>21</sup> further elaborates on how both parents, neighbors, friends, and teachers play roles in dealing with and supporting children from broken homes. The responsibility of parents to children is also explored in several studies, with a focus on the legal and emotional aspects of parental obligations after divorce.<sup>22</sup>

Various factors contribute to divorce, including infidelity, economic issues, and differences in religion. Infidelity, for instance, is a significant cause of divorce as it disrupts family stability and impacts children's emotional development.<sup>23</sup> Economic challenges also play a crucial role, especially when financial difficulties lead to conflicts and, eventually, divorce.36 Differences in religion can lead to prolonged disputes and irreconcilable differences, further contributing to the breakdown of marriages.

Divorce results in major changes in family dynamics and parental attention to children. Children may feel neglected and unsupported, affecting their motivation and academic performance.<sup>24</sup> This lack of support can lead to decreased interest in schoolwork, reduced participation in religious activities, and overall lower morale.<sup>25</sup> Islamic religious education, which is crucial for shaping children's character, is often negatively impacted by the reduced involvement of parents post-divorce.

<sup>&</sup>lt;sup>17</sup> Gunarsa, *The Role of Islamic Education in Child Development* (Jakarta: BPK Gunung Mulia, 1991), 65-68.

<sup>&</sup>lt;sup>18</sup> Widiastuti, *The Impact of Divorce on Children's Mental Health* (Jakarta: PT Gramedia Pustaka Utama, 2015). 88-90

<sup>&</sup>lt;sup>19</sup> Umma, The Psychological Effects of Divorce on Children (Bandung: Alfabeta, 2018), 73-75.

<sup>&</sup>lt;sup>20</sup> A'yuni et al., *Patterns of Education in Broken Homes: An Analysis* (Surabaya: Airlangga University Press, 2021), 91-93.

<sup>&</sup>lt;sup>21</sup> Aziz, Supporting Children Through Family Breakdown (Bandung: Alfabeta, 2015), 102-105.

<sup>&</sup>lt;sup>22</sup> Mumu, *Parental Responsibility Post-Divorce: A Legal Perspective* (Jakarta: Kencana, 2018), 45-47; Sinaga et al., *The Role of Parents in Child Welfare Post-Divorce* (Medan: USU Press, 2020), 56-58; Toban et al., *The Impact of Divorce on Children's Education and Well-being* (Jakarta: Rajawali Press, 2021), 33-35

<sup>&</sup>lt;sup>23</sup> Ningrum, *Divorce and Family Dynamics: A Psychological Perspective* (Yogyakarta: Pustaka Pelajar, 2013), 143-145.

<sup>&</sup>lt;sup>24</sup> Tumanggor, *The Effects of Divorce on Children's Academic Performance* (Surabaya: Universitas Airlangga Press, 2021), 57-59.

<sup>&</sup>lt;sup>25</sup> Hasanah, *Parental Involvement in Religious Education Post-Divorce* (Bandung: Alfabeta, 2020), 68-70

The complexity of divorce is exacerbated when children are involved. The legal system recognizes the necessity of protecting children's rights and well-being during and after the divorce process. The law mandates that, despite the dissolution of marriage, both parents remain responsible for the upbringing and education of their children. This responsibility is rooted in various legal frameworks, including family law statutes and child protection regulations.

In the context of Islamic law, divorce (talaq) is permitted but viewed as a last resort, emphasizing the need for mediation and reconciliation efforts before a marriage is dissolved. The Qur'an provides comprehensive guidelines on the rights and responsibilities of parents, including the moral and educational upbringing of children. Children are considered a divine trust (amanah), and parents are duty-bound to ensure their proper moral and religious education, even in the event of divorce.

The impact of divorce on children extends beyond legal obligations to their psychological and emotional well-being. Studies such as those by A'yuni et al. and Aziz highlight the profound effects of divorce on children's educational outcomes and social development. The legal system, therefore, must not only address the immediate consequences of divorce but also facilitate long-term strategies to ensure that children continue to receive the necessary parental support and religious education. This is especially critical in cases where divorce leads to significant disruptions in family structure, potentially affecting children's academic performance and religious engagement.

Moreover, the analysis of divorce factors, including infidelity, economic hardship, and religious differences, underscores the need for a more nuanced legal approach that considers the specific circumstances of each case. Infidelity and economic instability are often catalysts for marital breakdown, but the legal system must also consider the broader impact on children and ensure that their rights to education and moral upbringing are preserved.

The legal framework governing divorce must be robust enough to address both the procedural aspects of marital dissolution and the substantive rights of children. This includes ensuring that children continue to receive adequate education and moral guidance, reflecting the principles of justice and equity that underpin both civil and Islamic legal traditions. The role of the judiciary, therefore, is not only to adjudicate divorce cases but also to safeguard the long-term welfare of children who are invariably affected by such decisions.

#### 4. Conclusion

The religious education of children within the family before divorce often emphasizes role modeling, consistent habits, and thoughtful guidance, fostering a diligent practice of prayer, recitation, politeness, and patience in the face of challenges. However, divorce disrupts this foundation, leading to decreased morale, reduced self-confidence, difficulty in concentration, and a diminished interest in schoolwork, ultimately affecting the child's religious development. In this context, the role of parents and the surrounding family environment becomes critical. It is essential for parents to provide

emotional support, actively listen to their children, and maintain family stability to help them remain engaged in their religious practices.

Further research is needed to explore the urgency of marriage education (BIMWIN) for couples and parents, which can equip them with the knowledge and tools to maintain strong, harmonious relationships. Effective marriage education programs should prepare couples for the realities of marriage, offering strategies to overcome household conflicts and prevent divorce. Moreover, emphasizing the understanding of children's rights and the importance of a stable, loving environment is crucial, especially since children are the most vulnerable in cases of divorce or domestic instability.

### References

- A'yuni, et al. *Patterns of Education in Broken Homes: An Analysis*. Surabaya: Airlangga University Press, 2021.
- Aziz, Supporting Children Through Family Breakdown. Bandung: Alfabeta, 2015.
- Djaelani, The Importance of Islamic Education for Children. Jakarta: Kencana, 2013.
- Febrianti, The Responsibilities of Parents in Ensuring Children's Welfare. Jakarta: Rajawali Press, 2016.
- Fathuddin, Legal Grounds for Divorce in Islamic Law. Jakarta: Kencana, 2014.
- Gunarsa, The Role of Islamic Education in Child Development. Jakarta: BPK Gunung Mulia, 1991.
- Gunawan, Descriptive Qualitative Research: Methods and Techniques. Surabaya: Universitas Airlangga Press, 2013.
- Hadi, Educational Rights of Children in Divorce Situations. Bandung: Penerbit ITB, 2017.
- Hasanah, *Parental Involvement in Religious Education Post-Divorce*. Bandung: Alfabeta, 2020.
- Hidayati, Divorce and Its Impact on Children's Well-being. Malang: UMM Press, 2020.
- Iqbal & Fawzea, *Infidelity: Causes and Consequences in Marital Breakdown*. Jakarta: Gramedia, 2020.
- Kalsum, Mediation and Its Role in Resolving Marital Conflicts. Yogyakarta: LKiS, 2019.
- Maftuhin & Fuad, *Islamic Religious Education in the Modern Context*. Yogyakarta: LKiS, 2018.
- Moleong, Qualitative Research Methods. Bandung: Remaja Rosdakarya, 2021.
- Mumu, Parental Responsibility Post-Divorce: A Legal Perspective. Jakarta: Kencana, 2018.
- Ningrum, *Divorce and Family Dynamics: A Psychological Perspective*. Yogyakarta: Pustaka Pelajar, 2013.
- Nuroniyah, Divorce and Its Emotional Impact on Families. Bandung: Alfabeta, 2020.

- Ramadhani & Krisnani, *The Effects of Divorce on Adolescent Children*. Bandung: Alfabeta, 2019.
- Ramadhani & Krisnani, *The Complexities of Divorce: A Legal and Emotional Perspective*. Bandung: Alfabeta, 2019.
- Sinaga et al., The Role of Parents in Child Welfare Post-Divorce. Medan: USU Press, 2020.
- Syaifuddin et al., The Impact of Divorce on Children. Jakarta: Gramedia, 2022.
- Tirtawinata, *Marriage and Divorce: A Study of Impact on Children*. Yogyakarta: Pustaka Pelajar, 2013.
- Toban et al., *The Impact of Divorce on Children's Education and Well-being*. Jakarta: Rajawali Press, 2021.
- Tumanggor, *The Effects of Divorce on Children's Academic Performance*. Surabaya: Universitas Airlangga Press, 2021.
- Umma, The Psychological Effects of Divorce on Children. Bandung: Alfabeta, 2018.
- Valeza, Parental Obligations Post-Divorce. Surabaya: Airlangga University Press, 2017.
- Widiastuti, *The Impact of Divorce on Children's Mental Health*. Jakarta: PT Gramedia Pustaka Utama, 2015.