Increasing The Family Law Aspects Understanding For Depok City Community

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Abstract
Family law is part of the clump of civil law that discusses the problems of civil relations in a family, including marriage, divorce, inheritance, and so on. The purpose of this service is to provide an understanding of aspects of family law for the people of Depok. The method used in the implementation of the service is to provide counseling to the people of Kampung Pulo, Leurahan Beji Depok through the media zoom meeting. The results of community service show that some people in the city of Depok, especially in Kampung Pulo, Beji Depok Village, still do not understand the efforts that must be made when problems occur related to family law. Community Service Program activities are very helpful for the people of Depok to better understand the efforts that must be made when problems occur in family law.

Keywords: Community understanding, family law, Depok city

INTRODUCTION

Ibi societas Ibi Ius is an adage which states that if there is a society there is law (Arifin, 2020). Max Weber said that legal change is a change that occurs in the social system of the community that supports the legal system concerned (Soekanto, 2014). Therefore, the law is attached to society, and follows the dynamics of society. The legal system inherent in Indonesia which is civil law categorizes two kinds of legal fields, namely the public and private fields (Djamali, 2013). Each of these legal fields has problems, one of which is the realm of private law, especially in national civil law.

If interpreted broadly, civil law itself is the main law that regulates various individual interests (Soebekti, 2003). Civil law regulates cases that contain relations between fellow citizens, such as marriage law, inheritance law, contract law, commercial law, and international civil law (Rahardjo, et.al., 2012).

In civil law, if it is broadly divided according to the science of law, it includes the law about a person law, family law, property law, and inheritance law. Family law regulates relationships that arise from family relationships, namely marriage and relationships in the field of wealth law between husband and wife, relationships between parents and children, guardianship and curatele (Soebekti, 2003). What Soebekti previously described is family law in a narrow scope, namely conventional marriage law, but broadly, marriage law is also divided into the scope of Islamic marriage law too, in this case it also covers aspects of Islamic inheritance law (Islamy, 2019). Law Number 7 Year 1989 as amended and added in Law Number 3 Yearf 2005, the Islamic Courts have the authority to adjudicate certain cases, namely marriage, inheritance, wills, grants, endowments, infaq, shadaqah, zakat, and sharia economics (Fitri, 2020).

These areas that have been described in family law based on the author's experience in handling cases in the Depok City Region are cases that are quite widely handled, especially in the category of divorce. It was recorded that in 2017 the number of divorce cases was 3087 couples, in 2018 the number of cases increased to 3525 couples, the peak in 2019, as many as 3664 married couples separated. While in 2019 there were 2799 divorce lawsuit cases, that's all base on the data from the Depok Islamic Court, not to mention the district court that handles divorce cases for non-moslem couples (PikiranRakyat.com, 2020).
Based on the description of the background above, the purpose of this community service is to provide an understanding of family law aspects for the people of the city of Depok.

METHOD

The method of implementing this Community Service is carried out by conducting counseling which was attended by the people of Kampung Pulo, Beji Village, Depok City, West Java via Zoom Meeting. The implementation of this Community Service was carried out on Saturday, July 31, 2021. The real implementation was carried out through a process of dialogue with the people of Kampung Pulo and discussions through pre counseling activities, after that followed up with counseling activities, after socialization then there is a question and answer session with the people to community service committees.

RESULT

The characteristics of the people of Kampung Pulo, Beji Village, Depok City, West Java, have various family problems that we found, including infidelity problems, juvenile delinquency problems, inheritance distribution problems and so on. There are still many people who don't understand about the efforts to be made when there are problems related to family law. Community Service Program activities are very helpful for the people of Depok City to better understand the efforts that must be made when problems occur in family law.

DISCUSSION

According to Van Apeldoorn, family law includes: marriage, including relationships that are legally property law between husband and wife; relationship between parents and children; the relationship between the guardian and the supervised child; the relationship between the person who is put under custody because of madness or unsound mind or because of extravagance, and the guardian (Apeldoorn, 1993).

Family problems related to conflict, in general, conflicts can occur between spouses, parents, or children, it is possible that these problems involve problems between parents and children, fathers and mothers, between children. Family conflicts come from internal and external sources. From each conflict there is a short-term conflict that is relatively easy to resolve (Solvable Conflict), such as choosing a vacation spot, choosing a movie to watch, choosing paint colors for the walls. Then there is also a long-term conflict (Perpetual Conflict), in this case the conflict can last a long time, such as problems with the character formation of introverted children to blend in (Teonata, n.d.).

This perpetual conflict also has the most severe impact, namely divorce. Internally, long-term is the difficulty of making a partner happy, maintaining loyalty, and giving oneself completely. As for the long term, what is meant by external is the failure to provide assistance and guidance from outside parties, related to the problem of meeting the needs of individuals, the problem of individual differences, and the problem of individual development (mutual understanding).

In addition, the problem of personality maturity (maturity) that leads to selfish, closed, stubborn, irritable, defensive, always feels the most right, sexual disorders, psychosis, other abnormal behavior; financial problems that lead to instability in the management of financial inflows and outflows, income instability, poor financial planning, undisclosure of one or both parties in the use of finance; social life problems that lead to mutual misunderstanding between partners or towards one partner, difficulties in being happy, loyal, and total surrender to partners; children's education problems caused by differences in educational patterns; religious problems caused mainly by different religious couples; a relationship with in-laws that leads to a spouse conflict in which one or both of the husband and wife are not independent and/or it is difficult to unite the husband and wife's family; irregularities in sexual relations due to distrust of partners and poor communication; and sexual dissatisfaction (Atieka, 2011).

Based on the data above, it is necessary for husbands, wives, and children to maintain balance, especially with regard to harmony (Asshofi, 2019). If based on secondary data obtained
online, the divorce rate in Depok City reached 3664 couples in 2019, this number increased by 3% from 2018 as many as 3525 couples based on data registered with the Islamic Courts (Megapolitan.kompas.com, 2020). Although in a count as of June 2020 the new divorce rate was 568 couples who divorced based on data from the Islamic Courts in Depok City, as many as 408 cases were due to continuous fighting or infidelity, divorce due to economic factors 99 cases, divorce due to death cases, divorce due to domestic violence 4, 3 cases of apostasy, and 3 cases of drunkenness (Republika.co.id, 2020). This reduction in numbers still has to be reduced in order to create a harmonious society situation. Some of the problems that often occur within the family are described below.

First, continuous fighting. In the Elucidation of Article 39 Paragraph (2) of Law No.1 of 1974 concerning the Marriage of Jo. Article 19 Letter J Government Regulation No. 9 of 1975 concerning Implementing Regulations of Law No. 1 of 1974 concerning the Marriage Jo. Article 116 of the Compilation of Islamic Law, which states that "Between husband and wife there are continuous disharmony and quarrels (fighting) and there is no hope of living in harmony again in the household." According to the Indonesian Dictionary (KBBI), a quarrel is a querreling; debate, while Disharmony are in terms of differing matters to agree; disputes (Ministry of National Education, 2013).

It is not clearly regulated, for a long time the husband-and-wife experience continuous disharmony and quarrels. According to the author, the phrase ‘continues’ is a problem that is always be the subject of debated by husband and wife and continues to be the subject of discussion to be disputed and quarreled, for example because of economic difficulties, or because of infidelity. In addition, the ‘continuous’ phrase according to the author is also interpreted as a problem that is always there, because of the selfishness of husband and wife to argue about these problems. This phrase does not provide a limit on the duration of disputes and quarrels, so that within a month with the intensity of quarrels very often (every day), a year with the intensity of disputes(disharmony) and quarrels occurring several times in certain months frequently, or even several years with the intensity of disputes and the quarrels that occurred in the space of several years, once there happen, it became great quarrels and disputes.

The phrase that the author has discussed previously is strengthened by the next phrase “there is no hope of living in harmony in the household”. In practice, the hope of living in harmony is equated with the efforts of the Judges to reconcile the parties from the beginning of the mediation process, even in the process from filing a lawsuit until the final decision, the Judges continues to provide opportunities for the parties outside the trial to make peace, either through a husband’s or wife’s lawyer, family of the parties, and/or witnesses presented by the parties, the Judges holds the legal basis that:

In Article 16 of PP No.9 of 1975 "... and the Court opinion that between the husband and wife concerned it is no longer possible to reconcile to live in harmony again in the household." The opinion of the Judges was obtained after the Panel of Judges "witnessed the divorce carried out by the husband in the trial" as explained in Article 16 of PP No. 9 of 1975.

Furthermore, Article 31 PP No.9 of 1975 “(1) The judge who examines the divorce suit tries to reconcile the two parties. (2) As long as the case has not been decided, reconciliation efforts can be made at each examination session. The explanation of the article authentically states that in addition to the judges trying to reconcile during the process of examining divorce claims, the judges also “...... Efforts to reconcile husband and wife who are in the process of examining a lawsuit for a divorce are not limited to the first trial as is usual in civil cases, but at any time as long as the case has not been decided by the judge. In reconciling the two parties, the Court may request assistance from other persons or entities deemed necessary.”

Second, Infidelity. Infidelity of Affair with Intercourse outside of Marriage or Adultery (Zina) has a little touch, but different in meaning. Affair is “like to hide things for one's own sake; not frank; dishonest; cheating; oblique.” Meanwhile, adultery is “the act of having sexual intercourse between a man and a woman who are not bound by marital relations; misdemeanor between a man who is married to someone who is not his wife, or a woman who is married to a man who is
not her husband. (Ministry of National Education, 2013). So, according to the author, adultery is an advanced level of affair between husband/wife. According to the KBBI, it does not matter whether a man or a woman has intercourse outside of marriage, one or both of them are in legally married to another party.

Adultery is an element that is prohibited in the marriage law, based on the Elucidation of Article 39 Paragraph (2) of Law No.1 Year 1974 concerning the Marriage of Jo. Article 19 Letter a Government Regulation No. 9 Year 1975 concerning Implementing Regulations of Law No. 1 Year 1974 concerning the Marriage of Jo. Article 116 Letter a Compilation of Islamic Law.

Adultery regulated too in Indonesia Criminal Code, same as domestic violence regulated in the Law Number 23 Year 2004 Concerning Elimination of Domestic Violence. Which means both of them is a pre-judicial dispute or prejudiciel geschil. Fockema Andrea's Dictionary of Legal Terms, "prejudiciel geschil (prejudiciele geschillen) means a dispute that is decided first and brings a decision to a case behind" (Hukumonline.com, 2007).

So that if a divorce case based on adultery or domestic violence is to be filed to Islamic Court, it is better to file a case of adultery and/or domestic violence through a criminal court first, if it is already proven to have committed domestic violence based on a decision that has permanent legal force, the filing for divorce should only be carried out. Then special for adultery, when a husband or wife submits a case to the police that one of the parties commit adultery, within 3 months the complaining party must simultaneously apply for divorce (Sianturi, 1983).

Third, Economic Factors. In summary, it is known that unfavorable economic conditions can lead to divorce (Amato & Previti, 2003). Economic factors, which cause frequent quarrels in the household. Economic problems are complex problems at this time, because needs continue to increase and income is low, while income is only mediocre, often triggering divorce in the household (Matondang, 2014). One of the obligations of a husband to his wife is an economic obligation or material living for the needs of clothing, food, and shelter. If the economic obligations are ignored, it will have a bad impact on household life. So that impatient wives will use it as an excuse to file for divorce from their husbands (Kabalmay, 2012). The economic stability of a family does have a relationship with happiness in the household as well as the smooth running of business and income which has an influence on the smooth running of household life (Nasir, 2012).

The author assumes that the economic factor is the result of the husband's violation of taklil talak. Taklil-talak defined in Article 116 Letter g of the Compilation of Islamic Law as "an agreement pronounced by the prospective groom after the marriage contract which is stated in the Marriage Certificate in the form of a promise of divorce (talak) which is hung on a certain condition.". which may occur in the future; In the case of taklil talak, the husband violates the obligation to not provide obligatory support to his wife for 3 months.

Fourth, Domestic Violence. Domestic Violence mentioned in Elucidation of Article 39 Paragraph (2) of Law No.1 Year 1974 concerning the Marriage of Jo. Article 19 Letter d Government Regulation No. 9 Year 1975 concerning Implementing Regulations of Law No. 1 Year 1974 concerning the Marriage of Jo. Article 116 Letter d Compilation of Islamic Law "one of the parties commits atrocities or severe persecution that endangers the other party;"

According to Yahya Harahap, the legal basis that the author mentioned above, there are elements as follows: in the form of physical abuse, but it can also be mental abuse, the persecution has a quality level to endanger physical life or cause spiritual suffering. If it is only limited to 'learning or warning', it should not go beyond 1) causing severe pain, 2) causing damage to the body, 3) hitting the face and other vulnerable places, or 4) being done repeatedly and the blow is done without a bandage (Manan, 2017).

Judges need ijtihad andurf in deciding cases in the event of severe abuse or not being carried out by one of the parties. The author suggests that this case be separated first by filing a complaint with the police on the basis of domestic violence.

The domestic violence as 'complaint offense' is regulated in Article 51, Article 52 and Article 53 of Law No. 23 Year 2004 on the Elimination of Domestic Violence which is expressly stated, namely: 1) Article 51: "Criminal acts of physical violence as referred to in Article 44 Paragraph
(4) constitute a complaint offense”. 2) Article 52: "The criminal act of psychological violence as referred to in Article 45 Paragraph (2) is a complaint offense”. 3) Article 53: "The crime of sexual violence as referred to in Article 46 committed by a husband against his wife or vice versa is a complaint offense” (Lasmadi, et.al., 2019).

If a criminal decision with a domestic violence case has been decided, it can make it easier for a divorce case to be filed, because there has been a criminal decision from the Judges from the District Court that strengthens the argument for divorce on the grounds of domestic violence. Or you can even propose both stages at the same time with a heavy risk of proof to prove domestic violence.

Fifth, Apostasy. People who have freely chosen to obey in the sense of adjusting their will to the will of Allah are called Muslims, a Muslim must accept God's instructions and surrender himself to follow the divine (Ali, 2016). In A Contrario, it means that a person who disobeys Allah's will is not a Muslim, even more so if the person has previously been a moslem then change religion, he is called an apostate.

From the terminology above, it can be concluded that apostasy is out of Islam. This category is called theological apostasy. While riddah which is expressed verbally and non-verbally in the form of a statement of attitude and denial of the heart without being accompanied by an attitude of moving to another religion is called riddahfi'il and qawli (Rahman ibn Smith, 2012).

Apostasy because of belief means denying the nature of Allah, the truth of the Qur'an, the Prophethood of the Prophet Muhammad. Apostasy for Sayings consists of insulting (sab) Allah, the Messenger of Allah, the Prophets, the Wives of the Prophet; accusing fellow Muslims of being infidels without clear evidence and unable to defend their accusations (takfir). Apostasy because of the act of throwing the manuscript (Quran and Hadist) into the trash; worshipping idols, leaving fardhu prayers, denying the obligation of zakat (Komaria BL, 2020).

In Article 116 Compilation of Islamic Law, apostasy is defined as a religious transition from Islam to non-Islam, furthermore in the same article Letter K "conversion of religion or apostasy that causes disharmony in the household". The phrase explains that the apostasy of a husband or wife in a marriage can be submitted as a condition for divorce if due to the apostasy of a husband or wife it causes disharmony in the household.

Sixth, Drunk. Drunk mention in Elucidation of Article 39 Paragraph (2) of Law No.1 Year 1974 concerning the Marriage of Jo. Article 19 Letter a Government Regulation No. 9 Year 1975 concerning Implementing Regulations of Law No. 1 Year 1974 concerning the Marriage of Jo. Article 116 Letter a Compilation of Islamic Law "One of the parties commits adultery or becomes a drunkard, compactor, gambler and so on which is difficult to cure;"

The moral crisis of married couples in the family occurs one of which is caused by drunken behavior and gambling. Religion really doesn't like gambling and drinking activities, moreover the impact is very large, such as the family being in disarray, fights that lead to divorce (Risa, et.al., 2016). Maintaining a marriage if one of the parties gets drunk, gambles, or other things really makes the wife feel physically and mentally tormented (Rais, 2014). The action of one party who often gets drunk is the reason that makes the party who feels tormented it is mandatory to file for divorce or give talak, because maintaining the household will bring harm (Mar, 2014).

The family is generally described as a kinship unit which is also a residential unit which is characterized by economic cooperation, and has the function of continuing offspring, socializing or educating children, and protecting, caring for and helping weak family members such as infants, children, or elderly people (Darokah & Safaria, 2005).

Harmonious family itself has certain characteristics, namely: "1). Good religious life in the family 2). Having time together among family members 3). Have good communication between family members 4). Mutual respect between fellow family members 5). Each family member feels bound in family ties as a group bond and this group bond is close and cohesive. 6). If there is a problem in the family, then the problem can be solved positively and constructively.” (Darokah & Safaria, 2005).
A happy family is not a family without conflict, without problems. Problems will always arise and always exist. A harmonious family is the dream of every couple. A harmonious family does not mean a family that has never had a dispute, but a family that can solve every problem in life well (Yani, 2018).

The role of husband or wife must be sought to create family harmony and peace. The husband's roles are: a) as a household leader: a husband as a household leader must be able to maintain an attitude, do not demean family members; b) the protector of the family or the breadwinner of the family or the head of the household. The husband must be able to save his wife, children, and other family members from things that plunge him into the abyss of world humiliation; c) seeking lawful sustenance for the family; d) educate the family; e) explore the potential of each family member; f) good at managing strategy; g) good at communicating; h) good at motivating. Meanwhile, the wife's role is to: a) make the house a pleasant place to live for the family; b) as a place to vent for husbands and children; c) ready to give birth to offspring; d) play a role in educating children (Simanjuntak, et.al., 2013).

Marriage is one of the objects of family law which is very important to be clearly regulated in the legislation. The purpose of marriage is to form a happy and eternal family, for that husband and wife need to help and complement each other, each area can develop their personality to help and achieve spiritual welfare as stated in General Elucidation Number 4 Letter a Marriage Law No. 1 Year 1974. Furthermore, it is known that this Marriage Law adheres to the principles of making it difficult for divorce to occur. Divorce can only be carried out before a court session, after the court has tried to reconcile the husband/wife, but to no avail, (as regulated in Article 29 of the Marriage Law).

The values contained in marriage and forgiveness are factors that contribute to realizing a harmonious family, the realization of which is achieved through the joint efforts of each family member to maintain and keeping the family integrity, as an effort to create social stability and for the welfare of every family in a society. Forgiveness or a kind of forgiveness in a family is needed to resolve conflicts well and have an impact on the creation of harmony. Forgiveness is a prerequisite for peace of mind. When individuals do not forgive, individuals are shackled with their own anger (Nancy, et.al., 2014).

Families who want to be happy should adhere to the following principles (Laela, 2012): 1). Growing commitment from each party to become a joint commitment as a happy husband and wife couple, a strong commitment will be a strong foundation in family unity. 2). Giving appreciation, after building a strong commitment to make each other happy, then it is recommended to see the strengths of each party (husband/wife and children), supported by a willingness to see each other's strengths, accompanied by giving appreciation, sincere praise, and respect, as well as shortcomings will create a happy family because it provides encouragement or motivation for each party to be enthusiastic in maintaining the commitments formed. 3). Maintaining togetherness, apart from appreciation, there are other foundations that can enforce the initial commitment, namely by spending time together, playing together, working and vacationing together. These various moments certainly gave birth to a feeling of mutual need and complementarity between each other. 4). Communication, communication is the process of exchanging meaning for the birth of a common understanding (understanding), which is obtained from the existence of two or more parties in communicating. Communication can be said to be successful if each party shares the same meaning. 5). Religion or Philosophy of Life, believing in the same philosophy of life further strengthens the family's inner ties. Living together with religious rituals makes family harmony warmer and deeper. Invite and involve children in religious events. Such activities will help him to realize the more basic things in life, a spiritual intelligence that clearly has a huge impact on people's ability to be happy. 6). Play and Humor, games give birth to laughter and jokes, and there are simple but very important things for happiness. 7). Sharing Responsibilities, sharing roles and responsibilities will make all parties feel one unit to fulfill the obligations that exist in the family and maintain the family foundation. Many problems in the family arise only because of reluctance to share tasks, husbands feel no need to handle kitchen work and children, while the burden of the wife is so
much. Likewise, the husband with his duties as office employees is required to be more professional, on the other hand as the head of the household must be able to be a leader for his family, this sometimes makes the burden heavier. 8) Serving others, serving and helping others who are underprivileged or stricken by a disaster will have a positive impact. Such an experience will make each party more grateful to be in a better condition when compared to the community being helped. 9) Be patient, endure trials or problems, it is necessary to realize and understand that every human being who lives must have problems, in this case every problem must have a way out, to find a way out it takes effort to solve problems, face calmly, think positively, sometimes even through the help of others, especially in terms of marital problems, can use the services of a marriage counselor, so that the handling is more professional.

In addition to husband and wife, children also have a part to get happiness in a family. Children are likely to be able to develop and be able to relate to both parents, if the child is open, wise because of two-way communication. To get the mental condition of children to be able to be open and wise, there are demands on parents to be objective, considerate, and give positive encouragement to their children. This democratic parenting style encourages children to be independent, able to overcome problems, not pressured, behave well towards the environment, and be able to perform well. This parenting pattern is recommended for parents. The output of shaping the child's personality also has a significant influence on family harmony and welfare (Rakhmawati, 2015).

In addition, there is peace of mind based on piety to God Almighty, a harmonious relationship between one individual and another in the family and society; guaranteed physical, spiritual and social health; adequacy of clothing, food and shelter; the existence of legal guarantees, especially human rights, the availability of reasonable educational services; there is a guarantee in old age, so there is no need to worry about being abandoned in old age, the availability of reasonable recreational facilities (Rahayu, 2017).

Building a happy family requires several principles that must be upheld, namely the foundational principle and the instrumental principle. The foundation principle is the main principle that must be adhered to by all elements in the family, while the instrumental principle is the principle that becomes the principle of application of the foundation principle. First, the basic principles, namely: 1) there is a willingness and agreement between husband and wife (especially in the case of polygamy, but not limited to that there are still other matters of decision making, patterns of educating children, etc.); 2) marriage forever; and 3) each husband and wife have the determination to only have one partner in domestic life (monogamy). Second, the principles that are instrument, namely: 1) family members fulfill and carry out religious norms, 2) domestic life runs through deliberation and democracy, 3) trying to create a sense of security, comfort, and peace in family life, 4) avoid violence, 5) that the husband and wife relationship is a partnership relationship, which means needing each other, helping each other, helping each other in completing all household matters, 6) there is justice, and 7) communication between family members is built (Nasution, 2008).

CONCLUSION

One of the problems that occur in family law is divorce as a result of continuous quarrels (fighting) in domestic relations. To prevent divorce, it takes good efforts from husband and wife, starting from a balanced division of roles between husband and wife, mutual forgiveness, mutual appreciation, maintaining togetherness, establishing communication, religion or a strong philosophy of life, upholding the principles of marriage for forever, determined to be monogamous; avoiding violence; and build communication between family members.

ACKNOWLEDGEMENT

We express our gratitude to God, because the event running smoothly. Then the auther feel so thank to the Dean and Staff of Faculty of Law University of Pembangunan Nasional Veteran Jakarta and to all of the community service event organizing committee. Thank you to the
people of Kampung Pulo, Beji Village, Depok City, West Java who have attended the community service activity and the authority in the region of Kampung Pulo, Beji Village, Depok City, who have given permission to carry out community service activities and other parties who have helped.

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**APPENDIX**

![Figure 1. Opening of Community Service](image1)

![Figure 2. Presentation of Material by Resource Person](image2)

![Figure 3. Questions and Answers for Community Service Participants and Resource Persons](image3)