

**PROFESSIONAL TEACHER BENEFITS AND EMPLOYEES
PERFORMANCE BENEFITS MAY AFFECT DIVORCE LAWSUITS**
(*Case Study of the Office of the Ministry of Religion of Batang Regency*)

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ABSTRAK

Penelitian ini bertujuan untuk mengetahui apakah pemberian tunjangan profesi guru dan tunjangan kinerja pegawai dapat mempengaruhi cerai gugat Aparatur Sipil Negara. Penelitian yang digunakan penelitian lapangan (*Field Research*), jenis penelitiannya yuridis empiris dengan menggunakan pendekatan penelitian deskriptif-kualitatif. Sumber data utama yang digunakan adalah wawancara kepada beberapa guru dan pegawai Aparatur Sipil Negara Kementerian Agama Kabupaten Batang dan BP4 (Badan Penasehatan Pembinaan dan Pelestarian Perkawinan) Kementerian Agama Kabupaten Batang yang menangani perceraian. Sumber data sekunder adalah dokumentasi berupa data Permohonan izin perceraian cerai gugat analisis data menggunakan analisis deskriptif. Hasil penelitian ini menunjukkan bahwa masalah yang melatarbelakangi terjadinya perceraian cerai gugat Aparatur Sipil Negara Kementerian Agama Kabupaten Batang yaitu: a) Masalah ekonomi (Suami tidak memberi nafkah untuk keluarga), b) Perselisihan dan Pertengkaran, c) KDRT (Kekerasan Dalam Rumah Tangga), d) Perselingkuhan, dan e) Perceraian. Adapun pemberian tunjangan profesi guru dan tunjangan kinerja pegawai terhadap perceraian tidak diakui menjadi alasan bercerai. Tunjangan profesi guru dan tunjangan kinerja pegawai hanya menjadikan guru dan pegawai menjadi sejahtera dalam menghidupi keluarganya.

Kata kunci : Cerai gugat, Aparatur Sipil Negara, Tunjangan

ABSTRACT

This study aims to determine whether the provision of teacher professional allowances and employee performance allowances can affect the divorce of the State Civil Apparatus. The research used is field research, the type of research is empirical juridical using a descriptive-qualitative research approach. The main data sources used are interviews with several teachers and employees of the State Civil Apparatus of the Ministry of Religion of Batang Regency and BP4 (Advisory Board for Marriage Development and Preservation) of the Ministry of Religion of Batang Regency which handles divorce. The secondary data source is documentation in the form of divorce permit application data, data analysis uses descriptive analysis. The results of this study indicate that the problems behind the divorce of the State Civil Apparatus at the Ministry of Religion of Batang Regency are: a) Economic problems (husband does not provide for the family), b) Disputes and quarrels, c) Domestic Violence (Domestic Violence), d) Infidelity, and e) Divorce. The provision of teacher professional

allowances and employee performance allowances against divorce is not recognized as a reason for divorce . Teacher professional allowances and employee performance allowances only make teachers and employees prosperous in supporting their families.

Keywords : *Divorce, State Civil Apparatus, Allowance*

INTRODUCTION

Phenomenon of educators and State Civil Apparatus employees who file for divorce. There are several problems that occur in divorce. One of them happened at the Ministry of Religion of Batang Regency . The lawsuits filed by educators and employees are allegedly due to the increase in their income after the teacher professional allowance and employee performance allowance . Teachers who have been certified receive a professional teacher allowance/certification and employees receive a performance allowance/Tukin , so that their income also increases beyond that of their husbands. By feeling that they already have a higher income or income, not a few of them demean their husbands as heads of families and priests in the household. Whereas based on the view of Islam, the husband has the right to earn a living with the amount of living

adjusted according to the needs and conditions of the husband.

Teacher Professional Allowance is an allowance given to a teacher who has an educator certificate as an appreciation for his professionalism in accordance with the provisions of the legislation.¹

Provision of professional allowances for madrasah teachers aims to improve: a) the quality of the process learning - teaching madrasa education and student achievement; b) competence, motivation, professionalism and performance of madrasa teachers in carrying out the duties of the State Civil Apparatus; c) welfare of madrasa teachers; and d) creating professional, integrity, responsible and trustworthy madrasa teachers.²

¹ Directorate General of Islamic Education, *Technical Instructions for Distribution of Teacher Professional Allowances for Madrasah Teachers 2017*, p.1.

² Directorate General of Islamic Education, *Technical Instructions for Distribution of Teacher Professional Allowances for Madrasah Teachers 2017*, p.3.

To implement the provisions in Presidential Regulation Number 130 of 2018, the Minister of Religion issued Regulation Number 11 of 2017 concerning the Provision of Performance Allowances for Employees within the Ministry of Religion.

In Government Regulation Number 45 of 1990 concerning Divorce and Marriage Permits is one of the State's legal efforts to regulate marriage and divorce for State Civil Apparatus. Permission to file for divorce in addition to having to fulfill the requirements in divorce in Law Number 1 of 1974 must also apply for written permission to superior officials according to the hierarchy . The official issuing the permit is the Governor, Regent/Mayor, or other official determined by law. Facts that occur in the field are not a few State Civil Apparatuses who do divorce, Divorce, sue. Throughout 2017-2019 within the Ministry of Religion of Batang Regency, there were 7 cases of divorce and divorce, including 4 recipients of Teacher Professional

Allowances and 3 recipients of Employee Performance Allowances.

Table 1: Data on Divorce Cases for Divorce in 2017-2019 at the Batang Religious Court

Year	Incoming Divorce Cases	Divorce Lawsuit That Was Decided	Divorce Cases Sue the Ministry of Religion's State Civil Apparatus
2019	1,786	1,741	4
2018	1,607	1,443	2
2017	1,540	1,424	1

Research _ related past with research object this .

Research conducted by Siti Khodijah Almardliyyah (2019) on " The Problems of the Family of Civil Servant Teachers Recipient of Certification Allowance". The results showed that the certification allowance had no effect on family divorce of civil servant teachers at the Malang Regency Education Office. Teacher certification allowances provide many benefits and welfare to them. The certification allowance only makes teachers independent in supporting them and their children.³

³ Almardliyyah, SK (2019). Family Problems of Teachers of Civil Servants Recipients of Certification Allowance (Case Study at the Education Office of Malang Regency). *Sakina: Journal of Family Studies* , 3 (4).

According to Maretha Riana Ramdhani et al, in their research entitled The impact of teacher certification on the social and economic behavior of teachers in Ngawi Regency. The results of his research show that the provision of allowances or incentives obtained from teacher certification in several schools causes changes in social behavior between teachers who receive incentives and teachers who do not receive incentives. Teacher certification also affects the economic behavior of the teaching profession in both public and private schools, which can be seen by increasing their welfare.⁴Meanwhile, this research will focus on the divorce of families receiving teacher professional allowances and recipients of employee performance allowances with the status of State Civil Apparatus. Therefore, the researcher concludes this problem by taking the title of "Professional Allowances for Teachers and Employee Performance Allowances

⁴Maretha Riani Ramdhani, et al. The Impact of Teacher Certification on the Social and Economic Behavior of Teachers in Ngawi Regency. *Journal of Economics and Finance*, (Surakarta: Sebelas Maret University, 2017), 106.

Can Affect Divorce Lawsuits " (*Case Study of the Office of the Ministry of Religion of Batang Regency*).

Research methods

This research is an empirical research and the type of research is juridical empirical. Empirical research is research conducted by directly visiting the object to be studied in order to obtain valid data. The steps used in field research are interview techniques, documentation, and other tools.

The approach used by the researcher is descriptive-qualitative, the results obtained are in the form of explanations or words instead of numbers. Therefore, in this study, researchers went directly to the field to find out whether the provision of teacher professional allowances and employee performance allowances could affect the problem of divorce and divorce. Sources of data used by researchers are primary and secondary data sources.

DISCUSSION

In Law Number 1 of 1974 it is stipulated that a marriage can be dissolved because: *first* , one of the parties (husband or wife) dies;

second, the divorce filed by the husband or wife; and third, court decisions.⁵ However, in Law Number 1 of 1974 there are no details regarding the reasons for divorce. Provisions regarding these details are contained in the KHI.

In KHI it is stipulated that the reasons for divorce are: *first*, one of the parties commits adultery, becomes a drunkard, condensed, or gambler who is difficult to cure;⁶ *secondly*, one of the parties leaves the other party for two consecutive years without the permission of the other party and without a valid reason or for other reasons beyond his control;⁷ *third*, one of the parties gets a prison sentence of five years or longer after the marriage takes place;⁸ *fourth*, one of the parties commits an act of cruelty or serious mistreatment that endangers the other party;⁹ *fifth*, one of the parties suffers from a physical disability or disease which results in not being able to carry out their obligations as husband or wife;¹⁰ *sixth*, there are constant

disputes between husband and wife so that there is no hope of living in harmony again;¹¹ *seventh*, the husband violates taklik talak;¹² and *eighth*, religious conversion or apostasy which causes disharmony in the household.¹³

The results of research in the field of problems that affect the occurrence of divorce in families receiving teacher professional allowances and recipients of employee performance allowances are: a) Economic problems (husband does not provide support for the family), b) Domestic Violence (Domestic Violence), c) Disputes and Quarrels d) Infidelity, and e) Divorce.

First, Economic Problems, economic problems are the income generated by a family. The family is seen as a unit capable of providing inner and outer satisfaction as the fulfillment of all the needs of each family member. Economic problems are one of the causes of divorce from families receiving teacher professional allowances and recipients of performance allowances

⁵ Law Number 1 of 1974 article 38.

⁶ KHI article 116 (a).

⁷ KHI article 116 (b).

⁸ KHI article 116 (c).

⁹ KHI article 116 (d).

¹⁰ KHI article 116 (e).

¹¹ KHI article 116 (f).

¹² KHI article 116 (g).

¹³ KHI article 116 (h).

for State Civil Apparatus employees. The majority of husbands work in the private sector whose income is uncertain, there are even husbands who do not work at all during their marriage relying on income from their wives. The formation of a family means the realization of economic unity and independence. The family gets wealth and spends it to meet the needs of all family members so that prosperity is realized. However, this problem is often difficult for a family to do when the problem of access to economic resources is covered. Many unemployed men from among the husbands, even though he is the breadwinner of the family.

The obligation for a living according to Article 80 paragraph (4) of the Compilation of Islamic Law states that according to his income the husband bears: a) a living, *kiswah* and a place of residence for the wife; b) household expenses, treatment costs and medical expenses for the wife and children; c) education costs for children. The obligation to support the husband to the wife is also stated in Article 34 paragraph (1) of Law No.1 of 1974

concerning Marriage which states that the husband is obliged to protect his wife and provide all the necessities of household life according to his abilities. In this case, the income is given to the wife according to what is appropriate in the sense that it is sufficient for the needs of the wife and in accordance with the husband's income. The legal basis is the Qur'an at-Thalaq verses 6 and 7:

وَلَا تُؤْهِنْ لِنُصَبَاتِكُمْ لِيَهِنَ أَوْلَاتِكُمْ لِأَنَّهُنَّ
حَتَّىٰ هُنَّ لَكُمْ لَا أَسْرَأْتُمْ لَهُ (6) لَللَّهِ
أَهْلُ اللَّهِ (7)

which means :

"Put them (wives) where you live according to ability and do not trouble them to constrict (hearts) them. And if they (wives who have been divorced) are pregnant, then give them their livelihood until they give birth, then if they breastfeed your (children) for you then give them their wages and discuss between you (everything) well; and if you have difficulty then another woman may breastfeed (the child) for him. Let people who are able to provide a living according to his ability. And the person whose sustenance is narrowed should provide for him from the wealth that Allah has given him. Allah does not carry a burden on a person but only what Allah has given him. Allah will expand after the hardship."

Second, the problem of domestic violence (Domestic Violence) is one of the causes of divorce for families receiving teacher professional allowances and performance allowances for state civil servants. Domestic violence can be used as a reason for divorce in accordance with Article 116 letter (d) of the Compilation of Islamic Law which states that one of the reasons for divorce is that one party commits cruelty or severe abuse that endangers the other party.

Third . Disputes and quarrels in married life will certainly be colored with various problems. There is no peaceful, harmonious, and comfortable domestic life if it is filled with continuous unresolved disputes and quarrels that can have a bad impact in the future. Based on Article 116 letter (f) of the Compilation of Islamic Law, continuous disputes and quarrels can be used as reasons for divorce, which explains that between husband and wife there are continuous disputes and quarrels and there is no hope of living in harmony again in the household. Article 116 letter (f) Compilation of Islamic Law, namely

between husband and wife there are continuous disputes and quarrels that there is no hope of living in harmony again as husband and wife.

Fourth , infidelity is adultery because it results in problems in domestic life and prevents the realization of a *sakinah, mawaddah, warahmah* family. Allah SWT says in the Qur'an letter At - Tahrim verse 6 teaches to protect themselves and their families from the torments of hell fire, which reads:

ا ا الذّٰىن ا ا لىكّم ارا ا النّٰس
الحجرّة لىها لايكة لاط اذ لا الله ا
لوان ا يؤمرون

Which means:

*"O you who believe, protect yourselves and your families from the fire of hell whose fuel is people and stone: the guardians of the angels are harsh, harsh and do not disobey Allah in what He commands them and always do what is commanded."*¹⁴

Infidelity is a painful event for all parties, not only wives and children who are victims or effects of infidelity, but society also condemns infidelity.

Fifth , Divorce Issues. Divorce is the decision of the inner and outer bond between husband and wife

¹⁴QS. At-Tahrim (66):6

which makes the end of the family relationship (household) between husband and wife. Divorce in Islamic law is a lawful act which has the principle of being prohibited by Allah SWT.

أَبْغَضُ الْحَالِ إِلَى اللَّهِ الطَّلَاقُ

"The most hated lawful act by Allah is talak/divorce." (History of Abu Dawud, Ibn Majah, and Al-Hakim).

Based on this hadith, it shows that divorce is the last alternative (emergency door) that can be passed by husband and wife if the marital bond (household) cannot be maintained in its integrity and continuity. Divorce is a marriage bond that is broken as a result of the application submitted by the wife to the Religious Court, which then the respondent (husband) agrees, so that the Religious Court grants the intended application. The right to request the severance of this marriage bond in Islamic law is called Khulu'. Khulu' is a divorce that occurs at the request of the wife by giving ransom or iwadh money to and with the approval of her

husband.¹⁵ Khulu' is only allowed if there are proper reasons. The reason for the occurrence of khulu' is that the wife is worried that it will not be possible to carry out her duties as a wife which causes her to be unable to enforce Allah's law. In addition, other reasons, such as when the husband leaves his wife for 2 consecutive years without permission to his wife and the husband does not fulfill his obligations to his wife. The reasons that can be used by a wife to file a divorce suit are the same as the reasons used in divorce because of talak.¹⁶

Divorce by divorce or divorce can occur if there are reasons that have been explained in the legislation. Based on the reasons that have been explained, it can be seen that husband and wife will not be able to live in harmony as husband and wife in one household. Thus, divorce is seen as the best way for the husband and wife. The party that determines talak as the best way or at

¹⁵Zainuddin Ali, *Islamic Civil Law in Indonesia*, (Jakarta: Sinar Graphic, 2006), 81.

¹⁶Aminur Nuruddin and Azhari Akmal Tarigan, *Islamic Civil Law in Indonesia, cet II*, (Jakarta: Kencana, 2006), 233.

least is a third party, namely the Court.

Table 2: Reasons Affecting Divorce of State Civil Apparatus at the Ministry of Religion of Batang Regency.

No	Name	Reason for Divorce Lawsuit
1	RS	<ul style="list-style-type: none"> - Husband does not provide a living - Disputes and quarrels - Husband is not communicative - Divorce Lawsuit
2	KS	<ul style="list-style-type: none"> - Husband does not provide a living - Husband is not communicative - Infidelity (it turns out that the Defendant has another wife) - Divorce Lawsuit
3	WS	<ul style="list-style-type: none"> - Husband does not provide a living - Husband is not communicative and his whereabouts are unknown - Divorce Lawsuit
4	NS	<ul style="list-style-type: none"> - Husband does not provide a living - Uncommunicative husband (leaving home without the plaintiff's knowledge) - Untrustworthy husband (selling assets without the plaintiff's permission) - Divorce Lawsuit

5	SL	<ul style="list-style-type: none"> - Husband does not provide a living - Untrustworthy husband (selling assets without the plaintiff's permission) - Husband is not communicative (lack of respect for the plaintiff's family) - Divorce Lawsuit
6	SR	<ul style="list-style-type: none"> - Husband does not provide a living - The Defendant does not have a permanent job, instead the Defendant relies on the Plaintiff who is already working - The husband is not communicative and untrustworthy (the defendant is also often dishonest with the plaintiff, even the Defendant often takes the plaintiff's savings) - Divorce Lawsuit
7	KN	<ul style="list-style-type: none"> - Husband does not provide a living - The defendant as the head of the family cannot be a good priest for his wife and children - Husband not communicative (Defendant Angry) - Divorce Lawsuit

Based on the table above, it can be seen that the reasons influencing divorce lawsuits in the State Civil Apparatus of the Ministry of Religion of Batang Regency are economic problems (husband does not provide for the family), disputes and fights, domestic violence (domestic violence) to wife, infidelity, and divorce.

Impact of Provision of Teacher Professional Allowances and Performance Allowances for State Civil Apparatus Employees.

Provision of Teacher Professional Allowance / certification is an allowance given to teachers who already have an educator certificate and meet other requirements.¹⁷

The impact of the provision of professional allowances for teachers and employee performance allowances on divorced divorce does not affect divorce because the right to a living belongs to the husband who receives the Professional Allowance and Performance

Allowance for State Civil Apparatus Employees who file a lawsuit.

Based on the results of the study, the provision of teacher professional allowances and employee performance allowances was not recognized as the reason for filing for divorce to the recipients of the teaching profession allowance and the performance allowance of state civil servants at the Ministry of Religion, Batang Regency, although seen from the time of divorce, it was after receiving the teacher professional allowance and employee performance allowance, the provision of teacher professional allowances and employee performance allowances only becomes prosperous in supporting their families.

CONCLUSION

From the various explanations above, the reasons that affect divorce, divorce lawsuits against state civil servants at the Ministry of Religion, Batang Regency are : a) Economic problems (husband does not provide for the family), b) Disputes and quarrels, c) Domestic Violence (Domestic Violence), d)

¹⁷Ahmad Sudrajat, "A Glance to Know About Teacher Professional Allowances" <https://akhmadsudrajat.wordpress.com/2009/07/26/at-a-glance-meaning-about-tunjangan-professional-guru/>. accessed 2 8 April 20 22 .

Infidelity, and e) Divorce. The provision of teacher professional allowances and employee performance allowances for divorce is not recognized as a reason for divorce. Teacher professional allowances and employee performance allowances only make teachers and employees prosperous in supporting their families.

REFERENCE

- Al-Qur'an Al-Karim
Ali, Zainuddin. Islamic Civil Law in Indonesia. Jakarta: Sinar Graphic, 2006.
- Almardliyyah, SK (2019). Family Problems of Teachers of Civil Servants Recipients of Certification Allowance (Case Study at the Education Office of Malang Regency). *Sakina: Journal of Family Studies* , 3 (4).
- Ahmad Sudrajat, "A Glance to Know About Teacher Professional Allowances"
<https://akhmadsudrajat.wordpress.com/2009/07/26/at-a-glance-meaning-about-tunjangan-professional-guru/>. accessed 2 8 April 20 22 .
- Aminur Nuruddin and Azhari Akmal Tarigan, Islamic Civil Law in Indonesia, cet II, (Jakarta: Kencana, 2006), 233.
- Directorate General of Islamic Education, *Technical Guidelines for the Distribution of Teacher Professional Allowances for Madrasah Teachers in 2017*.
Compilation of Islamic Law in Indonesia, Article 116.
- Technical Guidelines for the Distribution of Teacher Professional Allowances for Madrasah Teachers in 2017
- Riani, Maretha. Ramdhani et al. The Impact of Teacher Certification on the Social and Economic Behavior of Teachers in Ngawi Regency. *Journal of Economics and Finance*. (Surakarta:University Eleventh March, 2017) 106.
- Ramdhani, MR (2018). The Impact of Teacher Certification on the Social and Economic Behavior of Teachers in Ngawi Regency in 2016 (Doctoral dissertation, UNS (Sebelas Maret University)).
- Taufik, Dede. Between Certification and Divorce Teachers, Articles, <http://www.nadiguru.web.id/2015/02/antara-certification-dan-percepatan-guru.html>.25 April 2018.
- The Team for Compiling the Dictionary of the Center for Language Development and Development, Second Edition of the Big Indonesian Dictionary. Jakarta: Balai Pustaka, 1997.
- Law of the Republic of Indonesia No.1 of 1974 concerning Marriage n.
- Zainuddin Ali, Islamic Civil Law in Indonesia, (Jakarta: Sinar Graphic, 2006), 81.