



## The Psychological Impact of Divorce on Children and Parental Obligations in Islamic Family Law

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**Article history:** Received: September 30, 2021, Revised: September 01, 2021; Accepted October 04, 2021;  
Published: December 31, 2021

### **Abstract [11 pt]:**

This research examines the psychological impact of divorce on children and the responsibilities of parents in providing emotional and psychological support according to Islamic family law. Using a qualitative approach, this research involves document analysis and in-depth interviews with Islamic legal experts, psychologists, and families who have experienced divorce. The research results show that the emotional stability of children after divorce is very dependent on the comprehensive implementation of hadhanah by parents. Children who receive adequate emotional support from both parents tend to have better mental health. However, the practical implementation of hadhanah principles often faces obstacles due to a lack of understanding and support from the legal and social systems. This research recommends increasing education and support for parents as well as developing post-divorce family counseling programs to ensure children's emotional well-being. Thus, this



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**Introduction [12 pt]**

Divorce is a social phenomenon that is increasing in various parts of the world, including in Indonesia. Data from the Indonesian Central Statistics Agency (BPS) shows that the divorce rate has increased significantly in the last few decades. In 2020, more than 400,000 divorce cases were recorded in Indonesia, an increase of around 20% from the previous year. The impact of divorce is not only

felt by the separating couple, but also, and perhaps more importantly, by the children involved. Research shows that children who experience parental divorce tend to face various psychological problems, such as anxiety, depression, and decreased academic performance. A study published in the *Journal of Marriage and Family* found that children from divorced families had twice the risk of experiencing emotional and behavioral problems compared to children from intact families .

Children are often the most vulnerable in divorce situations, facing drastic changes in their daily lives that can significantly impact their psychological and emotional development. In the context of Islamic law, the protection of children is very important. The Qur'an emphasizes the importance of paying attention to children's welfare in various verses, such as in Surah Al-Baqarah verse 233 which states the obligation of parents to care for and educate their children well. This verse underlines that parents' responsibilities do not stop only at meeting physical needs, but also include emotional and psychological support. Therefore, it is important to explore how Islamic family law regulates children's welfare after divorce, especially in terms of parental responsibility for children's psychological and emotional support. Hadhanah, or child custody, is an important concept in Islamic family law that regulates the roles and responsibilities of parents towards children after divorce. In Islam, hadhanah is not only about who has the right to physically care for a child, but also about the obligation to provide the emotional and psychological support that children need to grow and develop well. Based on the hadith of the Prophet Muhammad SAW, "Each of you is a leader and every leader will be held accountable for those he leads" (HR. Bukhari and Muslim), indicating that parents have a great moral and religious responsibility for the welfare of their children. This includes providing a sense of security, affection, and consistent support, all of which are important aspects of a child's psychological development.

The concept of hadhanah in Islamic family law emphasizes the importance of stability and welfare of children as the main priority in post-divorce arrangements. The Qur'an also emphasizes the importance of protecting and caring for children, as in Surah Al-Baqarah verse 233: "Mothers should breastfeed their children for two

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full years, that is, for those who want to perfect breastfeeding." This verse shows the importance of parental responsibility in providing optimal care for children, both physically and emotionally. Empirical studies also support this, as shown by research conducted by Amato (2010), which found that children who receive adequate emotional support from parents post-divorce tend to have better mental health and fewer behavioral problems. Thus, Islamic family law provides a strong framework to ensure that children's psychological and emotional needs remain a top priority in post-divorce situations.

Although many studies have examined the impact of divorce on children's mental health, there is still a gap in the literature that specifically discusses how Islamic family law regulates post-divorce emotional support. Previous research has focused more on legal aspects and physical custody without paying in-depth attention to children's psychological needs which are often neglected. For example, a study conducted by Amato (2000) shows that children from divorced families tend to experience emotional problems, such as anxiety, depression, and low self-esteem. However, these studies often do not link their findings to the Islamic legal framework which actually has specific principles for dealing with child welfare. In the context of Islamic law, *hadhanah* is not just physical custody but also includes the moral and emotional obligations of parents towards their children, as explained in various verses of the Koran and the hadith of the Prophet Muhammad SAW.

In Islamic legal literature, the concept of *hadhanah* explicitly regulates the importance of meeting children's emotional and psychological needs after divorce. For example, the Koran in Surah Al-Baqarah verse 233 states, "Mothers should breastfeed their children for two full years, that is, for those who wish to complete breastfeeding." This verse shows the responsibility of parents, especially mothers, in providing attention and affection to their children. Apart from that, the hadith narrated by Al-Tirmidhi also emphasizes the importance of giving love to children: "We are not among those who do not love the small children among us." This shows that Islamic law places great importance on the emotional well-being of children, and parents have a great responsibility to ensure their children feel loved and cared for, even after divorce. However, although these principles are clear, their practical implementation in divorce cases is often less than optimal, highlighting the need for further research and policy

recommendations that support children's overall mental health.

This research uses a qualitative approach by combining document analysis and in-depth interviews with Islamic legal experts, psychologists, and families who have experienced divorce. This multidisciplinary approach aims to provide a more holistic understanding of the psychological impact of divorce on children and the role of Islamic law in regulating parental responsibilities. Thus, this research not only contributes to the academic literature, but also provides practical recommendations for better family law policies and practices in handling divorce cases. It is hoped that this research will provide new insights for policy makers and family law practitioners regarding the importance of strengthening regulations that support children's mental health after divorce. In the context of Islamic family law, even though the legal framework already exists, its practical implementation still requires strengthening to ensure that children's welfare is always a top priority. Thus, this research not only aims to fill the academic gap, but also to contribute to improving the quality of life of children affected by divorce.

## **Methods**

This research uses a qualitative approach to explore the psychological impact of divorce on children and how Islamic family law regulates parents' responsibilities in providing emotional and psychological support. The main data collection methods include document analysis and in-depth interviews. Document analysis will be carried out on relevant Islamic legal texts, including the Koran, hadith, and contemporary Islamic legal literature, to understand the concepts of *hadhanah* and parental responsibility. In-depth interviews will involve Islamic legal experts, psychologists, and families who have experienced divorce, to gain insight into real experiences and how Islamic legal principles are implemented in practice.

A multidisciplinary approach will be applied in this research to comprehensively explore the psychological and legal aspects related to child welfare after divorce. Data collected from interviews and document analysis will be analyzed using

thematic analysis techniques to identify the main patterns and themes that emerge related to emotional and psychological support for children in the context of Islamic family law. Data validity will be maintained through source triangulation, where findings from various data sources will be compared and confirmed to ensure the accuracy and reliability of research results. It is hoped that the results of this research can provide practical recommendations and policies to improve the welfare of children after divorce within the framework of Islamic family law.

## **Results and Discussion [12 pt]**

### ***Children's Experiences After Divorce***

The results of this study show that children who experience parental divorce face a variety of significant emotional challenges. Based on interviews with psychologists and divorced families, it was found that children often experience anxiety, depression and low self-esteem. Previous research supports these findings, as stated by Amato (2000) that children from divorced families are more vulnerable to mental health problems. This is mainly caused by drastic changes in family dynamics and the previously stable home environment becomes unstable and full of uncertainty. Changes in family structure often cause children to feel lost and confused. Children may feel caught between their parents' conflicts, which can cause additional stress. In addition, losing regular interaction with a parent can also reduce the sense of security and support they receive. Data from interviews shows that children involved in divorce often feel unloved or neglected, which negatively impacts their emotional development. This is consistent with the findings of Wallerstein and Kelly (1980), who noted that children from divorced families often show significant behavioral and emotional problems.

Apart from the direct impact of divorce itself, children's reactions to divorce are also influenced by how parents handle the situation. If parents are able to maintain a healthy and cooperative relationship, children tend to adjust better. Conversely, if conflict between parents persists or increases after divorce, children are likely to experience more emotional problems. This research found that the quality of the relationship between children and their parents after

divorce is a key factor in determining children's emotional well-being. Furthermore, interviews with divorced families suggest that children require ongoing emotional support from both parents to help them cope with feelings of loss and adjust to new situations. Parents who are active in providing emotional support and remaining involved in their children's lives can help reduce the negative impacts of divorce. In this case, Islamic family law through the concept of *hadhanah* provides a framework that can support this need, as long as it is implemented effectively. Children's experiences post-divorce are greatly influenced by new family dynamics and how parents handle the transition. Children who receive adequate emotional support from both parents are more likely to show signs of good mental health. Therefore, it is important for legal practitioners and policy makers to consider the emotional aspects of custody arrangements and to provide resources that support parents in meeting their children's emotional needs post-divorce.

### ***Children's Emotional Support Needs Post-Divorce***

The results show that children from divorced families have a deep need for ongoing emotional support from both parents. Based on interviews with psychologists and families who have experienced divorce, it was found that children often experience significant feelings of insecurity, loss and uncertainty. They need the emotional presence of both parents to feel supported and loved, even though their family structure has changed. This research reveals that consistent emotional support can help reduce the negative impact of divorce on children's mental health. Data analysis shows that children who receive adequate emotional support from both parents tend to show signs of better mental health. Data from in-depth interviews indicate that children who have regular access and positive interactions with both parents, despite divorce, feel more stable and secure. On the other hand, children who feel abandoned or receive less attention from one parent are more likely to experience anxiety, depression and low self-esteem. For example, one respondent said, "When I see my father only once a month, I feel very lonely and unloved."

This research also identifies several factors that can influence the level of emotional support provided by parents after divorce. These

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factors include the quality of the relationship between parents after divorce, the parents' commitment to carrying out their roles, and awareness of the importance of emotional support for children. Several parents interviewed admitted that they did not initially realize how important their role was in providing emotional support to their children. One parent stated, "I thought as long as kids got their physical needs met, they would be fine. I didn't know that emotional care was so important too." Furthermore, this research found that Islamic family law, through the concept of *hadhanah*, has actually regulated the importance of emotional and psychological support. Analysis of Islamic legal texts shows that parental responsibilities do not only cover the physical needs of children, but also include meeting their emotional needs. Verses from the Koran and hadith which emphasize the importance of love and attention towards children provide a strong basis for the need for continued emotional support from both parents, even after divorce. However, awareness and practical implementation of these principles still require strengthening. Based on these findings, this study recommends greater efforts to educate parents and the public about the importance of emotional support for children after divorce. Training and counseling programs focused on improving parents' skills in providing emotional support can be especially helpful. In addition, there needs to be confirmation in family law policies to ensure that emotional support becomes an integral part of the *hadhanah* process. Thus, it is hoped that children who experience parental divorce can grow better emotionally and psychologically.

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### *Challenges in the Practice of Hadhanah*

The implementation of the *hadhanah* concept in Islamic family law faces various challenges, even though the basic principles are clearly regulated. One of the main challenges is the lack of understanding and awareness among parents about their emotional responsibilities towards children after divorce. Many parents focus more on the physical and financial aspects of custody, such as housing and support, while the child's emotional needs are often neglected. Interview data with Islamic legal experts revealed that although Islamic law emphasizes the importance of affection and emotional attention, in practice, this aspect is often not implemented well. This study found that a lack of training and resources for parents after divorce is one of the factors that contributes to less than optimal implementation of *hadhanah*. Interviews with families who have experienced divorce show that many parents feel unprepared to deal with the emotional challenges their children experience. They often do not have the knowledge or skills necessary to provide adequate emotional support. As a result, children often feel abandoned and have difficulty adjusting to new situations. The results of data analysis show that there is a significant correlation between the effective implementation of *hadhanah* and children's emotional stability. Children who receive adequate emotional support from both parents show lower levels of anxiety and depression compared to children who do not receive such support. However, interviews with psychologists show that this emotional support must be consistent and ongoing to achieve optimal results. This emphasizes the importance of the role of both parents in a child's life after divorce, not only in the physical aspect but also in the emotional aspect.

In addition, this research found that the existing legal and social systems often do not support the effective implementation of *hadhanah*. For example, complicated legal procedures and a lack of support services for divorcing families can hinder the implementation of emotional parental responsibilities. Many divorcing families face difficulties in accessing the legal and psychological help they need to support their children. This suggests the need for more comprehensive policy reform to ensure that Islamic family law can be implemented effectively in a modern context. In conclusion, although Islamic family law provides a strong framework to support children's welfare after divorce, its practical implementation still faces many challenges. Lack of understanding and awareness of emotional responsibilities, lack of

training and resources for parents, and systemic barriers in legal and social systems are some of the main factors that need to be addressed. This research recommends increased training and resources for parents, as well as policy reforms that support a more holistic and effective implementation of hadhanah. In this way, the emotional well-being of children after divorce can be better guaranteed in accordance with the principles of Islamic law.

### ***The Relationship between Children's Emotional Stability and the Implementation of Hadhanah***

This research found that children's emotional stability after divorce is closely related to how hadhanah is carried out by parents. Data collected from in-depth interviews shows that children who receive adequate emotional support from both parents tend to have better mental health than those who do not. For example, a psychologist stated that "children who still receive attention and affection from both parents even though they are divorced, show lower levels of anxiety and better adaptability." This emphasizes that implementing good hadhanah is not just about providing physical care but also includes ongoing emotional support. In Islamic family law, hadhanah includes the responsibility to provide love and attention to children. This is not only limited to meeting physical needs such as food and shelter, but also includes psychological and emotional needs. Analysis of documents from the Koran and hadith reveals that parents' responsibility in implementing hadhanah places great emphasis on the emotional well-being of children. The Al-Quran verse in Surah Al-Baqarah verse 233 and the hadith narrated by Al-Tirmidhi show the importance of the role of parents in providing continuous love and attention to children, even after divorce.

The results of interviews with families who have experienced divorce show that children who receive consistent emotional support from both parents tend to have better emotional stability. For example, one mother interviewed said, "After the divorce, my ex-husband and I agreed to stay together to support our child emotionally, and I saw that he became happier and more confident." This experience is supported by data showing that children in these situations show lower levels of anxiety and depression, and have better interpersonal relationships

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with their peers. Even though the principles of hadhanah in Islamic law are clear, there are still many challenges in practical implementation. Interviews with Islamic law experts reveal that many parents do not understand their responsibilities in providing emotional support to their children. In addition, a lack of resources and support from legal and social systems often hinders the effective implementation of hadhanah. For example, some parents find it difficult to remain emotionally involved with their children after divorce due to economic factors or unresolved interpersonal conflicts. Based on these findings, this research recommends increasing training and education for parents about the importance of emotional support in implementing hadhanah. Apart from that, there needs to be support from the government and social institutions to provide programs that help parents fulfill their responsibilities. For example, post-divorce family counseling programs can help parents learn how to stay emotionally involved with their children. In this way, children's emotional well-being can be better maintained and the principles of hadhanah in Islamic family law can be implemented more effectively.

## **Conclusion**

This research reveals that the emotional stability of children after divorce is greatly influenced by how parents carry out hadhanah in accordance with the principles of Islamic family law. Through document analysis and in-depth interviews, it was found that children who received adequate emotional and psychological support from both parents showed better levels of mental health. Hadhanah in Islamic law not only emphasizes fulfilling physical needs but also emotional and psychological needs, showing the importance of the role of parents in maintaining the holistic welfare of children after divorce.

However, the practical implementation of these hadhanah principles still faces various challenges, including parents' lack of understanding of their emotional responsibilities and limited support from the legal and social systems. Therefore, this research recommends increasing education and support for parents, as well as developing post-divorce family counseling programs. By strengthening the implementation of comprehensive hadhanah, children's emotional well-being can be better guaranteed, and the principles of Islamic

family law can be implemented more effectively to support children affected by divorce.

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