



Prophetic Law Accentuation in Marriage Regulations in Indonesia: Efforts to Maintain Family Resilience During The Pandemic

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Abstract

The Indonesian people during the pandemic seemed to forget the purpose of married life which idealizes a household that lasts forever. The increasing divorce rate during the pandemic seems to confirm this hypothesis regardless of any triggering factors. Of course, the product of legislation related to marriage and family must be able to maintain the integrity and resilience of the family. This article aims to analyze transcendental values in marriage law regulations which play a very significant role in building family resilience. This article is in the form of a normative legal study that instrumented the approach to the application of laws and the philosophical approach and prophetic legal theory as a knife of analysis. The results of the study show that emphasizing divine values on rules that build and family resilience is absolutely necessary in and maintaining family resilience which is manifested in a *sakinah*, *mawaddah* and *rahmah* household. Prophetic values such as efforts to complicate divorce, legalization of marriages based on religious law, marriage as a form of life-long *ubudiyah* must be internalized in applicable legal regulations.

A. Introduction

The spread of the COVID-19 virus in Indonesia is entering its tenth month since the beginning of 2020, sticking to the surface. The first detected virus that appeared in Wuhan, China in December 2019, continues to increase, where in just three months, the virus has infected more than 118,000 cases and caused 4,291 deaths.¹ This figure continues to grow by the day. The spread of the COVID-19 virus in the global world, which is increasing day by day, is not only included in the criteria for a worldwide epidemic but more than that, the World Health Organization (WHO) categorizes it as a pandemic where the spread is evenly distributed in almost all countries in the world with the level

of space, which is very high.²

The spread of the virus, which continues to increase, in the end not only paralyzes the health side but also combs through other aspects such as economy, socio-politics, law, education, and so on.³ This condition will undoubtedly impact the pattern of people's lives, which economically begins to experience a lot of financial turbulence.

The COVID-19 pandemic has also paralyzed the social sector, as in the economic aspect. The social construction of society is slowly being eroded by the spread of various

1 Jay J. Van Bavel et al., "Using social and behavioural science to support COVID-19 pandemic response," *Nature Human Behaviour* 4, no. 5 (2020): 460-471.

2 A. Spinelli dan G. Pellino, "COVID-19 pandemic: perspectives on an unfolding crisis," *British Journal of Surgery* 107, no. 7 (2020): 785-87; Bavel et al., "Using social and behavioural science to support COVID-19 pandemic response."

3 Livana PH et al., "Dampak Pandemi Covid-19 Bagi Perekonomian Masyarakat Desa," *Indonesian Journal of Nursing and Health Sciences* 1, no. 1 (2020): 37-48.

symptoms of social pathology in almost all regions in Indonesia. Increasing rates of crime, violence, poverty have also colored the social conditions of the nation so that it requires state elites to work draining their brains to find solutions to the nation's increasingly deteriorating condition.

In response to these worsening conditions, the government has taken anticipatory steps to reduce the speedy spread of the COVID-19 virus. Since WHO declared COVID-19 as a global pandemic, the Indonesian government has made various efforts in response to the pandemic, such as establishing a public health emergency status, issuing a Government Regulation instead of Law (Perpu) Number 1 of 2020 concerning State Financial Policy and Stability Financial System for Handling Pandemic Corona Virus Disease 2019 (COVID-19) and in the Context of Facing Threats that Endanger the National Economy and Financial System Stability, and stipulate a Presidential Decree (Keppres) concerning Determination of Non-Natural Disaster for Corona Virus Disease 2019 -19) as a National Disaster.⁴

The government also encouraged the implementation of social distancing and the recommendation to stay at home as outlined in the Regulation of the Minister of Health Number 9 of 2020 to suppress positive cases that continue to increase day by day⁵. As of November 2020, the government recorded, as quoted from the covid19.go.id page until November 2020, as many as 412,784 confirmed cases of COVID-19, with the distribution of 56,899 active, with a cure rate reaching 341,942 and a total death rate of 13,943 points.⁶ Several regions are still making various efforts, such as Large-Scale Social Restrictions (PSBB), and providing educational programs to the public on the importance of

4 Fitra Arsil dan Qurrata Ayuni, "Model Pengaturan Kedaruratan Dan Pilihan Kedaruratan Indonesia Dalam Menghadapi Pandemi Covid-19," *Jurnal Hukum & Pembangunan* 50, no. 2 (2020): 423.

5 Endang Sri Sulasih, "Ketidakefektifan Penerapan Pembatasan Sosial Berskala Besar (PSBB) di Daerah Khusus Ibukota Jakarta," *Binamulia Hukum* 9, no. 1 (2020): 67-82.

6 Satgas Penanganan Covid-19, "https://covid19.go.id/," 2020 diakses pada tanggal 17 November 2020

maintaining personal health and the environment as a form of community participation in stopping the spread of the virus.

The PSBB program, as stated in the Minister of Health Regulation Number 9 of 2020, limits the movement of the community by restricting social activities outside the home, which are alleged to increase the rate of spread of the virus. The limitation of social activities outside is intensively carried out by closing learning activities at schools, office activities, public places of worship, and other crowded locations.⁷ Finally, the economic sector is increasingly affected, and other sectors are paralyzed due to the implementation of this policy.

In a smaller social sphere, the family becomes a minor structure in social life, a sub-system of society with its system and social network.⁸ The family's existence as a pillar of national life is the main parameter in showing a sketch of state life, especially during the pandemic as a social impact due to the effects of the COVID-19 phenomenon.

The element of family resilience began to take the spotlight when the news about divorce in several areas became more massive. The phenomenon of divorce that has been rife is strong enough evidence that family resilience is fragile due to various factors, ranging from economic, sexual, disputes, and domestic violence (KDRT) to other triggers that occur during the pandemic. So, it can be said that the COVID-19 phenomenon has a severe impact on family resilience.

At a philosophical level, the marriage bond is an inner bond between two human beings based on the religious beliefs of each husband-wife.⁹ Law Number 1 the Year 1974 Article 1 states that a marriage bond should be founded on the principle of one and only

7 Sri Sulasih, "Ketidakefektifan Penerapan Pembatasan Sosial Berskala Besar (PSBB) di Daerah Khusus Ibukota Jakarta."

8 Rahmawaty Anita, "Harmoni dalam Keluarga Perempuan Karir : Upaya Mewujudkan Kesetaraan dan Keadilan Gender dalam Keluarga," *Palastren* 8, no. 1 (2015): 1-34.

9 Moch. Isnaeni, *Hukum Perkawinan Indonesia* (Bandung: PT. Refika Aditama, 2016), 13; Jaih Mubarak, *Pembaruan Hukum Perkawinan di Indonesia* (Bandung: Simbiosis Rekatama Media, 2015), 5.

God. This means that marriage as a strong inner bond should face all the obstacles and tests that stand in your way to strengthen the continuity of marriage as long as it continues to be based on religious values.¹⁰ Although in a study, it was said that divorce was initially driven by an increase in a culture of acceptance of divorce, which was then followed by the development of divorce and marriage laws.¹¹ But in fact, this cannot deny the philosophical essence of one's godliness in binding oneself in marriage.

As stated in the Marriage Law and KHI, Indonesian marriage law is substantively a law that is perceived from religious law where family law is the legal norm that is most strongly influenced by religious law, including in Indonesia¹². The state guarantees freedom for its citizens to embrace and practice spiritual teachings that they believe, including those concerning marriage and family law. This is as stipulated in the 1945 Constitution of the Republic of Indonesia Article 29 paragraph (2), which states that "The State guarantees the freedom of every citizen to embrace his or her religion and to worship according to his religion and belief."

It is believed that Indonesia is not a religious state based on one particular religion. Still, the state is obliged to protect all its citizens from carrying out their respective religious teachings¹³. That is why Indonesia is also said to be not a secular country considering that divine values are embedded in the Indonesian state system, manifested in the Pancasila ideology¹⁴.

Given that the marriage law is one of the many regulations adopted from religious

law, it is only fitting that the legal norms must truly represent religious values explicitly and implicitly¹⁵. As with other legal products such as fatwas or the like, it can be integrated into a positive legal effect under certain conditions and opportunities.¹⁶ Religious values must be fully embodied in the structure of the building and the foundation of marriage law as an effort to maintain the sacredness of the inner bond between husband and wife. The sacredness of marriage will strengthen the relationship and bond between husband and wife so that it is not easy to be separated for any reason.

If this conception of marriage is related to the discourse of prophetic social science initiated by Prof. Kuntowijoyo will show at least three main pillars that must be maintained, namely humanization, liberation, and transcendence.¹⁷ These three pillars are the pillars of the prophet's *nubuwwah* (prophecy) to preserve the sacredness of the marriage bond. The three of them are expected to underlie the foundation of a marriage building that is intact and solid so that it can lead to a happy and eternal family life.

In line with the conception to be built, several researchers have already conducted research related to prophetic law and handling COVID-19. For example, a study conducted by Briando¹⁸ entitled *Prophetical Law: Membangun Hukum yang Berkeadilan Dengan Kedamaian* tries to offer law building with a new prophetic spirit. Especially for handling COVID-19 from a prophetic legal perspective, Supriyadi¹⁹ wrote down several steps taken by the government in handling CO-

10 Budhy Prianto, Nawang Warsi Wulandari, dan Agustin Rahmawati, "Rendahnya Komitmen Dalam Perkawinan Sebagai Sebab Perceraian," *Jurnal Komunitas* 5, no. 2 (2013): 208-218.

11 Victor Hiller dan Magali Recoules, "Changes in divorce patterns: Culture and the law," *International Review of Law and Economics* 34 (2013): 77-87.

12 Mubarak, *Pembaruan Hukum Perkawinan di Indonesia*.

13 Moh. Mahfud MD, "Islam, Lingkungan Budaya, dan Hukum dalam Perspektif Ketatanegaraan Indonesia," *KARSA: Jurnal Sosial dan Budaya Keislaman* 24, no. 1 (2016): 1.

14 Muchamad Ali Safa'at, *Dinamika Negara dan Islam Dalam Perkembangan Hukum dan Politik di Indonesia* (Jakarta: Konstitusi Press, 2018), 134.

15 Nasarudin Umar, "Konsep Hukum Modern: Suatu Perspektif Keindonesiaan, Integrasi Sistem Hukum Agama Dan Sistem Hukum Nasional," *Walisono: Jurnal Penelitian Sosial Keagamaan* 22, no. 1 (2014): 157.

16 Wael B. Hallaq, *Authority, Continuity and Change in Islamic Law* (Cambridge: Cambridge University Press, 2004), 87.

17 Bobby Briando, "Prophetical Law: Membangun Hukum Berkeadilan dengan Kedamaian," *Jurnal Legislasi Indonesia* 14, no. 3 (2017): 313-24; Supriyadi, "Kebijakan Penanganan Covid-19 dari Perspektif Hukum Profetik," *Suloh: Jurnal Program Studi Magister Hukum*, 2020, 91-109.

18 Briando, "Prophetical Law: Membangun Hukum Berkeadilan dengan Kedamaian."

19 Supriyadi, "Kebijakan Penanganan Covid-19 dari Perspektif Hukum Profetik."

VID-19 in prophetic law. Related to divorce cases, research conducted by Jay L. Lebow²⁰ focuses on the phenomenon of divorce from a psychological perspective. He also tries to offer the concept of family therapy under the shadow of COVID-19, which is increasingly spreading.

Many studies that have been done, the author wants to enter into the normative aspects of law in maintaining family resilience based on legal prophetic values. This study looks at the prophetic elements of the marriage law regulations in Indonesia, both those contained in the Marriage Law and the Islamic Law Compilation (KHI). These prophetic principles will then be elaborated to find the relevance of the prophetic value of marriage law and family resilience, especially during a pandemic.

B. Method

This research belongs to juridical normative analysis using philosophical and statute approaches. In elaborating on the substance of the discussion to be achieved, the researcher rests on the theory of prophetic social science associated with the spirit of family resilience as set out in Indonesian legislation. The data used in this research comes from secondary data in primary, secondary, and tertiary legal materials, which are collected through library research. Furthermore, the data that has been collected will be analyzed descriptively and analytically (content analysis) in uncovering the philosophical prophetic sides contained in family law regulations.

C. Results And Discussion

1. Prophetic Philosophical Principles

The term prophetic refers to knowledge that is derived from the Qur'an and Hadiths by demonstrating scientific principles and rules to connect normative orders and empirical elements that occur in the field. So that later normative religious dogmas will appear more operational at an observed level

in the area²¹. The term prophetic here is also attributed to the spirit of a prophet's *nubuwwah* (prophecy), where the universal prophetic spirit is internalized holistically into teaching or norm.

Kuntowijoyo's paradigm and views regarding prophetic values in social science disciplines are actually in line with universal prophetic principles embodied in prophetic treatises brought by the previous prophets²². These universal values include honest personality (*shiddiq*), habits to maintain trust (*amanah*), ability, and willingness to convey (*tabligh*), an intelligent and critical reasoning power (*fathonah*).²³

Kuntowijoyo introduced a philosophical review relating to prophetic principles in a social science theory called the social science prophetic theory. Among these prophetic principles are²⁴:

a. Humanist

Shidarta fundamentally defines humanization efforts as an effort to humanize humans²⁵. Law as a means of control and cultural construction should be applied by prioritizing the principle of humanity following the capacity and nature of human beings. Prophetic law (prophetic law) is a form of law narration based on the al-Qur'an and hadith, which protects humans and humanity. Therefore, prophetic law is more historical²⁶ where the built law is in the dimension of human culture itself while still based on two sources of authoritative Islamic law.

b. Emancipatory

The emancipatory principle means that prophetic theory must make significant changes

20 Jay L. Lebow, "The Challenges of COVID-19 for Divorcing and Post-divorce Families," *Family Process* 59, no. 3 (2020): 967-973.

21 Kuntowijoyo, *Islam Sebagai Ilmu: Epistemologi, Metodologi, dan Etika*, ed. oleh M. Yahya (Yogyakarta: Tiara Wacana, 2007).

22 Jawahir Thontowi, "Paradigma Profetik dalam Pengajaran dan Penelitian Ilmu Hukum," *Unisia* 34, no. 76 (2012): 86-99.

23 Heddy Shri Ahimsa-Putra, *Paradigma Profetik Islam: Epistemologi, Etos, dan Model* (Yogyakarta: Gadjah Mada University Press, 2016), 167.

24 Kuntowijoyo, *Islam Sebagai Ilmu: Epistemologi, Metodologi, dan Etika*.

25 Sidharta, "https://business-law.binus.ac.id/2019/05/02/antara_humanisasi_liberasi_transendensi/," 2020.

26 Briando, "Prophetic Law: Membangun Hukum Berkeadilan dengan Kedamaian."

es to emancipate it. So, it is hoped that the human mindset is no longer shackled to something small but has broad and universal thoughts.

c. *Transcendental*

Transcendental values are religious values taught in the teachings of Islam. This is intended so that all human behavior and behavior are in the corridor of life that is more meaningful and valuable. Later, these religious values will lead people to noble and dignified values in society.

The principles mentioned above actually project themselves to the moral-religious values which these noble values have long been grounded in Indonesian society. Deliar Noer, as quoted by Nurul Hakim and Sumawaty²⁷ once stated that the noble values that have long been imprinted in the heart of the Indonesian nation are values colored by Islamic teachings.

2. Prophetic Values: Reading Against Marriage Regulations in Indonesia

Islamic law in the regulatory system in Indonesia, which is a law derived from and part of the Islamic religion, has undergone various developments to date. According to experts, Islamic law can be interpreted between two models: (1) the theory of legal normativity, which believes that Islamic law is a complete divine law, so there is no need for modifications and adjustments here and there. (2) Islamic law's adaptability theory states that Islamic law was sent down to earth as rules that can be adapted to human needs²⁸.

Islamic law as religious law is always oriented to religious values as a manifestation of a servant's *ubudiyah*. Philosophically, prophetic values have been internalized and converged in Islamic law both in the public and private sphere. This is because the purpose of Islamic law cannot be separated from the definition of human life itself, namely to serve Allah SWT. Law, according to Islam,

27 Nurul Hakim dan Ike Sumawaty, "Implementasi Hukum Transendental dalam Bentuk Aturan Perundang-Undangan di Indonesia," *Hukum Ransendental*, 2018, 327-335.

28 Mahsun Fuad, *Hukum Islam Indonesia: Dari Nalar Partisipatoris Hingga Emansipatoris* (Yogyakarta: LKIS, 2013), 57-59.

only functions to regulate human life both personally and in social relationships following the will of Allah²⁹.

Prophetic values and divine spirit must be philosophical in every applicable legal rule. Even though the 1945 Constitution (UUD) mandates in article 1 paragraph (3) that Indonesia is the rule of law, never rule out that in the preamble to the Constitution, it is stated that Indonesia is a devout state³⁰. The fundamental conception of divinity, which became the first principle of Pancasila, indicates that the divine spirit in the form must underlie other natures, such as humanity, unity, democracy, and social justice³¹.

Prophetic is defined as transcendent values that can lead the perpetrator to moral improvement as a manifestation of religious teachings. As described in the prophet's person, prophetic values must be realized in everyday social life. Not only that but prophetic values must also be described in a legal norm as a reference for society's behavior. In his theory of law as a tool of social engineering, Roscoe Pound³² also believes that law as a written rule must be able to construct the social life of society.

Regulations concerning marriage in Indonesia can at least be seen in several rules such as Law Number 1 of 1974 concerning Marriage (Marriage Law), Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning Marriage and Compilation of Islamic Law of Book I.

The rules of marriage law that lead to humanist values can be seen in the marriage arrangement and the giving of a dowry from a prospective husband to a future wife. Marriage is the first step towards matchmaking between a man and a woman³³. The appli-

29 Fuad, *Op. Cit.*, 27

30 Mahfud MD, "Islam, Lingkungan Budaya, dan Hukum dalam Perspektif Ketatanegaraan Indonesia."

31 Absori dan Et.al, *Pemikiran Hukum Profetik: Ragam Paradigma Menuju Hukum Berketuhanan* (Yogyakarta: Ruas Media, 2018), 15

32 Zainal Muttaqin, "Formalization of Islamic Law in Indonesia in the Framework of Social Engineering Theory by Roscoe Pound," *El-Mashlahah* 11, no. 2 (2021): 97-115

33 Ahmad Rofiq, *Hukum Perdata Islam di Indonesia*,

cation for the KHI has four provisions; first, the proposal can be made in two events: (1) directly by the person concerned (2) through an intermediary (representative) who can be trusted. Second, women who are haram in marriage are (1) women whose husbands bully who are still in the *iddah raj'i* period; and (2) women who are under the proposal of others. Third, the proposal can be broken because of a statement of termination or, secretly, the man who proposed to marry has moved away from and left the woman who has been submitted. Fourth, the marriage does not have legal consequences, so each party is free to terminate the marriage reasonably following religious guidance and local customs³⁴.

Provisions regarding marriage are many legal provisions that firmly position humans as legal subjects who are free to desire to take legal actions. The signs shown by the al-Qur'an in surah al-Baqarah verse 235 regarding the marriage show that it is a tradition commonly carried out before marriage as a moral message and manners to initiate plans to build a household that wants to realize happiness³⁵. Maintaining good relationships with fellow humans makes the relationships created colored with civilized human culture.

The emancipatory principle can also be seen in the process of accepting men and women who want to marry. Article 6 paragraph (1) of the Marriage Law states that marriage must be based on the consent of the two prospective brides. The agreement referred must be the actual agreement of the respective parties freely and independently to determine their position. Even though legally this is the case, the community culture that requires the consent of both parents also cannot be ignored, given that parental support can lead to marital happiness.

Furthermore, in the metaphysical dimension, it can be seen in article 1 of the Marriage Law, which states that marriage is an inner bond between a man and a woman as a married couple to form a happy and

eternal family Almighty God. This article includes the first philosophical foundation in building a household. The divine principle is the most basic foundation in a bond between two people. That is why marriage in the Islamic dimension is categorized as a solid agreement (*mitsaq ghalizh*)³⁶.

Furthermore, Article 2 regulates the legality of a marriage, which is stated in paragraph (1) that "Marriage is valid if it is carried out according to the law of each religion and belief." Once again, it can be seen that the element of religion has never been released, even in terms of its validation. Aside from referring to legal normativity, this provision also targets transcendent values that are very strong.

This provision is further explained in more detail in the Compilation of Islamic Law (KHI), which even uses Qur'anic terms such as *mitsaqan ghalizhan*, *ibadah*, *sakinah*, *mawaddah*, and *rahmah*³⁷. With the use of an editorial that is more specific to characterize Islamic teachings, it is as if he wants to emphasize that marriage cannot be separated from religious teachings.

If examined further, it can be ascertained that almost all arrangements relating to marriage are a form of reception of religious teachings. Take, for example, the prohibition of marriage, which is commonly known as mahram in religious language. Either an eternal (*muabbad*) ban or a ban within a specific time (*mu'ajqat*) as regulated in article 39 KHI³⁸. The provisions of this article are also reduced from the word of Allah SWT surah an-Nisaa' verses 22-23, which reads: "And do not marry women who have been matched by your father, except in the past. Indeed, that action is very dreadful and hated by Allah and is as bad as the path (taken) ".

The overall values that are perceived from the teachings of the Islamic religion mentioned above are prophetic values that will form a completer and more moral human person.

3. Prophetic Law and Family Resilience in

Cet. 1 (Jakarta: Rajawali Pers, 2013). 324.

34 Mubarak, *Pembaruan Hukum Perkawinan di Indonesia*, 196

35 Rofiq, *Hukum Perdata Islam di Indonesia*, 370.

36 Rofiq, *Op. Cit*, 321.

37 Ibid.

38 Ibid.

Pandemic Times

The COVID-19 pandemic in real terms has also resulted in fragile family resilience. The weak aspect of economic growth also adds to the household breakdown in society. The high divorce rate during the pandemic shows the fragility of guarding against family resilience in Indonesia.

As is well known, divorce is one of the things that is rigidly regulated in the marriage regulations in Indonesia. The Marriage Law is also in line with normative Islamic law (*fiqh*), making divorce difficult³⁹. The principle of complicating divorce is a conception that is reduced from the hadith of the prophet, which states that divorce, even though it is legal, is hated.

The permission to divorce a husband and wife should be interpreted first as a form of prohibition in the first phase, as in continuous disputes between husband and wife (*syiqaq*). The command of Allah SWT in Surah an-Nisaa 'verse 35 to present a hakam (mediator) suggests that even if the two have agreed to divorce, they should invite a third party to reconcile between them. This effort to negotiate is interpreted as a form of safeguarding the integrity of the family.

The high rate of divorce with economic factors as the trigger, especially during the pandemic, has attracted the attention of observers to explore more deeply. Couples about to separate should be reminded of the sacredness of a marriage bond. Marriage in the legal dimension is categorized as an agreement. However, when viewed in the metaphysical dimension, marriage is more directed towards a solid understanding (*mitsaq ghalizh*) where marriage has divine elements in it.

Emphasis on the divine principle contained in article 1 of the Marriage Law must be truly internalized in a family relationship that can be seen from everyday life. Real marriage must be directed at eternal and eternal marriage within the framework of a *sakinah* household, *mawaddah wa rahmah*. In other words, the spirit to devote oneself

to God in a marriage bond is one breath with the provisions of marriage law in Indonesia.

Emphasis on the prophetic aspects of the law should be presented in the reading and meaning of the Marriage Law and KHI in maintaining a household. The absence of a figure capable of embodying these values has indirectly contributed to the collapse of the family. The difficulties faced by the community during a pandemic, especially from an economic standpoint, must be balanced with the strengthening of prophetic values in the household. As a result, public awareness to build, foster and maintain homes will continue to go hand in hand with the difficulties communities face during the pandemic.

Furthermore, if further investigated, a legal marriage is when a marriage bond is carried out based on the religious teachings of each party. The validity of marriage, seen from the religious aspect, reassures that marriage is based not only on a formal agreement but also on a form of self-servitude and *ubudiyah* in implementing religious teachings. Therefore, a marriage about to be released can be interpreted as a form of desecration of the nobility and sanctity of religious education even though there are times when divorce is actually the best solution for couples who are about to divorce in one condition.

The pandemic period that globally and massively destroys the foundations of the nation's economy must be accompanied by strengthening prophetic values, especially for couples who wish to marry during the pandemic. Efforts that can be made include revitalizing pre-marital education for male and female couples who want to get married, strengthening and enriching *fiqh* material and marriage philosophy to get to know more about the sacredness of a marriage bond.

D. Conclusion

The COVID-19 pandemic has indirectly contributed to the collapse of family resilience in several regions in Indonesia. Apart from the factors that cause divorce between married couples, it can be said that the essential spirit which underlies a marriage bond has been separated from the heart of

39 Sakirman, "Urgensi Reaktualisasi Undang-Undang Perkawinan Di Indonesia," *Justicia Islamica*, 2016.

the team who is about to divorce. As a result, many rights are ignored legally, significantly affecting the children of their descendants.

Prophetic values internalized in the legal regulations of marriage in Indonesia, both those contained in the Marriage Law and KHI must be accentuated towards human beings aware of the law. Strengthening the orientation that leads to the prophetic of marriage law must be carried out through various government efforts such as pre-marriage education to maintain the continuity and resilience of families, especially in a pandemic like this time.

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