

Exploring Maqasid Shari'ah in Divorce Law: Self-Efficacy and the Marital Choices of Inmates' Wives

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Abstract: This study discusses the problem of wives who persist in marriage even if their husbands are sentenced to five years or more in prison. The problem in this thesis is how the forms of self-efficacy applied by the inmates' wives and the factors behind their decision not to sue for divorce, by referring to Law No. 16 of 2019 amendments to Law No. 1 of 1974 concerning marriage in Article 39 Letter c and Government Regulation No. 9 of 1975. This type of research is an empirical juridical research using a qualitative typology approach. The primary data source of this study is the wife, and the secondary data source of the child, parents, niniak mamak, then other references related to the research. The results of the study show that the forms of self-efficacy applied by inmates' wives include tenacity in dealing with pressure, taking over the responsibilities of their husbands, and the ability to adapt to the social environment. In addition, there are two main factors that affect the wife's decision not to file for divorce, namely internal and external factors. Internal factors include religious understanding, consideration for children, loyalty, and ignorance of the rule of law. Meanwhile, external factors include cultural influences and pressure from the family. Based on the analysis, the self-efficacy applied by the inmate's wife in maintaining the family has not reached an emergency condition or leads to significant harm and still maintains the benefits of the family. Thus, the law of divorce in the survival of the inmate's wife with self-efficacy is determined by the benefits and harms that arise. If it brings benefits, divorce is allowed (Mubah), but if it persists, it causes great harm, then divorce becomes mandatory in accordance with Maqasid Shari'ah and the law that is involved.

Keywords: Self-Efficacy, Family Resilience, Maqashid Shari'ah

Introduction

Marriage is regarded as both a spiritual commitment and a lawful contract. Within the structure of a household, the husband is expected to fulfill the family's financial needs, while the wife is expected to obey her husband as long as his guidance aligns with moral and religious norms. (D. Putri et al., 2024) However, the stability of the family may be challenged when the husband is imprisoned. In cases where a husband receives a sentence of five years or more, the wife is legally entitled to file for divorce. (Warman et al., 2023) This legal right stems from regulations that recognize prolonged absence and lack of marital relations as legitimate grounds for dissolution of marriage. Despite these provisions, some wives choose to stay in the marriage, even while facing significant psychological, social, and economic burdens. (S. E. Putri et al., 2025)

Such a situation can be observed in a rural community where several wives of long-term prisoners remain committed to their marriages. In this context, the strength of the family largely depends on the

wife's self-efficacy, defined as her confidence in managing life's challenges. From a broader perspective, the resilience of families is often linked to their ability to uphold values related to spiritual, emotional, and material well-being. Earlier studies have explored family resilience among inmates' wives (Sulfinadia et al., 2021), including their capacity to sustain household responsibilities, (Safiuddin et al., 2020) perspectives on the rights and obligations within the marital relationship (Sholihah et al., 2021), and the impact of a spouse's imprisonment on financial provision. (Kury, 2021) Others have examined the reasons wives choose to stay in the marriage, using various sociological approaches to explain their motivations. (Small & Cook, 2023)

This study aims to complement previous research by specifically investigating the self-efficacy demonstrated by wives of incarcerated men who choose not to exercise their right to divorce. It emphasizes the importance of understanding family endurance through personal belief and motivation. The study addresses two key questions: What forms of self-efficacy do these women exhibit in maintaining family stability? And what factors influence their decision to remain in the marriage despite the challenges they face?

Literature Review

Self-Efficacy

Self-efficacy refers to an individual's belief in their own ability to successfully perform tasks and achieve desired outcomes in specific situations. (Schunk & DiBenedetto, 2021) This belief is shaped by the person's evaluation of their capabilities in relation to the difficulty of the task and their competence in handling it. In essence, self-efficacy represents a personal conviction that one can accomplish goals through effort and persistence. There are several contributing sources that influence the development of self-efficacy, which can be categorized into five dimensions. (Léniz-Maturana et al., 2022) *First* is mastery experience, where successful past experiences serve as a foundation for building confidence in similar future tasks. *Second*, vicarious experience refers to the influence of observing the success of peers or others in comparable situations, which can elevate one's own expectations of success. *Third*, social or verbal persuasion involves encouragement or positive reinforcement from respected figures, which can strengthen belief in one's potential. *Fourth*, emotional and psychological states – such as mood, stress levels, or physical condition – can affect how capable a person feels when performing a task. These internal conditions may either enhance or hinder one's perceived ability to manage challenges effectively.

Family Resilience

The family is the smallest social unit with a fundamental role in promoting individual and communal well-being. (Nofiardi, 2018) It functions as the primary environment for socialization, where values such as love, compassion, spirituality, social norms, and morality are introduced and internalized. A family is generally defined as a group of individuals connected by marriage, adoption, or birth, with shared objectives to sustain cultural continuity and support the physical, emotional, mental, and social development of each member. Regular interactions within the family are characterized by interdependence and mutual support aimed at achieving collective goals. (Abubakar et al., 2023)

The essential functions of the family serve as its foundation in meeting both the internal needs of its members and the expectations of society. These functions typically include religious education, socialization and education, economic support, cultural transmission, emotional bonding, protection, reproduction, and environmental awareness. To effectively fulfill these roles and foster both personal and collective growth, families must develop resilience. Family resilience refers to the capacity of a family to sustain physical and psychological strength while managing challenges independently. (Hidayati et al., 2022) This involves utilizing internal resources and adaptive strategies to maintain harmony and achieve a balanced and fulfilling life, both materially and spiritually. From a policy perspective, family resilience encompasses a dynamic condition built through persistence and adaptability. It includes the ability of individuals or families to mobilize their potential in the face of adversity. Several dimensions define family

resilience, including legal recognition and familial unity, physical health, economic stability, socio-psychological well-being, and cultural adaptability. Together, these components support the family's ability to achieve independence, foster self-development, maintain harmony, and attain holistic well-being in both the worldly and spiritual sense.

Maqashid Shari'ah

Maqashid Shari'ah refers to the divine objectives and purposes underlying Islamic law, encompassing matters of faith ('aqidah), practices ('amaliyah), and ethics (akhlaq). (Muttaqin & Fadhlilah, 2020) The foundational principle of Maqashid Shari'ah is that all legal injunctions revealed by God are intended to promote the well-being of humanity and to prevent harm. The primary aim of the Shari'ah is to realize benefit (*maslahah*) and minimize harm (*mafsadah*) in all aspects of human life. There are three hierarchical levels within Maqashid Shari'ah: dharuriyyah (essentials), hajiyyah (complementary needs), and tahsiniyyah (refinements). (Ahmad Fauzan & Ilma Silmi Nufus, 2024)

The dharuriyyah level includes the fundamental necessities for human survival and societal stability. Without these, human life would collapse both materially and spiritually. It comprises the protection of five core values: religion, life, intellect, lineage or honor, and property. These elements are deemed indispensable and must be safeguarded at all costs. (Octavia et al., 2023) The second level, hajiyyah, refers to needs that, while not essential for survival, are necessary to prevent hardship and facilitate ease in life. The absence of these needs does not lead to the destruction of human life but causes significant inconvenience. This category is often associated with legal dispensations (*rukhsah*) within Islamic jurisprudence, allowing flexibility in the application of the law. (Nabilah & Hayah, 2022) The final level, tahsiniyyah, includes supplementary needs that enhance moral character and social dignity. These involve ethical behavior, refined manners, and practices that promote spiritual excellence and societal respectability. While not obligatory, fulfilling these aspects reflects the ideal implementation of the Shari'ah and contributes to the perfection of human conduct. In its entirety, Maqashid Shari'ah serves as a framework for understanding the holistic purpose of Islamic law – ensuring justice, compassion, and the balanced well-being of individuals and society. (Mutasir & Busyro, 2023)

Method

This study adopts an empirical juridical approach with a qualitative-explanatory typology. The primary data sources consist of five wives of inmates, four children, and two parents of the wives. Data were collected through semi-structured interviews, allowing for in-depth exploration of the participants' perspectives and experiences. The data analysis process involved three key stages: data reduction, data display, and conclusion drawing or verification. To ensure the validity and reliability of the findings, the study employed source triangulation as a verification technique.

Results and Discussion

Forms of Self-Efficacy among Prisoners' Wives in Maintaining Family Resilience

In Jorong Silabuak, Nagari Parambah, several wives of incarcerated men continue to uphold their marital relationships despite their husbands receiving prison sentences of five years or more. Notably, there is a lack of previous scholarly research – either in the form of theses or dissertations – that specifically addresses the self-efficacy of these women in maintaining family resilience in this context.

The research findings indicate that the wives of inmates demonstrate significant emotional resilience under pressure. They endure intense psychological and social stress, including emotional loss, public stigma, and concerns about the family's wellbeing. Nevertheless, they remain committed to their household responsibilities, managing to adapt emotionally and sustain family life despite adversity. This capacity reflects a strong belief in their own abilities to cope and function effectively. In addition to emotional strength, these women also take on the role of family breadwinners. The incarceration of their husbands forces them to assume responsibility for providing economic support. Many engage in various

forms of livelihood—such as employment or small-scale entrepreneurship—to meet household needs. Their efforts reveal a high degree of economic self-efficacy, enabling them to manage both caregiving and financial duties simultaneously. Social adaptation also emerges as a key element of self-efficacy. Despite being subject to social stigma, these women manage to maintain active roles within their communities. They participate in local events, build support networks, and foster positive interactions. Their ability to integrate into their social environments highlights their resilience and contributes significantly to the stability and sustainability of their family units.

Factors Influencing the Wives of Inmates Not to File for Divorce

The decision of some wives not to file for divorce from their incarcerated husbands is influenced by both internal and external factors. Internally, religious understanding plays a significant role. These women perceive marriage as a sacred bond that must be preserved. They strengthen their spiritual conviction to endure family life in the absence of their spouses, believing that their husbands' imprisonment is a divine test that should be faced with patience and faith. Consequently, divorce is often seen as contradicting their religious principles.

Another internal consideration is the well-being of their children. Mothers are primarily concerned with maintaining emotional stability for their children, fearing that divorce might negatively affect their psychological and social development, especially regarding education and social relationships. Additionally, many women express a strong emotional attachment and sense of loyalty to their spouses, viewing their continued support during incarceration as part of their marital commitment. A further internal barrier is a lack of legal awareness; some women are unaware that they have the right to initiate divorce proceedings if their husbands are sentenced to five years or more. This legal unawareness contributes to their decision to remain in the marriage despite facing various hardships.

Externally, cultural influences play a crucial role. In the Minangkabau matrilineal system, despite women's relatively strong position in the family structure, divorce is often socially stigmatized, especially for women. Cultural norms emphasize preserving the integrity of the household, particularly when children are involved, to protect the family's honor. Consequently, women may feel social pressure to maintain their marriages to avoid being labeled as failures. Family pressure also contributes to their decisions. Parents often advise their daughters to remain married, believing that staying with the incarcerated spouse is the more honorable and morally appropriate course of action. Moreover, children's emotional dependency on their fathers motivates mothers to preserve the family unit. These combined influences—both personal and social—create strong barriers for women considering divorce, even in cases of long-term imprisonment.

Self-Efficacy and Legal-Cultural Dynamics in the Marital Resilience of Inmates' Wives: A Maqasid Shari'ah Perspective

The phenomenon of wives maintaining their marriages despite their husbands being incarcerated for five years or more reflects a profound manifestation of self-efficacy. This study found that the wives' resilience was demonstrated through their ability to withstand emotional pressure, assume the responsibilities traditionally held by their husbands, and adapt to socio-economic changes. These actions are consistent with the theoretical framework of self-efficacy, which posits that individuals with strong beliefs in their capabilities are more likely to cope effectively with challenges and pursue adaptive strategies in adverse situations. The resilience of inmates' wives, particularly in Jorong Silabuak, Nagari Parambah, is shaped by various contributing factors, including personal life experiences, social encouragement, and emotional regulation. The transformation from housewives to income earners signifies a critical role shift which underscores the multidimensional aspect of self-efficacy. While Islamic legal teachings emphasize the husband's obligation to provide for the family, in practice, these women compensate for the absent role by taking on economic responsibilities, driven by sincerity and spiritual acceptance of their family's condition.

The decision not to pursue divorce is influenced by both internal and external factors. Internally, religious conviction, concern for children's well-being, emotional attachment, and lack of legal awareness contribute to their persistence. Religiously, divorce is seen as permissible but undesirable, reinforcing a moral imperative to preserve the marriage. Additionally, preserving the unity of the family is perceived as essential for the children's psychological and educational stability, aligning with the Maqasid Shari'ah objective of protecting lineage (*hifz al-nasl*). Externally, cultural values rooted in Minangkabau traditions and familial pressure further discourage divorce. Within this matrilineal society, divorce, though legally accessible, is socially stigmatized, particularly for women. Cultural expectations place moral responsibility on women to maintain household integrity, especially when children are involved. Social pressures and perceived family honor often outweigh personal hardship, shaping a sense of duty that reinforces the wives' endurance.

The analysis through the lens of Maqasid Shari'ah reveals that the self-efficacy of these women aligns with core Islamic legal principles: preserving faith (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), wealth (*hifz al-mal*), and lineage (*hifz al-nasl*). For some wives, maintaining the marriage remains within the realm of benefit (*maslahah*), while for others—especially where children's development is at risk—the harm (*mafsadah*) outweighs the benefits, rendering divorce a more appropriate course of action.

Conclusion

This study, conducted in Jorong Silabuak, Nagari Parambanan, explored the self-efficacy of inmates' wives in maintaining family resilience and the underlying factors that contribute to their decision not to file for divorce during their husbands' incarceration. The study concludes that the choice to stay in the marriage is not merely due to constraint, but rather a strategic and often faith-driven decision that seeks to balance personal endurance with the broader implications for family well-being. Islamic legal maxims support this consideration, emphasizing the removal of harm and the prioritization of the lesser evil when faced with two damaging options. Therefore, the wives' self-efficacy, while commendable, must be weighed against long-term impacts on mental health, child development, and overall family welfare. Sustainable family resilience, as demonstrated in this context, requires not only personal strength but also supportive systems that respect women's autonomy and legal rights.

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Conflict of Interest

This article has no conflicts of interest.

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