



## Resolution Islah Refer to the Period of Iddah Perspective of Sigmund Freud

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**Abstract.** Divorce is more influenced by the emotional and psychological factors of the litigants so divorce cases between husband and wife are cases that are very closely related to psychological aspects. This research uses the analytical descriptive method and also uses the qualitative-exploratory method. The causes of divorce are more dominated by constant disputes and quarrels, lack of communication, there is a shift in culture that is increasingly open, the weakening of meaning and value in marriage, due to a weak understanding of religious knowledge, and the ends up leaving one of the parties. The scholars agree that such reconciliation is permissible in Islam and is given as a last resort to reconnect the severed inner birth relationship and applies only to wives who are undergoing the period of 'iddah talaq raj'i, i.e. talaq one and two. The conclusion is that the cause of divorce based on the jurisdiction of PA (Religious Courts) throughout Indonesia is more dominated by factors of constant disputes and quarrels, then economic and finally leaving one of the parties. Attempts to re-establish a household after divorce are called reconciliation.

**Keywords:** Iddah; Islah Rujuk; Sigmund Freud

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### INTRODUCTION

Talking about marriage is one of the words that pleases everyone, especially young people (Adil et al., 2001). So, marriage has become a *sunnatullah* (natural law) done by humans, animals, and even plants. Natural science scholars say that everything is composed chiefly of two pairs, like the water we drink, which consists of oxygen and *hydrogen*; in electricity, there are also positives and negatives (Sahrani, 2011). As in Q.S. al-Dzariyat: 49;

*“And all things we created in pairs so that you remember (the greatness of Allah SWT).”*

Therefore, Allah Almighty created two types of human beings, male and female, to complement each other. So Allah Almighty knows that women are the best companions for men, just as men are the best companions for women. There is nothing higher nor anything lower because the height and height of a person's position before Allah SWT is not determined by gender but measured by his piety (M. et al., 2013).

So, men and women are obliged to create a harmonious situation in society, especially in a marriage bond; if the relationship is harmonious, then the marriage bond will be vital later because a harmonious relationship causes the survival of a household. Marriage is also essential because, through this bond, a man and woman form a container called the family, with which they can find happiness, tranquility, love, and affection. It is a family that is integrated between home and faith (Shihab, 1992).

Through the bond of marriage, humans can love each other, establish family relationships, and pass on offspring (Bawarni & Mariani, 1993). Furthermore, the family, as the smallest unit in the structure of society, and the building of marriage or marriage consisting of father, mother, and children, always hopes to create a life that is *sakinah, mawaddah, and warmth*. However, many still have not been able to make it happen due to various factors that cause family disharmony, such as psychological, biological, economic, ideological, and organizational factors, even cultural differences and education levels between husband and wife.

As stated by Rofiq Hidayat in online law, the factors causing divorce based on the jurisdiction of PA (Religious Courts) throughout Indonesia are dominated by continuous disputes and quarrels, then economics, and finally, leaving one of the parties (R. Hidayat, 2018). That is how family life only sometimes runs smoothly from obstacles. Problem after problem arises interchangeably in family life, so that there is often divorce or *talaq*, even though in the *hadith* narrated by Abu Dawud and Ibn Majah, that *talaq* or divorce is a *halal act* and is most hated by Allah SWT (Sulaiman, 1996).

Even if we look at BPS (Central Statistics Agency) data on divorce in Indonesia, 2021 divorce data reached 447,743 cases, with details of 110,400 divorces and 337,343 divorces. This figure is higher than in the previous two years, namely 291,677 cases in 2020 and 439,002 cases in 2019. If through these data, then in general, wives sue for divorce more than husbands, of 447,743 cases, 75.34% occur because of divorce lawsuits (*khula*), which are cases whose lawsuits are filed by the wife who has been decided by the PA (Religious Court), and 24.66% occur because of divorce *talaq*, which is

a case whose application is filed by the husband who has been decided by the PA (Religious Court) (Dzulfaroh, 2022).

In Indramayu Regency, it is recorded as the largest supplier of divorce rates in West Java, namely 8,002 divorce cases with details of 26.71% divorce talaq and 73.29% divorce lawsuit (divorce cases in Indramayu *must be included in MURI and Guinness Book of Records*, 2022). So that West Java became the province with the highest number of divorce cases in 2021, which was 98,088 cases (Annur, 2022).

## LITERATURE

According to the research of Kustini and Ida Rashidah in the book *"Trend of Divorce Lawsuit: When Women Behave"*, "the phenomenon of high divorce rates, as mentioned above, occurs due to several things, first, because of a cultural shift that is increasingly open. *Second*, there is a decline in the meaning and value of marriage. And *third*, because of weak religious understanding (Kustini & Rashidah, 2016). A professor of IPB University, Euis Sunarti, revealed, as in the Indonesian media, that in one day of divorce, around 1,200 or every hour, there are 50 divorce cases in Indonesia (Puspa, 2022).

For this reason, Islam requires the existence of *'iddah when divorce occurs, which means that shari'a provides opportunities for families who experience divorce*, as the benefits of *'iddah them are to provide opportunities for both (husband and wife) to think clearly and maturely to try once again to rebuild a family that sakinah mawaddah warmth as they want* (Al-Zuhaili, 2016), but only applies to wives who have been married or have had conjugal relations (Nuruddin, 2006).

The above effort to rebuild after divorce is called reconciliation. The scholars agree that the reference is permissible in Islam and is given as a last resort to reconnect the severed inner birth relationship and only applies to wives undergoing the period of *'iddah talaq raj'i*, i.e., talaq one and two. As in Q.S. al-Baqarah verse 228, which is the basis for the permissibility of reference, if you want improvement (*islah*) in the relationship between husband and wife, then the husband is more entitled to refer to the wives who are in the waiting period (*'iddah*).

He was based on one of the hadiths of the Prophet SAW narrated by Imam Bukhari and Muslim, where there was an incident of a husband divorcing his wife in a state of menstruation. Then the companion of Umar bin Khattab asked the Prophet SAW and answered by him SAW by ordering that the husband refer to his wife and explain the

tempo of *'iddah* for the divorced, namely by holding until it has been chaste from the state of menstruation the second time, then the husband may continue to hold or divorce her, as long as it has not been interfered with (Sohari & Salimi, 2008).

In one of the journals of Islamic Legal Studies, it is said that the basis of KHI Articles 163-165 concerning permission/consent of wives in referring to husbands is to use the proposition of Surat al-Baqarah verse 228 with the quote: "*wa bu'ulatuhunna ahaqqu bi raddihinna*," meaning: "*husbands are more entitled to refer their wives*." According to him, the IHL also uses a linguistic interpretation of the verse to stipulate that the reference must be with the wife's consent. The interpretation of the verse is based not only on the express meaning of *the nash* (dalalah al'ibarah) but also the implied meaning (*dalalah al-isharah*), i.e., if the husband is more entitled (*ahaqqu*) in matters of reference, it means that the wife also has rights albeit few and passive.

Another case contained in Samarah: Journal of Family Law and Islamic Law by Arifin Abdullah and Delia Ulfa, Faculty of Sharia and Law UIN ar-Raniry with the title Position of Permission to Refer Husbands in the *'iddah* Period (Analysis of Islamic Legal Perspectives), that the Qur'an and hadith do not command or prohibit the existence of conditions for permission or approval of wives to make referrals, but some scholars such as Ibn Qayyim al-Jauziyah (Al-Jauziyyah, 2011), Imam Shafi'I (Muhammad bin Idris al-Shafi'I, n.d.) even Madzhab scholars agree on it (Al-Jaziri, 1994).

## METHOD

The data collection method fully uses written data (literary) and intensively studies the current situation's background and the interaction of a social, individual, group, institution, and society (Ratna, 2010). In this case, field data and literature that are the primary sources of this research are written works that discuss directly *ishlah* reference masa *'iddah* (such as *Islamic Fiqh Wa Adillatuhu* by Prof. Dr. Wahbah al-Zuhaili, *Fiqh Munakahat* by Abdul Rahman Ghazali, *Islamic Marriage Law in Indonesia* between Fiqh Munakahat and Marriage Law by Amir Syarifuddin, *Bidayatul Mujtahid Wa Nihayah Muqtashid* by Ibnu Rushd, *Islamic Civil Law in Indonesia: A Critical Study of the Development of Islamic Law from Jurisprudence, Law No. 1/1974 to KHI* by Amiur Nuruddin and Azhari Akmal Tarigan, *Settlement of Divorce Cases through Mediation: A Family Conflict Resolution* by Dr. A. Hartawati SH., MH., while the literature data that is the source of secondary data is all written sources, either in the form of books, journals, or

freelance articles related to about (discussing indirectly) *ishlah* Refer to the period of *'iddah* and its application.

The data analysis method used in this study is the analytical descriptive method, which is a method that serves to describe or provide a picture of an object under study through data or samples that have been collected as they are without conducting analysis, making conclusions that apply to the public (Sugoyono, 2003) and also using *qualitative-exploratory* methods. The purpose and operation of this method is to literary data (both in the form of narratives, documentation, and other forms) that have been found and collected from literature studies and then explored widely about the causes or things that affect their occurrence so that something new can be found for knowledge through everything that is behind the existing data.

The approach used in this study is *philosophical* and *integrative-interconnective*. The philosophical *approach* is an approach that emphasizes thinking radically (deep to the roots), even beyond existing physical boundaries (behind the outward) (Pransiska, 2017). While the integration-interconnective approach is an approach that seeks mutual respect, general science, and religion, aware of the limitations of each in solving human problems, this will give birth to cooperation, at least mutual understanding of approaches and methods of thinking between these sciences (M. Hidayat, 2014).

## DISCUSSION

### 1. Conscious, Subconscious and Pre-conscious

According to Freud's view of the *conscious mind*, the subconscious is where humans store all their immediate sensory perceptions, memories, thoughts, imaginations, and feelings. Related to what Freud called the preconscious or anything that is easily used to summon the conscious, is associated with the use of the conscious mind. For example, memories that, although they cannot be remembered when thinking, can be easily remembered are often also known as *available memories*. These two layers are standard, but according to Freud, they contain the smallest part of the mind.

The *unconscious mind* is the most significant component. This section includes everything complicated to bring to the conscious, such as passions and instincts, and everything that goes into it because it is inaccessible, such as bitter memories or trauma-related emotions. Whether it is a fundamental desire for food or sex, a neurotic force, or

inspiration that drives an artist or scientist to work, Freud claimed that the subconscious is the source of a person's motivation and drive.

Freud also talked about dreams, claiming that they were a subconscious motivation and emotion that people stored there. When a person sees his dream come true or experiences something terrifying in a dream, it is a manifestation of their pent-up subconscious desires and feelings. Freud also discussed dreams resulting from impulses and emotions deeply embedded in a person's subconscious. When a person sees his dream come true or experiences something unpleasant and frightening, it is a manifestation of desires and emotions latently stored in the subconscious.

Freud's concept of the unconscious is often disputed because the conscious mentions some of what comes from human behavior. The motivations and problems associated with the unconscious, according to behaviorists, humanists, and existentialists, are not as complex as Freud imagined. In plain English, Freud defined parapraxis as a *slip of the tongue* or when a person accidentally says or does something that he or she suppresses into the subconscious. An employee, for example, is required to toast his manager. His opinion that his boss is similar to a hypocrite or analogous to *a hypocrite, which he suppresses into the subconscious, is why he dislikes this boss so much when he says, "Let us toast the hypocrite,"* and stands up to toast.

Closely related to this consciousness is what Freud called the *preconscious*, which is what is called '*available memory*.' Everything that can be practically remembered by the conscious mind, including memories that can be easily recalled when not remembered when thinking. According to Freud, these two domains are the least significant manifestations of the mind (Boeree, 2008: 409). According to Freud, the subconscious constitutes the majority of a person's mind. Everything that is very challenging to bring to the conscious mind is discussed in this section. This includes everything from the subconscious, including passions, instincts, and everything that gets there but is difficult to access, including traumatic memories or feelings.

According to Freud, the subconscious is a source of inspiration and encouragement for one's desires, including basic ones like eating and having sex and more creative ones like creating. Instinct is believed to be a psychological manifestation resulting from ingrained physical stimuli. Desires are psychological outcomes, while needs are physical stimuli resulting from psychological outcomes. A person's behavior is motivated by desire. For example, when a person is hungry, they seek food. Here, instinct serves as the primary

motivator of personality. Not only instinctive impulses but also controlling behavior (Hall & Lindzey, 1993, p. 69). Thus, the subconscious instinct exercises selective control over behavior by making people more sensitive to different types of stimuli.

## **2. Id, Ego and Superego**

The nervous system is the most critical component of an organism because it is susceptible to what it needs. When humans were born, their nervous systems, or ids, were only marginally superior to animals. The neurological system, acting as the id, is responsible for transforming the demands of the organism into a motivational force known as *the tribe*, which can be translated as instinct or desire. Freud had to express it as well. The id functions according to the pleasure principle, which can be interpreted as the drive to consistently meet demands immediately.

Mature structural theory essentially replaces the idea of the poorly defined unconscious and the Ucs system with the "id". The id becomes a psychic province incorporating the energy of instinctive impulses and everything else that is part of our phylogenetic heritage. According to primary processes, the id operates unconsciously and encourages the organism to engage in activities that satisfy needs and reduce tension, which is experienced as pleasure. Freud's intellectualization of the ego and its functions shows a clear line of theoretical development. Early formulations identified the ego with the Cs system (Pcs).

It was known chiefly for its repressive functions, self-preservation, and alleged opposition to the unconscious. As mentioned above, an evident change became apparent in the paper On Narcissism, where Freud argued that the ego instinct is libidinal and that the ego functions are mainly unconscious. Two further developments are evident in this paper. First, the ego began to be described not only as an impersonal "apparatus" whose function is to relieve the tension of the biological struggle of the organism or as a "device" for mastering stimuli but also as a personal self.

The second development is Freud's tentative hypothesis that the development of the ego entails the rejection of narcissistic self-love in favor of idealization or aggrandizement of cultural and ethical ideals represented to the child by parental influence. This "ideal ego" becomes a substitute for the lost childish Narcissism, at which time the child is his ideal. Freud suggested that a special psychic agent appeared to observe the ego and measure it ideally. This self-observing body and the ideal ego would later form a third psychic

province, the superego. Initially, the psychic system was described as an undifferentiated id-ego matrix.

Regarding the stimulation of internal impulses, the ego seeks to control the demands of instincts by deciding how to satisfy them wisely or if that satisfaction must be obtained. Indeed, egos seek to harness instinctual libidinal impulses so that they submit to the principle of reality. If the id is the cauldron of passion, the ego is the agent of reason, common sense, and defense. Nevertheless, the ego is never sharply distinguished from the id. Freud argued that the "bottom" of the ego extends throughout the id, and it is through the id that repressed matter communicates with (presses "upward" against the resistance of) the ego. The superego formation further clarifies and complicates the nature of the ego's functioning.

Freud's analysis of melancholia gives one clue to understanding the superego formation. He suggested that when a personal relationship (or "object") is "lost," the lost object can be regained by "identification," that is, the lost object "is set again within the ego." When the sexual object is released, the ego is altered so that the abandoned libidinal object is now set within the ego. The ego inserts the object into itself (as introspection), "identifies" with it, and thus builds its structure or "character." In this way, the catechism of the object is replaced by introspection. Freud suggested that the id could detach its object only by this kind of identification and that the ego could be thought of as a precipitate of the catechism of the abandoned object.

Thus, the superego is a deposit of family life. The superego is a body that strives to uphold the struggle for perfection because the superego holds to the ego's ideal standards and moralistic goals. Consequently, the superego is the "conscience" of the personality and can avenge the ego's imperfections by incurring guilt. Insofar as the superego derives from the catechism of the first object of the id (in the oedipal situation), the superego remains close to the id "and can act as its representative" (in contrast to the ego, which represents reality).

The formation of the superego and the ideals it represents allows a person to master the complex of Oedipus. Moreover, since the superego arises when the ego is still vulnerable, it maintains a dominant position concerning the ego. Freud was very interested in showing that the superego was part of his theory that expressed the "higher nature" of the human being. He argued that as children, we recognize these higher qualities in our parents; "we admire and fear them, and then we take it into ourselves" as introjections. Furthermore, if religion, morality, and sociality are considered higher in human beings, these also find their psychological origins in the workings of the superego.

### 3. The Survival Instinct and Death Instinct

Freud argued that all human behavior is based on lust or instinct, where instinct is the brain's representation of biological and physical needs. This instinct was initially known as the "life instinct" by Freud. This instinct includes (a) individual life, which drives a person to satisfy his cravings for food and water, and life, which drives a person to engage in sexual activity. The "force" that drives the soul to seek food and battle, Freud called libido, a Latin word meaning "I desire," arises from this instinct of life.

Freud came to the idea that sex was significantly more important for mental dynamics than other desires based on his clinical study experience. As a social being at its core, sex also refers to the most basic human desires. In addition, you realize that Freud's definition of sex is more than just sexual activity. Later, as Freud neared the end of his life, he realized that sexual desire was not the end of the story and that the idea of libido, which at first encompassed all kinds of life impulses, had narrowed to mere sexual desire.

The pleasure principle, which keeps us going and trying to survive, is something that works under libido. The pleasure principle, which keeps us moving and trying to survive, underlies libido. The goal of all these efforts has yet to be achieved, so more needs to be done to make it stable and peaceful before it is no longer needed. You can affirm that death is the true meaning of life. Freud began to think there was an impulse of death "behind" and "next to the instinct of life." He began to think that everyone had a fundamental desire to die..

### CONCLUSION

The causes of divorce based on the jurisdiction of PA (Religious Courts) throughout Indonesia are more dominated by constant disputes and quarrels, then economics, and finally, leaving one of the parties. Attempts to re-establish a household after divorce are called reconciliation. The scholars agree that the reference is permissible in Islam and is given as a last resort to reconnect the severed inner birth relationship and only applies to wives undergoing the period of *'iddah talaq raj'i*, i.e., talaq one and two.

Most couples resolve domestic conflicts with divorce, but it is still possible to allow both to try rebuilding a family. The settlement of divorce cases does not have to be done through religious court agencies but is carried out with local customary settlement patterns. Based on Sigmund Freud's theory, the *iddah* period is influenced by the Conscious, Unconscious, Pre-conscious, Id, Ego, Superego, Survival Instinct, and Death Instinct.

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