

## OPTIMIZATION OF THE PERFORMANCE OF THE MARRIAGE ADVISORY, GUIDANCE, PRESERVATION AGENCY (BP4) IN RELATION TO THE DIVORCE RATE IN THE BANDUNG HIGH RELIGIOUS COURT (PTA) AREA

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### *Abstract*

*This research starts from the fact that shows the high divorce rate in Indonesia, this is evidence of the absence of household harmony that is not sufficient before entering into marriage, so the State is responsible as ordered by law, for the welfare of its people, making their households happy and eternal, that is where the State must be present and act to realize the households of its people happy and prosperous, one of which is by establishing premarital education early on as a concrete step to reduce the high divorce rate in Indonesia. The purpose of this study is to determine and analyze the optimal function of BP4 in tackling the divorce rate, the divorce rate in the PTA Bandung area 2017 to 2022, the function of BP4 in relation to the competence of judges, and BP4's efforts to reduce the divorce rate in the PTA Bandung area. The results of this study indicate that, First, Optimizing the Function of the Marriage Counseling, Guidance, Preservation Agency in relation to the high divorce rate in the Bandung PTA area, including: enhancing and improving the quality of marriage and happy families, preventing underage marriage, preventing unhealthy polygamy, and providing information advice in guidance to those concerned about Nikah, Talak and Rujuk (NTR) issues, especially for broken home households.*

**Keywords:** *BP4 Performance, Divorce Rate, Bandung Religious High Court.*

### **Abstrak**

Penelitian ini berawal dari fakta yang menunjukkan tingginya angka perceraian di Indonesia, hal ini merupakan bukti tidak adanya keharmonisan rumah tangga yang tidak cukup bakal sebelum melangsungkan pernikahan, maka Negara bertanggungjawab sebagaimana perintah UU, untuk mensejahterakan rakyatnya, menjadikan rumah tangganya bahagia dan kekal, disitulah Negara harus hadir dan bertindak untuk mewujudkan rumah tangga rakyatnya bahagia sejahtera, salah satunya dengan cara menetapkan pendidikan pranikah sejak dini sebagai langkah konkrit untuk menekan tingginya angka perceraian di Indonesia. Tujuan penelitian ini adalah untuk mengetahui dan menganalisis Optimalnya Fungsi BP4 dalam menanggulangi tingkat perceraian, Tingkat perceraian di wilayah PTA Bandung 2017 sd 2022, Fungsi BP4 hubungannya

dengan kompetensi Hakim, serta Upaya BP4 untuk menurunkan tingkat perceraian di Wilayah PTA Bandung. Hasil penelitian ini menunjukkan bahwa, Pertama, Optimalisasi Fungsi Badan Penasehatan, Pembinaan, Pelestarian Perkawinan hubungannya dengan tingginya perceraian di wilayah PTA Bandung? diantaranya adalah: mempertinggi dan meningkatkan mutu perkawinan serta keluarga bahagia sejahtera, mencegah perkawinan anak di bawah umur, mencegah poligami yang tidak sehat, dan memberikan nasehat penerangan dalam tuntunan kepada yang berkepentingan mengenai masalah-masalah Nikah, Talak dan Rujuk (NTR) khususnya terhadap rumah tangga yang broken home.

**Kata Kunci:** Kinerja BP4, Tingkat Perceraian, Pengadilan Tinggi Agama Bandung.

## **INTRODUCTION**

Married life in the frame of marriage between married couples in the reality of their journey is not always happy, harmonious and harmonious. Various potential problems in the marital relationship are undeniable will definitely be encountered. Conditions where disputes and quarrels occur are something normal, natural and will be faced by every married couple.<sup>1</sup>

As in article 38 of Law No. 1 of 1974 concerning Marriage<sup>2</sup> and article 113 HKI<sup>3</sup> that the breakup of marriage can occur by death, divorce, and by decision of the Court. Then in cases in the Religious Court, the breakup of marriage can occur due to a request for divorce talaq or divorce.

The problem of divorce in Indonesia has not diminished and is even increasing every year, both from artists, officials and people whose economy is middle to lower often with divorce cases. The phenomenon that affects the destruction of the household ark is not only evidenced by economic factors, but also lack of affection and emotional maturity.<sup>4</sup>

Based on the table above, in 2018 in West Java, there have been 438,384 marriages and 87,306 divorces, consisting of 22,050 talaq divorces and 65,256 lawsuit divorces. Around 20% of divorces have occurred in West Java (compared to the number of marriages in 2018).<sup>5</sup>

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<sup>1</sup> Aziz, Abdul. *Perkawinan yang Harmonis*, cet.III. Jakarta: CV Firdaus, 1993.

<sup>2</sup> Undang-Undang No. 1 tahun 1974 tentang Perkawinan, h. 9.

<sup>3</sup> Intruksi presiden R.I. Nomor 1 tahun 1991. *Kompilasi Hukum Islam di Indonesia*. (Jakarta, 2001), h. 15.

<sup>4</sup> Djaelani, Abdul Qadir. *Keluarga Sakinah*, cet.I. Surabaya: PT Bina Ilmu, 1995.

<sup>5</sup> Fa'iz, Ahmad. *Cita Keluarga Islam Pendekatan Tafsir Tematik*, cet.II. Jakarta: Serambi Ilmu Semesta, 2002.

Although divorce is halal, it is legally valid both according to religious law and positive law (state law) in Indonesia. But the halal divorce / talaq is hated by Allah, as the hadith of Rosulullah SAW which reads:

ابغض الحلال الى الله الطلاق

"Although talaq is lawful, Allah does not like it" (HR. Abu David).

The government's concrete steps in overcoming divorce carried out at will regardless of the consequences that then arise afterwards, therefore the government issued Law Number 22 of 1946 concerning Marriage Registration, Talaq and Reference.<sup>6</sup>

There are many tasks carried out by the Ministry of Religious Affairs, one of which is to implement Law Number 22 of 1946 concerning the supervision and registration of marriage, talaq, and reference carried out according to Islam. However, in the Law, the Ministry of Religious Affairs is tasked only with supervising and recording marriages, talaq and reconciliation, not including in the area of efforts to maintain, care for, and maintain the continuity and sustainability and harmony of marriages that have been carried out by the community.<sup>7</sup>

The role of the Religious Court as one of the judicial bodies under the Supreme Court as the executor of judicial power where the PA in its duty to receive, examine and adjudicate certain civil cases, one of which is divorce issues, which must first mediate with the parties (Plaintiff and Defendant or Applicant and Respondent) before the reading of the divorce lawsuit filed by the wife or talaq application filed by the husband, as mandated by PERMA Number 1 of 2016 concerning Mediation, and as an obligation also the Panel of Judges to provide advice to the parties at the beginning of each trial as an effort to provide an understanding of awareness so that married couples who are in harmony and harmony to build their households, but it feels ineffective, because in addition to the limited duration of time there have also been

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<sup>6</sup> Ghozali, Abdul Rahman. *Fiqh Munakahat*, cet.III. Jakarta: Prenada Media Group, 2008.

<sup>7</sup> Hadisubroto, Ahmad Subino. dkk. *Keluarga Muslim dalam Masyarakat Modern*. Bandung: PT Remaja Rosdakarya, 1993.

acute problems faced by the parties, So that very few of them want to be aware of each other, so the success rate of mediation is very minimal.<sup>8</sup>

As a concrete step to prevent divorce, the Ministry of Religious Affairs issued the Decree of the Minister of Religious Affairs Number 85 of 1961 with the establishment of the Marriage Advisory and Divorce Settlement Agency (BP4) under the auspices of the Ministry of Religious Affairs of the Republic of Indonesia which carries out its duties as an extension of the Ministry of Religious Affairs of the Republic of Indonesia with its functions and duties, BP4 solves various problems that arise in marriage problems, the existence of BP4 which is needed by the community and as a spearhead for Muslims who wish to perform marriage, in detail the objectives of PB4 include: (1) giving advice and information on marriage, talaq, divorce, and reference to those who will do it both individuals and groups; (2) prevent arbitrary divorce, irresponsible polygamy, underage marriage, and underhand marriage; (3) provide assistance in overcoming marital, family, and domestic disputes, so the role of PB4 is not only as a marriage advisor but as a mediator for married couples who are facing domestic problems.<sup>9</sup>

Such conditions according to the hypothesis while the author shows that the marriage carried out is not carefully prepared both in terms of mental solitude, social mentality and even not prepared for established financial maturity and the most foundational is that they have not prepared "the ability of maturity to master scientifically, understand consciously about *marriage knowledge* related to the rights and obligations of married couples" although the role of BP4 has been clearly implemented as a step to reduce the high divorce rate.<sup>10</sup>

The provision of BP4 material to Catin is not the right moment, not enough time. From these two (2) reasons, it is difficult for BP4 to be able to carry out its duties properly, and for that reason Catin cannot absorb well the material presented by BP4, thus it is natural that the divorce rate cannot be stopped, because the existing married couples do not have enough provisions to deal with complex problems in the household.<sup>11</sup>

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<sup>8</sup> Hakal, Abduttawab. *Rahasia perkawinan Rasulullah SAW, Poligami Dalam Islam vs Monogami Barat*, cet.I. Jakarta: CV. Pedoman Ilmu Jaya, 1993.

<sup>9</sup> Hawari, Dadang. *Forbidden Love (Cinta Terlarang)*. Jakarta: Balai Penerbit Fakultas Kedokteran Universitas Indonesia, 2005.

<sup>10</sup> Ilyas, Hj. Ny. Nurdin. *Pernikahan yang Suci Berlandaskan Tuntutan Agama*, cet.I. Yogyakarta: Bintang Cemerlang, 2000.

<sup>11</sup> Ismail, Thoriq. *Mata Kuliah Menjelang Pernikahan*. Surabaya: Pustaka Progressif, 1994.

The fact of the high divorce rate as mentioned upfront, is evidence of the absence of household harmony that is not adequately equipped before marriage, the State is responsible as ordered by the Law, to prosper its people, make their homes happy and eternal, that is where the State must be present and act to realize the households of its people happy and prosperous, one of which is by establishing premarital education from an early age as a concrete step to reduce the high divorce rate in Indonesia.<sup>12</sup>

## RESEARCH METHODS

The selected research method uses empirical juridical research methods. analysis of the implementation of premarital education by the institution of the *Marriage Advisory, Guidance, Preservation Agency* (BP4) in divorce control at the Regional Religious Court of the Bandung High Religious Court. *Empirical juridical* research is legal research on the enactment or implementation of normative legal provisions *in action* on any particular legal event that occurs in society.<sup>13</sup> In addition, data is obtained from books about BP4, journals and laws related to BP4 procedures in carrying out their duties. After the data is collected, data analysis is carried out to get the answer to this problem and the answer as it should be.

## RESULTS AND DISCUSSION

Marriage is a sacred bond between husband and wife, carrying it out is worship because it is classified as the sunnah of the Prophet, while maintaining its integrity as it meets its needs is jihad, as the hadith of the Prophet SAW narrated by Ath-Thabarani from Abu Hurayrah, he said "when we (the companions) were sitting with the Prophet SAW, suddenly there was a young man coming from the hill road, we (the companions) watched him as we said if only this young man used strength in his youth for jihad in the cause of Allah" The Prophet heard our words (companions) then the Prophet said:

وَمَا سَبِيلُ اللَّهِ إِلَّا مَنْ قُتِلَ؟ مَنْ سَعَى عَلَى وَالدَّيْهِ فَفِي سَبِيلِ اللَّهِ، وَمَنْ سَعَى عَلَى عِيَالِهِ فَفِي سَبِيلِ اللَّهِ، وَمَنْ سَعَى مَكَائِرًا فَفِي سَبِيلِ الطَّاغُوتِ

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<sup>12</sup> Junaedi, Dedi. *Bimbingan Perkawinan Membina Keluarga Sakinah Menurut alQuran dan as-Sunnah*, edisi pertama. Jakarta: Akademika Pressindo, 2002.

<sup>13</sup> Bambang Waluyo, 1991. *Penelitian Hukum Dalam Praktek*, Jakarta: Sinar Grafika

Jihad is not only killed in war, but whoever provides for his parents is waging jihad in the way of Allah, and whoever supports (meets) the needs of his family (his wife's children) is classified as jihad in the way of Allah, and whoever works to accumulate wealth is on the path of thaghut.<sup>14</sup> (H.R Thabrani).

Getting married not only legalizes the lawfulness of husband and wife relationships in *ber-jima'* but the bonuses that Allah gives from marriage worship are very many that cannot be measured in value with material, one of which is peace of life, equanimity, love filled with affection because of the flowing grace of Allah SWT. As Q.S. 30. 21 as follows:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً ۚ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

Of His many powers, one of them Allah created for you (Prophet Muhammad (PBUH) and for mankind) Allah created a male couple as a husband and a woman as a wife of your own kind (man), so that you may feel at peace and be made between you to love each other, which is as a ground for meditation for thinking people.<sup>15</sup> (Q.S. Al-Ruum: 21)

With the simple benefits of marriage, in addition to the value of worship for those who run it, but he will also be more savety in guarding himself from adultery. Today's modernization that advances in all aspects of life, especially the rapid development and advancement of technology, the world feels in the palm of the hand, life without gadgets seems empty. The fact is that with the advancement of technology, work, communication is easy and effective, not only young people but toddlers to the elderly do not escape social media because progress forces us to adapt, not a few madharat because using technology is not accompanied by faith and comprehensive maturity, even the effect of gelobalization changes the cuff.<sup>16</sup>

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<sup>14</sup> Kitab Hadits Al-Mu'jam Al-Ausath, Nomor Hadits 4214, Jilid 4, h. 284

<sup>15</sup> Depag RI, Al-Qur'an dan Terjemahannya PT Karya Toha Putra, Semarang Indonesia, 1998, Juz 21 h. 803

<sup>16</sup> Kartubi, Mashuri. *Baiti Jannati Memasuki Pintu-pintu Surga dalam Rumah Tangga*. Jakarta: Yayasan Fajar Islam Indonesia, 2007.

Everything became instantaneous, until even household problematics problems were resolved instantly, not resolved peacefully, deliberately, mediating as taught by religion, our ancestors by deliberation mediated a joint crush to find the best solution that benefited both parties (husband and wife) but now have an instant route, namely to the court without mediating first with a BP4 mediator or tahkim from the family.<sup>17</sup>

Unstoppable progress can tear apart the noble values of religious orders, ancestral heritage such as deliberation, reconciliation in conflict resolution such as domestic problems, but take the fast road, there is a problem of bringing it to court. Therefore, to keep ourselves from being contaminated by the negative effects of the times, it is necessary to provide comprehensive science and strong religion.<sup>18</sup>

It does not escape the religious message that the institution of marriage (household) must be prepared with careful provisions before carrying it out, which the author calls the term *Marriage Knowledge* and *Conflict Management* Why is that? because marriage is the longest worship, marriage is a miniature of a country and its existence can be a meter of prosperity and progress of a country, the other side is very ironic if marriage does not have enough provisions Even though the problems and probematics faced are very complex.<sup>19</sup>

In the hadith the Prophet (peace be upon him) told young men to get married if he already has sufficient provisions called *Ba'a tan* (material, health and knowledge). Namely: H.R Bukhari Muslim:

عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ قَالَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ( يَا مَعْشَرَ الشَّبَابِ ! مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ , فَإِنَّهُ أَغْضُ لِلْبَصَرِ , وَأَحْصَنُ لِلْفَرْجِ , وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ ; فَإِنَّهُ لَهُ وَجَاءٌ ) مُتَّفَقٌ عَلَيْهِ

Abdullah Ibn Mas'ud Radliyallaahu 'anhu said: The Prophet Sallallaahu 'alaihi wa Sallam said to us: "*O younger generation, whoever among you has been able to marry should he marry, for*

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<sup>17</sup> Lili Rasjidi dan I.B Wyasa Putra, *Hukum sebagai Suatu Sistem*, (Remaja Rosdakarya, Bandung, 2013), 79-80.

<sup>18</sup> Mubarak, Achmad. *Nasehat Perkawinan dan Konsep Hidup Berkeluarga*. Jakarta: Jatibangsa, 2006.

<sup>19</sup> Muchtar, Kamal. *Asas-asas Hukum Islam tentang Perkawinan*. Jakarta: Bulan Bintang, t.th.

*he can bow his eyes and nourish the genitals. He who is not yet able should fast, for fasting can control you.*<sup>20</sup> (H.R. Muttafaq Alaihi).

Article 1 of Law Number 1 of 1974 concerning Marriage which was amended into Law Number 16 of 2019 requires that marriage in force in Indonesia formulates "Marriage is an inner birth bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Almighty Godhead".<sup>21</sup>

According to the Compilation of Islamic Law, it asserts that "Marriage is a very strong covenant or mitsaqon gholizhon to obey Allah's commandments and perform them constitutes worship".<sup>22</sup>

The validity of a marriage according to article 2 paragraph (1) of Law Number 1 of 1974 On, "marriage is if it is carried out according to the law of each religion and belief", then if it is carried out outside the provisions of the article such as different religions or beliefs then the marriage is not valid, while article 2 paragraph (2) reads "that each marriage is recorded according to the applicable legislation".<sup>23</sup>

There are two opinions regarding the application of paragraph (1) and paragraph (2) in article 2 of Law Number 1 of 1974 concerning Marriage. The first difference states that "*marriage is valid if it is performed according to the laws of each religion and belief, while disability (paragraph 2) is only an administrative requirement*", so a marriage is valid if it is in accordance with his religion and beliefs even if it is not registered. While the second opinion that article 2 paragraph (1) and paragraph (2) are cumulative is an inseparable unity, which

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<sup>20</sup> Ulumul Hadits, Shalah Ibnu, Mualif Imam Abu Umar Wa Usman bin Abdurrahman Asharozaury, Darul Fikr, Damasku Suriyah, Bab Munakahat 243 Hijriyah, h.

<sup>21</sup> Himpunan Peraturan Perundang-Undangan Dalam Lingkungan Peradilan Agama. Proyek Peningkatan Pelayanan Aparatur Hukum Pusat Direktorat Pembinaan Peradilan Agama, Direktorat Jenderal Bimbingan Masyarakat Islam Dan Penyelenggaraan Haji Departemen Agama RI Tahun 2004

<sup>22</sup> Mahkamah Agung RI, Kumpulan Hukum, Kompilasi Hukum Islam, (Jakarta, 2004, Instruksi Presiden RI, No: 1 Tahun 1991, tanggal 10 Juni 1991, h. 2.

<sup>23</sup> Himpunan Peraturan Perundang-Undangan Dalam Lingkungan Peradilan Agama. Proyek Peningkatan Pelayanan Aparatur Hukum Pusat Direktorat Pembinaan Peradilan Agama, Direktorat Jenderal Bimbingan Masyarakat Islam Dan Penyelenggaraan Haji Departemen Agama RI Tahun 2004



means "*marriage must be carried out in accordance with their respective religions and beliefs and must be recorded*".<sup>24</sup>

In addition to article 2 mentioned above which explains the validity of a marriage, there are other conditions that must be fulfilled in marriage so that the marriage can be considered valid according to Law Number 1 of 1974 concerning Marriage, as contained in article 6 paragraph (1) "Marriage must be based on the consent of both prospective brides". The law determines that, because the purpose of marriage is to form and achieve a married couple as a harmonious and eternal family, in accordance with human rights, a marriage must have the consent of both prospective spouses without any coercion from any party. The article guarantees the absence of forced marriage with a minimum age of marriage of 16 years for women and 19 years for men, now the condition of our society is smarter and more open, therefore marriages without the consent of the bride and groom (forced marriage) are not allowed.<sup>25</sup>

The updated requirement in article 7 of Law Number 1 of 1974 concerning Marriage amended by Law Number 16 of 2019 that the minimum age limit of 19 years is not only for men but also for women. The main reason for the change in the age of prospective husband and wife from 16 years to 19 years, according to the results of the analysis of Dr, Rachmi Sulistyarini, S.H., M.H and Fitri Hidayat, S.H., M.H in their research that the fundamental reason for changing the age of marriage (philosophically is to eliminate discrimination in obtaining basic and constitutional rights born due to differences in marriage age as stipulated in Law No. 1 of 1974. Sociologically it is to prevent the occurrence of early marriage which will have a further impact on pregnant women and childbirth at an early age who are at high risk for maternal and infant health (baby blues syndrome and stunting). The juridical reason is as a fulfillment of the mandate of Constitutional Court Decision No. 22/PUU-XV/2007 relating to the unification of the minimum age of marriage between men and women.<sup>26</sup>

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<sup>24</sup> Rofiq, Ahmad. *Hukum Islam di Indonesia*, cet.III. Jakarta: PT Raja Grafindo Persada, 1998.

<sup>25</sup> Wasman dan Wardah Nuroniyah, *Hukum Perkawinan Islam di Indonesia Perbandingan Fiqh dan Hukum Positif* (Yogyakarta: Teras, 2011), h. 45-46.

<sup>26</sup> Himpunan Peraturan Perundang-Undangan Dalam Lingkungan Peradilan Agama. Proyek Peningkatan Pelayanan Aparatur Hukum Pusat Direktorat Pembinaan Peradilan Agama, Direktorat Jenderal Bimbingan Masyarakat Islam Dan Penyelenggaraan Haji Departemen Agama RI Tahun 2004

From the author's observation of the conditions determined by Law No. 16 of 2019, it is only a matter of the minimum age limit, but does not require maturity in the sense of mature age accompanied by knowledge, nature and adult behavior.<sup>27</sup>

Measuring a person's maturity is very difficult because there are people whose age is above the one prescribed by law but still does not have maturity, and vice versa there are people who are still under the age prescribed by the law such as the age of 18 (eighteen) years but have adult behavior in their daily lives.<sup>28</sup>

The age of majority according to the Civil Law (*Burgerlijk Wetboek Voor*) is 21 years old. Article 330 of this rule states that immature persons are those who have not reached the age of 21 years and have not married before. Meanwhile, the KHI sets the same legal age limit as KUHPerdata is 21 years old. According to this regulation, the age limit for children who are able to stand alone or adults is 21 years, as long as the child is not physically or mentally disabled or has never been married.

From this context, according to the author, to measure maturity in relation to obtaining permission to hold a marriage, it is enough to measure it by obtaining a certificate of knowledge related to household problems, *Marriage Knowledge* related to knowledge of rights and obligations of married couples, and having knowledge of how to deal with problems in the household, *Conflict Management* obtained from related institutions.<sup>29</sup>

Therefore, it is not enough if the requirements for permission to hold a marriage are only a matter of the minimum age limit, but must be accompanied by maturity requirements measured by the existence of a certificate of ability on *Marriage Knowledge* and *Conflict Management*. Thus, Law Number 16 of 2019, especially in Article 7, must be amended again to add the requirements for permission to hold marriage in addition

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<sup>27</sup> Himpunan Peraturan Perundang-Undangan Dalam Lingkungan Peradilan Agama. Proyek Peningkatan Pelayanan Aparatur Hukum Pusat Direktorat Pembinaan Peradilan Agama, Direktorat Jenderal Bimbingan Masyarakat Islam Dan Penyelenggaraan Haji Departemen Agama RI Tahun 2004

<sup>28</sup> Summa, Muhammad Amin. *Hukum Keluarga Islam di Dunia Islam*, Lampiran III. Jakarta: PT Raja Grafindo Persada, 2005.

<sup>29</sup> Satjipto Rahardjo, 2010. *Penegakan Hukum Progresif*, Jakarta: PT. Kompas Media Nusantara.

to the minimum age limit plus the ability requirements on *Marriage Knowledge and Conflict Management*.<sup>30</sup>

Nowadays divorce both nationally and regionally, especially in the jurisdiction of the Bandung High Court continues to increase as evidenced in the graph that the author submits, this phenomenon shows that marriages that are carried out do not have sufficient provisions from all sides, especially the provision of *Marriage Knowledge and Conflict Management*.<sup>31</sup>

Maintaining, prospering, protecting citizens is the domain and obligation of the State. Maintaining the integrity of the household, maintaining the survival of his descendants is a religious command that falls into the category of *Maqasid As-Syr'I* called *Hifdzu an-Nasel*. Dejure maintaining, building stairs for Indonesian citizens is the domain of the Ministry of Religious Affairs which has been delegated to BP4 since 1961.<sup>32</sup>

The existence of BP4 and its functions are broadly twofold, namely providing extension guidance (suscatin, Bimwin) to Catin as a provision to build their households, and the second function of BP4 is as a mediator who provides advice, advice to households facing *Broken Home conflicts*.

The vision and mission of BP4 and its programs are very good as contained in AD ART BP4 in 2014. However, the optimization of BP4's performance to carry out its program is not optimal, it is measured by the high divorce rate in Indonesia in general and in the jurisdiction of the Bandung High Religious Court in particular.<sup>33</sup>

The results of the author's research that the non-optimal function of BP4 in carrying out its program is behind many things. First, BP4 does not want to pick up the ball or conduct community counseling even if there are only a few BP4s and even then it is not massive. Secondly, few people know what BP4 is, where is the BP4 office, what are the functions

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<sup>30</sup> Sutarmadi, Achmad dan Mesraini. *Administrasi Pernikahan dan Manajemen Keluarga*. Jakarta: Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, 2006.

<sup>31</sup> Sutarmadi, Achmad. *Memberdayakan Keluarga Sakinah Menuju Indonesia 2020*. BP4 Bekerjasama Dengan BKM Provinsi Jawa Timur, 1997.

<sup>32</sup> Thalib, Sayuti. *Hukum Keluarga Indonesia*, cet.V. Jakarta: Universitas Indonesia, 1986.

<sup>33</sup> Himpunan Peraturan Perundang-Undangan Dalam Lingkungan Peradilan Agama. Proyek Peningkatan Pelayanan Aparatur Hukum Pusat Direktorat Pembinaan Peradilan Agama, Direktorat Jenderal Bimbingan Masyarakat Islam Dan Penyelenggaraan Haji Departemen Agama RI Tahun 2004

and programs of BP4, so when people face problems in their households (broken home) they do not come to BP4 to mediate, get advice, but people tend to take quick steps directly to the court. Third, the low public awareness of the value of knowledge about housekeeping *Marriage Knowledge* and *Conflict Management*, finally they are indifferent when marrying or marrying their children, the main priority is material problems, it is true that the material must be prepared because the running of the household wheel requires financial material, but the very basic provisions are actually many who ignore, from the results of the author's research the three factors are what contributing to the high divorce rate.<sup>34</sup>

It is said that marriage is the smallest institution in a State, marriage is a miniature will prosper and peace a State, meaning that if the smallest institution (marriage) is good then it will be good Neighborhood Pillars (RT), if the Neighborhood Pillars (RT) are good then the Neighborhood Pillars (RW) if RW is good then the District is good, and if the District is good then the City and State Regency will be good, from there marriage as a miniature State and as a parameter of prosperity and peace of a State.<sup>35</sup>

The condition of BP4 as a partner of the Ministry of Religion that is not optimal in carrying out its functions and programs, the State must be present to revitalize the existence of BP4 by changing the formal legal status of BP4 with a formal legal status that has value and executory power meaning that BP4 can declare marriage cannot take place if it does not have a Pre-Marital Education certificate, if it still violates then there are criminal sanctions and fines, it was done with the aim of making a deterrent effect to the community and restoring public awareness about the importance of marriage provision not only material but more than that is the science of *Marriage Knowledge* and *Conflict Management*. The two countries must also provide facilities and infrastructure as well as finances budgeted through the State Budget, so that the BP4 program can run well in accordance with the mandate of the Law that the welfare of citizens is responsible for the State Article 27 paragraph (2) of the 1945 Constitution.<sup>36</sup>

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<sup>34</sup> As'ad, Abdul Muhaimin. *Risalah Nikah Penuntun Perkawinan*. Surabaya: Bintang Terang 99, 1993.

<sup>35</sup> Basri, Hasan. *Membina Keluarga Sakinah*, cet.IV. Jakarta: Pustaka Antara, 1996.

<sup>36</sup> Fa'iz, Ahmad. *Cita Keluarga Islam Pendekatan Tafsir Tematik*, cet.II. Jakarta: Serambi Ilmu Semesta, 2002.

## **CONCLUSION**

Optimization of the performance of the Marriage Advisory, Guidance, Preservation Agency in relation to the high divorce *rate in the Bandung High Religious Court Area* includes: that the Marriage Advisory, Guidance, Preservation Agency (BP4) is a social professional organization about religion, BP4 is a partner of the Ministry of Religious Affairs and other related agencies, BP4 tupoksi broadly speaking there are 2 (two): Providing Islamic Counseling Guidance (BKI), Suscatin, Bimwin, Premarital Education if the author's term is "*Marriage Knowledge* and *Conflict Management*. Become a mediator over households in conflict with *Broken Home*. Of the 2 (two) functions of BP4, it aims to make the quality of marriage better, no underage marriage, and unhealthy polygamy does not occur, all of which are so that the divorce rate decreases, but the fact is that the divorce rate remains high from year to year, meaning that BP4's performance is not optimal.

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