

The Psychological and Social Impact of Mafqud's Husband on Wives and Children in Magelang

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Abstract

The purpose of writing this article is used to analyze the Psychological and Social Impact of Mafqud Husbands on Wives and Children from the Perspective of Law Number 1 of 1974 and Structural Functions. The research method used is qualitative field research with an empirical approach. In the data collection technique, interview, observation and documentation methods are used. Meanwhile, in the analysis process, data reduction, display and conclusion are used. In this study, the laws and regulations used to analyze the data. The results of this research The husband is expected to understand and fulfill the obligations of the head of the family in accordance with the applicable legal provisions. When it is not implemented, this has a psychological and social impact on the wife and children if their rights are not fulfilled. The impact is such as: (1) The victim experiences prolonged trauma that causes the victim to become introverted and feel guilty, as well as a reduced sense of socialization with the community. This is due to inner pressure and becoming more often alone, difficult to communicate with and pressure from the community. (2) the family as a system whose balance becomes disturbed (dysfunction) when one of its members (husband) fails to carry out his role.

Keywords: Social Psychology, Mafqud's Husband, Law No. 1 of 1974, Functional Structural

Introduction

Marriage is a sacred agreement that includes a series of contracts between two parties, namely husband and wife. The peace and tranquility of husband and wife are closely tied to the fulfillment of the conditions in the agreed agreement. The agreement in question is to live with the wife and handle the relationship well or end the relationship in a good way as well. Therefore, living with the wife by making it difficult for the wife both physically and mentally is not recognized in the teachings

of Islam or the Law (Musda, 1999). Because the purpose of marriage is to obtain peace of mind, body, mind and morals. In living together, husband and wife should always try to strengthen this situation, so as to allow both of them to grow perfectly (Rahman, 2020).

In the law to create a family full of calm, love and affection, Law No. 1 of 1974 concerning Marriage gives responsibility to each one, both for husband and wife. It is stated in the form of the rights and obligations of husband and wife. If husband and wife both carry out their respective responsibilities, then peace and tranquility of heart will be realized, so that the happiness of married life will be perfect (Rohman, 2006).

In a family, of course, it expects harmony and peace in its household, but often unwanted problems occur. Problems in the family are usually such as domestic violence (KDRT), lack of affection, husband mafqud (husband who leaves his wife without any news) and many more. In the matter of mafqud, there are basically rights that should be accepted by the left party and obligations that should be carried out by the lost party (mafqud), but because of the loss of one of the parties, the obligations and rights cannot be realized, this can cause fasakh in marriage (Lestari, 2008).

In this problem, the public who is ordinary in responding to the problem will act instantly or quickly. If the husband has not given the news, surely the wife's family suggests that the wife forget her husband and marry someone else. There are even people who do not file a divorce lawsuit first to the court. This legally means violating existing rules. The wife cannot decide on her own to be able to marry someone else without filing a divorce lawsuit with the court. However, this is different from the reality in society. If the husband does not have any news, then they marry someone else, even though the wife is still the legal wife of her husband which means that the marriage of the two has not been terminated until there is a decision from the Court.

And the second marriage can be annulled if the married woman turns out to be still the wife of another man who is mafqud.

This research was made based on problems that occurred in Girirejo Village, Ngablak District, Magelang Regency, where there were married couples who had a bad relationship. This resulted in the husband leaving his wife and child without any news. This problem has an impact on wives and children who are abandoned by their husbands both psychologically, socially and economically. So in this study, we will discuss the psychological and social impacts that occur in society from the

perspective of Law Number 1 of 1974 and Structural Functional Theory.

In the research conducted by Dina Oktavia Waode and Abdullah Sani entitled "The Impact of Leaving Wife for Many Years Without Being Divorced on the Status of Husband According to Imam Shafi'i" explained that the research focuses on the impact in general and only uses the perspective of Imam Shafi'i, while this research focuses on the psychological and social impacts that occur in society from the perspective of Law Number 1 of 1974 and Structural Functional Theory. Therefore, this research is important to get a more comprehensive study of the impact that arises from the husband of mafqud on his wife and children in accordance with the applicable law. As is already known, it is appropriate for a husband to provide mental sustenance and dzohir sustenance, give affection, educate his children and always take care of family members as a form of responsibility of a family head.

This research was conducted using a normative legal research method with qualitative field analysis through an empirical approach that explains the legal issues that have been written in regulations or laws, the opinions of legal experts so that several opinions with various similarities and differences emerged (Mutia Hartati, 2022). The subjects of the study were 3 resource persons, namely the affected family, the victim's neighbor and the head of the local RT. In the data collection technique, interview, observation and documentation methods are used. Observation is carried out by visiting the party to be interviewed. Meanwhile, in the analysis process, data reduction, display and conclusion are used. The theory used in this study is the appropriate legal provisions in accordance with applicable laws such as the rights of wives and children in applicable laws or laws (Nugroho, 2013). To sharpen the analysis of the impact found, this study also uses the theoretical framework of structural functionalism, which views the family as a system whose balance is disturbed (dysfunction) when one of its members (husband) fails to carry out his role. This structure and function will never be separated from the influence of culture, norms, and values that underlie the social system (Megawangi, 2001)

Discussion

In a law, there is no specific discussion regarding the status of the mafqud husband, but related to divorce regulated in the Law. According to Article 38 of Law Number 1 of 1974, it is said that marriages can be dissolved due to death, divorce, and by court decision. In this problem, wives and children are affected psychologically and socially.

The results of the study found that the husband's mafqud effect on women and children is an act that is contrary to human rights, because it has an impact on the victim both psychologically and socially. This happened in a family in Magelang where the wife (49 years old) was abandoned by her husband (52 years old). The family has one son (28 years old) and a daughter (17 years old). (Head of the Victim's neighborhood (2025) This problem has a great impact on his wife and children. This impact causes trauma for the victim so that it interferes with a person's social functioning in carrying out their life activities (Andari, 2017). The victim also experiences prolonged trauma which causes the victim to become introverted and feel guilty and reduce the sense of socialization with the community due to inner pressure and becomes more often alone and difficult to communicate with. Many cases of mafqud husbands are not clear, because this case is considered an unimportant thing, especially psychological and social problems in children.

Structural functionalism or systems analysis according to Robert K. Merton is an American sociologist who is considered the founding father of modern sociology, and contributed greatly to the subfield of criminology which argues that in principle it revolves around several concepts, but the most important is the concept of function and the concept of structure (Zahara, 2017). This theory views the family as a balanced system in which each member has a vital function. In the context of this finding, the husband has the main function as the main breadwinner, protector, and lover.

The disappearance of the husband (*mafqud*) causes serious disruption to the family system. The immediate and most visible impact is the loss of the husband's economic function, which leaves the family in a state of financial uncertainty and instability. This economic vacuum does not stand alone; rather, it triggers a chain reaction that affects other family roles and relationships. As the primary breadwinner is no longer present, the family is forced to redistribute responsibilities in an

unplanned and unequal manner. This systemic dysfunction is reflected most clearly in the experience of the first child (aged 28), who was compelled to delay his own life plans, including marriage. Instead of fulfilling his developmental role as an independent adult, he assumed the economic and leadership responsibilities that should have remained with the father. Consequently, the first child became a substitute authority figure, supporting both his mother and his sister. This role substitution illustrates how the absence of the husband generates a domino effect, reshaping family dynamics and placing disproportionate psychological and social burdens on other family members.

No.	Psychological Impact	Social Impact
1.	Experiencing prolonged trauma that causes the victim to become introverted and feel guilty and reduced sense of socialization with the community due to inner pressure	Feeling discriminated against by family and community as well as the village government so that they do not get assistance from the government
2.	Victims become more often alone and difficult to communicate with	The relationship with the family becomes a little strained because the community knows the husband as a family unit
3.		The destruction of the family name in the eyes of the public
4.		Become a topic of conversation in the community
5.		Unable to meet the family's needs because the husband used to be the main breadwinner

Based on the presentation (Head of the Victim's Neighborhood (2025)), he explained that there is no sense of responsibility from a husband to his family, both his wife and children. This clearly violates Law Number 1 of 1974 in Article 33 explaining that husband and wife are obliged to love each other, love, respect, be loyal and give each other's inner birth assistance. And in Article 34 paragraph (1) the husband is obliged to protect his wife and provide everything for the needs of domestic life according to his ability. However, according to the theory, structural functionalism will have psychological repercussions such as prolonged trauma and inner distress is also a manifestation of the failure of the family system in providing emotional function and protection, which should be

the main goal of marriage. She also explained that the victim had tried to divorce her husband, but was hindered by her ignorance of her husband's whereabouts so that the trial process could not be carried out.

Furthermore, based on the victim's neighbor's explanation (The Victim's neighbor (2025)), she explained that when her husband left her, the husband only left the house where his family lived and a plot of land in front of her house but the name of her husband's certificate. This was also justified by the victim regarding the property left by her husband. This is clearly not in accordance with Article 65 paragraph (1) In the event that a husband has more than one wife, either based on the old law or based on Article 3 paragraph (2) letter (a), the husband is obliged to provide equal life security to all his wives and children. In this problem, it is clear that the husband does not provide life security to his wife and children.

The victim also explained that her husband also left a debt of Rp. 25,000,000.00 in a conventional bank. This is clearly a burden on the wife and children because they have to pay it off immediately. Even though his wife's job is only as a farmer, the first child is an office boy in one of the government agencies and the second child is still continuing school at the vocational high school or vocational school level. The Victim's side (2025) This incident clearly made the victim confused in economic matters.

The victim also felt discriminated against by the community and the village government, this was because the community made the problem a subject of scorn and talk that was not pleasant to hear. From the side of the village government, it is also unable to help the victims from an economic point of view because there is no word "divorce" in the marital relationship. Even though the victim's family is in dire need of economic assistance and has applied for assistance to the government several times, it is still not possible because her husband was disabled as a highincome person which made his wife and children not entitled to assistance. Therefore, the community and the government should provide social and emotional support to be able to accept the presence of victims according to their daily understanding, as well as provide opportunities to be actively involved in various activities in their environment so that they have confidence again. This research was analyzed sharply using the framework of Robert K. Merton's structural functionalism (Merton, 1968). Where, this case shows the concept of dysfunction, where the role structure of the "husband" who fails to

function, actually creates negative consequences (dysfunction) in the form of economic and psychological vulnerability for wives and children.

Furthermore, the victim's situation reflects the condition of Anomi or a chaotic state (Strain Theory). There is an acute gap between cultural goals (economic survival) and legitimate institutional means (government assistance). The village bureaucratic system, which still binds the victim's status to the status of the mafqud's husband, becomes a "structural blockade" that prevents the victim from achieving his goals. The "inner pressure" and "confusion" experienced by the victim are the result of the strain (tension) created by the gap.

The rights and obligations between parents and children are listed in Article 45 paragraph (1) Both parents are obliged to maintain and educate their children as well as possible. In Article 49 paragraph (2) even though the parents are deprived of their power, they are still obliged to provide maintenance costs to the child (Law of the Republic of Indonesia, 1974).

In this problem, children really need affection from their parents. Moreover, the victim's first child is 28 years old, which is already appropriate to foster a husband and wife relationship, it is time to establish a household ark but must be hindered because he has to think about his mother and sister. Meanwhile, his brother will also soon graduate from vocational school and plans to continue to the next level, namely lectures which obviously require a lot of money. Therefore, a good family is needed because the family has a very important role and function in an effort to develop children's personalities. The family is also seen as the first institution (institution) that can meet human needs, especially the needs for the development of its personality and the development of the human race. A healthy family climate or the loving attention of parents are essential factors that facilitate the child's psychological development.

Regarding the rights and obligations of husband and wife listed in Article 32 (1) Husband and wife must have a permanent place of residence. And also in paragraph (3) If the husband or wife neglects their obligations, each of them can file a lawsuit with the Court. However, in the process of a mafqud divorce trial, the verdict can be handed down in one trial only, if in this case the defendant is not present and the plaintiff can complete the evidence. However, if the plaintiff is unable to complete the evidence while the defendant does not comply with the summons, then the judge will postpone the trial.

If the summons has been made twice against the plaintiff and the defendant and both of them and their legal attorney are not present at the trial, then the judge will dismiss the lawsuit. The application for divorce of a husband whose existence is unclear (mafqud) was filed by the plaintiff after the plaintiff waited and searched for the defendant for 8 months, judging from the time of the submission, it is fast when compared to the applicable law, both positive law and Islamic law, but as we know that the duties and functions of the Religious Court, namely the Religious Court, are tasked and authorized to examine, decide, and settle cases at the first level between Muslims in the fields of marriage, inheritance, wills, grants, waqf, zakat, infa, shadaqah, and sharia economics. Basically, a divorce application on the grounds that the husband is mafqud can be filed after a minimum of 2 years of abandonment, this is regulated in article 19 of Government Regulation Number 9 of 1975 letter b and in Article 116 of the Compilation of Islamic Law letter b which states that divorce can occur for the reason that "one of the parties leaves the other party for 2 (two) consecutive years without the permission of the other party and without a valid reason or for other things beyond the ability" then from The wife can sue the husband of mafqud.

Conclusion

In this study, it can be concluded that the husband is expected to understand and fulfill the obligations of the head of the family in accordance with the applicable legal provisions, and consider legal consultation if he faces difficulties in carrying out his responsibilities, this has an impact on the psychological and social aspects of the wife and children if their rights are not fulfilled. If it is not met, the victim will experience prolonged trauma which causes the victim to become introverted and feel guilty and reduce the sense of socialization with the community due to inner pressure and become more often alone and difficult to communicate with. This also makes the conversation among the community less able to meet the needs of the family because in the past the husband was the main breadwinner. And also the family as a system whose balance becomes disturbed (dysfunctional) when one of its members (husband) fails to carry out his role.

The husband must also be aware of the legal consequences and the social impact of the husband's actions can encourage better compliance with marital obligations. Wives are expected to be proactive in seeking legal help or consulting with the authorities when faced with situations where

the husband does not meet his maintenance obligations. In addition, it is important for wives to understand their legal rights and take advantage of existing mechanisms to obtain protection and fair settlement in such cases. And in the implementation of Law Number 1 of 1974, it is necessary to optimize it to ensure legal protection for wives who are left without maintenance.

The limitation of this research is that this research is only motivated in the discussion of the Psychological and Social Impact of Mafqud Husbands on Wives and Children. Thus, this study does not discuss other discussions such as settlement in legislation. Therefore, this theme can be used as a recommendation for further research.

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