

Strengthening Family Resilience through Family Law Reform: Lessons from Divorce Cases During the Covid-19 Pandemic in Indonesia

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Abstrak: The COVID-19 pandemic significantly affected family life worldwide, leading to an increase in marital conflicts and divorce cases. Indonesia experienced a substantial rise in divorce petitions, particularly those associated with economic hardship, prolonged domestic conflicts, unemployment, domestic violence, and psychological stress. This study examines how divorce cases during the COVID-19 pandemic reveal structural weaknesses in Indonesian family law and explores the need for legal reform to strengthen family resilience. Employing a qualitative socio-legal approach, the research analyzes divorce decisions issued by Religious Courts in West Java between 2019 and 2021, supported by statutory analysis and literature review. The findings demonstrate that existing family law regulations primarily function as dispute-resolution mechanisms after family breakdown rather than preventive instruments for preserving marriage. Most judicial decisions emphasize legal certainty regarding divorce while providing limited attention to family mediation, psychological recovery, digital family counseling, and socioeconomic intervention. This paper argues that Indonesian family law requires a paradigm shift from reactive adjudication toward preventive family resilience policies. Such reforms should integrate mandatory family mediation, digital counseling services, economic protection mechanisms, and collaborative support among courts, religious institutions, and social welfare agencies. These reforms are consistent with the objectives of *maqāṣid al-sharī'ah*, particularly the protection of family (*hifz al-nasl*), human dignity, and social welfare. The study contributes to the discourse on sustainable family governance by proposing a more adaptive legal framework capable of responding to future social crises.

Key Words: Family resilience, Family law reform, Divorce, COVID-19, Indonesia

INTRODUCTION

The COVID-19 pandemic has profoundly transformed social, economic, and legal systems worldwide, with family institutions among the most severely affected. Beyond being a global public health emergency, the pandemic triggered widespread socioeconomic disruptions that challenged family stability and resilience. Government policies such as lockdowns, mobility restrictions, work-from-home arrangements, and economic shutdowns significantly altered family interactions, increased domestic pressures, and intensified marital conflicts. Numerous international studies have reported that prolonged confinement, financial insecurity, unemployment, and psychological distress contributed to increasing rates of family disputes, domestic violence, and divorce in many countries. (Sunarti et al., 2022)

Family resilience has therefore emerged as a central issue in contemporary family policy and legal studies. Family resilience refers to the capacity of families to withstand adversity, adapt to changing circumstances, and recover from crises while maintaining essential family functions and relationships.(Anshor, 2023) During the COVID-19 pandemic, however, many families experienced multidimensional vulnerabilities that exceeded their adaptive capacities. Economic hardship reduced household income, psychological stress affected emotional stability, and prolonged social isolation weakened communication between spouses. These conditions substantially increased the likelihood of marital breakdown and eventually led many couples to seek divorce.

Indonesia experienced similar challenges during the pandemic. As one of the countries with the largest Muslim population in the world, Indonesia regulates marriage and divorce through a pluralistic legal framework consisting of the Marriage Law, the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI), and the Religious Court system for Muslim citizens. Although these regulations provide comprehensive procedures for marriage dissolution, the pandemic revealed important limitations in their ability to function as preventive legal instruments for preserving family integrity. Instead, legal institutions primarily responded after family conflicts had escalated into divorce litigation.

Statistical reports published by the Supreme Court of Indonesia indicate that divorce cases increased significantly during the pandemic period, particularly in Religious Courts across several provinces, including West Java.(Ip7, n.d.) Economic difficulties consistently emerged as one of the dominant reasons for divorce, followed by continuous marital disputes, domestic violence, abandonment of family responsibilities, and infidelity. The economic recession caused by business closures and employment losses substantially reduced household income, creating persistent financial conflicts that undermined marital relationships. Simultaneously, prolonged stay-at-home policies increased emotional tension among family members, exposing underlying communication problems that had previously remained unresolved.

West Java represents one of the regions most affected by this phenomenon due to its large population and high number of Religious Court cases. Divorce decisions issued by the Religious Courts during the period of 2019–2021 demonstrate that the pandemic intensified existing structural problems within Indonesian families rather than creating entirely new forms of conflict. Financial instability often triggered prolonged arguments between spouses, while psychological stress further reduced their ability to negotiate and resolve disagreements peacefully.(Aulia et al., 2025) Consequently, divorce became the final legal solution for many couples whose family resilience had gradually deteriorated throughout the pandemic.

From a legal perspective, divorce cases during the COVID-19 pandemic offer valuable lessons for evaluating the effectiveness of Indonesian family law. Existing legal regulations mainly emphasize procedural requirements for marriage, divorce, reconciliation, and judicial settlement. Mediation is formally required before litigation proceeds; however, in practice, mediation often functions as a procedural obligation rather than an effective mechanism for strengthening family resilience. The legal framework remains largely reactive, focusing on resolving disputes after family breakdown instead of preventing conflicts through integrated legal, social, economic, and psychological interventions.

Recent international scholarship increasingly advocates a preventive approach to family law that integrates legal protection with social welfare policies. Rather than viewing divorce solely

as a legal dispute between spouses, contemporary family law recognizes that marital breakdown is influenced by interconnected economic, psychological, cultural, and institutional factors. Consequently, legal reform should promote collaborative governance involving courts, government agencies, religious institutions, social workers, psychologists, and community organizations in supporting vulnerable families before conflicts become irreversible.(Ilham Dhiyaul Jabbar et al., 2026)

Within the context of Islamic family law, marriage is regarded not merely as a contractual relationship but as a sacred institution (*mīthāqan ghalīzan*) intended to establish tranquility (*sakinah*), affection (*mawaddah*), and compassion (*rahmah*). Divorce is legally permissible but considered the last resort after reconciliation efforts have failed. This principle reflects the objectives of *maqāṣid al-sharī'ah*, particularly the protection of family lineage (*ḥifẓ al-nasl*), human dignity (*ḥifẓ al-nafs*), and social welfare (*maṣlaḥah*). Therefore, strengthening family resilience through legal reform is fully consistent with Islamic legal philosophy, which prioritizes prevention of harm over dispute resolution.(Nuranisah Djamal et al., 2022)

Despite the growing literature on divorce during the COVID-19 pandemic, several research gaps remain. Previous studies have primarily focused on identifying the causes of divorce, examining statistical trends, or analyzing the socioeconomic impacts of the pandemic on households. Other studies have discussed mediation practices or psychological consequences of marital conflict.(Sadzali et al., n.d.) However, limited research has comprehensively examined how divorce cases during the pandemic can inform broader family law reform aimed at strengthening family resilience within Indonesia's legal system. Furthermore, few studies integrate socio-legal analysis with Islamic family law principles and the concept of family resilience as an interdisciplinary framework for legal development.

This study addresses these gaps by examining divorce cases during the COVID-19 pandemic as empirical evidence for evaluating Indonesian family law and proposing reforms that prioritize family resilience. Using a qualitative socio-legal approach, the study analyzes divorce decisions from Religious Courts in West Java between 2019 and 2021 alongside statutory regulations and relevant scholarly literature. The analysis explores how legal institutions responded to family conflicts during the pandemic and identifies policy innovations that could strengthen preventive legal protection for families facing future crises.

The novelty of this research lies in its interdisciplinary integration of socio-legal analysis, family resilience theory, and Islamic family law to formulate recommendations for family law reform in Indonesia. Rather than perceiving divorce solely as a judicial outcome, this study conceptualizes divorce cases as indicators of broader structural weaknesses within legal and social protection systems. Consequently, the proposed reforms emphasize preventive justice through mandatory family counseling, strengthened mediation mechanisms, digital family support services, economic protection for vulnerable households, and collaborative governance among judicial institutions, government agencies, religious organizations, and civil society.

Ultimately, strengthening family resilience requires a paradigm shift from reactive dispute settlement toward preventive family governance.(Qomaro et al., 2024) Family law should not merely regulate the legal consequences of marital breakdown but also function as a proactive instrument that protects families from avoidable conflicts through integrated legal, economic, psychological, and social support mechanisms. Lessons learned from divorce cases during the COVID-19 pandemic therefore provide an important foundation for developing a more adaptive,

inclusive, and resilient family law system capable of responding to future societal crises while safeguarding the well-being of Indonesian families.

RESEARCH METHODS

This study employs a **qualitative socio-legal research design** to examine the relationship between divorce cases during the COVID-19 pandemic and the need for family law reform to strengthen family resilience in Indonesia. A socio-legal approach was selected because it enables an integrated analysis of legal norms, judicial practices, and the social realities influencing family disputes. Rather than limiting the analysis to statutory provisions, this approach investigates how family law operates within broader social, economic, and cultural contexts, particularly during periods of crisis.

The research combines **statutory, case, and conceptual approaches**. The statutory approach analyzes Indonesian legal instruments governing marriage and divorce, including **Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019**, the **Compilation of Islamic Law (Kompilasi Hukum Islam/KHI)**, **Supreme Court Regulation (PERMA) Number 1 of 2016 concerning Mediation Procedures**, and other relevant regulations relating to family protection and dispute resolution. The case approach focuses on selected divorce judgments issued by Religious Courts in West Java during the period of **2019–2021**, allowing an examination of judicial reasoning, legal considerations, and the dominant causes of marital dissolution before and during the COVID-19 pandemic. The conceptual approach draws upon theories of family resilience, socio-legal studies, and the principles of **maqāṣid al-sharīʿah** to formulate recommendations for family law reform. (Arif Sugitanata et al., 2026)

The primary data consist of **divorce decisions issued by the Religious Courts in West Java**, particularly the Religious Courts of Cibinong, Bandung, and Bogor, which experienced a substantial number of divorce cases during the pandemic period. These courts were selected because they represent jurisdictions with high litigation rates and provide sufficient empirical evidence to identify recurring legal and social patterns. The study focuses on court decisions published between **2019 and 2021**, enabling comparison between the pre-pandemic and pandemic periods. Secondary data include legislation, Supreme Court annual reports, government publications, academic books, peer-reviewed journal articles, and reports published by international organizations addressing family resilience, family law, and the social impacts of COVID-19.

Data were collected through **documentary research** by reviewing court judgments, statutory regulations, official reports, and relevant scholarly literature. The documentary analysis aimed to identify the principal legal grounds for divorce, judicial considerations, mediation outcomes, and socioeconomic factors contributing to marital breakdown. Literature concerning family resilience, preventive justice, Islamic family law, and comparative family law reform was also reviewed to provide theoretical and analytical support for interpreting the empirical findings.

The collected data were analyzed using **thematic content analysis**. Initially, divorce judgments were systematically coded according to the dominant causes of divorce, including economic hardship, continuous marital disputes, domestic violence, abandonment of family responsibilities, psychological distress, and other relevant factors. The identified themes were subsequently compared with existing legal provisions to evaluate the effectiveness of Indonesian family law in preventing family breakdown. Finally, the findings were interpreted through the

framework of family resilience theory and **maqāṣid al-sharī‘ah**, particularly the objectives of protecting family continuity (*hifẓ al-nasl*), human dignity (*hifẓ al-nafs*), and social welfare (*maṣlaḥah*). This analytical process facilitates the formulation of policy recommendations aimed at transforming Indonesian family law from a predominantly reactive dispute-resolution system into a preventive legal framework that strengthens family resilience in times of social crisis.

To enhance the credibility and validity of the findings, the study applies **data triangulation** by comparing judicial decisions with statutory regulations, official statistical reports, and contemporary academic literature. This triangulation ensures that the analysis reflects not only legal doctrine but also empirical realities and current scholarly perspectives. Consequently, the research provides a comprehensive understanding of how divorce cases during the COVID-19 pandemic reveal structural challenges within Indonesian family law and identifies practical directions for legal reform that support resilient families and sustainable social development.

Tabel 1. Research Design

Research Component	Description
Research Design	Qualitative Socio-Legal Research
Research Approach	Statutory, Case, and Conceptual Approaches
Research Object	Divorce Cases during the COVID-19 Pandemic
Research Location	Religious Courts in West Java (Cibinong, Bogor, and Bandung)
Research Period	2019–2021
Primary Data	Religious Court Decisions
Secondary Data	Laws, KHI, Supreme Court Reports, Journal Articles, Books
Data Collection	Documentary Study
Data Analysis	Thematic Content Analysis
Analytical Framework	Family Resilience Theory, Socio-Legal Theory, and <i>Maqāṣid al-Sharī‘ah</i>

RESULTS AND DISCUSSION

Divorce Trends During the COVID-19 Pandemic in Indonesia

The COVID-19 pandemic significantly altered family dynamics in Indonesia. Besides creating a public health crisis, the pandemic generated economic instability, social isolation, and psychological pressure that collectively weakened family resilience. Data from Religious Courts in West Java indicate that divorce cases increased considerably during the pandemic, particularly in 2020 and 2021. Economic hardship, unemployment, reduced household income, prolonged domestic conflicts, and communication breakdown became the dominant factors contributing to marital dissolution. (*Ip3*, n.d.)

The analysis of divorce judgments demonstrates that the pandemic did not create entirely new causes of divorce; rather, it intensified pre-existing vulnerabilities within Indonesian families. Families with limited economic resources, poor communication patterns, and unresolved

interpersonal conflicts were more susceptible to separation when confronted with the prolonged crisis.

Table 1. Major Factors Contributing to Divorce During the COVID-19 Pandemic

Causes of Divorce	Impact on Family Stability	Legal Consequences
Economic hardship	Household financial instability	Divorce petitions increased
Continuous marital disputes	Loss of emotional attachment	Marriage dissolution
Domestic violence	Physical and psychological harm	Court intervention
Psychological stress	Reduced family communication	Increased litigation
Neglect of family responsibilities	Weak parental cooperation	Divorce and child custody disputes

The findings suggest that economic vulnerability was not merely a financial issue but also triggered emotional stress, distrust, and continuous conflict between spouses. Consequently, many marriages gradually lost their ability to adapt to crisis situations.

Economic Crisis as the Primary Trigger of Family Breakdown

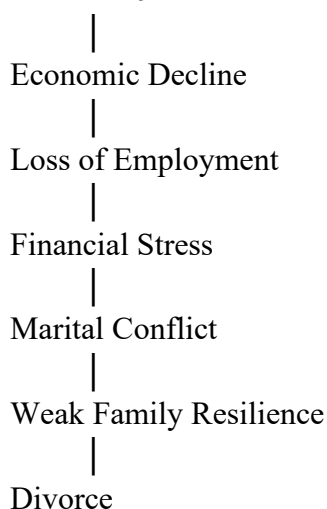
One of the most significant findings is that **economic hardship became the dominant factor** influencing divorce during the pandemic. Restrictions on economic activities reduced employment opportunities, particularly among informal workers who constitute a substantial proportion of Indonesia's labor force.(Mardiansyah et al., 2025)

Loss of employment affected the husband's ability to fulfill his legal obligation to provide financial support (*nafkah*), creating tension within households. Financial insecurity also increased debt, reduced children's educational opportunities, and intensified disagreements regarding household expenditures.

Figure 1 illustrates the relationship between economic crisis and family resilience.

Figure 1. Pathway from Economic Crisis to Divorce

COVID-19 Pandemic



The figure demonstrates that economic problems functioned as an initial trigger that subsequently generated psychological stress and prolonged interpersonal conflicts.

Psychological Stress and Communication Breakdown

Besides economic factors, psychological distress significantly affected marital relationships. Social restrictions limited social interaction, increased caregiving responsibilities, and reduced opportunities for emotional recovery outside the household.

Court decisions reveal that many couples experienced continuous arguments arising from accumulated emotional pressure rather than isolated incidents. Anxiety regarding employment, health risks, children's education, and uncertain future prospects weakened constructive communication.(Akmal Tarigan, 2023)

These findings support Family Resilience Theory, which argues that families facing prolonged stress require adaptive communication, shared decision-making, and mutual emotional support. When these protective factors are absent, family resilience deteriorates rapidly.

Table 2. Relationship Between Pandemic Stress and Family Conflict

Pandemic Stressors	Family Responses	Consequences
Job loss	Financial disputes	Divorce
Social isolation	Emotional exhaustion	Frequent conflicts
Health concerns	Anxiety	Communication breakdown
Increased caregiving burden	Parenting disagreements	Marital instability

The table illustrates that multiple stressors interacted simultaneously rather than independently, producing cumulative pressure on family relationships.

Evaluation of Indonesian Family Law During the Pandemic

The examination of Religious Court judgments indicates that Indonesian family law effectively regulates legal procedures for divorce but remains limited in preventing marital breakdown before litigation occurs.

The Marriage Law and the Compilation of Islamic Law emphasize procedural justice through judicial examination and mediation. However, mediation frequently serves as a formal procedural requirement rather than an effective mechanism for restoring family relationships.

Several structural limitations were identified:

- mediation is conducted after conflicts become severe;
- limited availability of professional family counselors;
- absence of integrated psychological services within Religious Courts;
- insufficient economic assistance for vulnerable families;
- lack of digital family counseling during emergency situations.
- Consequently, the legal system functions predominantly as a reactive dispute-resolution mechanism instead of a preventive family protection system.

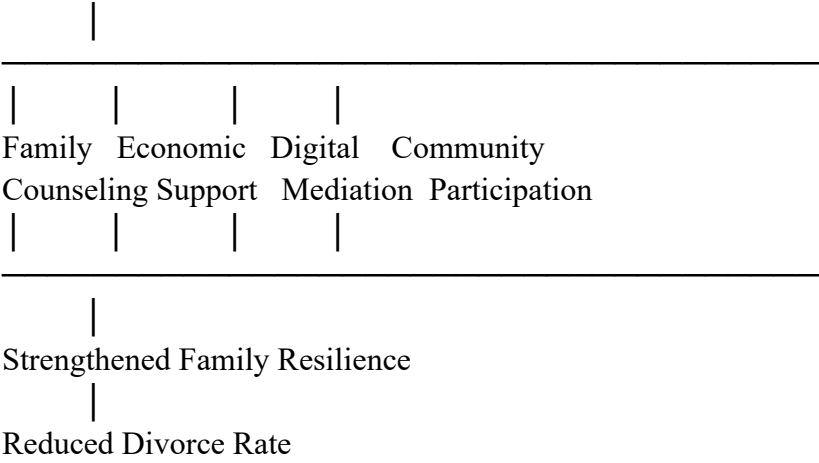
Family Law Reform for Strengthening Family Resilience

The empirical findings indicate the necessity of shifting Indonesian family law from **reactive litigation** toward **preventive family resilience**.

Rather than focusing exclusively on divorce procedures, family law should incorporate preventive legal mechanisms capable of reducing family vulnerability before conflicts escalate into litigation.

Figure 2. Proposed Integrated Family Resilience Framework

Family Law Reform



The proposed framework demonstrates that legal reform should involve multiple stakeholders rather than relying solely on judicial institutions.

Several policy reforms are recommended:

- Mandatory pre-litigation family counseling.
- Strengthening mediation through multidisciplinary teams involving psychologists and social workers.
- Digital counseling platforms accessible during emergencies.
- Economic assistance programs for vulnerable households.
- Integrated cooperation among Religious Courts, the Ministry of Religious Affairs, local governments, and community organizations.

Islamic Family Law Perspective on Family Resilience

From the perspective of Islamic family law, marriage (*nikāḥ*) is intended to establish a harmonious family characterized by *sakinah*, *mawaddah*, and *rahmah*. Divorce is permissible but regarded as the final option after reconciliation efforts have failed.

The findings demonstrate that many divorce cases resulted from socioeconomic vulnerabilities rather than irreversible marital incompatibility. Therefore, preventive interventions are consistent with the objectives of **maqāṣid al-sharī'ah**, particularly:

- **ḥifẓ al-nasl** (protection of family and future generations);
- **ḥifẓ al-nafs** (protection of human dignity and well-being);
- **ḥifẓ al-māl** (protection of economic welfare).

Family law reform should therefore not merely regulate divorce procedures but also protect family sustainability through preventive legal and social policies.

Discussion

The findings confirm that divorce during the COVID-19 pandemic cannot be understood solely as a private dispute between spouses. Instead, divorce reflects broader structural challenges involving economic vulnerability, psychological well-being, social protection, and legal governance.(Mozin et al., 2024) Existing family law has largely concentrated on adjudicating disputes after marital relationships have broken down, while preventive mechanisms remain

underdeveloped. This observation aligns with socio-legal scholarship, which emphasizes that legal institutions should function not only as instruments of dispute resolution but also as mechanisms for strengthening social resilience.

The study also contributes to the discourse on **family resilience** by demonstrating that legal reform should extend beyond procedural amendments. Strengthening resilience requires integrated public policies encompassing economic protection, accessible family counseling, effective mediation, mental health services, and community participation. Such reforms are compatible with Sustainable Development Goal 16 (Peace, Justice and Strong Institutions) and Sustainable Development Goal 5 (Gender Equality), both of which advocate stronger legal protection for families and vulnerable populations.

Finally, the proposed model of preventive family law reflects the principles of *maqāṣid al-sharī'ah*, emphasizing that preserving family integrity is preferable to resolving family breakdown through litigation. By repositioning family law as an instrument of prevention rather than solely adjudication, Indonesia can develop a more adaptive legal framework capable of protecting families during future social and economic crises.

CONCLUSION

The COVID-19 pandemic exposed significant structural vulnerabilities within Indonesian families and highlighted important limitations in the current family law framework. This study demonstrates that the increase in divorce cases during the pandemic was primarily driven by interconnected socioeconomic and psychological factors, including economic hardship, unemployment, prolonged marital conflict, domestic violence, and communication breakdown. These findings indicate that family breakdown during periods of crisis is not merely the result of individual disputes but also reflects broader social and institutional challenges that weaken family resilience.

The analysis further reveals that Indonesian family law remains predominantly reactive, focusing on regulating divorce procedures and resolving disputes after marital relationships have deteriorated. Although mediation is legally required, existing mechanisms have not adequately functioned as effective preventive instruments for preserving family integrity. Consequently, the legal system should evolve from a litigation-oriented approach toward a preventive family resilience framework that integrates legal protection with social, economic, and psychological support.

Based on these findings, this study proposes several directions for family law reform. These include strengthening mandatory pre-litigation family counseling, improving mediation through multidisciplinary collaboration, expanding digital family counseling services, providing economic protection for vulnerable households, and enhancing cooperation among Religious Courts, government agencies, religious institutions, psychologists, and community organizations. Such reforms would enable family law to function not only as a mechanism for dispute resolution but also as a proactive instrument for preventing family disintegration during future crises.

From the perspective of Islamic family law, these reforms are consistent with the objectives of *maqāṣid al-sharī'ah*, particularly the protection of family continuity (*ḥifẓ al-nasl*), human dignity (*ḥifẓ al-nafs*), and social welfare (*maṣlaḥah*). Strengthening family resilience through comprehensive legal reform therefore represents an essential strategy for achieving sustainable family governance in Indonesia. The lessons learned from divorce cases during the COVID-19 pandemic provide valuable guidance for developing a more adaptive, inclusive, and resilient

family law system capable of responding effectively to future social, economic, and public health challenges.

Implications for Future Research. Future studies are encouraged to expand the geographical scope by comparing divorce cases across different provinces in Indonesia and conducting cross-country analyses within Southeast Asia. Quantitative and mixed-methods approaches may also be employed to evaluate the effectiveness of preventive family law policies, digital mediation services, and family resilience programs in reducing divorce rates and strengthening family well-being. Such research will contribute to the development of evidence-based family law reforms that are responsive to emerging societal challenges.

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