

The High Rate of Judicial Divorce Among Women of Lower Education in Madura-Indonesia: A Gender Perspective

Abd Hannan, Zainuddin Syarif

Institut Agama Islam Negeri Madura, Pamekasan

Hannan.taufiqi@gmail.com, doktorzainuddinsyaridf@gmail.com

Abstract

This study examines the high rate of judicial divorce among women of low education in Madura. This research is a field study using a qualitative method. The data originated from primary data based on observation and interviews, and secondary data in the form of statistics. Using analysis based on sociology of gender theories, specifically the Women and Development (WaD) and Talcott Parson's structural feminism theory, this study obtained three findings. First, the dynamics of divorce in Madura increased in the last three years. By type, divorces in Madura are mostly judicial than repudiatory, since 2018 until 202. The second finding is that there are two categories of factors underlying the rise of judicial divorce. The first is direct factors such as the economy, abandonment, and domestic violence. The second category is indirect factors, such as low education level, where among a total of 400 divorce-filing women, 216 of them (56%) had primary education, 9 (2%) had no formal education, 77 (19%) completed lower secondary education, 72 (18%) completed upper secondary education, while only 26 (7%) had higher education. From the perspective

of Parson's structural feminism theory, the study also found that the high number of women with low education levels involved in a judicial divorce in Madura negatively impacts their existence and experience. In numerous cases, women are perceived as objects than subjects. In Madura, many cases of divorce happened due to violence against women.

Keywords: Judicial divorce, Low education women, Gender

A. Introduction

In the last four years, the rate of divorce cases in Indonesia has experienced a significant rise with problems such as covert polygamy and infidelity being the alleged dominant factors (Hafidz Syahbana, 2020). In addition to that, other factors such as problems related to economic discrepancy as well as domestic violence against one of a couple bound by marriage due to the strong patriarchal culture among the people are also thought to be the cause of the rising rate of divorce cases (Hamdan, 2013; Wardatun & Smith, 2020). Statistically, the increasing rate of divorce cases in Indonesia can be traced from the number of divorce cases that had gone to the corresponding state institution, which is the Religious Court.

According to the data from 2020, the Religious Court revealed that there is a total of 444,358 cases of divorce throughout Indonesia. Referring to the stats from a couple of years earlier, the stats experienced a rise, from a total of 365,654 cases in 2016, to 374,516 in 2017, which increased even further in 2018 with a total of 408,202 cases (Nasrudin Yahya, 2020; Umbari Prihatin, 2020). This number corresponds to the findings found by the mass organization *Perkumpulan Penggiat Keluarga (GiGa)* Indonesia, which recorded that in February 2020 there are at least 1,170 cases of divorce per day or approximately 49 to 50 cases per hour. Ironically, as many as 70 to 80 percent of the cases were judicial divorces filed by the woman or wife, with the highest

number of cases happening in East Java with 86.5 thousand cases (Ekonomi, 2020; Firmansyah, 2020). Intriguingly, from the number of divorce cases in East Java, the rising trend generally happened in regions where many of the people work as foreign workers abroad. Among these regions in Madura are Sampang Regency, Bangkalan, Pamekasan, and Sumenep Regency. Those four regions are known to have a high population of people, both men and women, who work abroad as a foreign worker. Regarding the dynamics of divorce in Madura, as shown by the rise of divorce cases at the national and provincial levels, divorce cases in Madura also exhibited identical pattern. Likewise, in the last four years there have been a relatively significant increase in the number of cases (Hafidz Syahbana, 2020)

Statistically, the increasing number of divorce cases in Madura can be seen in the number of divorce cases in each region. Referring to the data from local Religious Court, as of 2020 there was at least 9,043 cases, which was an increase from the number of cases in 2019 which is 8,729. From that number of divorce cases, as many as 2,438 cases (26,96%) were repudiatory divorce, while 6,605 (73.04%) were judicial divorce. Interestingly, based on the level of education, as many as 4,792 (54%) from those involved in the divorce are women or wives of primary level education. There are many hypotheses regarding the underlying factors which are factors of economy, conflict, and, also as crucial, domestic violence (Rafiqi, 2020).

Thus far, there have been a number of research that discuss divorce and gender discourse phenomena in Indonesia, both literature-based or observation-based. On the topic of gender, the most popular study is Kate O'Shaughnessy (2010), *Gender, State, and Social Power in Contemporary Indonesia: Divorce and Marriage Law*. In her work, O'Shaughnessy found that the victim of domestic abuse is often female, even if she is the breadwinner and the head of the household (O'Shaughnessy, 2009). This finding is further emphasized by a number of other

studies such as the following studies by Dina Afrianty (2018), *Agents for Change: Local Women's Organizations and Domestic Violence in Indonesia*(Afrianty, 2018); Ward Berenschot (2020), *Patterned pogroms: Patronage networks as infrastructure for electoral violence in India and Indonesia*(Berenschot, 2020); Rika Saraswati (2020), *Shame and Indonesian women victims of domestic violence in making the decision to divorce*(Saraswati, 2020); and Akhmadi et al. (2015), *Access to Justice: Empowering Female Heads of Household in Indonesia: Case Studies in Nanggroe Aceh Darussalam, West Java, West Kalimantan, and East Nusa Tenggara*(Akhmadi, Budiyati, & Yumna, 2015).

As for the study of the dynamics of divorce in Indonesia, it came from Marck Cammack (2018), *Explaining the Recent Upturn in Divorce in Indonesia: Developmental Idealism and the Effect of Political Change*(Cammack & Heaton, 2011) According to him, the issue of divorce in Indonesia has awfully complex factors. The main factor may not necessarily be economy, but it may be caused by cultural problems such as low level of education, early marriages, and deeply-rooted patriarchal culture at the grassroots. This finding is also backed by findings from other studies, namely Wenefrida Widyanti et al. (2010), *The Relationship Between Chronic Poverty and Household Dynamics: Evidence from Indonesia*(Widyanti, Suryahadi, Sumarto, & Yumna, 2010); Nurhasanah (2017), *The analysis of causes of divorce by wives*(Nurhasanah, 2017); Elizabeth Kristi et al. (2018), *Pro-women's policy advocacy movements in Indonesia: Struggles and reflections*(Poerwandari, Munti, & Viemilawati, 2018); Alfitri (2020), *Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia*(Alfitri, 2020); Aihwa Ong and Michel G. Peletz (1995), *Bewitching Women, Pious Men: Gender and Body Politics in Southeast Asia*(Brenner, Ong, & Pelet, 1995).

The current article examines the phenomenon regarding the high number of judicial divorce cases among women (wives) in Madura Island, Indonesia. This study is intriguing and pivotal

because the focus of the research is women (wives) with low education levels. This article hinges on the result of field research done in four regencies in Madura Island, namely Bangkalan Regency, Sampang Regency, Pamekasan Regency, and Sumenep Regency. According to the latest data from Statistics Indonesia (*Badan Pusat Statistik* lit. Central Statistics Bureau), those four regencies fall among the regions with the highest number of divorces which increases every year. The main problem that is raised in this article revolves around the following questions: How are the dynamics of divorce among the people in Madura? How are the existence and experience of women (wives) in the dynamics of divorce in Madura?

Methodologically, the current study uses the mixed method of both qualitative and quantitative methods. At the technical level, the use of the quantitative method is to obtain an initial insight into the dynamics of divorce in Indonesia, specifically on the island of Madura. Aside from that, the quantitative method is also used by the researchers to acquire general data such as the type, whether it is whether it is wife initiated divorce versus husband initiated divorce; the underlying factors; and the categorization of the parties involved in the divorce based on their education and occupation. The use of qualitative research in this study is to deepen and refine the process of collecting field data related to the dynamics of divorce in Madura, especially on the existence and experience of the women (wives) involved. The study was conducted in a period from February to May 2021. In total there were 400 women involved in a divorce case who are the respondents in this study, with 56 percent or 216 individuals among whom were identified as having the primary level of education.

B. Discussion

1. Dynamics of Divorce in Madura

Geographically, Huub de Jonge (1989) split the island of Madura into two parts, West Madura and East Madura. West Madura is made up of two regencies, Sampang and Bangkalan, while East Madura is comprised of Pamekasan and Sumenep Regencies(De Jonge, 1989). Be that as it may, though Huub de Jonge divided Madura into two regions, it cannot be assumed that the two regions are fundamentally different. Because in the aspect of culture, both West and East Madura have the same social values, which are bound tightly with religious and traditional values(Hannan, 2017, 2018a). In the aspect of religiousness, the religious values of Madurese people are lucidly reflected in their daily tradition characterized by respect and subservience embodied in a popular local proverb "*Buppa', Babhu', Ghuruh, Ratoh*" which translates to Father, Mother, Teacher, Sovereign/ Government(Mulyadi,2011).Philosophically,theaforementioned proverb has two sociological meanings, as a standard of respect as well as a representation of how deep the root of patriarchy is in the social construct system of Madurese people(Hannan, 2016). In many cases, the patriarchal culture among Madurese brought forth ensuing realities (problems), two of which still exist today the practice of dominating others in the name of gender and early marriage. In the socio-cultural system of the Madurese people, early marriage is a local phenomenon (conundrum) that has been found in several regions until today(Nurmila, 2015). Referring to a study done by Suyono (2018), early marriage phenomena arefairly prevalent in Madura, even often leading to other social conundrums which are far more crucial. One such conundrum is domestic violence leading to divorce(Nurmila, 2015).

Referring to the result of a study by Eka Saputri (2019), the number of divorce cases in Madura is considered high and is still increasing every year. The number of divorce cases in Madura is intriguing considering the fact that Madurese people

are typified by religious values that greatly venerate religious norms, teachings, and sacred rituals, including marriage (Putri, Eka Saputri, Firdausi, & Chairun Nisa, 2019). According to the statistics, the high number of divorces in Madura can be traced back to the number of divorce cases in each region. Data from local Religious Courts recorded that in 2020 there are at least 9043 cases, which is a 3.47% increase from the total in 2019 which is 8729 cases. Among those cases, as many as 2438 (26.96%) were repudiatory divorces, while the remaining 6605 (73.04%) were judicial divorces.

Aside from its numerous occurrences, other phenomenon related to the dynamics of divorce in Madura is the movement trend of its graph which rises over the years. And intriguingly, the data in the field shows that the rising trend is not exclusive to one region, rather it applies for all four regencies, from Bangkalan, Sampang, Sumenep, up to Pamekasan which are known to be regions with *pesantren* fundamentals. In Sampang, the number of divorces in 2016 was 1,729 and in 2020 the number skyrocketed to 9,256. Similar to Sampang, Pamekasan experienced 2,066 divorce cases in 2016 and in 2020 the number rose to 10,936. In Bangkalan the number increased from 1,682 in 2016 to 11,829 in 2020. The same trend also occurred in Sumenep Regency, wherein the number of divorces went through the roof in 2020 with 10,606 cases from 2,012 cases in 2016.

2. Number of Factors

From the perspective of the general public, the factors of divorce are generally thought to be related to the economy and or disharmony (Akbar, 2018; Rahman, 2020). But in the case of the rising number of divorce cases in Madura, those two variables can't sufficiently represent the whole scope of the problem underlying the rising number of cases. Based on the collected field data, especially the data obtained in the last three (3) years,

the factors behind the increasing divorce cases can be divided into five (5) large groups, namely dispute leading to dissonance, socio-economic discrepancy, partner abandonment, domestic violence, and biological problems related to sexuality.

a. Dispute

In the rising number of divorce situation in Madura, the issue of conflict is a dominant factor. Religious Court in the region noted that from a total 26,668 divorce cases in Madura in the last three years, as many as 14,587 cases (54.699%) were sparked by dispute. The motives of these disputes vary, but generally disputes happened due to difference in perception related to social role, where the women wish to pursue career in the public sector public sector such as being an employee in an office and so forth. In Madura, things related to social role are not only rigid, but also sensitive. When a woman is bound by marriage, working in the public sector is considered taboo. Therefore, Madurese traditionally place women in the domestic sector, not public. Additionally, another dispute-inducing factor is the presence of a third party, be it the presence of meddling parents or in-laws or the presence of other people which may arouse misunderstanding and jealousy. By region, the highest number of divorce cases caused by dispute belongs to Sampang regency with 4,522 cases (31%), followed closely by Pamekasan with 4,376 cases (30%), then Sumenep in third place with 3,063 cases (21%), and Bangkalan dead last with 2,622 cases (18%).

b. Economy

The second factor underlying the skyrocketing number of divorce cases in Madura is the economic crisis. In the Great Dictionary of the Indonesian Language (KBBI), the term economy is defined as the science of

production, distribution, and consumption principles of commodities and wealth. In this case, economic factor refers to everything related to basic needs or prosperity such as the fulfillment of food, clothing, shelter, and the like. Referring to data on divorce in the last three years, as many as 6,360 (23.85%) divorce cases in Madura were caused by economic crisis. In a lot of cases, economic factor is usually the initial rupture that leads to conflict within the household which then spread wider onto other aspects such as dispute, extramarital affair, and the like. Interestingly, the data the researcher found in the field shows that from a total of 6,360 divorces caused by the economic factors, as many as 2,226 (35%) happened in Bangkalan Regency. A region at the western tip of Madura Island which is geographically closer to the metropolis Surabaya. The second place belongs to Sumenep Regency with a total of 1,654 (26%) cases, trailed by Pamekasan with a total of 1,272 (20%) cases, and Sampang at the last place with 1,208 (19%) cases.

c. Partner Abandonment

In the divorce cases in Madura over the last three years, divorce motive due to partner abandonment is fairly numerous. In this case, included within is the neglect of responsibility from the husband side in fulfilling his duty as the head of the household, be it material responsibility such as providing for the family or immaterial responsibility such as giving love and affection. Multiple cases show that this factor tends to happen in families in which one of the partners works outside of the region, especially abroad in countries such as Malaysia and Saudi Arabia. According to the data obtained in the field, 3,867 cases or in other words 14,5 percent of the total divorce cases in the last three years happened due to partner

abandonment. Sociologically, the high number of divorce due to this motive is in accordance with the culture of Madurese that have vigorous venturing spirit, becoming workforce in other regions be it as a female workforce or a male workforce (Noer, 2018; Rafiqi, 2020). The high income working in other regions make them comfortable which leads to their reluctance in going back home and paying no attention their partner at home. There are even cases where some of them covertly marry fellow expatriate, leading to the fracture in their household ending in divorce.

d. Domestic Violence

Another factor that contributes to the high number of divorces in Madura is domestic violence. In this regard, the domestic violence here refers to any threat, abuse, and violence be it physical, psychological, and sexual between two people bound by personal relationship or any member of their family. From the data obtained in the field, out of 26,668 divorce cases over the last three years, 981 (3,68%) were sparked by domestic violence. Based on the distribution, the region with the highest number of cases is Pamekasan Regency with 304 (31%) cases, followed by Sampang at the second place with 284 (29%) case, then Sumenep with 206 (21%) cases, and Bangkalan at the last place with 186 (19%) cases.

e. Forced Marriage

Forced marriage is a marriage that is done without the knowledge and or against the consent of at least one of the parties involved. In the context of the dynamics of divorce in Madura, forced marriage factor is considerably influential. Pursuant to the latest data, from the total number of divorce cases in the last three years, divorce cases related to forced marriage reached a total of 533

cases or equal to 2% of the total divorce cases. Based on the regional spread, the highest number of cases is in Pamekasan Regency with 185 cases, then followed by Sampang with 145 cases, Bangkalan with 120 cases, and Sumenep with 83 cases being the last. From the field data obtained, there are two dominant factors underlying forced marriage practices in Madura, namely patriarchy and early marriage traditions (Faridatul Jannah, 2012; Suyono, 2018; Yasak & Dewi, 2015). In relation to the factor of patriarchy, forced marriage usually happens due to pressure from family members or certain social community that have a high social status and is influential. Whereas regarding the factor of early marriage tradition, forced marriage practice happens due to the existing local tradition in deciding to marry off their children at a tender age. The study conducted by Masthuriyah Sa'dan (2015) expressed that the object of forced marriage practices in Madura are underage children, with some even at the age of 13-15 (Sa'dan, 2015, 2016).

f. Moral

In the Great Dictionary of the Indonesian Language, moral is defined as the good and evil related to action, behavior, and responsibility that is accepted by the public. In the context of this study, the term moral is meant to identify divorce cases that were underlain by immoral action and behavior. From the field data collected, the number of divorces underlain by moral motives is considered high. As many as 264 cases (0.99%) out of 26,668 cases in the last three years were divorce cases due to moral problems. Included within this moral category are divorce cases caused by one of the spouses being riddled with narcotics with a total of 24 cases (9%), cases due to crime with 55 (21%) cases, divorce cases due

to gambling with 132 (50%), and divorce cases due to drinking problem with 53 cases (20%).

g. Biological factor

The last factor underlying the high rate of divorce in Madura is a biological problem, which includes divorce due to a physical disability afflicting one of the partners. Additionally, another biological factor arises due to the inability of the corresponding party to fulfilling their duty, sexual dissatisfaction by one of the spouses, or difficulty or inability to conceive. In numerous other minor cases, biological problems can also be caused by sexual deviation and a history of contracting the sexually transmitted disease which may endanger the descendants. Compared to other factors, the number divorce cases due to biological motives is fairly low. From the field data collected, divorce cases due to this factor amounts to 75 or 0.28% most of which occurred in Pamekasan with 25 cases, then Sampang and Bangkalan with 15 cases each, followed by Sumenep with 10 cases.

3. Judicial Divorce vs Repudiatory Divorce

According to Marriage Law in Indonesia, Article 38 states that divorce is the discontinuity of certain individuals as husband and wife both religiously and legally (Abubakar, 2020). According to the type, divorce can be split into two categories, repudiatory and judicial (Andaryuni, 2017; Jamil, 2015). According to the Law and Government Regulation No. 9 1975, judicial divorce is a lawsuit filed by a husband, wife, or representative to a regional Court the jurisdiction of which encompass the place of residence of the defendant. Repudiatory divorce, however, is defined in KHI (Compilation of Islamic Law) Article 114 as *"The discontinuity of marriage as a result of talak (repudiation) or divorce litigation."* (Imron, 2016). The term '*Talak*' here refers to

the vow of a husband in the presence of Religious Court leading to the discontinuity of marriage. The discontinuity of marriage due to repudiation or litigation automatically translates to the discontinuity of rights and responsibility of both parties, be it husband or wife, as a household (Hak, Che Soh, Ibrahim, & Niringjuerae, 2012; Jaafar-Mohammad & Lehmann, 2010).

In relation to the dynamics of divorce in Madura in the last three years, based on the collected field data, a comparison of the number of divorces in Madura by its type shows that it is dominated by judicial divorce rather than repudiatory. For instance, in the year 2020 the number of divorces was 9,043, and from that number 6,605 (73.04%) were judicial while only the remaining 2,438 (26.96%) cases were repudiatory. The same phenomenon also applies in the percentage of cases in each region. For example, in Sumenep Regency, a regency with the highest number of divorce cases in 2020 with 2,443 total cases, 1,714 (70.16%) cases are judicial divorce while only 729 (29.84%) cases are repudiatory.

Table. 1 Divorce Percentage in Regencies in Madura by Type

Regency	Judicial	Repudiation	Total
Bangkalan	1.714 (70.16%)	729 (29.84%)	2.443
Sampang	1.449 (81.59%)	327 (18.41%)	1.776
Pamekasan	6.008 (67.63%)	777 (33.04%)	2.352
Sumenep	1.714 (70.16%)	729 (29.84%)	2.443

Source: Regional Religious Court in Madura

If we analyze the data above further by grouping them based on education level, other phenomena can be found that are no less crucial and intriguing. According to a study conducted on 400 female respondents who are mired in divorce, field data shows that the majority of them have a

low level of education, with 216 respondents or 54 percent of their total number only have primary level education, while 77 (19%) have lower secondary education, 72 (18%) have upper secondary education, 22 (6%) have undergraduate education, 4 (1%) have completed their masters, whereas the remaining 9 (2%) does not have any formal education. Based on their occupation, 177 (44%) of the respondents are self-employed, 126 (32%) are housewives, 30 (8%) are merchants, 41 (10%) are farmers, 14 (4%) work as teachers, 9 (2%) work as civil servants, and the remaining 3 (1%) are either in the military or police department.

Reflecting upon the aforementioned facts, it is clear that in the last few years the dynamics of divorce in Madura is dominated by judicial divorce, wherein the woman (wife) is the subject. This reveals that the pattern of divorce among Madurese people has experienced a shift from its mainstream definition in the sense that the practice of divorce which were previously tend to be in the control of man (husband) as the highest authority in the culture and household system in Madura has now slowly started to veer in a different direction along with the emergence of legitimation for females (wives) to file for divorce litigations (Aini & Nuqul, 2019; Nurmila, 2015). As part of social reality, the change is certainly not a coincidence, but a result of certain factors. And referring to the grouping of divorce data above, be it by education or occupation, it can be inferred that the underlying factor is not singular, but complex composed of multiple variables, such as economic factor related to prosperity, moral factor due to the presence of a third party, biological factor, as well as sociological factor related to violent acts and behavior, be it physical or non-physical.

4. Factors Underlying the Rise of Judicial Divorce

Based on the field data gathered through interviews with informants, there are three (3) significant factors why divorce cases in Madura are dominated by judicial divorce than repudiatory divorce. First is the increase in knowledge and understanding of rights in family life. A high level of knowledge will eventually translate to self-awareness in maximizing facilities and rights provided by the state (Rozi, 2018). In the context of the dynamics of divorce in Madura, the knowledge factor is not always attributed to the subject (women) in question, rather it may be obtained due to the role and existence of other people such as parents or guardians, village administrative personnel, or other people in the proximity. The second factor behind the high level of judicial divorce in Madura is due to the mindset of the people becoming more modern (Hannan, 2018b). In this situation, there is a shifting of values regarding the perception towards marriage amidst the people. The more modern the thinking paradigm of the people devaluates the sacredness of marriage from their (women/wives) perspective. That is why to them divorce is reasonable when their husband-and-wife relationship is no longer compatible, especially if their marriage is forced and not of their own volition. The third factor is instigation from family members especially parents. This factor is often the consequence of the deep-seated patriarchal culture in the familial structure and system in Madura (Hannan, 2016, pp. 34–41; Mulyadi, 2011, p. 65). In Madurese culture, even if an individual is a wife or husband, they cannot do a lot beyond parental control, be it something related to material needs or the most private affair in their household. That is why whenever there is a problem in the household, the parents are often involved as mediators or decision makers, even if the problem is related to divorce. Several cases found in the field show that there are not just a few judicial divorce cases filed by wives as a result of their parent's

urging and intervention, such as the judicial divorce case filed by Siti Syamsiyah (20).

Regarding their nature, the factors underlying the rise of judicial divorce in Madura can be divided into two categories, direct factors, and indirect factors. Direct factor refers to the factors related to a divorce as a consequence of negative energy in the matrimony such as domestic violence, be it physical or psychological, lack of responsibility, failure in providing for the wife and children, or husband's infidelity or polygamous tendency (Gunawan & Nurwati, 2019; Hafidz Syahbana, 2020). In the context of the dynamics of divorce in Madura, indirect factors include economic crisis, partner abandonment, domestic violence, forced marriage, and moral problems. The indirect factor is defined as factors that are related to a divorce ensuing because of low education level of at least one of the partners, in the sense that the lower the level of education in a household is, the higher the risk of divorce, and conversely, the higher the education level is, the lower the risk of divorce.

The indicators of low level of education here are those whose education is terminated in primary or junior high school. Concerning the study, of all the divorce cases described above, majority of those involved or were undergoing judicial divorce have low education level. The result of data collection from 400 female (wives) respondents involved in divorce cases led the researcher to find that as many as 216 (54%) of those involved only have a primary level of education. This percentage greatly differs from those who have post-secondary education level which number only 26 people equivalent to 7% of the total number of respondents. (See Table 2.)

Table 2. Percentages of Judicial Divorce Based on Education Level in 2020

Education	Number of Cases	Percentage
No Formal Education	9	2%
Primary	216	54%
Lower Secondary	77	19%
Upper Secondary	72	18%
Undergraduate	22	6%
Postgraduate (Master's)	4	1%
Postgraduate (Doctorate)	0	0%

Source: Regional Religious Court in Madura

The fact that low education level problem becomes one of the dependent variables behind the rising rate of divorce in Madura is related to the level of education awareness in the area which is still low. Even a number of regions in Madura, namely Sampang and Bangkalan Regency, are still considered underdeveloped with below average Human Development Index (HDI)(Achmad, 2019). Especially in Sampang Regency, wherein, according to the collected field data, the number of people who have completed Junior and Senior High school is recorded to be only 23 percent of the whole population('Tingkat Pendidikan Madura Rendah', 2010). Similar to Sampang, data shows that in Bangkalan Regency 60 percent of students who have graduated from primary school do not further their education to Junior High, while 57 percent of Junior High graduates do not advance their education to Senior High(Heriyanto, 2016).

Regarding the influence of low education level to high number of divorce cases, Asniar Khumas (2012) explained in his study that in general people who tend to divorce are those with lower education having only either, primary, lower secondary, or upper secondary education(Khumas, Prawitasari,

& Retnowati, 2015). The lower the level of education of an individual in shaping a household the more likely are they to be at risk of divorce, be it judicial or repudiatory. Low education level and knowledge can influence an individual's perception and mindset, which in turn impacts their action and behavior. The same applies to family life, therefore the essence of being educated as a family for a couple is none other than for them to have sufficient knowledge and understanding specifically in responding and confronting rough patches in family life. In this regard, education plays a major role in order to obtain the knowledge about every right and responsibility an individual has (Jaafar-Mohammad & Lehmann, 2010; Khumas et al., 2015; Ulfah, 2011; Wulansari, 2013). By knowing their rights and responsibilities, an individual in a marriage can be kept away from acts and behaviors that can potentially lead to harm, be it physical or non-physical harm. In the context of the dynamics of divorce in Madura, low level of education affects not only the number of divorce cases, but also gender issues such as domestic violence practices. Therefore, the problem of high number of divorce cases in Madura cannot be resolved only through the perspective of education, it also needs to be reinforced by other point of views, one of which is gender perspective.

5. Rising Rate of Judicial Divorce: Gender Perspective

Gender study surrounding the dynamics of divorce in Madura has actually been done previously, and it even become a popular theme that attracts the attention of many from time to time. However, even though it has been done, the issue related to it is not thoroughly resolved yet (Syafa'at, 2012). This is due to gender problem in the dynamics of family life in Madura being fairly complex and classic that its resolution needs a profound and continuous study. Based on the field data collected, gender problem in the dynamics of divorce in Madura can be split into two categories, structural gender problem and cultural gender

problem. At the structural level, gender problem emerges as a result of the overlapping regulation between positive laws and social norms that applies among the people, especially religious norms and customary norms. Whereas at the cultural level, gender problem arises as a logical consequence to the rigid social hierarchical system, specifically patriarchy, among the people. In patriarchal culture, man (husband) is considered to belong to the upper social class, whereas woman (wife) is considered to be lower class (Faiz, 2013).

In social science, the term gender is synonymous with the definition of role, action, behavior, and responsibility inherent in men and women (Civettini & Glass, 2008; Engineer, 2004). As a role, gender is an ability constructed by social system and structure that applies among the people, be it custom, culture, religion, or tradition. As a social construct, gender has a dynamic nature in the sense that it undergoes change from time to time and place to place. Due to this dynamic nature, the term gender possesses different meaning than the term 'sex'. Sex means the two forms of an individual (man and woman), has normative and innate nature, and is unable to change or be changed, whereas the term gender refers to social roles (masculine and feminine) formed by learning and social interaction processes. In gender perspective, both masculine and feminine group have the legitimation to have their own rights and responsibilities, including the right and responsibility in the aspect of family life related to divorce (Bueno, 2017; Istratii, 2015; Sa'dan, 2015). Regarding gender problem in the dynamics of divorce in Madura, the big question now is how are the existence and experience of women in the dynamics of divorce in Madura?

As explained by George Ritzert in Venessa Garcia (2021), there are a number of approaches in studying the existence and experience of women in the dynamics of divorce among the people of Madura, one of them being the Woman and Development (WaD) approach (Garcia, 2021). This approach is

a popular instrument used by many gender activists to portray the position of women, whether they are in an alright situation or experiencing marginalization and discrimination due to the domination of certain social class (Wardatun & Smith, 2020). In the Woman and Development approach, the basic assumption stems from the desire to create equal rights between man and woman. The reality that women are frequently treated with discrimination in public space is, according to the group, a form of injustice which is detrimental to women (Faridatul Jannah, 2012; Rahemtulla, 2017). Therefore, in the perspective of WaD, the spirit of development needs to contain egalitarian values that can guarantee the women's right and protection, be it in public or domestic space. To realize such goal, there is a need for legitimation space that can give special space for women to emphasize their existence and role in both domestic and public social aspects. At the domestic level, WaD ensures the protection of rights and responsibility, so that women are not treated waywardly and kept safe from any form of violence and oppression. At the public level, WaD ensures the freedom of women to choose and explore their own ability. By providing them with liberty, women will be more independent and advanced in both career and or education.

Regarding the phenomenon of high divorce rate among women of lower education in Madura, gender problem from the perspective of WaD can be found in several things. The first one is low level of education among women involved in divorce cases. In this regard, according to the field data collected from 400 female respondents involved in divorce cases, 216 (54%) only have primary education, 9 (2%) have no formal education, 77 (19%) have lower secondary education, 72 (18%) have upper secondary education, 22 (6%) have completed their undergraduate studies, and the remaining 4 (1%) have master's degree. Reflecting on the data above, it is obvious that there is a large margin between women with higher level of education and

women with lower education level. If it is linked to the dynamics of divorce in Madura in the last three years, the percentage above have a strong correlation with the cases that have placed women as the object of divorce cases. By being object, women (wives) tend to be treated horribly, exploited, marginalized, and discriminated against to the point of the stereotyping in every divorce case befalling them. The second one is high number of violent acts and behaviors against women directly involved in divorce cases. Data from 2020 shows that as many as 981 (3.68%) divorce cases in Madura in the last three years were caused by domestic violence, with 306 cases occurring in Pamekasan, 284 in Sampang, 206 in Sumenep, and 186 in Bangkalan. The high rate of divorce cases with violence as the motive happen all around Madura, which directly translates to the position and experience of women in household activities still being remote from the principle of equality and justice.

Seeing from the perspective of structural feminism theory, Talcott Parson (1902-1979) stated that family, as a social structure, is essentially formed from many substructures such as children, husband, and wife (Dimbath, 2014; Garcia, 2021). All of these substructures have their role and functions and are bound to a relationship that is continuously in pursuit of balance and harmony to construct social integration and stability. To do so they need a consensus in the form of rules or regulations, the purpose of which is to organize and control so that deviations and unrest can be averted. Through that consensus, the social structure and system in a family is made more organized and each individual will have legitimation space to thoroughly carry out their responsibility and earn their rights in family life, be it in the realm of public or domestic (RAY, 2018). Therefore, according to this theory, everything that disrupts the stability of familial system and structure is a problem that needs to be normalized. Included within the problem category is the low level of education among women. A Low level of education

will make the existence and role of women diminish, due to their lacking knowledge and insufficient understanding to fight for their rights and responsibilities (Wardatun & Smith, 2020; Yunairi, 2020).

As such, based on the structural feminism theory above, the low level of education underlying the high number of judicial divorces in Madura has become one of the problems that can interfere with the stability of the system and structure of the family itself. As explained by Asniar Khumas (2012), education is an indirect factor underlying a divorce. Even though it is an indirect factor, it can incite other factors that are no less dangerous such as marginalization, discrimination, or even violence in the name of gender. The importance of education in household life, other than to prevent and reduce various social problems and rights related to marriage and family, is also to prevent early marriage and divorce. The fact that domestic violence and household conflict lead to the divorce being dominant has a strong correlation with the low level of education experienced by women in Madura.

C. Conclusion

The number of divorce cases in Madura has experienced a rise for the last three years. From the number of cases, divorce in Madura is dominated by judicial divorce than repudiatory divorce. The high number of judicial divorces is caused by several factors, including disputes, economic crises, disharmonious relationships, partner abandonment, forced marriage, moral factors, biological factors, as well as domestic violence by one of the partners. Based on the education level, judicial divorce in Madura is mostly dominated by couples with a low level of education. Out of 400 respondents, as many as 56 percent or 216 women involved in judicial divorce cases only have a primary level of education, 9 (2%) have no formal education, 77 (19%) have a lower secondary education level, 72 (18%) have upper

secondary education, 22 (6%) have undergraduate education, and 4 (1%) have master's degree. The high number of women with lower education levels involved in divorce cases in Madura has a negative impact on their existence and experience. In this regard, in numerous divorce cases, women are often the object instead of the subject, in the sense that they are often discriminated against, marginalized, and treated with violence in the name of gender. The reality that women tend to be seen as objects is consistent with the fact in the field. From the field data collected, from a total of 26,668 divorce cases in the last 3 years, as many as 981 cases (3.68%) are caused by domestic violence. From the perspective of structural feminism theory, the low level of education among women underlying the high number of judicial divorce cases in Madura is a problem that may disrupt the stability of structure and system within a family. A Low level of education does not only results in the risk of exploitation practices, but also has a great potential to foster disharmony within family life, due to insufficient ability in shaping a household the right way. Therefore, as a point of recommendation in this research, it is imperative to fortify both parties with sufficient education, especially for women or wives who in many divorce cases are victims of violent acts.

REFERENCE

- Abubakar, M. (2020). Meningkatkan Cerai Gugat Pada Mahkamah Syar'iyah. *Kanun Jurnal Ilmu Hukum*, 22(2), 302–322. <https://doi.org/10.24815/kanun.v22i2.16103>
- Achmad, F. (2019, March 8). Empat Daerah di Jatim Lepaskan Status Daerah Tertinggal. Retrieved 30 January 2021, from KOMPAS.com website: <https://regional.kompas.com/read/2019/08/03/15062691/empat-daerah-di-jatim-lepaskan-status-daerah-tertinggal>
- Afrianty, D. (2018). Agents for Change: Local Women's Organizations and Domestic Violence in Indonesia. *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia*, 174(1), 24–46. <https://doi.org/10.1163/22134379-17401024>
- Aini, A. K., & Nuqul, F. L. (2019). Penyesuaian Diri Pada Pasangan Perjodohan di Kampung Madura. *Al-Hikmah: Jurnal Agama dan Ilmu Pengetahuan*, 16(2), 78–88. [https://doi.org/10.25299/jaip.2019.vol16\(2\).3875](https://doi.org/10.25299/jaip.2019.vol16(2).3875)
- Akhmadi, A. Y., Budiyati, S., & Yumna, A. (2015). *Access to Justice: Empowering Female Heads of Household in Indonesia: Case Studies in Nanggroe Aceh Darussalam, West Java, West Kalimantan, and East Nusa Tenggara (Research Report)* (null, Ed.). Jakarta: The SMERU Research Institute.
- Alfitri, A. (2020). Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia. *Studia Islamika; Vol 27, No 2 (2020): Studia Islamika*. <https://doi.org/10.36712/sdi.v27i2.9408>
- Andaryuni, L. (2017). Pemahaman Gender dan Tingginya Angka Cerai Gugat di Pengadilan Agama Samarinda. *Fenomena*, 9(2), 155. <https://doi.org/10.21093/fj.v9i2.946>
- Berenschot, W. (2020). Patterned pogroms: Patronage networks as infrastructure for electoral violence in India and

- Indonesia. *Journal of Peace Research*, 57(1), 171–184. <https://doi.org/10.1177/0022343319889678>
- Brenner, S. A., Ong, A., & Pelet, M. G. (1995). *Bewitching Women, Pious Men: Gender and Body Politics in Southeast Asia* (null, Ed.).
- Bueno, D. C. (2017). *Institutionalization of Gender and Development (GAD) at Columban College Inc. Olongapo City*. <https://doi.org/10.13140/RG.2.2.12379.11048>
- Cammack, M., & Heaton, T. (2011). Explaining the Recent Upturn in Divorce in Indonesia: Developmental Idealism and the Effect of Political Change. *Asian Journal of Social Science*, 39(6), 776–796. JSTOR. Retrieved from JSTOR.
- Civettini, N., & Glass, J. (2008). The Impact of Religious Conservatism On Men's Work and Family Involvement. *Gender & Society - GENDER SOC*, 22(3), 172–193. <https://doi.org/10.1177/0891243207310714>
- De Jonge, H. (1989). *Agama, Kebudayaan, dan Ekonomi: Studi Interdisipliner tentang Masyarakat Madura*. Jakarta: Rajawali Press.
- Dimbath, O. (2014). George Ritzer, Introduction to Sociology. *Soziologische Revue*, 37. <https://doi.org/10.1515/srsr-2014-0060>
- Ekonomi, W. (2020, June 12). Kasus Perceraian Meningkat di tengah Pandemi. Retrieved 26 February 2021, from Warta Ekonomi website: <https://www.wartaekonomi.co.id/read289790/kasus-perceraian-meningkat-di-tengah-pandemi>
- Engineer, A. (2004). Islam, Women and Gender Justice (Shari'ah law). *Journal of Dharma*, 29(2), 183–200.
- Faiz, A. A. (2013). Pola dan Logika Nikah Sirri dalam Kultur Masyarakat Madura. *Musāwa Jurnal Studi Gender dan Islam*, 12(1), 121. <https://doi.org/10.14421/musawa.2013.121.121-136>

- Faridatul Jannah, U. S. (2012). Pernikahan Dini dan Implikasinya terhadap Kehidupan Keluarga pada Masyarakat Madura (Perspektif Hukum dan Gender). *Egalita: Jurnal Kesetaraan dan Keadilan Gende*, 7(1). <https://doi.org/10.18860/egalita.v0i0.2113>
- Firmansyah, T. (2020, August 28). Perceraian di Pulau Jawa Meningkat Selama Pandemi Covid-19. Retrieved 26 February 2021, from Republika Online website: <https://republika.co.id/berita/qfrx2f377/perceraian-di-pulau-jawa-meningkat-selama-pandemi-covid19>
- Garcia, V. (2021). *The Sociology of Gender*. <https://doi.org/10.4324/9781315117607-1>
- Gunawan, N. A., & Nurwati, N. (2019). Persepsi Masyarakat pada Perceraian. *Share : Social Work Journal*, 9(1), 20. <https://doi.org/10.24198/share.v9i1.19863>
- Hafidz Syahbana, A. (2020, January 27). Angka Kasus Perceraian di Sumenep Terus Meningkat, Penyebab Utamanya Tak Melulu soal Perselingkuhan. Retrieved 7 February 2021, from Tribun Madura website: <https://madura.tribunnews.com/2020/01/27/angka-kasus-perceraian-disumenep-terus-meningkat-penyebab-utamanya-tak-melulu-soal-perselingkuhan>
- Hak, N., Che Soh, R., Ibrahim, N., & Niringjuerae, M. (2012). *Right of women to obtain divorce under Shari'ah and Islamic family law of Malaysia: With special reference to ta'liq and khulu'*. 6, 286–293.
- Hamdan, N. (2013). Islamic Family Law Divorce. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2276619>
- Hannan, A. (2016). Gender Dan Fenomena Patriarki Dalam Sosial Pendidikan Pesantren Studi Tentang Hegemeoni Kiai Pesantren Terhadap Sosial Pendidikan Bias Gender. *Gender Dan Budaya Madura*. Presented at the Madura dalam Perspektif Budaya, Gender, Politik, Industrialisasi, Kesehatan dan Pendidikan, Surabaya.

- Hannan, A. (2017). *Fanatisme Komunitas Pesantren Nu Miftahul Ulum dan Stigma Sosial Pada Muhammadiyah di Kabupaten Pamekasan*. 12.
- Hannan, A.-. (2018a). Agama, Kekerasan, dan Kontestasi Politik Elektoral: Penggunaan Simbol Keagamaan Kiai dan Kekuasaan Blater dalam Pertarungan Politik Lokal Madura. *Jurnal Sosiologi Agama*, 12(2), 187. <https://doi.org/10.14421/jsa.2018.122-02>
- Hannan, A. (2018b). Perempuan Madura dan Pembangunan Daerah Berbasis Berkelanjutan (SDGS). *Jurnal Kajian Islam Interdisipliner*, 3(1), 23.
- Heriyanto, D. (2016, Agustus). Tingkat Pendidikan Warga Bangkalan Dinilai Sangat Rendah. Retrieved 15 March 2021, from TIMES Indonesia website: <https://www.timesindonesia.co.id/read/news/129946/tingkat-pendidikan-warga-bangkalan-dinilai-sangat-rendah>
- Imron, A. (2016). Memahami Konsep Perceraian dalam Hukum Keluarga. *BUANA GENDER : Jurnal Studi Gender dan Anak*, 1(1), 15. <https://doi.org/10.22515/bg.v1i1.66>
- Istratii, R. (2015). *Seeing Cross-culturally: The Paradigm of Gender and Development (GAD) and its Re-conceptualisation*.
- Jaafar-Mohammad, I., & Lehmann, C. (2010). Women's Rights in Islam Regarding Marriage and Divorce. *Journal of Law and Practice*, 4(1), 15.
- Jamil, A. (2015). Isu dan Realitas di Balik Tingginya Angka Cerai-Gugat di Indramayu. *HARMONI*, 14(2), 22.
- Khumas, A., Prawitasari, J. E., & Retnowati, S. (2015). Model Penjelasan Intensi Cerai Perempuan Muslim di Sulawesi Selatan. *Jurnal Psikologi*, 42(3), 189. <https://doi.org/10.22146/jpsi.9908>
- Mulyadi, A. (2011). Perempuan Madura Pesisir Meretas Budaya Mode Produksi Patriarkat. *KARSA: Journal of Social and Islamic Culture*, 12(2), 15.

- Nasrudin Yahya, A. (2020, September 13). Tekan Angka Perceraian, Kemenag Jalin Sinergitas Penguatan Ketahanan Keluarga Halaman all -. Retrieved 7 February 2021, from Kompas.com website: <https://nasional.kompas.com/read/2020/09/13/10294341/tekan-angka-perceraian-kemenag-jalin-sinergitas-penguatan-ketahanan-keluarga?page=all>
- Noer, K. U. (2018). Mereka yang Keluar dari Rumahnya: Pengalaman Perempuan Madura di Bekasi. *Jurnal Inada: Kajian Perempuan Indonesia di Daerah Tertinggal, Terdepan, dan Terluar*, 1(1), 55-74. <https://doi.org/10.33541/ji.v1i1.826>
- Nurhasanah. (2017). The analysis of causes of divorce by wives. *COUNS-EDU: The International Journal of Counseling and Education*, 2(4), 192-200.
- Nurmila, N. (2015). Pengaruh Budaya Patriarki terhadap Pemahaman Agama dan Pembentukan Budaya. *KARSA: Jurnal Sosial dan Budaya Keislaman*, 23(1), 1. <https://doi.org/10.19105/karsa.v23i1.606>
- O'Shaughnessy, K. (2009). *Gender, State and Social Power in Contemporary Indonesia: Divorce and Marriage Law* (null, Ed.).
- Poerwandari, E. K., Munti, R. B., & Viemilawati, J. (2018). Pro-women's policy advocacy movements in Indonesia: Struggles and reflections. *Asian Journal of Women's Studies*, 24(4), 489-509. <https://doi.org/10.1080/12259276.2018.1538646>
- Putri, K. D., Eka Saputri, A. D., Firdausi, N., & Chairun Nisa, L. (2019). Analisis Yuridis Perceraian Luar Pengadilan di Desa Nyormanis Kecamatan Blega Kabupaten Bangkalan Madura. *AL-HUKAMA'*, 9(2), 433-458. <https://doi.org/10.15642/alhukama.2019.9.2.433-458>
- Rafiqi. (2020, August 22). Penyebab Kasus Perceraian di Sumenep, Ada yang Ditinggal Sepihak. Retrieved 7 February 2021,

from Mata Madura website: <https://matamaduranews.com/penyebab-kasus-perceraian-di-sumenep-ada-yang-ditinggal-sepihak/>

Rahemtulla, S. (2017). *Gender Justice as a Way of Life: Liberation Theology and Gender Justice in Islam*. <https://doi.org/10.1093/acprof:oso/9780198796480.003.0004>

RAY, R. (2018). *Postcoloniality and the Sociology of Gender*. <https://doi.org/10.2307/j.ctt1pwtb3r.10>

Rozi, M. F. (2018). Rekonstruksi Ketidak Adilan Gender melalui Pendidikan Islam. *El-Furqonia*, 04(02), 13.

Sa'dan, M. (2015). Menakar Tradisi Kawin Paksa di Madura dengan Barometer HAM. *Musāwa Jurnal Studi Gender dan Islam*, 14(2), 143. <https://doi.org/10.14421/musawa.2015.142.143-156>

Sa'dan, M. (2016). Tradisi Perkawinan Matrilokal Madura. *Ibda': Jurnal Kebudayaan Islam*, 14(1), 10.

Saraswati, R. (2020). Shame and Indonesian women victims of domestic violence in making the decision to divorce. *Identities*, 27(5), 557–573. <https://doi.org/10.1080/1070289X.2019.1600313>

Suyono, S. (2018). Kredibilitas Pemuka Pendapat dalam Tradisi Pernikahan di Bawah Umur (Pernikahan Dini) di Madura. *MEDIAKOM*, 1(2). <https://doi.org/10.32528/mdk.v1i2.1578>

Syafa'at, A. K. (2012). Kesadaran Gender Perempuan terhadap Hak-Haknya (Studi Kasus Gugat Cerai Guru Perempuan di Kabupaten Banyuwangi). *AL-HUKAMA: The Indonesian Journal of Islamic Family Law*, 02(2), 22.

Tingkat Pendidikan Madura Rendah. (2010, Mei Artikel ini telah tayang di surya.co.id dengan judul Tingkat Pendidikan Madura Rendah, <https://surabaya.tribunnews.com/2010/05/24/tingkat-pendidikan-madura-rendah>). Retrieved 15 March 2021, from Surya website: <https://>

surabaya.tribunnews.com/2010/05/24/tingkat-
pendidikan-madura-rendah

- Ulfah, I. (2011). Menggugat Perkawinan: Transformasi Kesadaran Gender Perempuan dan Implikasinya terhadap Tingginya Gugat Cerai di Ponorogo. *Kodifikasia*, 5(1). <https://doi.org/10.21154/kodifikasia.v5i1.219>
- Umbari Prihatin, I. (2020, September 12). Kemenag Sebut Angka Perceraian Mencapai 306.688 Per Agustus 2020. Retrieved 7 February 2021, from Merdeka.com website: <https://www.merdeka.com/peristiwa/kemenag-sebut-angka-perceraian-mencapai-306688-per-agustus-2020.html>
- Wardatun, A., & Smith, B. J. (2020). Woman-Initiated Divorce and Feminist Fiqh in Indonesia: Narrating Male Acts of Nushūz in Marriage. *Ulumuna*, 24(2), 266–295. <https://doi.org/10.20414/ujs.v24i2.416>
- Widyanti, W., Suryahadi, A., Sumarto, S., & Yumna, A. (2010). The Relationship Between Chronic Poverty and Household Dynamics: Evidence from Indonesia. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.1537080>
- Wulansari, I. (2013). Dominasi Maskulin versus Kesetaraan Gender (Masculine Domination versus Gender Equality). *Mozaik*, 12(1), 9.
- Yasak, E. M., & Dewi, S. I. (2015). Budaya Pernikahan Dini terhadap Kesetaraan Gender Masyarakat Madura. *Jurnal Ilmu Sosial dan Ilmu Politik*, 4(3), 6.
- Yunairi, D. (2020). Konsep Feminisme Gayatri Chakrasvorty Spivak dan Upaya Membangun Keluarga Unggul (Kajian Feminisme Modern). *Sanjiwani: Jurnal Filsafat*, 11(1), 103. <https://doi.org/10.25078/sjf.v11i1.1538>