

## The analysis of causes of divorce by wives

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### Abstract

This study aimed to find out the background of the life of women until the marital process, the factors causing wives to sue their husband for divorce, and the overview of women's life who sued their husband for divorce. The research uses descriptive qualitative method and for collecting data were doing interviews. The subjects of this research were ten people. The results showed that most of their propensities to divorce were because: (1) the husband did severe persecution that was harmful to the wife; (2) the husband left the wife for 2 (two) consecutive years without wife's permission and without any legitimate reason; (3) the occurrence of dispute and the quarrel between the husband and wife as well as there was no hope of living in harmony anymore in the household; (4) the husband committed adultery (cheating). Based on the results from the study, divorced women feel free from her husband's bad behavior.

**Keywords:** suing for divorce, wives, husband, marital process

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### Introduction

The case of suing for divorce is a divorce proposed by a wife (Indonesia, n.d.; Muliawan, 2013; Rais, 2017) to her husband so that the husband will divorce her. In this case the position of the wife is as the plaintiff to the husband as the defendant. If the accusation is granted, the registrar will issue a certificate of divorce for plaintiff and defendant no later than seven days after the verdict is lawful (State Constitution of State No. 7 of 1989) (Arifin, 1996).

Some cases of divorce were clearly visible from 2004 to 2007 in some areas in the Aceh province of Aceh (Kamalin, 2012; Rusuli, Fuady, Zulfikar, & Nurzianti, 2017; Sahlan, 2012) It was mostly done by the women from the low middle class and happened even to the corners of the remote areas. In Bireuen, until the end of 2005, the case of divorce was quite prominent, namely reached 65 percent or 150 cases compared with some other cases. The causes of this prominent case of the wife suing her husband for divorce or fasah were economic pressure (Asriandari, 2015; Sahlan, 2012; M. N. Sari, Yusri, & Sukmawati, 2015) prolonged dispute, as well as many husbands left their wife and son for years (Fathinnuddin, 2014) without making a living for them. This had made many wives do suing for divorce

to their husband who was considered less responsible. This is done to avoid stress (Zola, N., Fadli, R. P., & Ifdil, I., 2017; Wardi, R., & Ifdil, I., 2016) that later can lead to depression.

In Subulussalam, during 2004 to 2005 the divorce rate had increased up to 2 to 3 times than before. The enhancement was due to the economic pressure (Fathinnuddin, 2014; Nurhasanah & Susetyo, 2014; Prianto, Wulandari, & Rahmawati, 2013; Sahlan, 2012) and low level of education. In addition there was also the age factor; too early. At least there were three couples filing for divorce every month. Most of the women filed for divorce than men (Fajri, 2017; Maspeke & Khisni, 2017; Muhajarah, 2018). In Lhokseumawe, from 275 divorce cases handled by Syariah Court of Lhokseumawe during the 2006 - 2007, divorces filed by women were approximately 60 percent. This was triggered by the presence of the third person, polygamy, and economic factor. The majority of married couples who divorced comes from low middle class.

A divorce case is often considered a separate and stressful (Ayuningtyas, n.d.; H. K. Lestari, Sumijati, & Hastuti, 2015) occasion in family life (Larenurifta, 2014). However, this occasion has become part of life in the community. Some people ever had a failure in their marriage (Astuty, 2011; Dariyo & Esa, 2004; S. Lestari, 2012; Sumpuni, 2008). The failure was caused by some specific factors from either the husband or the wife (Ginanjari, 2009). A failure in marriage life generally culminates in divorce or the misery of life.

Many factors lead to the occurrence of dispute cases within the family that ended up in divorce (Dariyo & Esa, 2004; Sahlan, 2012). These factors are an economic problem (Marzuki & Watampone, 2016; Syaifuddin & Turatmiyah, 2012), psychological factor, social factor (I. N. Sari, 2012), age difference that is (too) much, the desire to have a child (a son or a daughter) (Prianto et al., 2013), not making a living, violence by the husband (domestic violence) (Huda, 2005; Irianto, 2006; Noviasari, 2010; Prianto et al., 2013; Syaifuddin & Turatmiyah, 2012; Turangan, 2010; Winantio, 2009), secret marriage (I. N. Sari, 2012), the partner who is part of the Indonesian Migrant Worker, cheating husband (Jannah, 2013; I. N. Sari, 2012), polygamy (Idrus, 2006), husband leaving his wife (Febriyani, El Karimah, & Aristi, 2012), often treated harshly by husband, and the issue of the different life principle (Sopari, 2013). The other factors are the difference in pressure and the way of educating children as well as the influence of social support from outside parties, neighbors, relatives, friends, and community situation which is conducive (I. N. Sari, 2012).

However, the factors that have to be beware and dominates numerous divorce cases (as articulated by the perpetrators of divorce) are the inability of the partner in carrying the burden of marriage life or carrying the burden of responsibility that he or she has. All these factors bring in the bad atmosphere and undermine the domestic life.

The divorce case in the family always brings in a deep impact. This case inflicts the stress (Taufik, T., & Ifdil, I. (2013), pressure, and physical and mental changes. However, sometimes it is the only best and most appropriate option for a family who has been experiencing a prolonged conflict. A divorce in the family does not always inflict negative consequences, but it can also inflict a positive result. The divorce becomes the only solution for getting the sense of tranquil when the purposes of the divorce are to avoid the conflict situation, discontentment, and the continuously different point of view.

For some families, a divorce is considered the best decision to end the sense of distress, fear, anxiety, and discomfort. This is because we always crave happiness and get along well with children, so we have the right to put an end to a marriage if it inflicts the disasters and discomfort. Nevertheless, the divorce case clearly gives rise to the risk with a chain. A divorce will impact on the husband or the wife. They both lose their good relationship with the husband or the wife, feel that he or she is not a useful person, have self-esteem wounded, feel that the respect for themselves is bereaved, become sensitive and irritable, make their behavior often uncontrollable because they more often accentuate the emotion, often seclude due to embarrassment and low self-esteem, and feel betrayed. Being a single parent to a female child is more like a choice of fate. It is absolutely not expressed as a trend just because a number of artists undergo this

openly. This is not something that ought to be proud of because the status of a single parent as the trend may give less good influence for the younger generation.

From some of the cases mentioned above, the author wanted to find out how the life of women who sued their husband for divorce was until the occurrence of marriage process, what were the factors that caused the wives to sue their husband for divorce, as well as how the life of women suing their husband for divorce was after the divorce process.

The benefits of the research were that (1) it could provide scientific contribution to the development of guidance and counseling education, particularly psychology and family counseling, as well as marriage counseling, particularly that was related to divorce, (2) it was as knowledge input for families in fostering household towards positivity so that couples were supposed to be worthwhile individuals and worthwhile members of the community as well as it could be used as a preventive means (precautionary) to the occurrence of problems in the household with the effort of improving the harmony in the family.

## **Method**

This research used the approach of descriptive qualitative, namely a research which attempts to reveal, analyze, and interpret data (Bachri, 2010; Rahmat, 2009; Semiawan, 2010; Somantri, 2010) or information in the field by using the way of describing by words. The approach used was the qualitative approach where the data were collected in the form of reports and analysis. According to Bongdan and Taylor, "a qualitative research is a research procedure that generates descriptive data in the form of written words and spoken from the people and behavior that can be observed" (Moleong, 2007, 2012)

## **Results and Discussions**

### **The Background of The Women Suing Their Husband for Divorce**

The results of the research found that only in a few of them who graduated from college. Even some of them only got educated up to junior high school level. Economic difficulty was the main cause of their low level of education. None of them came from families with divorced parents. This proves that it is not the experience on the family that became the main cause on the women to do suing for divorce.

The factors of parents also have a role in a marriage relationship. Some studies showed that about 16 percent of the men and women whose divorced parents would influence the relationship of marriage. While for an individual who did not experience parental divorce, it was only about 10 percent.

From the results, it was obtained that all research subjects came from families that are intact without ever experiencing a process of divorce. This became evidence that the divorce on themselves was not due to their parents' household. All the subjects got married in Islam, and lawful according to the State Constitution. Marriage in the perspective of Islam is the place of keeping the respectability of human beings and their descendants. "And among the signs of His power He made from yourself the couple of yours so that you may live peacefully with her and He made the sense of affection among you all. Actually, in that case it becomes a lesson for people who think ". (Surah Ar-Rum (30:21)). Allah (SWT) said, "one of the category of people who is eligible rescued by Allah (SWT) is the people who marry due to the will to distance himself from the forbidden things." (Hadith of Tirmidzi)

The wonderful marriage is characterized by the maximum exploration between couples who have tied in the marriage with the beginning capital in the form of love, tied by the commitment in the holy, powerful, and great covenant (Surah An-Nisa (4:21)), establish tranquility, love, and compassion (Surah Ar-Rum (30:21)). This is not a game, but this is a big job for any married couples.

### **The Process Of Marriage**

From the research that was done on 10 women, most of them were married at a very young age, even under the age of 20. Early marriage will eventually lead to some bad things. Besides triggering the baby

boom, and high rates of maternal and infant mortality, their emotions which are not mature enough, often cause the family disharmony and eventually lead to divorce. Therefore, the children or the generation which are born from them are less qualified and do not get enough attention from both their parents.

Hawari stated that the marriage preparation which includes the biological or physical aspects, among others, (Hawari, 2011): 1) According to the health and KB (family planning) program, the age between 20-25 for women and the age between 25-30 for men are the most appropriate age for married; 2) The physical condition for those who want to get married is must be cared and maintained.

It can be proved from some research subjects who were married at the age under 20 years old, it is not just because of their immature emotion, but also it is related to their readiness of becoming parents for their children. Marriage which is preceded by a few months or a week courtship or even matchmaking, can become the main reason of the family disharmony. Generally, the research subjects in this research experienced it. All the research subjects were married without the engagement process (called *seulangke* or *peunganjo* in Acehnese custom). Some of them only had several times to met with their prospective partner's family.

Hawari stated that the marriage preparation which includes mental and psychological aspects, among others, (Hawari, 2011): 1) Personality, no one in this world has the perfect personality, yet it is expected before deciding to get married, each partner has known the strengths and weaknesses of their own partner, so that the purpose of the marriage can be realized perfectly; 2) Education, in forming the matrimony, educational background and intelligence level need to be considered from each partner. Normally men intelligence level are higher than women, so the authority of a husband can be seen in his wife's eyes as the head of the family. Besides the formal education level, religious education background also need to be considered from each partner, because one of the purposes of marriage is establishing the household which is approved by Allah SWT.

Some research subjects said that they learned the real nature of their husband after they get married. This is because they passed the least time before they decided to get married. And then, the couples did not have a child can also be the factor of the disharmony. It can be proved in most the research subjects. A child is a dream of every couple, but not all couples can provide the descent. One of the possible causes is infertility in one of the pair, so it makes the household becomes disharmonious. Of the most reserach subjects, no one admitted that the absence of children in the midst of their families is because their infertility in themselves, or in their partner's. Generally, all couples medically well, but they indeed are not blessed with descent by Allah SWT yet.

All of the reserach subjects admitted that they had carried out various efforts to maintain their marriage such as talking with families on both sides, until the mediation suggested by the court. However, all efforts were fruitless.

The wonderful marriage is characterized by the maximum exploration between couples who have tied in the marriage with the beginning capital in the form of love (Is Pratiwi, 2012; Setia, 2008), tied by the commitment (Fitriana & Listiyandini, 2016) in the holy, powerful, and great covenant (Agama, 2012), establish tranquility, love, and compassion (Agama, 2012). This is not a game, but this is a big job for any married couples.

Hawari stated that the marriage preparation in accordance with the physical and mental health covers various aspects, namely biological or physical, mental or psychological, psychosocial, and spiritual (Hawari, 2011). Marriage preparation that includes the biological or physical aspect, among others: (1) The ideal age according to the health and the Program of Family Planning. The ideal age is 20 – 25 for women and 25-30 for men (Riyawati, 2006; Wahyudi, n.d.). It is the most excellent time to get married. (2)The physical condition for those who wish to get married must be cared and maintained. If this preparation is achieved it has the potential to build a household with maturity from various aspects.

The household is supposed to be shelter for the whole family (Subhan, 2004). The basic purpose of establishing a household is not only to get religious descendants, but also to be able to live at peace and get a restful atmosphere accompanied by the sense of compassion. The first bond of household establishment has been soldered by the solemnization of a marriage at the time of the marriage process. The marriage identity is how someone can empower himself or herself to plan and decide the life of his or her marriage in the future.

### **The Divorce Process**

In addition to having no descent, the underlying reason for their divorce is the Domestic Violence. Most of the research subjects experienced it. Also, it is because the husband left them for years as happened on some research subjects. This is justified in The Legislations of Indonesia.

Article 39 Paragraph (1) of the Marriage Constitution stated, "A divorce can only be held in the judiciary after the respective court tried unsuccessfully to reconcile both sides." Furthermore, Article 39 Paragraph (2) stated, "for doing divorce, it is supposed to have enough reasons that between the husband and wife will not be able to live in peace as a couple".

The explanation of Article 39 Paragraph (2) of the Marriage Constitution and Article 19 of Government Regulation number 9 of 1975 on the Implementation of Marriage Constitution mentioned reasons that can be used as the basis for divorce as follows (Ahmadi, 2008; Subekti, 2010): 1) One of the parties commits adultery or become an alcoholic, an opium smoker, gambler, and the others which are difficult to cure; 2) One of the parties leave his or her partner for two (2) consecutive years without the permission of another party and without valid reasons or because of other things which are not his or her will; 3) One of the parties gets a prison sentence of five years or the other severe punishment after the marriage process; 4) One of the parties does cruelty or severe mistreatment that harms the others; 5) One of the parties gets disability or illness which resulted in an inability to perform the responsibility as a husband or wife; 6) Quarrels and disputes continuously occur between husband and wife and there is no hope to live in peace anymore in the household.

This becomes the grip of women to divorce their husband. The state justifies their divorce as far as that relationship is already untenable its continuity. If we refer to the arguments above, Islam permits to do the divorce. There are many reasons why divorce may be done, among others: 1) The occurring of infidelity or betrayal committed by husband or wife; 2) The existence of insubordination against the religion (Islam) from one of the parties. For example, one convert or out of Islam; 3) The fear to disobey or violate the religious orders (Al-Baqarah (2): 222); 4) The husband cannot meet their living or cannot be responsible; 5) The wife who is sick that causes her to not be able to perform her duties as a wife; 6) There is a persecution (domestic violence).

The reason why a number of cases of wives suing their husband for divorce are because women are getting smarter, more stabil in financial side, protected by a wide range of legislation, and increasingly aware of the need for gender equality and their rights. This makes them not even hesitate to expose the issue of their marriage in front of the public.

### **Life After Divorce**

All the research subjects said the same thing that they feel happier after being divorced. This is because they really suffer at the end of their marriage. And the worst is that they got a tremendous mental anguish. Even some research subjects also receive physical abuse.

Divorce cases are likely to cause stress, a sense of burden and suffering. But it turns out that the incident is only the best and most appropriate choice for a family that is always experiencing prolonged conflict.

Divorce in the family does not always bring a negative effect, but it can also bring a positive result. The attitudes to avoid a conflict situation, dissatisfaction, continuous disagreement make the event of divorce

the only solution to get the peace for themselves. For some families, a divorce is considered the best decision to end the sense of distress, fear, anxiety, and discomfort. This is because we always crave happiness and get along well with children, so we have the right to put an end to a marriage if it inflicts the disasters and discomfort.

For individuals who must lose the spouse, they have to face the reality. Before becoming an individual living alone again (re-single), they generally have problems in self adjustment. Agoes Dariyo mentioned that there are emotional dynamics in the self adjustment process of individuals after experiencing a discord with her life partner (Dariyo, 2003). It generally includes the following stages:

1. Denial  
When the individual has parted with his life partner, the individual will assume that his or her discord seems like just a dream. He or she has not yet been fully convinced of the reality. He or she has not yet been able and ready to face that reality. So, the individual still refuses the fact that has been occurring and has not yet realized that he or she has parted with his life partner.
2. Anxiety  
Individual who has undergone a divorce will usually feel a variety of anxiety in his or her life. The individual feels the worries in dealing with various possible problems that are difficult. Is he or she able to deal with the life without a spouse anymore, such as fulfilling the needs of family finance, raising and educating children, adapting to the environment of work or the community, and how to give any response to others regarding the failure of his or her marriage? This becomes an issue that always haunts his or her thoughts.
3. Bargaining  
In these circumstances the individual experiencing a divorce is still not able to accept the fact fully. In the heart, there is a desire to repeat the happiness experienced during the married life. However, such a personal desire is not granted so that the feeling of disappointment that is so deep in him arises.
4. Depression  
Emotional turmoil, mind, and reality that are unfinished in the individual with good cause individuals experiencing depression. In these circumstances, the individual feels that he or she does not find any solution. He or she feels hopeless, pessimistic, and that there is no hope for the future.
5. Acceptance  
The impasse in living a life is in consequence of not getting good solutions of problems existing, so gradually the individual forgets, ignores, or feels resigned against the reality unconsciously. The resignation which is based on the self-consciousness of various consequences that he or she should bear causes the individual get the inner strength to accept that reality. With that awareness-raising, eventually the individual feels resigned and accepts the fact that he or she has parted with her partner and has to live a life together with or without the children.

Based on the information obtained through interviews with women suing their husband for divorce, they generally feel their life much better after divorce than when they were still bound in their marriage, especially those who were in the time of marriage just to become a victim of domestic violence. Not only a divorce makes them suffered a traumatic condition and unpleasant experience, but also they are hit by a sense of loss, a sense of failure, lack of confidence, disappointment, anger, and hatred toward their husband because having made them suffer.

The women now have spent their days as usual, like other women. It is only the women suing their husband for divorce are no longer be in a marriage bond, and no longer have a husband. However, they admitted, if they may be honest, they feel different than before the marriage and divorce happened. The difference are related to their role from a wife to a widow. The divorce made them angry and feel guilty toward themselves, impatient, do not have the confidence and the proximity of the opposite sex. In the

future they are afraid to make a commitment on a relationship with the opposite sex and have a low self-esteem.

## Conclusions

From the results of the research it can be concluded that (1) in terms of educational background, the women who sued their husband for divorce who were senior high school graduates were in a large number, and the rest, women who were college and junior high school graduates, was in a small number. None of them came from a broken home. All subjects of the research came from intact families, without ever experiencing a divorce. All subjects of the research were married in accordance with Islamic law, and legitimate by the law and State Constitution. Some of them got married at a very young age, even when their age was still under 20. Most of the research subjects got married after the introductory/courtship period in less than a year, (2) the factors causing wives to sue their husband for divorce are because the introduction is too short, they do not have a child, there are the domestic violence, they got married at the very young age, and the husband leaving them for years, (3) The overview of the life of women suing their husband for divorce was that they all feel more free after being divorced. The relief is because they no longer feel the physical or psychic suffering. Though their lives became more difficult as they should live alone, (for some subjects of the research) even in fulfilling the needs of their family, and for the purposes of their child, they are happy.

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