

Resilience of Women's Families After Divorce Lawsuit (Cerai Gugat)

Fachrina¹, Aziwarti²
{fachrinatanjung@soc.unand.ac.id}

Faculty of Social and Political Science, Universitas Andalas, Padang, Indonesia¹²

Abstract. Divorce cases that entered the Padang City Religious Court in 2019 amounted to 1,607, of which 75% were cases filed by his wife. In the divorce lawsuit case that was decided by the court, the wife as a plaintiff in addition to being burdened with the costs of the case, also tends to be neglected her right to get something from the husband after divorce, such as mut'ah bread, iddah bread, child's livelihood and other rights. This is certainly also affected by the resilience of women's families after divorce. Family resilience here concerns the family's ability to manage the problems it faces based on the resources it has to meet the needs of its family. The purpose of this study is to describe the condition of family resilience (physical, psychological, social) post-divorce lawsuit, efforts and achievement constraints. This research uses a qualitative approach. Data collection through in-depth interview methods. Informant was selected by purposive is a divorced woman who has children. Where data is analyzed qualitatively interpretative based on relevant literature studies. The criteria of tenacity and toughness and independence are reflected in the struggle of women in meeting family needs and educating and caring for children without the existence of a husband. For them to be able to eat, send children to school and live a quiet life without marital problems is a happy thing. Although relatively many things experienced and felt by women after divorce, but the resilience of this woman's family is relatively not experiencing total destruction or the turbulence of its existence. Certain adjustments are made in dealing with or minimizing the impact of divorce in order to maintain family survival, such as working to increase income, asking for parental help and debt and getting closer to God.

Keyword : Resilience, Women, Family

1 Introduction

Marriage or marriage is a birth and inner bond between a man called a husband and a woman or wife to live together to form a family. Marriage Law number 1 of 1974 states that the purpose of marriage is to form a happy and eternal family (household) based on the Supreme Godhead. To achieve the things mandated by the Law requires readiness of inner birth, spiritual and material body. However, in the course of building a household encountered various challenges such as obstacles in adapting to differences in cultural background, habits, character of each partner. The process of adjustment in married life can lead to misunderstandings, quarrels and other conflicts that create relationship disharmony in various variations if not managed properly.

Not to mention problems in the inadequacy of meeting economic needs, moral crisis, domestic violence, polygamy, child problems, office work, interference of third parties such as

parents, in-laws and other men / women. At some point when there are no more satisfactory agreements between husband and wife or the existence of things that cause the marriage bond can no longer be maintained then divorce becomes an alternative. The cause of divorce is not singular but rather an accumulation of various factors. (Fachrina, 2017; Karim in Ihromi, 2004; Sudarsono, 1991;).

Divorce, especially divorce claims in Indonesia and in West Sumatra, is known to be rife. Badilag MA data noted that the number of divorce lawsuits filed by the wife experienced an increasing trend every year and the number was greater than divorce talaq. In 2015 divorce talaq as much as 28.1% and divorce 71.9%, while in 2018 jumped sharply, namely divorce talaq 26.2% and divorce 73.7%. Padang City in 2019 recorded as many as 1,607 divorce cases filed, of which 75% were divorce proceedings. The cause of divorce is more dominated by husbands less responsible to the family and disharmony of spousal relations (Religious Court Class IA, 2020).

The rise of divorce lawsuits filed by the wife identifies a shift in the value of divorce in society. Society in general no longer views divorce as something embarrassing or something that should be avoided. Here masyarakat tolerate divorce as the best alternative way for couples to resolve marital problems. So is the shift in societal stigma towards widow status. If it used to be that widows were afraid of widowhood because of negative connotes then now being a widow is not something to be ashamed of. (Nurhasanah & Rozalinda, 2014; Fachrina, 2017; Goode, 1997, Karim dalam Ihromi, 2014)..

In addition, the level of education, employment, and income and legal awareness of women is getting better. Along with it, women become increasingly economically independent and realize their rights as a wife so that when marriage is considered not to meet expectations, her rights are neglected, and marital life is not happy any more than women are more likely to take the step of divorce. Divorce is a way out of problems and conflicts faced. In divorce, it can be said that women are subjects no longer objects. The transformation of gender awareness and legal understanding contributed to the rise of divorce in society (Sudarsono, 1991).

However, in the divorce case that was decided by the court, the wife as a plaintiff in addition to being burdened with the costs of the case, also tends to be neglected her right to get something from the husband after divorce, such as mut'ah, iddah bread, child's livelihood and other rights. The impact of divorce from some studies shows that wives bear more burdens both economically, childcare, psychologically and socially (Fachrina, 2017, Gulardi in Ihromi, 2004).

This is certainly also affected by the resilience of the family after divorce, especially to the family of the wife who does not work (has no income). Whether the divorce decision made by the wife as assumed above that economic independence and gender awareness is also behind women in Padang City taking the step of divorce. Padang city as the capital of West Sumatra province with a very varied socioeconomic status. In addition, it also wants to know whether the divorce decision will affect the resilience of the woman's family.

Family resilience here concerns the family's ability to manage the problems it faces based on the resources they have to meet the needs of their families (Sunarti; 2001). It is said that the economic pressures faced by a family are closely related to the level of resilience of his family. Meanwhile Walsh (1996), family resilience as the ability to survive and adapt to various conditions that are constantly changing dynamically and have a positive attitude to the challenges of family life.

Family strength or family resilience according to Frankenger, 1989 (in the Family Resilience Development Catalog; 2016). It is "a condition of adequacy and continuity of access to income and resources to meet basic needs: food, clean water, health services, educational

opportunities, housing, time to participate in society, and social integration". The term family strength or family resilience was first introduced by family sociologists, which shows a strength both in terms of inputs, processes, and outputs / outcomes and the impact of the output that is felt benefits for the family and the strength of family fighting power (coping strategies) in adjusting to the surrounding environment. (Puspitawati, 2012).

Law No. 52 of 2009 on Family Resilience and Well-being defines it as a family condition that has tenacity and toughness and contains material physical abilities to live independently and develop themselves and their families to live harmoniously in improving the well-being and happiness of birth and mind. Aspects of family resilience include.

- a. Physical resilience, regarding the economic ability of the family, is the ability of family members in obtaining economic resources from outside the system to meet basic needs, namely a state of meeting food, clothing, housing, education and health needs.
- b. Social resilience is related to non-physical resources. Family, oriented religious values, effective communication, high family commitment (role sharing, support for progress and family togetherness time, fostering social relationships and problem-solving mechanisms).
- c. Psychological resilience, family ability to control emotions positively, positive self-concept (including expectations and satisfaction) and husband's concern for wife (Sunarti, 2013).

A family called by Achir (1999) has family resilience if the family can optimally carry out its role in realizing all the potential of its members and is responsible in terms of education, economy, social and culture to carry out family functions including the functions of love, protection or protection, reproduction, socialization and education, economy and environmental development. So according to him by observing the implementation of a number of family functions, namely if the family has been able to optimally carry out a number of functions, then the family is said to have a word and if vice versa then the family has the fragility and turmoil of its existence.

2 Methodology

Research is conducted using a qualitative approach. By using these research methods, the author understands the object of the research through understanding the research subjects to the problems studied without being released from the context. Interviews were conducted on 16 research informants, namely women who filed for divorce who lived in Padang City and at the time of the study were still widows and had children. Data collection through interviews is done using mobile media, calling informants and sometimes followed by chat on WhatsApp. Several other informants are willing to be interviewed face-to-face after making an agreement first. Observation is also done to observe the situation and conditions of family life. Data is also equipped with an in-depth review of objects studied through books, articles and documents.

Qualitative data, field records and secondary data are collected to be then classified based on the theme and problems of the research by referring to the plan (outline) of the research report. The classified data is then interpreted and linked in relation to theoretical assumptions, problems and research objectives.

3 Result and Discussion

The research informant numbered 16 people. 8 informants have education above high school, some even have master level S2 and S3. But also found 3 informants who only finished junior high and elementary school. In general, informants work. For informants who do not work, namely the status of housewives living with their parents, where the house is owned by parents and other lives not with parents but with 2 children, one of whom has finished college.

Meanwhile, there was 1 informant decided to leave his children who numbered 4 people with families in the village because they could not afford to finance and take care of children after divorce. Before divorcing only ordinary housewives so after a divorce had financial difficulties and now do small selling with erratic income (small under 2.5 million per month). For informants who work the majority live with children in their own homes except informant's Rn and Mur. Rn who was recently divorced for about 2 years left his husband and children and now chooses to live alone in a rented house despite being economically able with a profession as a lecturer. Another case with Mur who is only able to contract a house from income selling crackers. Meanwhile, some of the informants when this study was conducted already there were married children and had grandchildren such as informants Dm, Dan, Ey, and Wn.

Because the informants obtained in this study are mostly over the age of 50 years, their children are currently generally studying at the high school and college level. Some informants have children still in middle school and elementary school. None of the study informant's children had experienced a dropout. According to their recognition there is or there is no husband and whatever the circumstances of the child's economy must go to school however such as owing first with neighbors or reduced sales capital first to meet the needs of the child's school. School needs can also be helped by scholarships from the school.

The family is expected to be a gathering place with its most comfortable, safe and peaceful members. Families formed from the legal bond of male and female marriage should continue without any inequality of roles, especially roles between husband and wife. But the reality is that in the family of research informants there is still inequality or inequality of role. Role injustice concerns the division of roles in the family. Although in general informants work well as office employees, sell, and work odd jobs, almost all domestic work is still done resulting in double burden for them. Before going to work they must first prepare for school, breakfast children and husbands start to wake up at 4 am.

The informant also washed clothes and cleaned the house, while the husband and children had not woken up. Husbands and children wake up, shower and have breakfast without anyone helping informant homework. Every morning hunting time meets the demands of obligations as a wife and mother pinned to her shoulders by husband, child and community. Even informants meet the needs of food sometimes do not have time. All of that was carried out by the informant with the realization that it was indeed his duty. Understanding and awareness of the obligations of the role described by the informant is due to being socialized by parents. The informant saw his parents do so and expected to do so when he became a wife and mother. The teachings of the informant religion also led to the understanding of the informant to the obligation of the role. Society still tends to position men with a line of privileges as husbands or heads of families.

Gender roles are important in the life of marriage. Gender roles are cultural ideas related to people's expectations of men and women. Women's roles and positions are still connected around the domestic sphere, and men's roles relate to affairs outside the home (public space). Although informants work outside the home but less optimal than men because they are still constrained by perceptions of gender biased society.

Therefore, when the informant is faced with the behavior of the husband who is less responsible for supporting the family, not maintaining trust and cheating or polygamy, then in general the informant cannot accept it. Informants expect the totality of devotion given to husbands and families to be balanced with a peaceful and harmonious married life. But what is obtained is that the husband is often angry, snapping and dishonest to make the informant not live a married life that the informant says is not happy. In the end at one point the informant could no longer deal with the condition and decided to take a divorce.

The study found that divorces that occur in the married lives of informants are motivated by a variety of reasons. Divorce was done because it was left by the husband for a long time (more than 1 year) without news and finally said he was married to another woman. Cheating and polygamy are the reasons for divorce for other informants. Another reason is because the husband during his home life does not have a job, so this often triggers quarrels and domestic violence in living a home life..

3.1 Family Resilience After Divorce Lawsuit Economy Resilience

Overall, women who divorced in the study, both working and not working, tended to be able to meet daily needs related to economic resilience. The achievement of economic resilience for women who are suing for divorce is largely fulfilled by their own income and by the existence of support from their parents. Help from the husband is only obtained by 2 informants to help with the children's school fees and even so according to the informant is not much and not routine. Women who are working or economically independent are more likely to decide to take divorce than women who are not working or economically dependent on their husbands when something happens that causes their households they can no longer maintain.

However, the informant has a thin child not because he is unable to feed the child, because parents help meet the needs of children but more because they lack knowledge about good child development. The existence of informants who are only educated in middle school and married at a young age prefers to use the money they have for his own benefit such as buying powder, lipstick or clothes. In addition, there are also those who do not have much time to take full care of children because they are busy working for money and taking care of homework. He paid less attention to his children.

Another obstacle in achieving economic resilience is related to the relatively small informant's accession of selling jobs with small capital so that the difficulty in paying BPJS or saving for example. The money earned is only used up to meet basic daily needs. Here it is known that the husbands of informants almost entirely do not provide financial assistance to the family post-divorce. Some informant children sometimes meet their father at certain times such as holidays or times that require large fees (go to college, get married). Even according to the informant's confession was also not fully helped by their father.

Psychologies Resilience

Meanwhile, for psychological resilience almost all informants give statements that divorce has a psychological effect on him. Where psychological resilience is the ability of a family or divorced woman in positive emotional control, positive self-concept (including expectations and satisfaction) and concern for family. In early divorce some informants admitted that they tended to be more emotional, irritable or sensitive to other people's words or attitudes. This affects the treatment of the child.

Children get physical and psychological abuse by their mothers. All of this happened at the beginning of the break.' But after more than a year began to accept the situation and live the life of raising her children without the presence of a husband. Divorce also creates a traumatic

condition with marriage so that it decides not to remarry. I don't want to have problems like you did in your previous marital life. It is better not to get married if you will eventually experience another divorce.

Divorce not only affects the divorced couple also has an influence on the child. In this case parents tend to consider children in deciding whether to divorce or not if facing problems in their homes. Some couples don't even dare to take the step of divorce and still maintain marriage for the sake of their children even though they live a life of marriage that is not harmonious anymore. Some of the effects of divorce on children are known such as children tend to be bullied or quiet, naughty, traumatized so that children withdraw from their social environment and do mischief such as skipping school, fighting, drugs and so on.

Some of the psychological impacts experienced by informants as described above, especially in the early days of divorce can be said to be something natural because they do not have the thoughts and hopes of divorce in married life. Although in the course of marital life is stated by all informants cannot be separated from the big problems with the couple that cause relationship disharmination but they are less likely to intend to act divorce. But arriving at a point where the problems piled up, continued to accumulate without any change towards improvement, finally the informant admitted that he no longer had the ability to live the married life and decided to take the step of divorce.

Achieving post-divorce psychological resilience, such as not being emotional and traumatic, is relatively difficult for informants to achieve with respect to the context of married life that leads to divorce. Divorce cases caused by domestic violence and the husband's infidelity become things that make informants feel the psychological impact of divorce, in addition to the mental unpreparedness in managing the divorce itself. Mental unpreparedness imagines living in the days when one raised and financed one's own child without the presence of the husband, even if the informant himself pursues the husband's side in the divorce proceedings.

Another obstacle in the achievement of psychological resilience is related to the support of children and extended families. Therefore, the wife who sued first for divorce from the husband lacked support from the children. Their children tend to regret decisions taken by their mothers and expect mothers to maintain the marriage. Especially for the cause of parental divorce that they consider acceptable or forgiven such as irresponsible fathers giving a living or receiving back fathers who used to go without news, even asking mothers to forgive fathers who have had affairs with other women. However, after passing a few years after the divorce explained the informant can little by little pass and the children can accept the decision taken by the informant.

Likewise, with the support of large families such as parents or informant siblings. Because in general informants living in Padang City are not with large families, moral support after divorce is not obtained. One of Ls' informants even got an unpleasant attitude on the part of his extended family by cornering or blaming his actions in the past married to her husband.

Social Resilience

The results of this study obtained data that the majority of informants who were unable to carry out related indicators of social resilience due to their time was more devoted to income activities and daily activities in taking care of homework. As a single parent in general after divorce do not get financial assistance from ex-husband. Informants are required to work to meet the needs of the family. This situation resulted in informants also rarely communicating or visiting to reunite with extended family.

For informants who work as laborers or who have limited assistance admitting to not being able to help or care for their parents, there are even informants who are actually helped and live in their parents' homes. For informants who work as lecturers or civil servants more have time

to achieve this social indicator. However, almost all informants said that at the time of divorce, which is about one year, tends not to do things related to the above indicators of social resilience except regarding prayer, prayer and fasting. Divorce makes informants tend to be reluctant to socialize with the environment where they live and with extended families.

Although relatively many things experienced and felt by women after divorce as a result of divorce decisions taken as described at length above, but the resilience of this woman's family is relatively not experiencing total destruction or the turbulency of its existence. Certain adjustments are made in dealing with the impact of divorce in order to maintain family survival.

4 Conclusion

Can be said that the constraints of achieving indicators of family resilience in both economic, psychological and social aspects are complicated by the impact that arises from divorce experienced by women post-divorce. Where the impact of divorce itself is also greatly influenced by what is the cause of the divorce. Furthermore, the cause of a divorced married couple will underlie the meaning of divorce for the woman who is suing her husband.

The resilience of women's families after divorce if they refer to the understanding according to Law No. 52 of 2009 on Family Resilience and Welfare can be said that relative can be fulfilled. The criteria of tenacity and toughness and independence are reflected in the struggle of women in meeting family needs and educating and caring for children without the existence of a husband. However, for the criteria of developing themselves to live harmoniously, prosperously and happily born inner for them is a abstract and relative thing. For them to be able to eat, send children to school and live a quiet life without marital problems like those experienced before divorce is a happy one.

References

- Fachrina & Aziwanti, 2008. "Perubahan Nilai Perceraian dalam Masyarakat dan Pengaruhnya bagi Wanita dalam Melihat Hubungan Perkawinan". Laporan Penelitian Fundamental, DIKTI. Lembaga Penelitian Universitas Andalas. Padang.
- Fachrina, et.al, 2017. "Strategi Pemberdayaan Keluarga Luas dan Komunitas Lokal dalam Pencegahan Perceraian di Sumatera Barat". Laporan Penelitian. Lembaga Penelitian Universitas Andalas. Padang.
- Gulardi, Sri Tresnaningtias. 1999. "Perubahan Nilai di Kalangan Wanita Bercerai". Dalam Ihromi T.O. Bunga Rampai Sosiologi Keluarga. Jakarta: yayasan Obor Indonesia.
- Karim, Erna. 1999. "Pendekatan Perceraian dari Perspektif Sosiologi". Dalam Ihromi, Bunga Rampai Sosiologi Keluarga. Jakarta: Yayasan Obor Indonesia.
- Nurhasanah dan Rozalinda, "Persepsi Perempuan Terhadap Perceraian: Studi Analisis Terhadap Meningkatnya Angka Gugatan Cerai Di PA Padang", Kafa'ah, Jurnal Ilmiah Kajian Gender, Vol. 4, No. 2, Tahun 2014.
- Puspitawati, Herien. 2013. "Ketahanan dan Kesejahteraan Keluarga". Bogor: Institut Pertanian Bogor.
- Sunarti, E. 2013. "Ketahanan Keluarga". Bogor: IPB Press.
- Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 Tentang Perkawinan dan Kompilasi Hukum Islam, 2008. Yogyakarta: Pustaka Yustisia.
- UU Perlindungan Anak No. 23 tahun 2002.
- <http://hariansinggalang.co.id/perceraian-di-sumbar-di-atas-rata-rata-nasional/> diakses tanggal 23 Juli 2018
- padang.tribunnews.com/maraknya-gugatan-cerai-di-kantor-PA-kotapadang/diakses tanggal 10 Oktober 2020.

<https://nasional.kompas.com/read/2020/09/13/10294341/tekan-angka-perceraian-kemenag-jalin-sinergitas-penguatan-ketahanan-keluarga?page=all>