

# The Phenomenon of Divorce for Women Migrant Workers in Muncar Banyuwangi

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## Abstract

The phenomenon of divorce is rife among women migrant workers in Banyuwangi. It is a form of divorce but accompanied by the provision of material compensation, a cultural term that is widely used by most Banyuwangi people. In simple terms, the technical definition of divorce is filed by the wife so that the marriage bond with her husband can be severed religiously and state administration. Then the wife as the plaintiff is burdened with the obligation to bear all costs in the divorce lawsuit process filed. This type of field research aims to study natural environmental phenomena based on data obtained on natural objects of research in the field. Data collection methods use observation, in-depth interviews, documentation. Data analysis using interactive models, including: data reduction, data presentation, conclusion drawing. The results showed that the most dominant economic factor as a trigger for divorce cases was caused by wives who were dissatisfied with their husband's relatively small income. The role of mediators in mediation sessions in religious courts as an alternative to reducing divorce rates, so that household arks can survive.

Key Words: Divorce Susuk, Women Migrant Workers, Banyuwangi

## Introduction

In navigating the ocean of life, humans have unlimited needs. The effort to make ends meet is to work hard, never give up. It should be easy to get a job, if each individual has certain skills so that they have a great opportunity to work the coveted. However, in reality not all individuals have adequate expertise, so they cannot provide opportunities to work. There are two underlying factors, namely inadequate natural resources and narrow job opportunities due to the abundance of human resources from other regions that can meet job opportunities. So that the last solution by becoming migrant workers in other countries in an effort to meet the needs of life, many women love because they do not require special skills.

On the one hand, women migrant workers get better economic welfare and standard of living after working abroad. However, the reality on the ground is inversely proportional



to the harmony of his household ark. The high divorce rate in Banyuwangi Regency has increased from year to year due to several factors. Among other things: economic factors, infidelity, irresponsible husband. Surprisingly, the majority of divorce rates that occur are mostly dominated by divorce filings by women. The phenomenon of divorce is dominated by women migrant workers due to economic factors. Divorce is a divorce process by wives who mostly become migrant sensitive women while abroad. In simple terms, the technical definition of divorce is filed by the wife so that the marriage bond with her husband can be severed religiously and state administration. Then the wife as the plaintiff is burdened with the obligation to bear all costs in the divorce lawsuit process filed. In this case, a greater benefit is obtained by the husband as the defendant. In Javanese, these benefits are usually pronounced with the word "*susuk*" which means giving change.

The Religious Court (PA) of Banyuwangi Regency, East Java noted that the divorce rate throughout 2023 is still relatively high. At least from the beginning of 2023 until May 2023, in total there are 1,991 divorce cases in Banyuwangi (Berita Satu, June 3, 2023). Thus, on average every month as many as 330 divorce cases occur in Banyuwangi. Previously, in 2019 the Religious Court recorded 7,275 divorce cases in Banyuwangi. Economic factors are very dominant in influencing the tenuous household relationships in Banyuwangi Regency which ends in divorce. On average, every month the Banyuwangi Religious Court serves divorce trials, whether filed by wives or husbands, ranging from 127-330 couples. It is estimated that every month about 330 couples undergo trial. Of the thousands of divorce cases above, most come from Muncar District. Economic factors are often a trigger for divorce. This figure almost follows the high number of divorce cases in 2022. Throughout 2022, as many as 5,663 people divorced (Radar Banyuwangi, July 17, 2023).

The process of separation or divorce is not only limited to the breakup of a relationship, but also involves changes related to the period before and after divorce (Basak & Yilmaz, 2022). This situation is a crisis, because many changes must be faced, covering various areas: individual, legal, family. The person tries to restructure the needs of his life and himself after separating from his former partner while simultaneously carrying out his daily duties and obligations (Knöpfli et al., 2016). After the end of a romantic relationship, the grieving process inevitably occurs. Related responses include depressed mood, low work performance, consumption of alcohol or psychotropic substances, feelings of anger, guilt, helplessness, hopelessness (Blue, 2017).

But for some people, this emotional experience is actually more intense, accompanied by a sense of loneliness, reduced interest in daily activities, difficulty sleeping (Barbara & Dion, 2000; Field, 2011; Chiral, 2019), rumination, thoughts that plague the former spouse (Finkelstein, 2014; Yárnoz-Yaben, 2017). Whether this impact is different for each person, depends on a number of interpersonal factors, of which conflict before and after divorce is one of the most important (Hald et al., 2019; Nikupeteri & Laitinen, 2022; Polak & Saini, 2019). Divorce occurs with a relatively high degree of conflict, both during and after the breakup of the relationship. This is known as high-conflict divorce, and is characterized by persistent negative interactions as well as hostile emotional environments (Ordway et al., 2020; Riquelme et al., 2020). Divorce itself has been considered one of life's most stressful events,



although most people handle it well. However, when there is a high level of destructive conflict, the stress increases and can become chronic (Symoens et al., 2014).

In these cases, people tend to experience more adjustment difficulties and therefore more negative consequences to their well-being (Fernandes de Magalhães et al., 2021; Hald et al., 2019; Nikupeteri & Laitinen, 2022). Although the impact of divorce has been studied extensively, attention is focused more on psychological aspects such as anxiety or depression than on physical health issues (Strizzi et al., 2021). Alcohol and drug use, social problems, aggressive behavior (Harland et al., 2002, Tebeka et al., 2016). In addition, a longitudinal study looking at the long-term impact of parental divorce found an increased risk of frequently changing jobs during early career, premarital parenting, and marital failure (Rodgers, 1994). In addition, research on the onset of somatic symptoms after divorce is minimal (Aragona et al., 2008), although the literature often identifies these symptoms as related to periods and stressful situations (Davoodi et al., 2018; Keskin, 2019; Kozłowska et al., 2020).

But because of overlapping, often difficult in making a clear somatization diagnosis, few studies have focused on somatic symptoms after divorce. In addition, the results are controversial (Hald et al., 2020). The same is true for differences in the impact of divorce on men and women. More frequent research is conducted on psychological symptoms (Lorenz et al., 2006; Hald et al., 2022; Raley & Sweeney, 2020) and practically absent in somatization (Aragona et al., 2008). Similarly, these findings are inconclusive, with some studies finding worse outcomes in women, whereas other studies finding worse outcomes in men. In general, those who support the deterioration of women's health attribute this to worse financial conditions after divorce (Parker et al., 2022) and a greater burden of responsibilities related to housework and childcare (Yárnoz-Yaben, 2017).

Therefore, socioeconomic factors such as the job and financial situation of the former spouse or their level of education can influence their adaptation to divorce (Cipric et al., 2021). On the other hand, studies documenting more negative impacts on men attribute this to reduced contact with their children, lack of social support, and greater social isolation (Al-Bahrani, 2021), or the absence of a new partner (Wang & Amato, 2000). Furthermore, also regarding support and remembering the central role that children play in life is understood as a mutually supportive relationship, positive communication, and a shared commitment to childcare (Becher et al., 2019; Yárnoz -Yaben, 2010). It can be considered a relevant factor in the consequences of divorce on parental health differences (Hardesty et al., 2019).

But until now, this has not been considered. Similarly, not all factors that might influence co-parenting performance in divorced families have been considered, such as the type of relationship with the former partner, the type of custody, and the frequency of contact with the child (Frisby et al., 2012; Russell et al., 2021; Yilmaz & Fişigoglu, 2005). The impact of these factors on well-being has been proven, but not on somatization. In practice the process of divorce above, researchers feel that there is discrimination against female migrant workers, which is expensive and very burdensome for women. In order to grant his divorce lawsuit by paying compensation with a large nominal amount.

## Research Methods

The research method is a method used to obtain the truth by searching using procedures or rules to obtain the truth. By depending on the social reality that is being observed to obtain information and deepen the data that has been obtained from the field (Ali, 2018). In research using field research, data obtained are based on facts on natural objects of research in the field. Field research aims to study natural environmental phenomena (Mulyana, 2019). Observe the phenomena that become reference points for problems and try to find solutions to solve problems for the common benefit. This research has a strong foothold in the field because it allows researchers to focus on uniqueness to explore the complexity of problems in the field (Kleve et al., 2020, Von Schlippe & Frank, 2013).

The approach used in this study is a qualitative approach with a descriptive method so that the achievement of facts with the right interpretation is accurate. A qualitative approach to studying and theorizing complex, multidimensional, and dynamic phenomena (Reay & Zhang, 2014). In particular, qualitative research methods can build an understanding of the fundamental mechanisms, patterns, pressures, conditions, and relationships that explain the emergence and specific forms of complex phenomena (Micelotta et al., 2020). This method examines a human group, a system of thought or an event in the present. This method studies problems in society and the rules that apply in it. Certain situations include the relationship of activities, attitudes, views and influences of a phenomenon (Nazir, 2018). The reason researchers use this type of field research and qualitative approach is because it is in accordance with the theme, and is supported by relevant primary and secondary data.

Data collection methods in field research use observation, in-depth interviews, documentation. The observation method is a systematic observation and recording of the symptoms that appear in the object of research (Margono, 2020). The observation was carried out in a participatory manner because the researcher was directly involved with the daily activities of husbands who were left to work abroad as a source of research data. In-depth interviews were conducted with judges of the Banyuwangi Regency Religious Court, husbands who were sued for divorce by 10 people in Muncar sub-district and women migrant workers who worked abroad using video calls. The documentation method is carried out by collecting several decisions related to divorce issues and data related to the number of divorce cases that occur in the Banyuwangi Regency Religious Court.

The data analysis used is an interactive qualitative data analysis and takes place continuously at every stage of research (Emzir, 2021). The process of sorting data, organizing data into patterns, categories, and basic descriptive units. The interactive model data analysis includes: data reduction, data presentation, conclusion drawing. Data analysis by presenting the results of interviews with judges, in this case data on the views of the judges of the Banyuwangi Regency Religious Court on the phenomenon of divorce carried out by women migrant workers was then analyzed using Islamic legal theory and then a conclusion was drawn.

## **Results And Discussion**

### **Triggers for Women Migrant Workers to File for Divorce**



There are several factors that trigger the destruction of the household ark which ultimately ends in divorce, whether filed by the husband or wife. The cause of the widespread divorce in Banyuwangi, especially migrant working women filed for divorce with the Religious Court while still abroad. Some of the triggering factors, among others: the husband's income is small, the husband does not work for the reason of taking care of children so that he depends on his wife's submissions, infidelity, social media, victims of slander and interference from parents and the wife's reluctance to return home because it is comfortable working abroad, the breakdown of communication between husband and wife.

The most dominant economic factor as a trigger for divorce cases is caused by wives who are dissatisfied with their husband's relatively small income. Then deciding to work abroad with an orientation to seek greater income, then the impact on long-distance relationships becomes a trigger for divorce. Among them, cases of child care, abuse of the wife's income for personal pleasure, infidelity committed by the husband. Unable to maintain the integrity of the household after his departure abroad, because the majority chose a higher hedonism style in looking at material. Make it a top priority in life, especially in family life. In addition, long-distance relationships between husband and wife are a dominant factor in the breakdown of household harmony.

It can be concluded that divorce is influenced by economic factors, where in this case the husband is obliged to earn a living. In this case, the wife who then acts as the backbone of the family to meet the needs of the family until willing to work abroad. While husbands who have a small income, some even do not work just taking care of children depend on the remittance of income of their wives who work abroad. The test of patience in the transfer of role functions, ultimately carried out by the husband can cause boredom and the entry of slander, the presence of third parties, the influence of parental pressure and societal views begin to erode trust between husbands and wives who live far apart.

From here then new problems arise, including because children are not close to their parents become less attentive, then involved in promiscuity. While the figure of a mother's gentleness in taking care of children is not owned by a father, so the husband finds a new figure who he considers capable of caring for his child. Instead of having to wait for his wife who doesn't come home and give his attention to the family. If such conditions continue, then the wife files for divorce and is willing to bear all the costs of the divorce process.

*According to an informant told by Banyuwangi Religious Court Judge AL (52 years old), divorce ranks first in Banyuwangi Regency. Some factors that trigger divorce, among others: low husband income, husband does not work because he is busy with taking care of children, infidelity, social media, victims of slander, parental intervention, reluctant to return to the country and communication breakdown. The most dominating economic factor, husbands with low incomes cause them to be unable to provide for the family, so the wife decides to become a migrant worker. Being the initial trigger for the emergence of problems with divorce made by wives to their husbands.*

From the description above, the decision to become a migrant worker is an option for most women in Muncar District, Banyuwangi Regency to lift the family economy. Of course, this choice has consequences, by leaving family members in a row, of course, experiencing

shock until divorce appears. Divorce is a divorce that breaks up as a result of an application filed by the wife to the religious court or a divorce lawsuit process carried out by the wife who works as a female worker (TKW) to the husband.

*The above is in line with the informant description of the Banyuwangi ST Religious Court Judge (58 years old), according to data from the Banyuwangi Regency Religious Court, the majority of divorce cases are very dominating compared to other cases such as marriage isbat, polygamy permit, inheritance, guardianship, marriage annulment and marriage dispensation. The mechanism of divorce practice mostly starts from the entry of a lawsuit letter filed by the plaintiff, namely the wife or through her legal representative to the local religious court so that the marriage between the two can be ended through a court decision. In some cases, during the divorce process, the wife was not present because she was abroad, so the entire process was represented to her legal representative until the verdict was read by the Religious Court Judge.*

The number of divorce cases that occur in Banyuwangi Regency is motivated by economic factors and infidelity. Where when a wife already has a greater income than her husband and underestimates the husband which then leads to the wife filing for divorce to the Religious Court by bearing all the costs of the divorce. Divorce is the best solution for migrant women workers is their right, because the purpose of marriage is not achieved. However, not all divorce matters are granted (divorced) seen how they are considered. In the case of divorce, it is no different from divorce, only the existence of this plaintiff makes it different because it is abroad, thus requiring several power of attorney, namely a special power of attorney for mediation and a power of attorney to attend the trial.

### **The Role of Mediators in Reducing Divorce Rate**

The practice of divorce is rife in Banyuwangi, especially for women migrant workers in the form of material compensation that must be given by the wife to the husband as a condition for falling talaq. It is a social phenomenon that cannot occur without a cause, there are several underlying reasons, including: economics, disputes, infidelity. The lack of job skills and relatively low education are the main causes of women migrant workers competing abroad with limited soft skills. Economic factors also cause disharmony in the household dipper, ultimately leading to divorce.

Basically, divorce is legally allowed, but it is also considered as the last solution if there is no way out. In the case of divorce, it should not have reached the last alternative point for domestic problems. If there is still a mediation and socialization process carried out by the relevant parties to both opposing parties. So it should not be necessary until there is a divorce which will actually cause many problems.

If there is no way out, divorce is considered the best solution, then there is no other choice but to do it. In the practice of divorce, which is a form of divorce when indeed the case has been transferred to the court, there is a point of fundamental difference in the form of material compensation in it. But on the other hand, the practice of khulu' is also identical to the concept of khulu' in Islamic shari'a when viewed from the side before the case is transferred to the court. Divorce itself has a point related to the concept of khulu' from the aspect of providing material compensation in it iwadh.



There are so many divorce cases that escape mediation settlement. Therefore, the presence of mediators in mediation sessions in Religious Courts as an alternative reduces the divorce rate, so that the household ark can survive. Mediator which means being in the middle, in accordance with the behavior of a mediator who performs his duties by giving fair treatment without favoring anyone so that the right decision, fair, no party feels disadvantaged and all parties feel satisfaction with the settlement decision. The mediation according to PERMA no. 1 of 2016 is a way of resolving disputes through a negotiation process to obtain agreement between the parties assisted by a mediator. In PERMA no. 2 of 2003 article 1 point 6 concerning mediation procedures, it is explained that mediation is the settlement of disputes through the negotiation process of the parties assisted by a mediator.

From the explanation above, it shows that the mediator is a very, very important role to carry out fair and satisfactory mediation, but mediators in religious courts have the conditions mentioned in PERMA no. 1 of 2016. A mediator is a judge or other party who has a mediator certificate as a neutral party who assists the parties in the negotiation process to find various possible dispute resolutions without using the means of deciding or forcing a settlement. A mediator certificate is a document issued by the Supreme Court or an institution that has obtained accreditation from the Supreme Court certifying that a person has attended and passed mediation certification training. Mediation has the aim of reconciling between litigants so that problems can reach an agreement that does not harm any party at a low cost.

Mediation can lead the parties to the realization of a permanent and sustainable peace, given that dispute resolution through mediation puts both parties in the same position, neither party is won or defeated. When both litigants are present in court, it is mandatory for the judge to explain the necessity to mediate and provide a list of mediators to both parties so that they can choose freely. The appointment of mediator judges is carried out through the determination of the chairman of the assembly. After the mediator has been determined, the trial will be temporarily postponed for the implementation of mediation, the parties meet the mediator judge assisted by a designated officer and will continue after the mediation is completed by taking into account the results of the mediation agreement.

The process in mediation is determined by the relevant mediator judge until a maximum time limit of 40 days, on the basis of agreement of the parties the mediation period can be extended for a maximum of 14 working days. Mediation is an attempt to reach an agreement without coercion, so the results of mediation are not always agreed. If mediation does not reach an agreement, the hearing will continue according to the specified stage, if mediation reaches an agreement, the parties sign the results of the agreement which are then brought to the judge. The litigants may request that the outcome of the agreement be included in the peace letter or withdraw the lawsuit if the result of the agreement does not want to be included in the decision.

According to the informant, BT (43 years old), a mediator at the Banyuwangi Religious Court said that the judge ordered in accordance with Supreme Court regulations to be mediated first, so that the case submitted could be resolved easily with light costs. Once it is mediated so as to reach an agreement, then it is easier for the judge to decide. If you don't get divorced, it means getting along again and not being passed on to a long litigation process.

## Conclusions

Some factors for migrant working women filing for divorce include: the husband's income is small, the husband does not work for the reason of taking care of children so that he depends on his wife's submissions, infidelity, social media, victims of slander and interference from parents and the wife's reluctance to return home because it is comfortable working abroad, the breakdown of communication between husband and wife. However, the most dominant economic factor as a trigger for divorce cases is caused by wives who are dissatisfied with their husband's relatively small income.

The role of mediators in mediation sessions in religious courts as an alternative to reducing divorce rates, so that household arks can survive. The mediator is in the middle, in accordance with the behavior of a mediator who performs his duties by giving fair treatment without favoring anyone so that the right decision, fair, no party feels disadvantaged and all parties feel satisfaction with the settlement decision.

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