

SYAMSUHADI IRSYAD

## The Reasons for a Divorce: Six Cases from the Religion Court of Purwokerto in Central Java, Indonesia

**ABSTRACT:** Marriage is meant for good, but the fact is still found a marriage that is not able to achieve the noble goals as expected by the couple husband and wife; and mandated by the provisions of the Act No.1 of 1974 on the marriage of family a happy and everlasting. Sometimes the opposite is true, the family conflicts that can result in protracted divorce. In Article 1 of Law No.1 of 1974 on Marriage, it is determined "Marriage is a spiritual bond between a man with a woman, as husband and wife alone to form a happy and lasting family based on Godliness the Almighty". This research is a descriptive normative studies using qualitative case study method, which is intended to provide a clear and comprehensive overview of the divorce petition by the examination in a Court case, with reference to existing norms. Determination of the location of the research undertaken purposively in Purwokerto Religious Courts jurisdiction. The population in this study is the divorce cases filed with the Court of Religion Purwokerto during the year 2011. Things that underline the granting of the divorce petition is due to frequent quarrels and disputes because the wife is not obedient to her husband, less income for the necessities of life, the existence of an affair, left without saying goodbye, the husband of a persecution against the wife, and husband has done the secretly wedding unbeknownst to his wife.

**KEY WORD:** Marriage, divorce, reasons of divorce, husband and wife, unhappy family, and Purwokerto Religious Courts jurisdiction.

**RESUME:** Artikel ini berjudul "Alasan untuk Bercerai: Enam Kasus dari Pengadilan Agama Purwokerto di Jawa Tengah, Indonesia". Perkawinan dimaksudkan untuk kebaikan, namun kenyataannya masih ditemui perkawinan yang tidak mampu mencapai tujuan yang mulia, sebagaimana diharapkan oleh pasangan suami isteri dan diamanatkan oleh ketentuan Undang-Undang No.1 Tahun 1974 tentang perkawinan, yaitu membentuk keluarga yang bahagia dan kekal. Kadangkala yang terjadi justru sebaliknya, konflik keluarga yang berkepanjangan dapat berakibat terjadinya perceraian. Dalam Pasal 1 UU No.1 Tahun 1974 tentang Perkawinan, ditentukan "Perkawinan adalah ikatan lahir-batin antara seorang pria dengan seorang wanita sebagai suami isteri untuk membentuk keluarga yang bahagia dan kekal berdasarkan Ketuhanan Yang Maha Esa". Penelitian ini merupakan penelitian normatif deskriptif dengan menggunakan metode studi kasus kualitatif, yang dimaksudkan untuk memberikan gambaran yang jelas dan menyeluruh mengenai alasan-alasan penyebab perceraian dalam pemeriksaan perkara di Pengadilan, dengan mengacu pada norma yang ada. Penentuan lokasi penelitian dilakukan secara purposif di wilayah hukum Pengadilan Agama Purwokerto. Populasi dalam penelitian ini adalah kasus perceraian yang diajukan ke Pengadilan Agama Purwokerto selama tahun 2011. Hal-hal yang mendasari dikabulkannya permohonan perceraian adalah dikarenakan sering terjadi pertengkaran dan perselisihan yang dikarenakan isteri tidak taat pada suami, nafkah untuk kebutuhan hidup kurang, adanya perselingkuhan, pergi tanpa pamit, suami melakukan penganiayaan terhadap isteri, dan suami melakukan pernikahan siri tanpa diketahui isteri.

**KATA KUNCI:** Perkawinan, perceraian, alasan perceraian, suami dan isteri, keluarga tak bahagia, dan wilayah hukum Pengadilan Agama Purwokerto.

### INTRODUCTION

In Islamic teaching, a marriage is not only a legal action but also a sacred bond related to the belief and the faith to the God, Allah the Almighty. It has an objective to manifest a peaceful and loving family whose members are cared to each other (Djubaedah, Lubis & Prihatini, 2005).

The point is just right with those

determined in the Act No.1 of 1974 saying that "Marriage is a spiritual bond between a man and a woman as husband and wife alone to form a happy and lasting family based Godliness the Almighty" (Depag RI, 1974). It means there are two dimensions within: (1) a dimension of relation among the humans; and (2) another of relation between human and their God.

---

Dr. Syamsuhadi Irsyad is a Senior Lecturer at the Faculty of Law UMP (Muhammadiyah University of Purwokerto), Jalan Raya Dukuhwaluh, Purwokerto, Central Java, Indonesia. He can be reached at: [tukiranump@yahoo.com](mailto:tukiranump@yahoo.com)

Despite the initial sincere intention of binding the couples for good, the fact has shown a lot of cases in which the marriage cannot maintain the noble goal of the everlasting relation, as it is mandated in the act. The long-lasting conflicts in a family may then lead the couple to a divorce.

Relating to the procedure of divorce petition, as it is regulated in the Act No.1 of 1974 and the Government Regulation No.9 of 1975, Article No.14 to 36 on Marriage, the state gives the equal rights between husband and wife each of whom has a right to propose a divorce petition.

Hence, there are two kinds of divorce processes, those are: (1) the husband-proposed divorce or *cerai talak*, means a divorce on husband's will by declaring it before the Court; and (2) the wife-proposed divorce or *cerai gugat*, means a divorce as a verdict decided by the Court, based on the wife's proposal and arguments.

The high frequency of the divorce cases indicates that many families fail to achieve the ultimate goal of the marriage, in one side. In another side, the divorce, especially those proposed by the wife, shows that it is the wife who wants to resolve the problems of marriage (<http://isjd.pdii.lipi.go.id/admin/jurnal/1620795109.pdf>, 18/12/2012). Surely, there are many factors causing the wives to propose a divorce petition.

A divorce as a legal act will bring about legal consequences to the ex-wife and the ex-husband, the children, and the shared property in the married. The divorce will not only break the legal bond but also cause the other legal consequences in the form of the rights and the obligation of those parties related to the divorce decision. This makes some disputes among the couples in the divorce process. The problems even may remain unresolved after the divorce petition is granted by the Court.

Based on the background of the problem, the problems of the research were formulated as follows: (1) What are the reasons proposed in the divorce petition?; and (2) What are the purposes of the granted divorce decided by the Court in the Islamic Court of Purwokerto in Central Java, Indonesia?

## THEORETICAL FRAMEWORK

In the article 1 of the Act No.1 of 1974 on Marriage, it is stated that "*Marriage is a spiritual bond between a man and a woman as husband and wife alone to form a happy and lasting family based Godliness the Almighty*" (Depag RI, 1974). The Act does not give an explanation or a clear definition on what divorce is. This case is due to the possibility that the act drafters assume that a divorce is a common thing and is well-understood by the public. A definition given by Rokhmadi (2008) who said that divorce was the breakdown of or the termination of a marital union which can be done in many ways and forms.

The Act No.1 of 1974, *jo* the Government Regulation No.9 of 1975, and *jo* the Ministry Regulation No.3 of 1975 classified the divorce into the followings: (1) A divorce by death; (2) A divorce by divorce, which is further categorized into: divorce by husband or *cerai thalak* and divorce by wife or *cerai gugat*; and (3) the Court Verdict.

The break of marriage bond, according to Djamil Latif, is classified into:

1. By the death of the other spouse.
2. By the divorce, of:
  - a. The husband's deed, that is:
    - 1) *Thalak* or the break of marriage bond.
    - 2) *Ila'* or a husband's oath not to intercourse with the wife.
    - 3) *Zhihar* or a husband who regards his wife is the same as his mother, and declare it to her.
  - b. The wife's deed, that is:
    - (1) *Tafwidl* or give in to the wife to propose a divorce.
  - c. The shared agreement between husband and wife, that is:
    - (1) *Khulu'* or a divorce agreed by the husband and the wife.
    - (2) *Mubara-ah* or a divorce with a certain compensation (*iwald*) as demanded by the husband or the wife.
  - d. The Judge's Verdict, that is:
    - (1) *Tha'liq Thalak* or a violation to the marital promises as it is declared soon after the marriage pronounced.
    - (2) *Syiqaq* or a wife who proposes a divorce by returning the dowry.
    - (3) *Fasakh* or nullify the legal promise.
    - (4) *Riddah* or a legal way for a divorce.
    - (5) *Li'an* or a husband who accused of his wife for adultery (Latif, 1998).

Though a divorce is legalized, as it is declared in Islamic Law and the Act No.1 of 1974, it cannot be undertaken without a considerable reason. A divorce can be granted as it has fulfilled many requirements as it is ruled in the Law. Jurisdictionally, the reason for divorce as it is mentioned in the Article 39 the Act No.1 of 1974, a divorce can be taken as it has considerable reasons which among others is there is no harmony in living together between husband and a wife (Depag RI, 1974).

There are many factors which can inflict the inharmonic relation between a husband and his wife in their family. Related to the concerns, the Article 19 of the Government Regulation No.9 of 1975 determines that a divorce can be proposed in a petition with the following reasons: (1) the other spouse committed an adultery, alcoholic, drug abuse, or gambler which is hard to recover; (2) the other spouse left for two consecutive years without any consent and with no reason or because other uncontrollable factors; (3) the other spouse is punished for 5 years in prison or other more severe punishment after the marriage; (4) the other spouse does a cruelty or a terrible assault which harm others; (5) the other spouse is affected by some physical defect or illness which make him/her cannot fulfill his/her duty as husband/ wife; and (6) the husband and wife are in sustained and unresolved disputes and have no possibility of reconciliation to live in a harmonious family.

Besides the reasons regulated in the Government Regulation No. 9 of 1975, in the Article 116 of the Compilation of Islamic Law, there are two additional reasons which can be used as the condition for a divorce petition, those are: (1) the husband's violation to the marital promises, or *taklik-talak*, as it is declared soon after the marriage is pronounced; and (2) the other spouse converts to another religion, or an apostation, which leads into inharmonious living of the household.

According to Sofia Kartika (2002), the common reason proposed by a woman for a divorce, in addition to the inharmonic relation, is the occurrence

of domestic violence. Such a violence is usually generated from the factors like the insufficient income to support a decent living, the refusal to serve an intercourse, the affairs done by the husband, jealousy, and husband's willing to have another wife.

Furthermore, Sofia Kartika explains that a divorce is caused by no awareness of equality between men and women in the society. A violence in a family, as usually referred as domestic violence, is hard to identify. It is due to the fear or the shamefulfulness of the Indonesian women to tell about the problems. Such a violence is perceived as a disgrace which is not necessary to disclose (Kartika, 2002).

In practice, the wife-proposed divorce is more frequent than that proposed by husband, as it is described in the background. Seen from the normative jurisdiction, it will not be a problem, because the authority to propose a divorce petition is equal between men and women. In the sociological jurisdiction, the fact surely demands sort of explanation, especially on the underlying factors for the case. There are some theories and arguments on the issue.

Saparinah Sadli (2000) says that the knowledge on gender equality is viewed as the factor influencing the decision made by the women, the perception on woman living, their awareness formation, their life skill, and the patterning of relation between men and women. Thus, the increase of the women proposing a divorce petition is related to the more understanding on women on the rights to be a wife as an awareness of the gender equality.

The gender equality includes the position before the law and the social relation in every day life as the member of a family and the corresponding society. The equality covers a wide area of the life aspects. The equality of men and women in the decision making process in a family has a strategic meaning and beneficial effects. For both husband and wife and the children, it will create a balance, harmony, and aptitude in the living. This is also an important foundation to develop the equality in the social life as a member of a nation and as a

citizin of a country (Irsyad, 2010 and 2011).

Besides, a divorce by wife is arised from a domestic violence which usually puts the wife as a victim. The violence to woman can be grouped into three areas. *First*, the violence can be in a family which may involve such physical violences as assault, abtery, the control of production, or such psycho/emotional violence like humiliation, pent up, and a forced marriage, or the economic violences like husband's ignorance to provide the life expenses and the abandonment to the wife or to the children and sexual violence like rape and incest. *Second*, the violence can occur in the social area (public) like the raping, the torturing, the woman traficking, the sexual harrassment, the pornography, and the forced prostitution. *Third*, a violence to women is also in the state level like the political violence, the massive raping in riots, the illegal detention, and the violence in arrest like raping and assaults (Damar, 2000).

According to Sita Aripurnami (1997), seen from their background, the violence to women is caused by the biased view of seeing the women to be only related to the private matters (family). Some violences like raping, assaults, and the sexual harrassment with the wife as a victim clearly indicate the biased. As the society percieve the violences as a part of the private affairs, any law will not able to reach the negative behaviors and put them before the court.

## RESEARCH OBJECTIVE AND BENEFITS

Based on the problem statement, as formulated in the previous chapter, the objectives of the research are as follow: (1) to find out the reasons of the divorce petition granted by the Islamic Court of Purwokerto Regency, Central Java, Indonesia; and (2) to find out the purpose of the divorce petition granted by the Islamic Court of Purwokerto Regency.

On the other hand, the research benefits are as follows. *First*, for the Islamic Court of Purwokerto, the results of the research can be a review on divorce and a reflection to the cases related to the divorce proceeding. *Second*, for the education institution

(Muhammadiyah University of Purwokerto), the results can be used as a reference for other researches on the problems of divorce and the best solution for them. *Third*, finally, for the researcher, this is an experience of doing a research and a deeper look to see the divorce problem.

## RESEARCH METHOD

This was a normative descriptive research applying a qualitative case study. It was meant to give a clear and comprehensive description on the causes of the divorce as it was revealed in the court proceeding based on the norms (Moleong, 1998; Nasution, 2003; and Creswell, 2008). The location was purposively selected, that is the legal area of the Islamic Court of Purwokerto in Central Java, Indonesia. The population in the research was all the cases filed in the court in 2011.

The data collected included the primary and the secondary data. The secondary data were gained through library study and the reading to the documents related to the topic discussed. The primary data were obtained via an interview and applied an unstructured guide interview (Paul, 1953; and Yin, 1997).

The data analysis was undertaken as the data has been sufficient to answer the question. The data were then choosen for those appropriate to the purposes. They were classified into the divorce by husband and that by wife. The qualitative analysis was conducted by interpreting the data to connect with the theoretical framework and the conceptual framework which was then concluded as the answer for the problem statement (Miles & Michael, 1992; and Suyanto & Sutinah, 2005).

## FINDINGS AND DISCUSSION

I have just explained the findings of the decree absolute granted by the Islamic Court of Purwokerto in Central Java, Indonesia. There are six cases related to divorce proposed by man (husband) as well as by women (wife). The findings and discussion are as follows:

*First Case: Decree Absolute No.1050/Pdt.G/2010/PA.Pwt.* The Religion Court of Purwokerto which reviews and puts in

trial a certain case in the county level, the court granted the divorce petition applied by: AHMAD MUSTOLIH S.E. bin ABDUL CHAMID, age of 35 years old, Moslem, Education: S1 (undergraduate), works as a security in a private business, lives in RW 02 RW 07, Rejasari Village, Purwokerto Barat District, Banyumas Regency, who in this case gives a mandat to Sarjono Harjo Saputro, S.H., M.B.A., M.Hum.; Safaria Fitri, A.Md., S.H.; Arif Dwi Hantoro, S.H.; and Idha Windya Ekasepti, S.H., who are all the lawyers working in the law office operating in Jalan Tipar Baru No.48 Purwokerto, based on the specific mandatory letter dated 27 July 2011 No.1939/HSB/VII/2011, hereafter referred as "Petitioner".

TRI UTAMI IRAWATI, S.Pd. binti ROMLY, aged 34 years old, Moslem, undergraduate education, works as a teacher, lives in RT 02 RW 07, Rejasari Village, Purwokerto Barat District, Banyumas Regency, which in this case gives a temporary mandat to Romly, B.A. bin Abdullah Ahmad, a retired civil servant, lives in RT 01 RW 07, Baledono Village, Purworejo District, Purworejo Regency, based on a mandatory letter dated 18 August 2011, hereafter referred as "Respondent".

The fact revealed in the court was that since 2007, the family of Petitioner and Respondent had been in irreconcilable disputes. The Respondent was not obedient to what Petitioner asked, like not to do five prayers soon. The Respondent was not satisfied with the monthly earning of IDR 800,000 (eight hundred thousand Rupiah Indonesia = USD 80) which the Petitioner regularly gave per month. The Respondent demanded more than what the Petitioner could afford (interview with Tri Utami Irawati, 29/7/2011).

The disputes got to a worst in 2010 as the Petitioner and the Respondent had separated for a year to the complaint time. Along the period, there had not been any contact and relation. The Petitioner files the petition on the grounds of the above mentioned by which the Court decided that there had been the reasonable conditions to apply for a divorce petition. The Petitioner was ready to

bear all the expenses which may raise upon the case (interview with Ahmad Mustolih, 30/7/2011).

From the quotation, it is found out that the application for the divorce petition is on the grounds that the Petitioner and the Respondent are in irreconcilable disputes on many problems.

*Second Case: Decree Absolute No.0200/Pdt.G/2011/PA.Pwt.* The Religion Court of Purwokerto which reviews and puts in trial a certain case in the county level, the court granted the divorce petition applied by: WATIMAH binti TAMIREJA, age of 35 years old, Moslem, a housewife, lives in RT 06 RW 03 Panembangan Village, Cilongok District, Banyumas Regency, hereafter referred as "Petitioner".

SISNAENI bin AHMAD MUNADI, aged 39 years old, Moslem, undergraduate education, works as public transport driver, lives in RT 02 RW 06 Pernasidi Village, Cilongok District, Banyumas Regency, hereafter referred as "Respondent".

The facts disclosed in the trial was that since 2008, the Petitioner and the Respondent were always in disputes because the Respondent have married to another woman without the permission and the consent of the Petitioner. The marriage to another woman was informed by a relative of the Respondent telling that the Respondent has married another woman (interview with Watimah, 20/5/2011).

The friction in the family peaked in October 2010. This made the Petitioner left the Respondent and went home to the house of the Petitioner's parents. The Petitioner could not stand the unreasonable behavior of the Respondent. The Respondent got a child from another wife and had not provided the Petitioner any earnings for three consecutive months. Along the time of dispute, there had not been any contact or relation between the Petitioner and the Respondent.

Seen from the quotation, it is known that the divorce petition is on the ground that the household of the Petitioner and the Respondent was not in harmony, because the Respondent has married another woman and had a child without the permission

and the consent of the Petitioner. The Respondent had not given any living support necessary to the Petitioner and there is no good relation between the Petitioner and the Respondent (interview with Sisnaeni, 25/5/2011).

*Third Case: Decree Absolute No.0255/Pdt.G/2011/PA.Pwt.* The Religion Court of Purwokerto which reviews and puts in trial a certain case in the county level, the Court granted the divorce petition applied by: WAHYUTI binti SISWODARMODJO, age of 51 years old, Moslem, no job, lives in RT 02 RW 02 Arcawinangun Village, Purwokerto Timur District, Banyumas Regency, hereafter referred as "Petitioner".

SUMERI bin ABDUL AHMAD, aged 54 years old, Moslem, a house-maid, lives in RT 01 RW 01 Pengalusan Village, Mrebet District, Purbalinga Regency, hereafter referred as "Respondent".

The facts disclosed in the trial was that the Petitioner applied a petition to the Religion Court of Purwokerto because since the early 2005, the Petitioner and the Respondent were always in disputes and had no hope of a reconcilliation. The reason is that the Respondent cannot support any living earning. The friction in the family peaked in the end of September 2010 in which the Respondent left the house of the Petitioner and stayed in the house owned by the Petitioner's son/ daughter (interview with Wahyuti, 9/2/2011).

Seen from the quotation, it is known that the divorce petition is on the ground that the Petitioner and the Respondent were not in harmony; and were imposible for any reconcilliation, because the Respondent cannot provide any living support as a duty for a husband. The Respondent also left the house without the Petitioner's consent (interview with Sumeri, 15/2/2011).

*Fourth Case: Decree Absolute No.0669/Pdt.G/2011/PA.Pwt.* The Religion Court of Purwokerto which reviews and puts in trial a certain case in the county level, the Court granted the divorce petition applied by: AGUS SALIM bin H. SYAHDAN, age of 36 years old, Moslem, works as a staff in a private business, lives in RT 01 RW 01,

Kober Village, Purwokerto Barat District, Banyumas Regency, based on the mandatory letter, has given Sarjono Harjo Saputro, S.H., M.B.A., M.Hum. and friends, all the lawyers working in the law office operating in Jalan Tipar Baru No.48 Purwokerto, hereafter referred as "Petitioner".

VIVI PURWANINGRUM binti EDY SUDRAJAT, aged 31 years old, Moslem, a labour, lives in RT 01 RW 01, Kober Village, Purwokerto Barat District, Banyumas Regency, but now has not been identified her stay, hereafter referred as "Respondent".

The facts disclosed in the trial was that the Petitioner applied a petition to the Religion Court of Purwokerto because since the early 2006, the Petitioner and the Respondent were always in disputes and had no hope of a reconcilliation in a harmonious family. The reason is that the Respondent frequently went away without the Petitioner's consent. The Respodent sometimes left the house for a day and even four days. The dispute reached its peak in 2008 as the Petitioner left the house and has lived in the house of the Petitioner's parents to the time the petition applied (interview with Agus Salim, 4/3/2011).

Seen from the quotation, it is known that the divorce petition is on the ground that the Petitioner and the Respondent were not in harmony, and were imposible for any reconcilliation, because the Respondent frequently left the house without the consent of the Petitioner (interview with Vivi Purwaningrum, 5/3/2011).

*Fifth Case: Decree Absolute No.0956/Pdt.G/2011/PA.Pwt.* The Religion Court of Purwokerto which reviews and puts in trial a certain case in the county level, the Court granted the divorce petition applied by: TARIB bin KORIB, age of 33 years old, Moslem, Elementary School graduate, works as a farmer, lives in RT 07, RW 04, Banjarsari Village, Ajibarang District, Banyumas Regency, hereafter referred as "Petitioner".

SARINTI binti MADASRI, aged 24 years old, Moslem, Elementary School graduate, a farmer, lives in RT 06 RW 02, Jingskang Village, Ajibarang District, Banyumas Regency, but now has not been identified

her stay and still lives in Indonesia, hereafter referred as "Respondent".

At the beginning of the marriage, the family of the Petitioner and the Respondent was harmonious; but since 19 March 2011, the condition had changed dramatically. There had been unresolved disputes on where to stay. The Respondent demanded the Petitioner to build a house in the Respondent's village in Jingkang Village, Ajibarang District. The Petitioner disagreed with the demand because the Petitioner wanted the Respondent to live with the Petitioner in Bogor. The Respondent was not willing to follow and still insisted to stay in the Jingkang village.

Due to the disputes, on 16 March 2011, the Respondent left the house without the consent of the Petitioner. The Petitioner was working when the Respondent left. The Petitioner then went to check in the house of the Respondent's parents, but they did not know about the Respondent and they were surprised to the fact. To the time of petition application, the stay of the Respondent has not been identified (interview with Tarib, 21/4/2011).

Based on the judgment quoted, it is seen that the divorce petition is applied on the grounds that the marriage of the Petitioner and the Respondent cannot be reconciled because the Respondent left the house with no consent and the Respondent had not been known.

*Sixth Case: Decree Absolute No.1359/Pdt.G/2011/PA.Pwt.* The Religion Court of Purwokerto which reviews and puts in trial a certain case in the county level, the Court granted the divorce petition applied by: DWI RASMAWATI binti SUTARNO, age of 38 years old, Moslem, Senior High School graduate, works in business, lives Jalan Sutejo RT 03 RW 07, No.22-A, Kedungwuluh Village, Purwokerto Barat District, Banyumas Regency, hereafter referred as "Petitioner".

PRIYO SUNARYOSO bin SUNARYOSO, B.A., aged 40 years old, Moslem, Senior High School graduate, a labour, lives Jalan Sutejo RT 03 RW 07, No.22-A, Kedungwuluh Village, Purwokerto Barat District, Banyumas Regency, hereafter referred as

"Respondent".

The fact revealed in the court was that since 1999, the family of Petitioner and Respondent had been in irreconcilable disputes. The Respondent was not able to satisfy the living support by only IDR 200,000 (two hundred thousand Rupiah Indonesia = USD 20) per a month, because the Respondent was lazy to work.

In 2007, the Respondent did a domestic violence to the Petitioner by throwing scissors and it wounded the Petitioner's thigh and the Petitioner should have an operation. The Respondent had been arrested but then was freed by a promise to change the behavior. However, the Respondent always did a harmful action to the Petitioner as the Respondent was angry and often broke the furniture in the house. The Respondent also did lots of verbal violence by shouting at the Petitioner as a "prostitute" and a "thief" (interview with Dwi Rasmawati, 15/9/2011).

The friction in the family peaked in July 2011, in which Petitioner and the Respondent had separated for 15 days and along the period there had not been any relation or contact.

From the quotation, it is found out that the application for the divorce petition is on the grounds that the Petitioner and the Respondent are in irreconcilliable disputes because the Respondent cannot satisfy the family earning, committed domestic violence, and verbal violences.

## CONCLUSION

From the analysis on the reason of the granting of the divorce petition, the factor for it is the irreconcilliable disputes due to the inobedience of the wife, the insufficient earning provided by the husband, the affairs, the leaving without any consent, the domestic violence committed by the husband, and the marriage to another woman without the consent of the wife. The petition is granted because there is no agreement between the husband and the wife to reconcile in a harmonious family. The petition granted, however, requires the conditions as mentioned above.

To build a strong marital bond, a couple need more mental preparation prior to a marriage. This is to make them more prepared to control their emotion in handling the conflicts in a family and more understanding on which needs to be the priority.

The judges are supposed to be more careful in granting the divorce petition. It can be the case that the petitioner does some tricks to escape from his/her duty as a husband or a wife.

## Bibliography

- Aripurnami, Sita. (1997). "Perempuan dan Pemberdayaan". *Unpublished Ph.D. Thesis*. Jakarta: Program Studi Kajian Wanita UI [Universitas Indonesia].
- Creswell, J.W. (2008). *Educational Research: Planning, Conducting, and Evaluating Quantitative and Qualitative Research*. Ohio: Merrill Prentice Hall.
- Damar. (2000). "Legitimasi Perempuan Korban Kekerasan" in *Majalah Kesetaraan dan Keadilan Gender*, Edisi 02.
- Depag RI [Departemen Agama Republik Indonesia]. (1974). *Undang-Undang Perkawinan No.1 Tahun 1974 tentang Undang-Undang Pokok Perkawinan*. Jakarta: Departemen Agama Republik Indonesia.
- Djubaedah, Neng, Sulaikin Lubis & Farida Prihatini. (2005). *Hukum Perkawinan Islam di Indonesia*. Jakarta: PT Hecca Mitra Utama.
- <http://isjd.pdii.lipi.go.id/admin/jurnal/1620795109.pdf> [accessed in Purwokerto, Central Java, Indonesia: 18 December 2012].
- Interview with Wahyuti, on 9 February 2011, in Purwokerto, Central Java, Indonesia.
- Interview with Sumeri, on 15 February 2011, in Purwokerto, Central Java, Indonesia.
- Interview with Agus Salim, on 4 March 2011, in Purwokerto, Central Java, Indonesia.
- Interview with Vivi Purwaningrum, 5 March 2011, in Purwokerto, Central Java, Indonesia.
- Interview with Tarib, 21 April 2011, in Purwokerto, Central Java, Indonesia.
- Interview with Watimah, on 20 May 2011, in Purwokerto, Central Java, Indonesia.
- Interview with Sisnaeni, on 25 May 2011, in Purwokerto, Central Java, Indonesia.
- Interview with Tri Utami Irawati, on 29 July 2011, in Purwokerto, Central Java, Indonesia.
- Interview with Ahmad Mustolih, on 30 July 2011, in Purwokerto, Central Java, Indonesia.
- Interview with Dwi Rasmawati, 15 September 2011, in Purwokerto, Central Java, Indonesia.
- Irsyad, Syamsuhadi. (2010). "Journalistic Training for the Public in Banyumas Regency". *Paper presented in the National Conference in UMP (Muhammadiyah University of Purwokerto)*.
- Irsyad, Syamsuhadi. (2011). "A Legal Protection to the Juvenile: A Study of Children Trafficking and the Juvenile Marriage". *Unpublished Research Report*. Purwokerto: Faculty of Law UMP (Muhammadiyah University of Purwokerto).
- Kartika, Sofia. (2002). "Profil Perkawinan Perempuan Indonesia" dalam *Jurnal Perempuan*. Jakarta: Yayasan Jurnal Perempuan Marci.
- Latif, Djamil. (1998). *Aneka Hukum Perceraian di Indonesia*. Jakarta: Penerbit Ghalia Indonesia.
- Miles, M.B. & A. Michael. (1992). *Analisis Data Kualitatif*. Jakarta: UI [Universitas Indonesia] Press, Translation.
- Moleong, A.L. (1998). *Metodologi Penelitian Kualitatif*. Bandung: Remaja Rosda Karya.
- Nasution, S.M. (2003). *Metode Penelitian Naturalistik Kualitatif*. Bandung: Tarsito.
- Paul, B.D. (1953). "Interview Techniques and Field Relationships" in A.L. Kroeber [ed]. *Anthropology Today*. Chicago: University of Chicago Press.
- Rokhmadi. (2008). "Cerai Thalak di Bawah Tangan dalam Perspektif Hukum Islam dan Hukum Positif di Indonesia: Suatu Analisis Komparatif, Studi Kasus di Wilayah Hukum Pengadilan Agama Jantho". *Unpublished Research Report*. Purwokerto: UMP [Universitas Muhammadiyah Purwokerto].
- Sadli, Saparinah. (2000). "Pemberantasan Diskriminasi terhadap Perempuan dalam Perspektif HAM" dalam O. Ihromi *et al.* [eds]. *Penghapusan Diskriminatif terhadap Perempuan*. Bandung: Penerbit Alumni, edisi I.
- Suyanto, Bagong & Sutinah. (2005). *Metode Penelitian Sosial: Berbagai Alternatif Pendekatan*. Jakarta: Prenada Media.
- Yin, R.K. (1997). *Studi Kasus: Desain dan Metode*. Jakarta: Rajawali Press, Translation.