



VIOLATION OF WOMEN'S RIGHTS ON DIVORCE: STUDY ON RELIGIOUS COURT DECISION

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ABSTRACT

Various marriage problems cause women to sometimes file for legal divorce from their husbands. However, the religious court decision on divorce has violated women's rights, both alimony and mut'ah rights. This study aimed to show the causes of post-divorce violations of women's rights and the implications of religious court decisions on women which violate their rights. This study used two data collection methods, namely documentation of Religious Court decisions through directories and interviews. The decision was confirmed to informants through interviews with a number of judges and women as plaintiffs. Based on the results, the Religious Court decision on divorce violating women's rights produces poverty and life stress for women. Women do not get justice because the Religious Court decision creates gender bias. Therefore, it takes courage from judges in deciding divorce cases to realize 3 legal objectives and a legislative review of several articles in Law on Marriage for the reformulation of Islamic Family Law in Indonesia.

Keywords: divorce; women's rights; religious court; Islamic Law; islamic family

1 INTRODUCTION

Religious Court Decision on divorce violates women's rights, both alimony and mut'ah rights (Kariso et al., 2021; Sunarsi & Sumiyati, 2019). Based on previous studies,





many religious court decisions granted lawsuits so that every year the lawsuits increased drastically (Hasyim, 2015; Nurlaelawati, 2013, Rohman et al., 2020; Nur & Jamil, 2021), but the justice desired by women through the divorce process is always violated (Leopold, 2018). Other findings reveal that divorce has become a disaster for women because they have to lose their rights (Odis, 2021). Court, instead of being a way for women to seek protection and justice, has actually made their rights as ex-wives violated.

The above facts are in line with the confession conveyed by one of the women in the Padang Religious Court when the wife filed for divorce, the wife was deemed to have nusyuz to her husband. Therefore, the wife is not entitled to alimony or mut'ah from her husband (Eni, Interview, 2020). In addition, the Religious Court may not decide cases beyond being prosecuted (basic principle) or *ultrapetitum* (Article 2 (1) Law Number 48/2009 on power to the Religious Court). It is different when the divorce comes from the husband's request, the Religious Court requires the husband to give alimony and mut'ah to the wife (1533/Pdt.G/2019/PA.Pdg). Thus, there has been discrimination against women, as if contrary to Law no. 7 of 1984, in which Indonesia has ratified the International Convention on the Elimination of Discrimination against Women known as CEDAW (Siregar & Nizmi, 2019; Asnawi & Ismail, 2020).

Until now, studies on divorce and the relationship with violations of women's rights tend to analyze the relationships in terms of the reasons for the divorce and the obstacles for women in filing for a divorce. The tendency of analysis towards realizing the desire of women to sue for divorce from their husbands can be seen in several studies. The study of post-divorce women's rights protection identified the form of *verstek* decisions and in divorce cases, there was not a single lawsuit regarding women's rights (Rohman et al., 2020). Another study emphasizes the causes of the high number of divorce cases and the obstacles for the wife in filing for divorce (Scott et al., 2013).

Another study emphasizes the reasons why judges do not give women's rights in the settlement of divorce cases and then the procedures carried out by judges from a technical point of view in deciding divorce cases (Hamzah et al., 2021). Another study emphasizes the provision of knowledge and assistance as a form of protection for women's rights after divorce (Dios, 2016). Another study emphasizes the inadequate protection of wife's rights in divorce which is dominated by law enforcement factors





(Ahmad Zainal Fanani, 2021). Women's rights obtained after divorce are clearly contained in the applicable laws in Indonesia, both Islamic rules and state regulations (Q.S. Al-Thalaq: 1, KHI Article 152, 149 (b), 149 (a) and Supreme Court Jurisprudence No. 137K/AG/2007 and Decision No. 276K/AG/2010).

In line with the several studies described above, to find differences between the studies above and this study, this study is focused on complementing the shortcomings of previous studies regarding the relationship between religious court decisions on divorce and violations of women's rights. This study was conducted by analyzing the Religious Court decision on divorce resulting in violation of women's rights after divorce. Accordingly, there are three questions answered in this study: (a) What are the violation forms of women's rights in the Religious Court decision on divorce? (b) What factors cause a violation of women's rights in the religious court decision on divorce? (c) What are the implications of women's rights violation due to the Religious Court decision on divorce on their married life? These three questions give direction to divorce not only being a solution for women but also making their rights violated.

2 METHOD

The relationship between “religious Court decisions and post-divorce violations of women's rights” is the main focus due to the limited attention of experts. The existing study only focused on the consideration of the Religious Court in granting the wife's claim. In turn, the Religious Court decision did not accommodate women's rights after the divorce. This issue becomes important and urgent to be the object because the Religious Court decision resulted in neglect and poverty for post-divorce women.

Data were collected from the Religious Court decision, the judges of the Religious Court, and women received the divorce certificate. This study was a normative juridical qualitatively departing from the rule of law, both Islamic law and state law.

The main data were Religious Court decisions on divorce initiated by wives in the Padang Religious Court. The legal reasons and beliefs used by the Religious Court to decide cases must be thoroughly understood (Wan Mohd Khairul Firdaus, 2017). This





study used a qualitative descriptive approach to describe the considerations of the religious Court decision on divorce. The qualitative approach can be explained in an effort to explain the meaning based on the object of study (Gul, 2019; Fadli & Juliandi, 2021). The Padang Religious Court decision on alimony after divorce has permanent legal force. The main object in this study was the basics and legal considerations of the Religious Court decision.

The study of normative law uses secondary data (M.D., 2019). Secondary data in this study were the Padang Religious Court decision on divorce already settled in 2017-2020. However, secondary data, apart from the Religious Court decision, also came from the study of legislation, namely all legal sources become the guidance of the Padang Religious Court in making decisions, both in the form of material legal sources, as well as legal sources in the form of formal and literature studies related to the topic of study.

In addition to the main data source in the form of decisions, secondary data also came from primary data, namely the judges of the Padang Religious Court, clerks, and lawyers involved in the trial as complementary data. In addition, there were also ex-wives who fulfilled a divorce to the Padang Religious Court, to see the implications of the Religious Court decision on married life.

In this study, sampling was carried out purposively and snowball. Data collection techniques were carried out in three ways, namely collecting a directory of religious court decisions through online Religious Court data, documentation, and interviews with judges of the Religious Court about their basics and considerations before giving a decision, clerks, and lawyers directly involved in the trial, and the wives filed for divorce to the Padang Religious Court.

The instrument used was an interview guide containing a description in the form of questions including knowledge, concepts, opinions, perceptions/evaluations of respondents on the focus of the problem. Meanwhile, the interview questions were in the form of a mixture of structured and unstructured, because the problem of this study was not too complex by expressing feelings, thoughts, and reasons for attitudes. In problem-solving, there are several strategies and options, so FGDs were conducted to identify these various strategies. In addition, to explore and obtain various information about





problem-solving. The FGD results were also used to design a survey questionnaire in conducting interviews to complete the data.

Completely collected data were analyzed qualitatively and critically analysis of the text, namely decisions or legal documents by describing applicable legal regulations and associated with legal theories and practices in the implementation of positive law. The method used was content analysis objectively and systematically to describe the contents of the Padang Religious Court decision in the divorce case.

2 RESULTS AND DISCUSSION

2.1 VIOLATION OF WOMEN’S RIGHTS ON RELIGIOUS COURT DECISION ON DIVORCE

Several women's rights were violated after a divorce based on the Indonesian Constitution and KHI, in the form of (1) Iddah alimony (earnings in the waiting period) namely a living that must be provided by the ex-husband to the ex-wife who was sentenced to divorce as long as the ex-wife underwent the iddah (waiting period), unless the ex-wife commits nusyuz (disobedience) (2) Madhiyah alimony (past alimony) namely the previous alimony was neglected or not carried out by the ex-husband to the ex-wife when both were still bound by a legal marriage; (3) Mut'ah (comfort) or a gift from the ex-husband to ex-wife subjected to divorce either in the form of money or other objects.

Following are violation forms of women's rights after divorce in the Religious Court decision on divorce. Religious Court decision in handling divorce cases after containing the categorization of the case and legal considerations to give birth to a decision. The detailed description are contained in the following table:

Table 1. Religious Court Decision violated women's rights:

No	Decision Number	Content	Meaning
1	1) Padang Religious Court Decision Number	1. Granted the claim of the plaintiff for divorce with the defendant;	Nothing in the decision to grant rights to the ex-wife after the divorce.





	0677/Pdt.G/ 2017/PA.Pdg	2. Deciding the ba'in sughra divorce from the defendant to the plaintiff.	
2	Padang Religious Court Decision Number 0648/Pdt.G. 2017/PA.Pdg.	1. The Religious Court granted the plaintiff's claim; 2. Deciding the ba'in sughra divorce from the defendant to the plaintiff	Nothing in the decision to grant rights to the ex-wife after the divorce.
3	2) Padang Religious Court Decision Number 1366/Pdt.G/ 2017/PA. Pdg,	1. The Religious Court granted the plaintiff's claim; 2. Deciding the ba'in sughra divorce from the defendant to the plaintiff	Nothing in the decision to grant rights to the ex-wife after the divorce.
4	3) Padang Religious Court Decision Number 0047/Pdt.G/ 2018/PA.Pdg.	1. The Religious Court granted the plaintiff's claim. 2. Deciding the ba'in sughra divorce from the defendant to the plaintiff.	Nothing in the decision to grant rights to the ex-wife after the divorce.
5	4) Padang Religious Court decision number 0707/Pdt.G/ 2018/PA.Pdg.	1. The Religious Court granted the plaintiff's claim; 2. Deciding the ba'in sughra divorce from the defendant to the plaintiff.	5) Nothing in the decision to grant rights to the ex-wife after the divorce.
6	6) Religious Court Decision Number 1436/Pdt.G/2018/ PA.Pdg.	1. The Religious Court granted the plaintiff's claim. 2. Deciding the ba'in sughra divorce from the defendant to the plaintiff	Nothing in the decision to grant rights to the ex-wife after the divorce.
7	Padang Religious Court decision Number 0937/Pdt.G/2018/ PA.Pdg 5 December 2018	1. The Religious Court granted the plaintiff's claim. 2. Deciding the ba'in sughra divorce from the defendant to the plaintiff.	Nothing in the decision to grant rights to the ex-wife after the divorce.

Table 1 shows the no dissenting opinion in the Religious Court decision on divorce regarding post-divorce women's rights. The above data shows similarities not to include women's rights on divorce. Thus, Table 1 explains that all Padang Religious Court decisions on divorce did not require the defendant to give the plaintiff post-divorce rights.

Based on the results, in the Religious Court decision on divorce, there was no grant of women's rights, either alimony madhiyah, iddah, or mut'ah. This means 3 women's





rights were violated in the Religious Court decision on divorce. Meanwhile, a firm legal basis regarding the violation of ex-wife rights on divorce was not found. In addition, the decision of the Supreme Court has included women's rights in the decision on divorce. As stated in the decisions in 2007 and 2010 (Decision No. 137K/AG/2007 and Decision No. 276K/AG/2010). This shows a crisis in law enforcement in the form of achieving goals, but not being pro-justice (Suhardin, 2015) which clearly contradicts the goals of the law, as pointed out by Gustav Rudbruch: *rechct ist wille zur genechtigkeis* meaning law is the will for the sake of "justice" (Leawoods, 2000; Bix, 2011). Justice is in the form of granting rights to anyone based on equality before the law principle (Bramantara, 2021). In this case, the Religious Court ideally obliges the ex-husband to provide a living after the divorce (Damota, 2019; Wijayati et al., 2021; Amato, 2000). Religious Court Decision on divorce harming women has implications for legal purposes.

On the other hand, there are already legal provisions from the Supreme Court and the Religious Courts Agency regarding the legal protection of women's rights to maximize the fulfillment of women's rights on divorce. This is as designated by several legal regulations, both through Supreme Court Regulations, Supreme Court Circulars, as well as through Book II (PERMA No.3 of 2017 on Guidelines for Judging Women's Cases Against the Law). This is performed as an effort to apply legal justice so that the Religious Court decision on divorce can build balanced legal reasoning (Rigoni, 2014). Thus, there is a strong enough reason for the Religious Court to include three post-divorce women's rights in the decision so that the decision is qualified and able to accommodate the legal objectives.

2.2 CAUSATIVE FACTORS OF VIOLATION ON WOMEN'S RIGHTS DUE TO RELIGIOUS COURT DECISION ON DIVORCE

Based on the data, there were causative factors of violation on women's rights due to Religious Court decision on divorce. The Religious Court Decision is supported by several legal considerations as shown in the following table:

Table 2. Religious Court Decision causing violation of women's rights:





No	Quote	Source	Legal Considerations
1	Padang Religious Court Decision Number 0677/Pdt.G/2017/PA.Pdg. 7) The Religious Court granted the lawsuit with a verstek decision.	Religious court decision directory via online religious court data accessed on August 19, 2020.	Law No. 1 /1974, Al-Quran: Surah Al-Rum: 21, PP and KHI.
2	Padang Religious Court decision number 0648/Pdt.G.2017/PA.Pdg, The Religious Court granted the lawsuit with a verstek decision and deciding the ba'in sughra divorce from the defendant to the plaintiff	Religious court decision directory via online religious court data accessed on August 19, 2020.	Refers to Law No. 1 /1974, Al-Quran: Surah Al-Rum: 21, PP and KHI reinforced by fiqh.
3	Padang Religious Court decision number 1366/Pdt.G/2017/PA. Pdg, The Religious Court granted the lawsuit with a verstek decision	Religious court decision directory via online religious court data accessed on September 1, 2020.	
4	Padang Religious Court decision number 0047/Pdt.G/2018/PA. Pdg, Religious Court decision The Religious Court granted the lawsuit with a verstek decision and deciding the ba'in sughra divorce from the defendant to the plaintiff.	Religious court decision directory via online religious court data accessed on September 1, 2020.	RI PMA Jurisprudence No. 38/K/AG/1990 that the purpose of Article 19 letter (f) PP No.9 of 1975 is the marriage problems
5	Padang Religious Court decision number 0707/Pdt.G/2018/PA.Pdg., The Religious Court granted the lawsuit with a verstek decision.	Religious court decision directory via online religious court data accessed on September 1, 2020.	Law No. 1 /1974, Al-Quran: Surah Al-Rum: 21, PP and KHI reinforced by fiqh
6	Religious Court Decision number 1436/Pdt.G/2018/PA.Pdg., The Religious Court granted the lawsuit with a verstek decision.	Religious court decision directory via online religious court data accessed on September 1, 2020.	Article 1 Law No.1 of 1974 jo Article 3 KHI, and QS: Ar-Rum: 21, and Article 19 letter (f) PP No.9 of 1975 jo. Article 116 letter (F)





7	Religious Court Decision number 0822/Pdt.G/2018/PA.Pdg The Religious Court granted the lawsuit with a verstek decision.	Religious court decision directory via online religious court data accessed on September 1, 2020.	In principle the same as the previous six religious court decisions.
8	Religious Court Decision number 04/Pdt.G/2018/PA.Pdg., The Religious Court granted the lawsuit with a verstek decision and deciding the ba'in sughra divorce from the defendant to the plaintiff. Ba'in shugra divorce cannot reconcile, but ex-wife may marry ex-husband even though in iddah.	Religious court decision directory via online religious court data	In principle the same as the previous seven religious court decisions.

Source: Processed Directory Documents

Table 2 explains that there is no Religious Court decision on divorce discussing women's rights after divorce. Meanwhile, the Religious Court decided on the divorce from the defendant against the plaintiff in which the husband no longer has the right to reconcile. The table above also describes the legal basis of the Religious Court's considerations where there are a number of rules governing "Marriage, Purpose of Marriage, Divorce Consequences, Reasons for being allowed to file for divorce and equipped with religious rules that prioritize the principle of benefit". In addition, the Religious Court is also based on related verses of the Koran.

Thus, table 2 shows that there are 3 types of legal considerations contained in the Religious Court decision on divorce, namely the main source of Islamic law in the form of the Quran, state rules called positive law, and religious rules in the form of efforts by Islamic jurists. In addition, Table 2 also explains the form of the Religious Court decision on divorce in the category of husband's absence from the trial.

In addition to data in the form of documents, to find the cause of violation of women's rights in the post-divorce Religious Court decision, interview data was also equipped to make it more in-depth, as shown in the following table:

Table 3. Religious Court Decision Based on Interviews

No	Quote	Source	Meaning
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1.	The Religious Court may not decide cases outside the material demands	Ati, 2018	The authority of the Religious Court is limited in decision
2.	If the plaintiff/wife files for divorce for reasons of living, then the plaintiff's reasons for filing for divorce are no longer relevant.	Rosma, 2018	Women's problems with divorce
3.	The powers granted to the Religious Courts because of their positions are also limited	Risda, 2018	The Ex-Officio Religious Court's rights have a mechanism
4	PERMA Number 3/2007 concerning guidelines for adjudicating women's cases against the law, the result of a plenary session of religious chambers, because Minang people are known for their matriarchy.	Abduh, 2019	SE MA is not urgent to be guided by the Religious Court
5.	If the wife sues her husband for divorce, then the wife is considered nusyuz.	Maman, 2021	The wife filing for divorce will not get the right to a living like a divorce case
6.	The Religious Court must comply with written rules, in the process and in deciding cases.	Radial, 2021	Plaintiff/wife filing for divorce will not get rights post-divorce
7	The Religious Court may not advise the plaintiff/ex-wife to review the material of the lawsuit	Aslam, 2021	The Religious Court is passive, it cannot interfere with the plaintiff

Source: Interview data.

Table 3 shows that there are 6 reasons the Religious Court decision does not include women's rights on divorce, namely (a) the Ultra Petitem principle, the basic principle of the Religious Court in deciding cases, (b) the impact/consequences of the wife filing for divorce with her husband, (c) the use of authority and the responsibility given by the Act to the Religious Court because it does not apply on divorce, (d) the Religious Court's legal considerations in the decision are quite complete, in addition to the main source of Islamic law, positive law, the Religious Court's primary source books in the form of fiqh books classic, (e) The circular letter of the Supreme Court on "Guidelines for adjudicating women's cases in conflict with the law" is not yet strong enough to be guided by the Religious Court.





Thus, from tables 1 and 2, there is a synchronization between the Religious Court decision and the results of interviews with the Religious Court judges, causing the defendant/ex-husband to not have the obligation to give the plaintiff/ex-wife their rights after the divorce.

The Religious Court has not yet included in its legal considerations the rules regarding the protection and fulfillment of women's rights on divorce. The logical consequences give birth to decisions that are detrimental to women. Moreover, the Religious Court agreed to say that women who filed for divorce from their husbands were considered nusyuz. This clearly contradicts the plaintiff's reasons for filing for divorce in court. Thus, it can be said that the legal considerations contained by the Religious Courts in the decision on divorce cases are not sufficient. Therefore, it takes courage for the Religious Court to convict the defendant of providing madiyah, iddah and mut'ah rights to the plaintiff, both at the request and ex officio by the Religious Court.

Furthermore, the Religious Court should go through the stage of qualifying the event by finding and determining the legal relationship with the event that has been proven through legislation so that the plaintiff does not lose his rights after the divorce. As stated in PMA Number 3 of 2017 above. In point 3 it is stated: "the wife on divorce can be given alimony madhiyah, iddah, mut'ah and support for the children as long as the wife is not proven to be nusyuz". This means that the Religious Court assembly needs to conduct an in-depth study to find the fact that the divorce lawsuit filed by the wife is because of being oppressed in the household while the husband will not be willing to divorce her. This means that there is no other way to be taken by the wife except filing for divorce to the Religious Court. Therefore, the wife filing for a divorce is not necessarily considered nusyuz.

2.3 RELIGIOUS COURT DECISION VIOLATING WOMEN'S RIGHTS HAS IMPLICATIONS FOR MARRIAGE

Every divorce will basically have a bad impact on both parties, both husband and wife, moreover the divorce starts from filing to the religious court. Based on the results of





the study, it is known that the religious court decision violating women's rights has implications for marriage. This can be seen in the data as shown in table 4 below:

Table 4. Implications of Religious Court decision on Marriage

No	Quote	Source	Meaning
1	Divorce filings have been granted by the Religious Court. I am relieved and feel more at ease even though there is uncertainty about the cost of living.	Reni, 2017	There is a feeling of joy, but confusion after parting with ex-husband
2	Since the Religious Court decision decided the divorce, my life and that of my children have been more enjoyable. However, I have to think and do to be able to make money.	Ita, 2017	There is a feeling of joy, but thinking hard to earn a living after parting with ex-husband
3	After the Religious Court decision came out and granted my request to separate from my husband, I became relieved and free. After this, I should be able to work to support my three children. Because I stopped working in a private office after giving birth to my first child.	Susi, 2019	There is a sense of security and hope to be able to live life as a single parent.
4	My kids and I will try and adjust to living in a financially deprived condition. Because before that I only depended on my ex-husband to meet the needs of my family. After this divorce, I have to try to make money.	Meri, 2020	There is uncertainty and determination to be independent after a divorce
5	After divorcing my husband, my children and I feel free and free from the violence committed by my husband. I am now working as a culinary provider. Although my income has not been able to meet the food needs of my family.	Meta, 2020	There is freedom and optimism with sufficient circumstances.
6	After divorcing my ex-husband, I took up housing and living expenses with my parents.	Eka, 2020	Living with parents after divorce
7	I am now starting a business selling snacks with capital from debt to my family. Because after the divorce, my financial resources and children broke up.	Evi, 2020	Starting a business due to the loss of financial resources after the divorce
8	My life and children feel comfortable and relieved after parting with my ex-husband who likes to drink and play	Wat, 2020	There are feelings of joy, but have to work to survive





	with other women. Even though I work as a housemaid to survive.		after separating from husband
9	I am confused about what to do after this, education is only up to junior high school, working as a housemaid I am not strong because I am sick. Fortunately, my parents shared accommodation and food expenses for me and my 2 children. But for how long?	Sari, 2020	Confused about the cost of living after a divorce.
10	Alhamdulillah, even though it is better according to religious teachings there should be no divorce in the family. However, there is no other way to solve domestic problems which are getting more and more violent. Luckily I have a job as a private office employee to support my 3 children.	Sari, 2020	There is a feeling of pleasure after the divorce and does not question the living because of an office employee.

Source: Interview data

From table 4 above, it is known that the forms of complaints and complaints of ex-wives in their marriage life after their divorce. There are 3 types of conditions; First, there is a sense of happiness, because they managed to escape from marriage problems. However, they are sad because they have not been able to meet the family's food needs; Second, there is a sense of relief and satisfaction, but they are deeply saddened, considering that they do not have a job to support themselves and their children; Third, there is confusion, considering that they have not been able to work as a single parent, their physical condition is not healthy and they want someone to bear their living expenses with three children; Fourth, feel comfortable and enough for living expenses from the results of his work as an office worker.

The data in Table 4 explains that ex-wives who have received a divorce certificate from the Religious Court have made them relieved and satisfied. This is because the wishes of the ex-wives have been granted formally. This means that they can be free from marriage problems, both physically and mentally. The data table also finds that the Padang Religious Court decision has given birth to two contradictory points of view. On the one hand, the wishes of the wives who filed for divorce have been fulfilled according to the request, namely to separate from their husbands, on the other hand, they





experience uncertainty and financial difficulties that make them confused, and anxious to survive.

The results of the study show that post-divorce violations of women's rights have implications for the occurrence of torture against women by not meeting the needs of their families. Religious Court Decisions on divorce have not only harmed ex-wives but have also created and perpetuated suffering for women, this is in line with Annisa et al. (Annisa et al., 2019). This is because in general ex-wives only expect a living from their husbands in the household. The logical consequence is that when a divorce occurs, the ex-wife loses the financial resources to meet her daily needs. This condition becomes more difficult when the divorced couple has a small child who is legally cared for by the mother, namely the ex-wife. This means that there has been a clash between legal certainty in a formal juridical manner and justice, so the Religious Court is required to revoke the primacy of legal certainty and switch to creating justice, especially with regard to efforts to defend rights.

On the other hand, the Religious Court decision on divorce, in addition to creating suffering for the ex-wife who is a single parent in the family, has also perpetuated a patriarchal culture, because it has created violence against women. This view is in line with Prahara's findings, which confirm that women suffer a lot as a result of legal divorce decisions (Prahara, 2018). Moreover, it is clearly seen that the Religious Court decision has not prioritized the principle of impartiality, namely not taking sides with anyone in order to create a neutral judiciary (Adawiyah, 2019). Thus, the Religious Court decision on divorce which has increased women's suffering to meet the needs in their household also perpetuates the patriarchal culture, producing direct gender discrimination, because the Religious Court decision has prevented the ex-wife's opportunity to enjoy her rights on the basis of equal rights between women and men.

3 CONCLUSION

Violation of women's rights in the Religious Court decision on divorce does not only rely on the will of the Religious Court, the limitations of related regulations, and the





limitations of women dealing with the law but has produced poverty for women who are struggling to survive. Furthermore, from the results of the study, it is known that the Religious Court decision that violates women's rights on divorce has given birth to poverty for women fighting for family resilience, has given new momentum in the scientific field for the law enforcement profession with a gender perspective that can give birth to Religious Court decisions that prioritize gender sensitivity.

This study is limited to a copy of the Religious Court decision document which is accompanied by the results of the interview, but it has not been able to accommodate data on the ongoing trial of the case and data from the minutes, in the form of minutes of the trial. This is done in line with the existence of social distancing which hampers the field study process. Likewise, it has not accommodated data in the form of legal rules related to divorce and its consequences. For a more in-depth study, it is necessary to conduct a case study by taking primary informants from various aspects.

In line with that, further studies are needed to accommodate empirical studies based on observations and interviews with various parties and a study of the rules regarding divorce and its consequences in the form of a legislative review of several articles as the basis for consideration of the Religious Court on divorce. To make it possible to reform Islamic family law in Indonesia.

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