

# Cerai Susuk as Women's Resistance against Patriarchal Culture in Banyuwangi: A Perspective of Mubadalah

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**Abstract.** This research raised the theme of studies related to the theme of Social Religion, one of the interesting studies came from Banyuwangi Regency, the title of the study was "divorce as women's resistance and against patriarchal culture in Banyuwangi regency. There are several research questions. First, how is the phenomenon of *divorce* in Banyuwangi Regency? second, what is the concept of *Mubakan* Faqihudin Abdul Qodir? and third, how is the phenomenon of *divorce* as a woman's resistance to patriarchal culture in Banyuwangi Regency? The results of this study are first, the phenomenon of *divorce* in Pesanggaran District, Regency, knowing the concept of *divorce* in the context of Banyuwangi Regency, second, the concept of *divorce* in the view of Faqihuddin Abdul Qodir, and third, the phenomenon of *divorce* as women's resistance to patriarchal culture in Banyuwangi Regency from the perspective of *mubadalah*.

**Keywords:** Cerai susuk, Mubadalah, Banyuwangi

## 1. INTRODUCTION

One of the problems faced by today's society is the high divorce rate, one of which is the divorce rate in East Java. In 2015 it is estimated to reach 100 thousand cases. This number increased compared to 2014 as many as 81,627 cases. This phenomenon is caused by many factors that exist and develop in society, ranging from economic aspects, third parties, education, and others. Historically, divorce rates in Indonesia have fluctuated. This can be seen from the results of research Mark Cammack, professor from Southwestern *School of Law-Los Angeles*. Based on the findings of Mark Cammack, in the 1950s the divorce rate in Southeast Asia, including Indonesia, was among the highest in the world. In that decade, out of 100 marriages, 50 of them ended in divorce.

In 2009 divorces reached 250 thousand cases. There seems to be an increase compared to 2008 which was in the range of 200 thousand cases. Ironically, 70% of divorces are filed by the wife or divorce. The following is data in 2010 from the Director General of Bimas Islam of the Ministry of Religious Affairs of the Republic of Indonesia, namely from 2 million people married every year throughout Indonesia, there are 285,184 cases that end in divorce per year. So, the trend of divorce in Indonesia is increasing from year to year. The divorce factor is caused by many things, ranging from third party interference, disharmony, to economic problems. Economic factors are the most common cause. About 70% of those who file for divorce are wives, arguing that the husband cannot meet the family's economic needs. The data above illustrates that, the divorce rate nationally is quite high.

In the last decade for the provincial level in 2011, East Java still ranks first compared to other provinces. At the district level, Indramayu ranks first and Banyuwangi second. From data collected by PKS, in 2009 the divorce rate in all regions in East Java was 92,729 cases. Of these, the highest divorced district or city was Banyuwangi Regency with 6,784 cases. Of the divorce cases, 70% are unique to women (wives). In the past, wives were the most worried/afraid of being divorced. On the contrary, in today's era, it is precisely wives who file divorce lawsuits in the Religious Court.

This shift in people's behavior from divorce talaq to divorce is a social phenomenon that concerns a culture that considers more modern and established. The courage of women to file for divorce on the one hand indicates that women's awareness, especially in the field of marriage law, is quite positive. It is about awareness of rights and obligations. Meanwhile, on the other hand, the

shift shows the fragility of the institution of marriage, in addition to increasing gender awareness in society.

If we look back at the teachings of Islam in this case Islamic Law divorce is a lawful act, but it is hated by Allah. Islam does permit divorce, but Allah hates divorce. That means, divorce is the last resort for married couples when there is no other way out.

In Q.S al Baqarah verse 227 it is stated:

عَلِيمٌ سَمِيعٌ ۚ إِنَّ اللَّهَ فَانَ الطَّلَاقُ عَزَمُوا وَإِنْ

It means: "And if they are determined to divorce, then verily, God is All-Hearing, All-Knowing." This verse on divorce law continues in Q.S al Baqarah verses 228 to 232.

Therefore, religious understanding related to the concept of divorce is always a last resort. This is far from the phenomena that occurs in the Banyuwangi community. There is a unique phenomenon, namely *divorce*, divorce carried out by the wife by giving money to the husband. Returning this money is what in Javanese is called "*susuk*", which then the term divorce carried out by the wife by returning money to her husband is called "*divorce susuk*". This phenomenon of *divorce* occurs a lot among families whose wives become TKW (Women Workers). After a long time abroad and the wife already felt the stability and economic independence, so when she returned home the wife tried to divorce her husband by compensating her husband with some money.<sup>1</sup>

Based on the background that has been described, it is interesting to examine whether the phenomenon of *divorce* arises because the woman (wife) has an awareness of marriage law that has implications for gender or is a woman's resistance to patriarchal culture / gender injustice, or whether the woman wants to show her existence in society. At this point the *mub* dimension is used to see this phenomenon more clearly and more specifically.

## 2. RESULTS

### 2.1 Demographics of Kemiren Village, Banyuwangi Regency

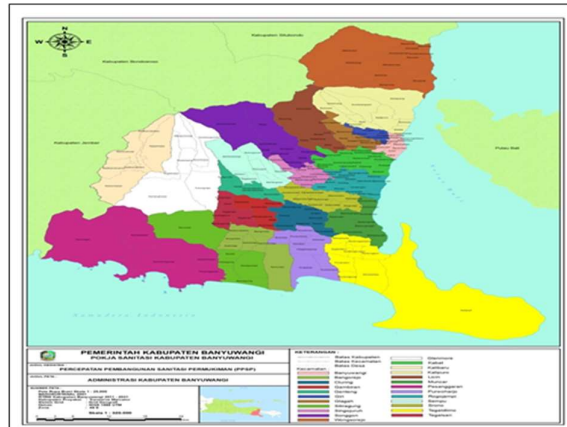
Banyuwangi is "*The Sun Rise of Java*", because of its location on the eastern tip of Java Island. Banyuwangi has three international attractions because of its quite exotic tourist attraction, namely Plengkung Beach, Ijen Crater and Sukamade Beach, which is famous for the *Diamond Triangle*. The area of Banyuwangi Regency is 5,782.50 km<sup>2</sup>, Forest Area reaches 183,396.34 ha or about 31.72%, rice fields around 66,152 ha or 11.44%, plantations with an area of about 82,143.63 ha or 14.21%, settlements with an area of about 127,454.22 ha or 22.04%. The remaining area of 119,103.81 ha or 20.63% is used for various benefits of public facilities and social facilities, such as roads, green open spaces, fields, ponds and others.<sup>2</sup>

In addition to the use of such an area, Banyuwangi Regency has a coastline length of about 175.8 km, and as well as 10 small islands. The entire region has provided great benefits for economic progress. Geographically, Banyuwangi Regency is located at the eastern tip of Java Island. The area is divided into highlands in the form of mountainous areas, which are areas producing various

<sup>1</sup> Fitriyana, D. (2016). *The fulfillment of the rights of Hadhanah children after divorce is reviewed from Law No. 35 of 2014 concerning Child Protection and the Compilation of Islamic Law: A case study in Banjarwaru Hamlet, Kelir Village, Kalipuro District, Banyuwangi Regency*". Malang: Maulana Malik Ibrahim State Islamic University. See also Hanny Wahyudebia, "THE IMPACT OF PARENTAL DIVORCE ON CHILDREN'S BEHAVIOR IN THE PUBERTAS PHASE (Case study on children affected by divorce in Panderejo Village, Banyuwangi District, Banyuwangi Regency), t.t

<sup>2</sup>Goddess, K. (2021). Demographic and Regional Analysis of Banyuwangi with HINCO Approach for Regional Development. *DEMOS: Journal of Demography, Ethnography and Social Transformation* , 24-34.

plantation productions. Flat land with various potentials in the form of agricultural crop production, as well as the area around the coastline that stretches from North to South which is a producing area of various marine life. Based on the coordinates, the position of Banyuwangi Regency is located between 7 43' - 8 46' South Latitude and 113 53' - 114 38' East Longitude. Administratively, the north is bordered by Situbondo Regency, the east of the Bali Strait, the south of the Indonesian Ocean and the west is bordered by Jember and Bondowoso Regencies.



**Figure 1.** Regional Map and Administration Map of Banyuwangi Regency

## 2.2 The concept of *Khulu'* and *Divorce* in Islamic Law

Empirically, Islamic Law is a law that has lived in Indonesian society since the entry of Islam into the archipelago (Indonesia), according to JC. Van Leur since the 7th century AD. Thus, many Muslim communities are familiar with Islamic teachings through marriage law, one of which is the concept of *khulu'*. *Khulu'* in Islamic Law *Al-Khulu'*, in Indonesian is called a divorce lawsuit on the power of the wife with the payment of *'iwadl* to the husband. The word *Al-Khulu'* in Arabic means "to let go" and *'iwadl* means "substitute, reward, redeemer". Whereas according to the Shari'a, scholars say in many definitions, all of which go back to the understanding, that *Al-Khulu'* is the separation (divorce) between husband and wife gladly both and with payment the wife surrenders herself to her husband. This divorce is in line with the phenomenon of the concept of *divorce implants*. The word '*susuk*' in the title is a word absorbed from Javanese which means change. When assembled into the word '*divorce*', it is a term used by Banyuwangi residents to describe the fate of marriage of Women Workers (TKW), which refers to their behavior. Which, after earning more income overseas they feel independent, many wives are competing to divorce their husbands. This condition is called by the tongue of the locals '*in susuk i*', aka the husband is divorced by returning a sum of money to her husband based on the agreement of both parties. The term *talaq susuk* according to Banyuwangi residents is also called supernatural divorce. Because at the time of filing for divorce the wife uses the services of a lawyer, sometimes the husband does not even know it, or only finds out after a second subpoena.

## 2.3 The Concept of *Mubakan* in the View of Faqihuddin Abdul Qodir

*Qiroah Mubdari* arises because of three things. *First*, the primary texts of Islam use Arabic which has a worldview based on gender (*muzhakar-muannas*) with gender-biased language rules. *Second*, the predominance and dominance of textual approaches over major Islamic texts as a form of prudence, however, textual approaches tend to lead readers to ignore contextualized understandings. Even though this second understanding can accommodate studies and humanity for women. *The three* parthiarchical systems are still very strong in all fields, in Saudi Arabia and in Java and in areas where Islam is taught and spread. From here *qiroah mubdari* has urgency and finds significance by categorizing into three important things first *mabadi'* text that contains the basic values of Islam and that as the soul of the entire basic teachings of Islam in any aspect of life, for example texts related to tawhid, benefit, and *maqasdi sharia*, and humanity, respect for equality, goodness, and truth and others, *second*, is *qowaid* texts that carry the basic values of Islam in certain areas of life, for example, in trade, there are texts about the necessity of mutual willingness, honesty,

mutual benefit in marriage for example are *sakinah*, *mawaddah* and *warohmah*, firm promises, and *muasyarah bil ma'ru*.<sup>3</sup> In addition, there is also the concept of *juz'I* texts that are applied to be specific, for example texts about providing for the family, meeting the needs of husbands and wives.<sup>4</sup>

In the meantime the three texts are mentioned and arranged hierarchically, namely with the text of *mabadi*, *qowaid*, and *juz'I* in the sense that the text of *qowaid* should not be understood contrary to the text of *mabadi*, and the text of *juz'I* should not contradict the text of *qowaid*, with this method of working partial instructions reflecting the views of gender bias by Arab society will be controlled with the values contained in the *qowaid* text and the *mabadi* text, with *Qiroah Mub* allowing religious and Islamic texts to be understood again with the spirit of monotheism that thus places men and women in an equal position as a full subject form in the life that exists with *Qiroah Mub* is a text can also be interpreted by existing phenomena. So in this paper *Qiroah Mubadalah's* approach to read the phenomenon of *divorce* in the dimension of women's resistance in patriarchal culture which as stated why *mubis* born and respond to things that lead to inequality because patriarchy is one of the existing inequalities.

### 3. DISCUSSION

#### 3.1 The Phenomenon of Divorce in Banyuwangi

The phenomenon of *divorce* is a phenomenon that occurs in Banyuwangi Regency, precisely in Pesanggaran Village, Pesanggaran District, South Banyuwangi. *Divorce* occurs mostly by women migrant workers and it is almost mostly experienced and divorced, while the process of *divorce* is by the method of filing for divorce, namely with the wife who sues for divorce to the religious court and does it in the general District Court if it is not Islam aka non-Muslim. The judicial costs will be borne by the woman who at that time was a migrant worker.

In the researcher's research, the phenomenon of *divorce* is the phenomenon of divorce by giving money to the husband to be willing to be divorced by the husband with a divorce mechanism, in practice the wife is still a migrant worker abroad and sends a legal representative by paying the divorce costs herself. The term *divorce* itself is commonly used because in the process, wives who work abroad feel able to *breastfeed* (pay money back / in Islam amounting to dowry with the concept of *khulu'*). In the observation of researchers in some temporary cases that those who divorce the husbands actually still want and do not want to divorce or want to maintain their household. Although finally giving up and deciding to divorce and in the process later who reconciled and did not become separated was 5-10%. This high failure is because most of these women or wives when divorced did not return and or were in Indonesia, resulting in mediation failing. The act of divorce committed by wives is not only done because they feel that the husband is no longer able to work and tells his wife to work abroad, also because the wife after sending her property and the results are often made spree by husbands. Thus, the results of work that was about 4-5 years did not bear fruit and ran out immediately they returned to the country.

#### 3.2 Women's Resistance to Patriarchal Culture

Women workers (TKW) who go abroad, most of them go alone and after leaving to improve the family economy. Their departure was due to the antithesis of husbands who could not provide enough economically for the family. Thus, migrant workers are forced to migrate to other countries, in this case showing that economic pressure and health provide strength for wives who were previously villagers with limited knowledge and knowledge and become foreign exchange heroes in the midst of their families.

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Wagianto, R. (2021). *THE CONCEPT OF FAMILY MASLAHAH IN THE PERSPECTIVE OF QIRA'AH MUBADALAH DAN ITS RELEVANCE TO FAMILY RESILIENCE DURING THE COVID-19 PANDEMIC*. JURIS : JOURNAL OF SHARIA SCIENCE, 10.

<sup>4</sup> Mujahidah, M. A. (2021). "The concept of Mubdari Faqihuddin Abdul Kodir and its formulation in parenting patterns,". *FOCUS Journal of Islamic and Social Studies* 6, 92.

This phenomenon shows that women under pressure will also fight in protecting their rights, and indeed the phenomenon of female migrants who have been abroad have a greater income than their husbands and this is also the next trigger and the impact is that the wife wants to ask for a divorce and do and build an independent business with her children. In the eyes of researchers, patriarchal culture in Banyuwangi is still quite high with early marriage, and the lack of education for women and education for girls is a tangible form that the women of South Banyuwangi are hegemonized by the patriarchal system that creates *divorce* in the context of women's and family issues.

### 3.3 The phenomenon of divorce is viewed from Mubadalah's perspective

Seeing the phenomenon<sup>5</sup> of divorce as a form of gender resistance, based on the mubakan study initiated by Faqihuddin Abdul Qodir that in domestic matters alone women should not work alone to take care of the household, but husbands must also help in the context of the household. Thus, the obligation to earn a living is an obligation imposed on the husband to divide his wife and children, and if it does not happen so it means that the *muba* is what does not happen in the context of marriage, especially occurs in *divorced* families which eventually results in divorce as a last resort in making decisions in a household wholeness. In the perspective of *mubadalah*, in the phenomenon of *divorce* is that the woman as the backbone is not valued as a source of fortune and is sometimes even considered as a coffers of wealth, at this level the act of *divorce* with the *mechanism of nyusuki* is the process of maternal salinity. If you violate the social contract in the form of family, the solution is divorce and *susuk* in the context of Banyuwangi female migrant workers.

## 4. CONCLUSION

In the conclusion of this paper, it is *first*, that the *divorce* that is understood by the people of Banyuwangi is a divorce filed by women by giving or *susuki* to their ex-husbands so that they can be condoned with the divorce, and one of the factors that occurs *divorce* is because since the beginning of marriage patriarchy culture dominated in the people of South Banyuwangi. In addition, economic inequality and the husband's irresponsibility to provide a decent living to the wives resulted in wives then taking their initiative to find work by languishing to other countries, and when it became a source of income it turned out that many husbands manipulated the property of their wives who had worked hard in other countries. *Second*, *Qiorah Mubdari* is to use *Qiroah Mubdari* to see the phenomenon of *divorce*, this is in line with the view of Faqihudin Abdul Qodir who stated that with patriarchy in female migrant workers, the salinity of *mubakan must* be pursued using the existing tradition of divorce.

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