

# Diálogos

ISSN 2177-2940

## Social Transformation, Crime and Divorce Cases in Indramayu Regency, West Java

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**Abstract:** Integrity and family harmony is the hope of every human being; however, along with the times, the sacred value of the marriage contract begins to experience threats that will weaken the integrity and impact family harmony as the effect of social transformation. Social transformation is a sweeping change that affects the form, appearance, nature, character in reciprocal relationships both as individuals and as a group community. This social transformation has changed the paradigm and human demands along with the increasingly complex problems in the household because many changes in society (social change) are taking place very quickly. This study uses a normative juridical approach in the form of descriptive analysis. The data source used is primary data in data processing sourced from the West Java religious high court and the Criminal Investigation Unit of the Indonesian National Police for the West Java Region of Indramayu Resort in 2018-2019. Secondary data in the form of primary data in the form of legislation. There is a correlation between social transformation and the high crime rate, which is the reason for the high divorce rate apart from poverty and the reason one of the spouses leaves their partner in Indramayu Regency, West Java.

**Keywords:** *Family Relations, Poverty, Family Resilience, Crime.*

### INTRODUCTION

Family law has a critical position for society because it regulates the procedures for family life, which is the core of community life and is in line with the position of humans as perfect beings above other creatures (Kharlie, 2013; Setiawan, 2014). In modern life, the function of state power is used to realize the application of the rules and legal systems that apply in the family. Indonesia, as a sovereign country, has its legal system, including regulating family matters. Families are formed through marriage (Asmaret et al., 2020; Hidayat, 2014).

With the times and the development of modern civilization, social change in society will affect the social system, including values, social attitudes, and behaviour between community groups (Bain et al., 2013; Sztompka, 2000). Global social changes have influenced changes in legal, social behaviour. Society is constantly changing anytime, anywhere. At the same time, changes in the sphere of social life will follow. For example, the process of learning concepts that remind women of their nature. On the other hand, feminist calls and efforts to liberate women today have more or less influenced the mindset and behaviour of women, especially in solving problems that occur in the family. Today's women no longer obey or succumb to everything according to their husband's wishes, but with a new understanding of family rights, many wives are divorcing their husbands (Litehua, 2020; Azhari, 2016; Marius, 2006).

Raising the theme of the study of transformation, social and criminality in problematic marriages, especially for divorce cases in Indramayu Regency, West Java, is very interesting because studying the phenomenon of high divorce rates in Indramayu is the impact of social transformation. The social transformation has effectively entered and changed the nature, the human character in reciprocal relationships as individuals and as a community (Wilson, 1988; Elder, 1994, Castles, 2001). Law and this is not found in other districts in West Java.

The social transformation has entered the order of people's lives through marriage as a sacred social institution. Ideally, a wedding is a form of human outer and inner bond with a *syar'i* agreement. Facts show that not all families can live an ideal life, namely husband and wife living in the same dimension of time and place because there are specific reasons that make them separate for a while. This, of course, results in various problems such as meeting the need for security, meeting biological needs and other issues (Miftahurrohman, 2016; Rubyasih, 2016; Masrurroh, 2020).

Family issues at this time and in the future will be more complex since numerous changes in society (social change) are happening very rapidly. Moreover, families confront increasingly diversified problems. In fact, fast societal changes have caused dissatisfaction since the traditional ideals of the society are no longer usable. The changes in the roles played by husband and wife have a considerable influence on the relationship between the husband and wife in the family (Campbell, 1979; Sumiyatiningsih, 2014; Rahmawati, 2016).

In its development, families in Indonesia are affected by social transformation, and women are the most affected in the circle of family resilience. As with the condition of family resilience in Indramayu as one of the districts in West Java, it is unique compared to other districts. Based on the West Java Religious High Court data in 2019, Indramayu Regency became the first highest regency in the category of 3 most prominent reasons for divorce. The main reason after the economy and constant fighting is being punished or in prison is the reason for divorce which is found in Indramayu, which is not found in other areas.

This research becomes more enjoyable after knowing the form of crime/crime in the Indramayu Regency. It ended in divorce because the spouse committed a criminal act, resulting in criminal sanctions in the form of confinement or imprisonment. This study will also explore other determinant factors so that the divorce rate in Indramayu Regency is high.

## METHOD

This study uses a normative juridical approach in the form of descriptive analysis. The data source used is primary data in data processing sourced from the West Java Religious High Court and the Criminal Investigation Unit of the Indonesian National Police for the West Java Region of Indramayu Resort in 2018-2019. Secondary data in the form of primary laws such as Religious Courts and Law No. 50 of 2009 and Amendment No. 16 of 2019 to Act No. 1 of 1974 on marriage. The data collection technique was taken from the West Java religious high court data with data analysis using triangulation data. The analysis method is carried out through an interpretation process, which tries to break through and capture the meaning of the data obtained. Then a critical evaluation is carried out and presents an alternative view that is more complete and appropriate.

## RESULT AND DISCUSSION

### Social Transformation on Family Resilience in Indramayu Regency

The development of human life (social change) tends to affect patterns and behaviour in everyday life, so it can be ascertained that there is a shift in values that occurs without the human being himself realizing it. As well as the awareness of the occurrence of gender inequality is felt by women after many women have become victims of gender inequality or injustice (Bolin et al., 1998; Yodanis, 2004).

According to Asghar Ali, the gender inequality that afflicts women, which men usually control, is that the hegemony of men over women has existed for a long time and has penetrated various aspects of social life in society (Enginer, 2000). The destructive effect is the emergence of social justification, meaning that women are indeed under the command of men. As a result, this phenomenon initiated the doctrine of gender inequality (Nurhayati, 2012)

The reality until now still shows that the position and role of Indonesian women, even though they have been tried with various strategies and approaches, have not shown adequate results because the development approach that has been developed has not considered equitable and fair gains for men and women lead to gender inequality and injustice. Better known as the gender gap, which will also lead to various gender problems (Susanto, 2015).

Social transformation can also be interpreted as social changes experienced by society individually or in a community in a broad sense. Of course, it does not arise by itself. Still, some factors cause it, especially in heterogeneous population situations, paradigm changes in socio-culture, and the changing times. And without realizing it, the community has experienced the meaning of social change, including in aspects of household life.

Indramayu Regency, the research location, has a different legal culture from other regions in West Java. Geographically, Indramayu Regency is located on the coast of the island of Java with ten sub-districts with 35 villages directly adjacent to the sea with a coastline length of 114.1 KM. In general, the population adheres to Islam with a livelihood as farm labourers. A study in terms of religious understanding has a different religious perspective from the perspective of common sense. The perspective of spiritual culture moves beyond the realities of everyday life with the many practices of pilgrimage to sacred places. The spiritual-cultural perspective is also different from the scientific perspective (Merlina, 2011).

There is a phenomenon of the marriage season and the divorce season in terms of social life, and this primarily occurs during the harvest season and the famine season. This shows that there are problems in terms of family resilience in the Indramayu Regency. Family resilience means every family can endure in the face of adversities and then adjust themselves for changes that take place with all the demands of family requirements and may survive and even strengthen after a crisis (Walsh, 2003; Black & Lobo, 2008).

Social and economic inequality is closely related to the actions taken by individuals beyond the limits of necessity and reasonableness so that criminal acts are rampant everywhere and cannot be avoided. According to Kartini Kartono that crime can be caused by several factors, including biological, sociological, economic, mental (religious, reading, daily, film) factors, physical (climatic conditions), and personal (age, race, nationality, war and so on) (Kartono, 2003).

### **Fulfilment of Women's Rights and Potentials**

Women in general society are often viewed from a patriarchal perspective towards the opposite sex. Women are considered unequal or inferior to men. This assumption gave birth to various acts of discrimination or injustice experienced by women, among others; marginalization, subordination, violence, and a double burden on women. The assumption that places women as subordinated to men with a weak and unimportant position is even the assumption that the existence of women is merely a complement to men. At the level of social relations, women are included in a subordinated and socially constructed framework to affect various forms of discrimination experienced by women (Rahmawati, 2016).

The impact of these actions is not infrequently the reason for divorce. Based on the data obtained, that divorce filed by a person with the status of a wife dominates more than 70% of the total cases entered in the last two years with a ratio of 70.5%: 29, 5% in 2019 and 2018 with a ratio of 72%: 28% of the total cases entered with the three highest reasons for divorce.

The highest factor that weakens family resilience is the economy and increase family resilience. Women have considerable potential in contributing to family income. Several factors encourage women who have families to work. The increase in family income/income is the main factor. Economic reasons not to depend on her husband is another factor. The desire to avoid boredom or fill spare time and gain status and develop themselves are also factors that encourage women with families to work (Aziz et al., 2017).

The increase in the participation of women in economic activities is due to: firstly, a change in people's views and attitudes regarding the significance of education for women and men, and an increasing understanding of the need for women to be involved in development, and secondly, women's willingness to be economically independent, namely in seeking to finance their needs. Life and maybe also the living needs of individuals who depend on their income, the third and larger employment options for female workers, for instance, the rise of crafts and of the light industry (Haryanto, 2008).

There are two main reasons behind the involvement of women in the labour market. First, it is imperative, as a reflection of the low economic condition of the household, so that working to increase household income is essential. Second, "choose" to work as a reflection of socioeconomic conditions at the upper-middle level. Work is not solely oriented to finding additional funds for the family economy but is a form of self-actualization, seeking self-affiliation and a forum for socialization (Aziz et al., 2017).

Based on two general meanings of marriage, marriage in the conventional sense and marriage in the modern meaning (rational choice). In a traditional sense, marriage limits the space for women who still follow social rules or demands in society. In the mind of sensible choice, there is a process that individuals go through based on confident choices or criteria. Marriage has a very sacred meaning.

Marriage is a process of uniting two different hearts by promising to be faithful for life. This marriage is held firmly as very valuable and must be ready to be lived by every couple. Every couple must go hand in hand to achieve a complete, harmonious and robust family (Oktarina et al., 2015). A harmonious family is expected to meet the needs of various family centres, such as biological, psychological, and religious needs. Each individual and community group has their perceptions and criteria in realizing a harmonious family (Anwar, 2019).

Harmonic is a combination of various characters that make up the strength of the existence of an object. This combination is what makes any colour can be combined into a beautiful and harmonious series. That's how a household should be managed. Household is a combination of various characters. There are men, women, children, even in-law characters, and no human in this world can guarantee that all surfaces are completely perfect. There are advantages and disadvantages (Rasidin et al., 2020).

Conventional marriage is still embraced by some women who think that marriage is only done once in a lifetime with a commitment to worship and seek His pleasure through marriage, not even a few women who hold fast to the principle of avoiding divorce, no matter how severe family problems are because divorce means inviting curse—God to them. Every couple wants wholeness in building a household. However, the reality shows that the divorce rate continues to increase in almost all areas.

In other conditions, women also find that women interpret marriage differently from more conventional married couples, especially after the entry of social transformation symptoms that strengthen married couples to change their marriage paradigm to a modern perspective. Social pressure in society (social pressure) that divorce is not a taboo or disgrace in society, divorce has become a common thing (Matondang, 2014).

The mental instability of married couples tends to be the leading cause of the built family resilience camp. Weak and low-income family resilience will make the family vulnerable and prone to various crisis problems such as rifts in

the household, discrimination, lack of communication between family members, lack of respect and belonging, exploitation and even murder cases in the family (Puspitawati, 2013).

Family instability tends to be felt related to the increasing frequency of quarrels in solving problems encountered in everyday life. Besides family economic problems such as income gaps between husband and wife or husbands not working, there are also problems with behaviour or bad habits of partners. These two reasons also dominate the reasons for divorce in the Indramayu religious court.

In addition, other facts were found where the factor of divorce was also due to legal actions that resulted in punishment in the form of confinement for a particular time. Getting punished is the third biggest reason in Indramayu, so it can be ascertained that many criminal acts have occurred, and this is the reason for the wife to file for divorce in the religious court.

Based on general data obtained from the Criminal Investigation Unit of the Indonesian National Police for the West Java Region of Indramayu Resort, it can be seen that the crime rate that occurred in Indramayu Regency, from the data shows the following:

**Table 1. Criminal Index Data for 2018-2019**

No	Case	Crime Total	Crime Clearance	Information
<b>2018</b>				
1	Curat	5	21	Curat: theft by weight
2	Curas	23	55	Curas: theft with violence article 365 of the Criminal Code.
3	Curanmor	13	39	Curator: theft with a motor vehicle target.
4	Persecution	66	121	
5	Fraud	116	64	
6	Moral crime	86	35	
7	Narcotics	-	-	
<b>2019</b>				
1	Curat	7	17	Curat: theft by weight
2	Curas	48	95	Curas: theft with violence article 365 of the Criminal Code
3	Curanmor	93	10	Curator: theft with a motor vehicle target.
4	Persecution	77	85	
5	Fraud	143	58	
6	Moral crime	102	41	
7	Narcotics	-	-	

Source: Criminal Investigation Unit of the State Police of the Republic of Indonesia West Java Region Indramayu Resort in 2018-2019.

The problem of poverty and crime are two concepts of social problems that cannot be separated from each other, and even this problem is still challenging to solve until now. Poverty has a tremendous impact on the chances of crime. Where there is a cohesion between the high rate of poverty causes a high rate of crime. This is because the more unfulfilled human needs, the more justified a human being is to fulfil these needs. For example, to earn money or to feed his family, an individual dares to steal, rob, snatch, or maybe kill another individual to fulfil his needs (Dulkiah, 2018).

Crime is anything that the community opposes because it violates the law and social norms and causes harm both in terms of material and psychological (Kartono, 1999). According to Abdulsyani, criminal cases occur due to various factors, both internal and external. For example, the level of education obtained insufficient salary or wages, and family relationships (Abdulsyani, 1987). In contrast to the thoughts of Dahrendorf and Marx, Emile Durkheim stated that crime is a normal phenomenon in every society characterized by heterogeneity and social development and, therefore, cannot be eradicated (Jamaludin, 2015).

The crime factor, which is motivated by a person's poverty, is actually to fulfil their daily needs. However, it is undeniable that there are many other factors behind it. As from the reality that we have seen and witnessed, especially for the area or area of Bandung City and even according to the research and the hypothesis used is accurate, poverty can affect crime. The higher the poverty rate, the higher the level of crime committed and vice versa, the lower the poverty rate, the lower the crime rate (Dulkiah, 2018).

The problem of crime is a social reality that does not stand alone. Crimes are generally related to social, economic, political, and cultural issues and influence each other. Crime always involves two parties, namely the perpetrator of the crime and the victim of the crime. The perpetrators of crimes are committed by economically disadvantaged people and can also be achieved by people who can afford them. Victims of crime experience losses both spiritually and physically, property, and soul safety (Nathania et al., 2017).

Research findings from the FEM method in 31 provinces in Indonesia. This study indicates: (1) The degree of education in Indonesia has a negative and negligible impact on crime (2) The impact of unemployment on the crime in Indonesia is negative and considerable. (3) Poverty in Indonesia has a favorable and strong impact on crime (Rahmalia et al., 2019).

**Table 2. Divorce data in Indramayu in 2018-2019**

Table 2: Divorce data in Malaysia in 2018-2020							
No.	Year	Reason for Divorce			Type of Cases	Amount	
		(1)	(2)	(3)		Cases	Percentage
1	2018	6,848	6,078	50	Divorce Lawsuit	6,152	70.5 %
					Divorce talak	2,594	29.5%
2	2019	8,091	78	92	Divorce Lawsuit	6,628	72%
					Divorce Talak	2,580	28 %
3	2020				Divorce Lawsuit		
					Divorce Talak		
(1) Economy							
(2) Continuous disputes and quarrels fight							
(3) Sentenced/imprisoned							

Based on the data as mentioned above, it shows that the divorce rate in Indramayu, the women's community, dominates the number of divorce claims to the religious courts, in the last two years, namely in 2018-2019, the number shows 6,628 and 6,152 million compared to a divorce process filed by the male community men whose numbers are only, 2580 and 2,594, or about the total divorce cases.

## CONCLUSION

The condition of social transformation and the level of crime has also influenced the weakness of family resilience for Indramayu, West Java. This is evidenced by the influence of crime that affects divorce. Post-divorce has a social impact with the increasing female workforce in the public sphere.

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