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Transformation of the sanctity marriage amidst high divorce cases in Denpasar district court

I Wayan Agus Vijayantera^{*)}, I Gusti Bagus Hengki, Putu Lantika Oka Permadhi
Universitas Mahasaraswati Denpasar, Indonesia

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ABSTRACT

The Marriage Law, which fundamentally aims to make divorce difficult, when confronted with the reality of a high divorce rate in the Denpasar District Court, indicates concerns about the erosion of the sanctity of marriage. This transformation of the sanctity of marriage towards an undesirable direction is undoubtedly worrisome. Stemming from this issue, the research aims to analyze the sanctity of marriage and the role of the judicial system in preserving the sanctity of marriage by preventing and complicating divorce. This research employs empirical legal research methods. The procedures involve collecting data consisting of factual or social phenomena and legal norms. Primary data collection includes observation to gather data on divorce cases, followed by interviews with informants who are judges at the Denpasar District Court and lawyers who have litigated at the same court. Additionally, a questionnaire was administered to 29 respondents through a focus group discussion. In addition to primary data, the study also collects secondary data derived from legal regulations and related literature. The collected data is then analyzed using qualitative techniques to provide sound arguments in analyzing the research issues. The research findings indicate that the sanctity of marriage originates from its validation based on religious and cultural customs. The bitter reality of the high number of divorce cases in the Denpasar District Court suggests a decline in the understanding of marriage sanctity. To optimize marital sanctity, three solutions are proposed in this study: maximizing the role of judges at the Denpasar District Court in earnestly preventing divorce in every session, reforming mediation regulations to make them mandatory without exceptions, and fostering societal efforts to understand the importance of preserving marital sanctity.



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Corresponding Author:

I Wayan Agus Vijayantera,
Universitas Mahasaraswati Denpasar
Email: agus.vije@gmail.com

Introduction

Building a household is one of the natural goals in life that a man and a woman aim to achieve together by living as husband and wife. This process, known as marriage, involves certain procedures and is a form of human dignity as social beings. It is inherent in human nature to live in companionship and procreate through the institution of marriage (Scolastika, Theodora, Nadina, & Ningrum, 2020). Marriage is an essential aspect of human life. Besides being a natural means for humans to fulfill their sexual needs, marriage involves more than just human relationships in a civil context. It also contains elements of sacredness, representing the relationship

between humans and their God (Kurniawansyah, Fauzan, & Tamalasari, 2021). Therefore, marriage is viewed as a sacred bond that cannot be separated from the religion practiced by the husband and wife (Masri, 2019).

Marriage is a sacred ceremony that binds marital vows in the presence of religion, law, and society (Rosmaidar, 2020). Marriage procedures are adapted to local cultures, customs, religions, and applicable positive laws. Traditional marriage practices, based on religious and local customs, conform to the provisions of positive legislation. The harmonization of marriage laws with cultural practices is evident in Article 2 of Indonesian Law Number 1 of 1974. This article emphasizes religion as the determinant of marriage validity, thereby making religious marriage the predominant practice (Aditya, 2019).

Marriage practices in Indonesia generally involve religious and customary processes, followed by marriage registration with the state (Ratnawati, Kamba, Sihombing, & Maloringan, 2021). The regulation of marriage registration in the Marriage Law is a form of effort to respect and uphold the sanctity of marriage. Marriage embodies a sacred and lofty spiritual significance, representing an immensely significant aspect of human existence (Rozaq & Muhammad, 2023). The sanctity of marriage is reflected in the customs and traditions that are followed during the wedding ceremony, as well as in the sincere commitment expressed by the couple. As an institution, marriage plays a crucial role in shaping the structure of the family, preserving cultural values, and providing stability in society. The presence of sacredness in marriage lays a solid foundation of morals and ethics, encouraging couples to respect, support, and build a life together based on cherished values.

Morally, in their married life, they recognize that marriage is a sacred commitment before God. Therefore, they are obligated to maintain this relationship. In addition to their moral commitment, they also have social responsibilities such as caring for their family, being responsible members of the community, and fulfilling their duty to their spouse to preserve the sanctity of their marriage vows. This dedication helps them uphold their lifelong union and fosters a reluctance to separate (Wanda Hamidah, Sulis Mariyanti, & Veronica Kristiyanti, 2023).

In marriage, divorce is sometimes an event that couples cannot avoid, whether they are newly married or have been married for a long time. Divorce is indeed a reason for the termination of the marriage bond. (Yusuf, Erlina, & Baharudin, 2021). The high divorce rates are alarming and harm the sanctity of marital relationships. This portrayal suggests that divorce is something common and easily accepted. Many married individuals believe that if they are no longer compatible, they can simply choose to divorce (Sinaga, Pelawi, & Sinambela, 2022). Regarding divorce data, focusing on one judicial institution in Bali, namely the Denpasar District Court, divorce cases outnumber all other civil cases filed in the court, as illustrated in the following data and explanation:

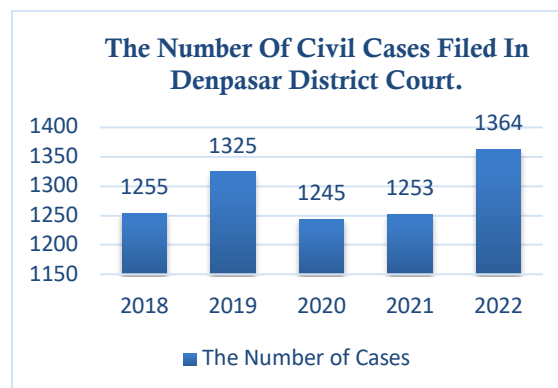


Figure 1. Civil Case Statistics at The Denpasar District Court.

Source : <https://sipp.pn-denpasar.go.id/>

When examining the percentage of divorce cases relative to the total number of civil cases at the Denpasar District Court each year, divorce cases accounted for 72.59% of all civil cases in 2018, 71.85% in 2019, 71.89% in 2020, 71.27% in 2021, and 71.33% in 2022. Based on this data, it is clear that divorce cases consistently constitute over 70% of all civil cases at the Denpasar District Court annually. This trend is particularly concerning, especially when considering the annual volume of divorce cases handled by the Denpasar District Court. In 2018, there were 911 divorce cases filed at the Denpasar District Court. This number increased to 952 in 2019. However, in 2020, amidst the COVID-19 pandemic, the number of cases filed decreased to 895, which was 57 fewer than the previous year. The graph illustrating the decline in divorce cases between 2019 and 2020 indicates that the COVID-19 pandemic significantly influenced the reduction in cases in Indonesia. Nonetheless,

the number of cases filed remained relatively high, despite the decline being relatively small compared to the figures from 2018.

During the COVID-19 pandemic period in 2021, the number of divorce cases filed at the Denpasar District Court decreased by only two cases, bringing the total for the year to 893. However, in 2022, despite the ongoing pandemic, there was a significant increase in the number of divorce cases filed, with a total of 973 cases. This represents an increase of 80 cases from the previous year. Despite the limitations imposed by the COVID-19 pandemic, the number of divorce cases filed at the Denpasar District Court has not decreased significantly. Instead, there has been a drastic increase in the year 2022. This is a concerning issue as it highlights the impact of the COVID-19 pandemic on the high number of divorce cases occurring in the Denpasar City and Badung Regency areas.

Regarding the causes of divorce, several studies have examined these factors. Syifa Mauliddina's research identified that the increasing number of divorces in the courts is primarily due to changes in family economic situations during the COVID-19 pandemic (Mauliddina, Puspitawati, Aliffia, Kusumawardani, & Amalia, 2021). Ari Anggarani Winadi Prastyoning Tyas also added that the mass layoffs during the COVID-19 pandemic, which adversely affected economic conditions, led to emotional stress among men and women, ultimately resulting in divorces ((Tyas, 2021). Furthermore, Fauziyah highlighted in her study that divorces are largely caused by economic reasons, conflicts, and frequent disputes. (Fauziyah, 2022). Akhmad Salman Fauzan further elaborated that divorces stem from factors such as lack of harmony, interference from third parties, husband's irresponsibility, economic challenges, jealousy, non-compliance with polygamy rules, and moral crises (Fauzan & Mujahid, 2022).

In these studies, the focus has mainly been on the causes of divorce. The research solutions themselves do not emphasize the role of judicial institutions in preserving the sanctity of marriage. These studies do not address how the judiciary functions to uphold marital sanctity as mandated by the Marriage Law, which aims to make divorce more difficult. Therefore, the novelty of this research lies in evaluating the performance of the Denpasar District Court in helping to preserve marital sanctity amidst the high number of divorce cases annually. To measure the role of judicial institutions in preserving marital sanctity, it is essential to first study the significance of marital sanctity, then analyze the challenges to marital sanctity in light of divorce realities at the Denpasar District Court, and finally, enforce the principle of making divorce more difficult as stipulated by the Denpasar District Court in preserving marital sanctity. The innovation in this research is expected to offer solutions focused on reconstructing the handling of divorce cases, given that marriage is a focal point in every country due to its significant role in nation-building (Khaeron Sirin, 2018). Given these issues, it is interesting to conduct specific research on the "Transformation Of The Sanctity Marriage Amidst High Divorce Cases In Denpasar District Court".

Method

This study employs empirical legal research methods, a branch of legal studies that examines the cultural behavior of law within both society and among law enforcement officials. Empirical legal research involves using social research methods to study law, legal processes, and legal phenomena (Tan, 2021). The procedures in this study involve collecting data such as factual or social phenomena and legal norms applicable in society. Therefore, the data required for this research is categorized into primary data consisting of observed factual or social phenomena in society, secondary data comprising existing laws and legal concepts found in various related literature, and tertiary data including dictionaries or legal dictionaries useful for explaining primary and secondary data. Regarding the data mapping needed in this study, data collection is conducted through observation and interviews. Observations and interviews are performed to gather comprehensive data related to societal behavior amidst the high divorce rates at the Denpasar District Court. Mapping of informants for data collection includes judges at the Denpasar District Court involved in handling divorce cases and lawyers who have represented clients in divorce cases at the Denpasar District Court. The collected data will then be analyzed using qualitative techniques to provide reasoned and logical arguments in analyzing the issues.

Results and Discussions

The Sacred Values of Marriage

When discussing the sacred values that exist within a marriage, it's important to consider the philosophical aspects of ontology, which help us understand the essence of marriage. Jujun S. Suriasumantri explains that the foundational subjects of philosophy include logic, ethics, metaphysics, and politics. Over time, these subjects have become more specialized and have developed into branches of philosophy, such as the philosophy of

science (Dewi, 2021). Ontology is often identified with metaphysics. It is one of the branches of philosophy that deals with the essence of an event. Ontology is a central topic in philosophy, used for discussing reality (Dewi, 2021). The ontological perspective highlights the significance of critical thinking in science. It emphasizes the need to develop skills to analyze discourse critically to generate actions. This perspective is based on the belief that the ability to think critically is a crucial element in making accurate assessments (Unwakoly, 2022).

The study of ontology, which is a branch of philosophy of science, helps in comprehending the fundamental and systematic understanding of the meaning of marriage through critical thinking. Critical thinking about marriage aims to explore the concept of marriage, especially from the perspective of different religions, and to understand the principles of sanctity that are inherent in marriage. This involves examining the rituals involved in the marriage process. Marriage is a sacred union between a man and a woman, which is considered a natural occurrence. It involves traditional rituals and religious beliefs that guide the process. The marriage ceremony follows specific procedures that vary according to the culture of each local region. These customs are necessary to regulate behavior when forming a household and adapt to the community's cultural norm. Religion and culture are often integrated in the marriage ceremony, as many people believe in a higher power.

The integration of religion and customs with the sanctity of marriage is supported by the findings of the Focus Group Discussion conducted in this study on November 1, 2022, involving 29 community members as respondents. The data obtained indicate that 62% of respondents agree that the sanctity of marriage is associated with religious values, while 38% agree that it is associated with customary values.

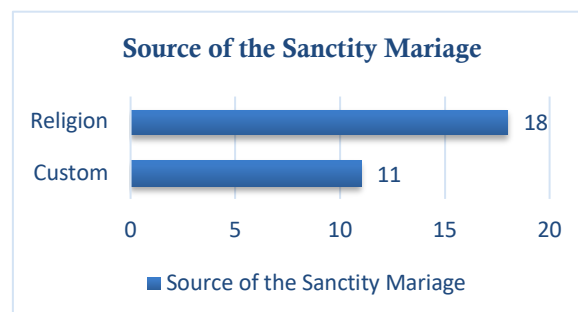


Figure 2. Statistics on The Relationship Between the Sanctity of Marriage and Religion and Customs.

Based on the data, all respondents unanimously expressed strong agreement that everyone should uphold the sanctity of marriage. To maintain the sanctity of marriage and establish legal regulations, the Marriage Law was created with religious law as one of its sources (Riyaduddin & Setiawan, 2023). Marriage is considered a sacred institution in many cultures and is often guided by religious beliefs and values. Different religions have their unique perspectives on what constitutes a holy and fulfilling marriage, with norms and traditions that shape the practice of marriage within their respective communities. Understanding the religious context of marriage is crucial for those seeking to build strong, meaningful relationships within the framework of these traditions. In this article, we explore some of the key elements of marriage from the perspectives of several different religions.

Islam

According to Article 2 of the Compilation of Islamic Law, marriage is a strong covenant that requires obedience to Allah's commandments and is considered an act of worship. The philosophy of marriage in Islam is centered around the idea of fostering virtuous individuals. This is exemplified by the ritual of the marriage contract, which is a binding agreement between a man and a woman that symbolizes a commitment to establishing a harmonious and joyful household (Mawahib, 2019).

In the institution of human marriage, there are divine lessons that are crucial to life, which include: (a) living in love, (b) choosing a partner of the opposite gender, (c) procreating or reproducing, (d) supporting each other in unity, (e) creating an environment of harmony, fairness, equality, and balance, (f) sharing tasks, duties, responsibilities, and authority, as well as individual rights and obligations within the community, and (g) complementing each other - working together and reciprocating - in different tasks, as described in the Quran in Surah Yaasiin/36:36, An-Nisaa' /4:34, and An-Nahl/16:72 (Musawwamah, 2019). Additionally, it is stated that the sacred messages of marriage are directed towards the establishment of a family life (household) characterized by *sakinah*, *mawaddah*, *wa rahmah*, fostering a strong, resilient, and meaningful bond both physically and spiritually (Musawwamah, 2019).

Hinduism

In Hindu philosophy, marriage is called *Grhastha*, derived from the word 'grh,' which means home. *Grhastha* signifies the stage of household life, commencing with marriage, marking the second phase of life after

Brahmacari (Candrayani, 2023). The purpose of this marriage is to achieve prosperity and happiness. According to Manawadharmaśāstra, there are three goals of marriage, namely "dharmaśampatti" (the husband and wife jointly realizing the implementation of dharma), "praja" (bearing offspring), and "rati" (enjoying sexual life and other sensory pleasures) (Candrayani, 2023).

The story of Jaratkaru in Hinduism highlights the significance of marriage. It presents a dilemma that arises from the life choices made by Jaratkaru, who committed to a celibacy life. The lifelong abstinence practiced by Jaratkaru as a brahmachari has consequences, leading to a severance of ancestral ties with his descendants. This means that he has interrupted the reincarnation process for his purified ancestors. The central issue in the Jaratkaru story is that everyone is expected to have descendants due to their connection with ancestor worship. Therefore, having children is not only about continuing the lineage, but it is also an essential part of Hindu beliefs (Wardana, Gata, & Saputra, 2022). According to the story, Hinduism is known to strongly emphasize the teachings of yajna. Yajna, in this context, means a sincere and selfless sacrifice. It can take the form of an offering or a non-material action based on dharma (Hartaka & Ni Made, 2021). It is believed that carrying on the lineage is a sacrifice made by couples to continue the process of reincarnation.

Buddhism

According to the decision made by Sangha Agung on January 1, 1977, under the Buddhist Marriage Law, marriage is defined as a physical and spiritual bond between a husband and a wife. Love (metta), compassion (karuna), and sympathetic joy (mudita) are the foundation of this bond, to create a happy and blessed family that is recognized by Sanghyang Adi Buddha/The Almighty God, the Buddhas, and the Bodhisattvas Mahasatwa (Priono, Ismoyo, Pramono, & Poniman, 2022).

Buddhist theological teachings define marriage as a physical and spiritual bond between a man and a woman, to create a happy family by the Dhamma. In this context, a family is expected to follow moral rules, such as the Buddhist Pancasila. One of the moral principles that a family should practice is refraining from engaging in immoral or indecent conduct (Kamesumicchacara), including having sexual relations with someone other than one's spouse (Priono et al., 2022).

Catholic Christianity

Marriage is a lifelong partnership between a man and a woman, based on a bond of love that is freely given by both parties and cannot be revoked. It involves not only the love shared between the husband and wife, but must also reflect the loving and faithful nature of God, which is indissoluble (Sianturi, 2019). Catholic sacramental marriage requires both partners to embrace and enrich their relationship through love. Love is a conscious decision, and the bond between husband and wife should reflect the unconditional love of God. Neglecting this love can have serious consequences, including harm to the love shared between parents and their children (Uer, 2019).

Protestant Christianity

According to Christian belief, God initiated marriage by matching Adam and Eve in a sacred union (Ananta & Laila, 2021). Marriage is the union of two individuals, to form a family and participate in one of the sacraments in the Protestant Christian faith (Ananta & Laila, 2021). God established marriage as a sacred union, a unity of life and love, rooted in obedience and the sharing of burdens (Sianturi, 2019).

Konghucu

Marriage is considered to be the most profound of all relationships in human life. It not only brings together two individuals and two families, but it also signifies the beginning of human civilization. As expressed in the verse: "Without the union of heaven and earth, countless things will not flourish. The grand wedding ceremony serves as the guardian of generations throughout time" (Li Ji XXIV: Ai Gong Wen; 11). The purpose of the wedding ceremony is to unite the virtues and love between two families of different lineages. It signifies dedication to religion and Zong Miao 144 (Ancestral Temple) above, and the continuation of generations below (Li Ji XLI: Hun Yi; 1). "Only when heaven and earth come together can myriad things rise. Thus, the wedding ceremony serves as the genesis of civilization throughout the ages" (Li Ji IX: III;3,7) (Panjaitan, 2020).

"The purpose of marriage is to establish a harmonious family, as stated in the following sentence: 'If there is love in every family, the entire nation will be surrounded by love. If there is sacrifice in every family, the whole nation will live in a spirit of mutual concession.' [Tai Hak IX.3]" (Syawal & Madania, 2021). The purpose of marriage in Confucianism in Indonesia is to cultivate the seeds of Tian (God), continue family history, manifest virtues within oneself, and guide children (Panjaitan, 2020). Marriage, according to religious principles, embodies the values of goodness. Religion serves as a guide containing teachings about being good. It is believed that marriage is a stage where humans fulfill their nature as creations of God. Every individual who enters into married life adheres to values of goodness as mandated in their respective religions. This ensures that the family

formed through marriage can endure until death separates them. It is evident that marriage is a sacred and sacrosanct bond, according to religious beliefs.

Marriage is considered a sacred and revered institution that is guided by religious values. The belief in the sanctity of marriage needs to be reinforced through processes that are aligned with these values. Wedding rituals and ceremonies are expected to spiritually strengthen the marital bond. These rituals often incorporate cultural customs, and in Indonesia, wedding ceremonies differ based on the customs of each region, such as Bali and Java. When discussing the wedding ceremony in Bali, it is important to note its association with the sacred teachings of Hinduism, as described in religious texts (Wardana et al., 2022). Marriage in Bali is traditionally known as "pawiwahan," and is part of the "Tri Hita Karana concept." This concept is based on three aspects: "Parahyangan," which refers to the relationship between humans and the divine, "Palemahan," which refers to the relationship between humans and the environment, and "Pawongan," which refers to the relationship between humans. The Tri Hita Karana concept is a fundamental aspect of Balinese customary law that emphasizes the harmony and balance of human relationships with God, the universe, and other humans. This concept is especially important for the Hindu community in Bali and underlies all human activities.

There are various wedding rituals in different regions of Indonesia. For instance, in Bali, there is a wedding procession called "pawiwahan," while in Malang, there is a traditional wedding ritual known as "adat temanten." The Adat Temanten Malang ritual is centered around cultural values that encompass the relationship between humans and God, nature, society, other humans, and oneself (Kirana et al., 2022). In some regions such as Jatirembe Village, Javanese customs are incorporated into wedding ceremonies. The wedding ceremony system in Jatirembe Village is more inclined towards the Surakarta tradition. However, there are still some differences. The influence of Islamic values in these traditional wedding ceremonies is related to the conduct of a wife towards her husband as reflected in several ceremonies and the conduct of a child towards both parents. These principles are aligned with the teachings of the Quran and Hadith (Sa'diyah, 2020). Marriage is a sacred event for the Javanese community, connected to their traditional customs of weddings. During the ceremony, several symbolic activities carry different meanings. One of these is the act of prayer, which is performed to ensure that both parties receive the best in navigating their family life (Yuliana & Zafi, 2021).

Wedding processions across different regions are filled with meaningful intentions, both in terms of the overall process and its components. These intentions are particularly aimed at promoting the well-being of the couple and the establishment of a happy household. The customs and traditions associated with weddings are deeply connected to religious values, which emphasize the sacred nature of marriage as an institution founded on divine principles. This recognition of the sanctity of marriage through the integration of religion and tradition is enshrined in the laws of Indonesia, specifically in Republic of Indonesia Law Number 1 of 1974. The law recognizes marriage as a bond that is not just physical but also spiritual, as stated in Article 1. It is then ratified through the laws of each respective religion and belief system, as outlined in Article 2.

The challenge posed by the Sacred Values of Marriage in relation to the reality of divorce cases at the Denpasar District Court

Maintaining the sanctity of marriage presents a challenge for every household. In the Focus Group Discussion on November 1, 2022, involving 29 respondents, 62.07% agreed that the court should be the last resort for resolving marital issues. It should be noted that court intervention is necessary when all efforts to resolve issues outside of court have been exhausted and proven unsuccessful. On the other hand, 37.93% of respondents disagreed with the court being the final resort for resolving marital issues. They believe that individuals entering into marriage should fully understand the importance of maintaining the sanctity of marriage and should be able to resolve their issues without needing to go to court.

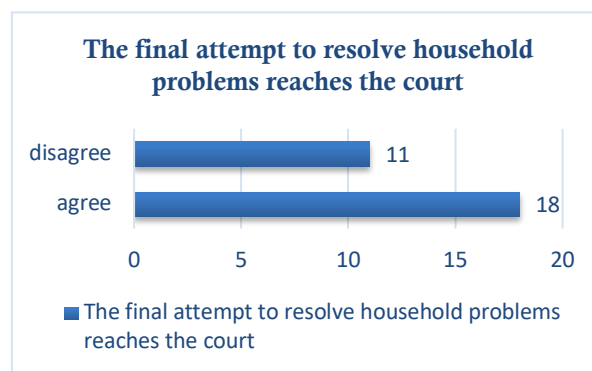


Figure 3. Statistics on The Final Resolution of Marital Issues in The Court

The resolution of divorce cases through the court system is indeed inevitable. Based on divorce case data from the Denpasar District Court, the high number of divorce filings demands that the judiciary decide on the resolution of their marital issues. The aim of resolving marital problems is to provide the best decision that integrates efforts to uphold the sanctity of marriage. Considering the facts regarding the outcomes of divorce cases at the Denpasar District Court over 5 years, from 2018 to 2022, the following data has been obtained:

Table 1. Details of Divorce Case Resolutions From 2018 to 2022

Year	Grant	Rejected	Cannot be Accepted	Dismissed	Withdrawn	Peace on mediation	Total Cases
2018	810	7	3	7	83	1	911
2019	840	11	4	4	93	0	952
2020	798	1	5	4	87	0	895
2021	821	6	7	3	56	0	893
2022	899	5	7	3	59	0	973

Based on the data, it is evident that divorce cases in the court are more likely to be granted. Reconciliation in divorce settlements remains rare, whether through mediation or during the divorce proceedings. Detailing the percentage of divorces granted by the Denpasar District Court over 5 years from 2018 to 2023, the statistical data is as follows:

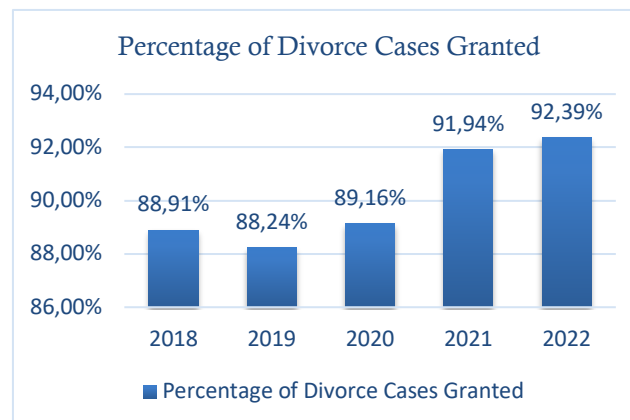


Figure 4. Statistics of The Denpasar District Court Granting Divorce Dases

The high rate of divorce cases being granted by the Denpasar District Court is deeply concerning, especially since the judicial institution tasked with preserving the sanctity of marriage appears unable to fulfill its role effectively. Divorces are being granted through the court system at a rate exceeding 85% annually, with an upward trend observed through 2022. Despite being established as a body equipped with specific legislation to prevent divorces through the principle of making them difficult, the judicial institution has failed in this regard. The significant number of divorces granted in court suggests that divorce is perceived as easily attainable. Such high divorce rates cannot be justified and may indicate a lack of understanding of the true meaning of marriage by the parties involved (Tsani & Utama, 2022).

The enforcement of the principle to make divorce difficult by the Denpasar District Court in preserving the sanctity of marriage.

As marriage is a sacred bond, the surge in divorce cases at the Denpasar District Court requires special attention. The Denpasar District Court is working hard to uphold the importance of marriage as outlined in the Marriage Law. One of the key principles of this law is to make divorce a more challenging process. This is to discourage individuals from resorting to divorce too easily and to emphasize that divorce should not be treated as a simple formality. The principle of making divorce more difficult aims to protect the purpose of marriage (Palupi, Septiandani, & Yulistyowati, 2021). The purpose of marriage, as stated in the Marriage Law, is undoubtedly to establish a happy and everlasting household based on divine values. This sacred bond signifies the sacred value that marriage holds. Therefore, the Marriage Law adheres to the principle of avoiding and making divorce more difficult as much as possible, to preserve the sanctity of this bond (Hayati, 2015)

The Denpasar District Court follows certain principles to make the process of divorce more difficult. This implementation is guided by both substantive and procedural law. Substantive law refers to the Marriage Law (Law Number 1 of 1974) in the Republic of Indonesia which regulates the efforts to make divorce more difficult

as mentioned in Article 39. Two essential requirements for divorce include the reasons for divorce and the process of divorce, which are regulated under various aspects of civil procedural law.

Following Article 39, paragraph (2) of Law Number 1 of 1974, a divorce can only be carried out if there are valid reasons that demonstrate that the husband and wife can no longer live harmoniously as a married couple. The phrase "there must be sufficient grounds" indicates that these reasons are necessary for proceeding with a divorce. Therefore, it is mandatory and essential to have valid legal grounds before proceeding with a divorce.

Under the Republic of Indonesia Law Number 1 of 1974 and the Government Regulation Number 9 of 1975, divorce is allowed only on certain grounds. The reasons for divorce include: (1) One party engages in activities such as adultery, substance abuse, addiction, gambling, and other difficult-to-cure behaviors. (2) One party abandons the other for 2 (two) consecutive years without permission and without valid reasons or due to circumstances beyond their control. (3) One party receives a prison sentence of 5 years or a heavier sentence after the marriage takes place. (4) One party commits severe cruelty or serious abuse that endangers the other party. (5) One party becomes physically disabled or suffers from an illness that prevents them from fulfilling their duties as a husband/wife. (6) Continuous disputes and arguments between husband and wife with no hope of living harmoniously in the household can be a valid reason for divorce.

It is compulsory for couples seeking divorce in Indonesia to undergo the court process, as stated in Article 39 paragraph (1) of the Republic of Indonesia Law Number 1 of 1974. This is to ensure that all reasons presented as evidence of the inability to continue married life are proven in court. The detailed procedures for divorce are outlined in Chapter V, Article 14 to Article 36 of the Government Regulation of the Republic of Indonesia Number 9 of 1975. There has been an update in the legal system regarding the mandatory divorce process. The Supreme Court Regulation of the Republic of Indonesia Number 1 of 2016 now requires that all civil cases, including divorce cases, must first undergo mediation before being examined in court. The principle is to resolve disputes through negotiations assisted by a neutral third party (Andani & Suyanto, 2021). This means that efforts are being made to prioritize reconciliation and prevent disputes before legal proceedings take place. This is particularly important in divorce cases, as it allows the parties involved to reconsider, attempt reconciliation, and hopefully preserve their family before the case is formally examined in court.

It is important to note that achieving peace in divorce cases is not limited to the mediation process only. Reconciliation is also possible during court proceedings of divorce cases as per Article 31 of Government Regulation of the Republic of Indonesia Number 9 of 1975 (Khaira & Yahya, 2018). In such cases, the judge plays a vital role in attempting reconciliation at every court session before the divorce decree is read aloud in court. Implementation of divorce prevention through handling at the Denpasar District Court, based on interviews conducted on November 24, 2022, with I Gede Astawa and Ni Made Oktimandiani, who work as judges at the Denpasar District Court, it has been revealed that the court has implemented measures to prevent divorce. The judges handling divorce cases at the Denpasar District Court are following Supreme Court Regulation of the Republic of Indonesia Number 1 of 2016, which requires both parties to be present during the trial. I Gede Astawa and Ni Made Oktimandiani, as judges at the Denpasar District Court, express a strong hope that every party involved in divorce would be willing to reconcile, either through mediation or during the trial process before the verdict is pronounced.

Based on interviews with I Gede Astawa and Ni Made Oktimandiani, the difficulties in achieving reconciliation during divorce cases at the Denpasar District Court arise from: (1) Divorce cases brought to the Denpasar District Court are mostly settled through default judgments (*verstek*), indicating that the parties involved in divorce agree to have the respondent not attend the trial to expedite the divorce process. (2) Divorce cases where the respondent does not attend from the beginning result in the inability to conduct mediation, as stipulated in Article 4 paragraph (2) of Supreme Court Regulation of the Republic of Indonesia Number 1 of 2016. (3) Despite the judge's advice and persuasion, most people who are going through a divorce have already made up their minds and are unwilling to reconcile.

During interviews conducted on October 28, 2022, with I Made Suarjana and I Made Suartana, lawyers at Daniswara Law Office, it was found that the parties involved in the divorce have a strong desire to end their marriage and are not willing to reconcile. The lawyers mentioned that they have tried to convince their clients to reconcile with their partners, but most clients have already agreed to the divorce and want to expedite the process without the respondent's attendance. Based on this reality, a transformation in the sanctity of marriage has occurred. In the past, marriage was considered sacred, and divorce was a shame for the family. However, nowadays, things have changed. Sociologically speaking, most couples who file for divorce do not want their spouses to attend the trial. They are usually aware of the divorce process and instruct their partners not to attend to expedite the process (Izzuddin, Rofiq, & Hapsin, 2021).

The decision to speed up the divorce process, which both parties agreed to, suggests that the possibility of reconciliation has been closed. In the past, marriage was considered sacred, and divorce was seen as disgraceful. However, nowadays, divorce is viewed as a more normal occurrence. The act of agreeing to divorce, especially by expediting the process through the non-attendance of the defendant in court, directly deviates from the traditional view of marriage. It's important to acknowledge the impact of the current societal view on divorce, which is seen as a normal occurrence and can be handled through mutual agreement without the defendant's presence. This view has a significant impact on law enforcement in society. It's worth noting that law enforcement within a legal system has specific functions, as articulated by Lawrence M. Friedman : (1) Law is a crucial part of the social control system that regulates behavior. (2) It serves as a means of resolving disputes. (3) The legal system also has a social engineering function. (4) Additionally, law plays a role in social maintenance, emphasizing its significance in maintaining the status quo and resisting change (Saputri & Kurniawan, 2022).

To measure the components within the legal system as defined by Lawrence M. Friedman's theory of the "legal system," the following functions are necessary: (1) Legal structure refers to the institutions created by the legal system that serve various functions to support its operation. (2) Legal substance, on the other hand, is the output of the legal system. It consists of regulations and decisions that are used by both regulators and the regulated. (3) Legal culture is the third component of the legal system. It comprises values and attitudes that influence the functioning of the law. Legal culture serves as a bridge connecting legal regulations with the legal behavior of the entire community. It is divided into two categories: internal legal culture, which pertains to the legal culture of lawyers and judges, and external legal culture, which refers to the legal culture of the general public.(Saputri & Kurniawan, 2022).

The implication of legal system theory in this study is to analyze how the legal system at the Denpasar District Court functions in fulfilling its role of preventing divorce. In the first legal system, the Denpasar District Court, including its judges, constitutes a legal structure within the law enforcement system. The Denpasar District Court is a general judicial institution under the Supreme Court, responsible for enforcing legislation. Although it has carried out its duties, its effectiveness in preventing divorces is still not optimal. Based on interviews with I Made Suarjana and I Made Suartana, judges at the Denpasar District Court do not always provide advice or attempt reconciliation at every court session; they do so only during the first session. This results in the ineffective implementation of Article 31 of Government Regulation No. 9 of 1975. Judges only offer mediation efforts based on the Supreme Court Regulation on Mediation, which integrates reconciliation attempts during the first court session.

The judges' lack of effort to pursue reconciliation between the parties in each court session results in the proceedings being reduced to mere formalities. This is evident from the data showing a high number of granted divorces compared to those not granted. If the law enforcers within the judiciary performed their duties optimally, divorces would be difficult to grant. Therefore, as a solution to make divorces more difficult to obtain, an evaluation of the judiciary's handling of divorce cases is necessary. Additionally, measures that do not contradict positive laws need to be implemented to ensure that divorces are not easily granted. This is necessary to demonstrate the seriousness of law enforcers in preventing divorces, rather than facilitating easier divorce procedures. In terms of legal substance, government products such as legislation, particularly the Marriage Law, have accommodated efforts to resolve divorces firmly and by its principles. However, there is a weakness in the resolution process due to Supreme Court Regulation Number 1 of 2016, which provides loopholes for the impossibility of mediation if one party (particularly the defendant) is absent consecutively. The solution to this issue is to reform mediation regulations to make divorce more difficult by mandating mediation beforehand without exceptions.

In the legal system, the final component is the legal culture, which is crucial. This component places societal behavior in the functioning of the law. The evolution of societal behavior has shifted in current developments, where divorce, which was once regarded as something to be avoided if possible, is now seen as a common and easily attainable occurrence. There is also an expectation to expedite the process, facilitated by legal loopholes such as the absence of the defendant's presence. This legal culture component significantly influences the condition of the legal system in fulfilling its functions.

The current perspective, which regards divorce as common and even anticipates a swift process, indicates a decline in moral values. This suggests that the transformation of the sanctity of marriage has led to a moral deterioration, necessitating various efforts to restore the perception of the sanctity of marriage. The establishment of norms that make divorce more challenging is not sufficient. The solution to this issue needs to be an effort that deeply influences the emotions, perspectives, and awareness of society, emphasizing that marriage is a sacred institution. This involves not only the emotions of the couples but also the physical and spiritual connection, incorporating religious and local cultural rituals into the process. Therefore, the responsibility of

enhancing the understanding of preserving the sanctity of marriage should not solely rest on the government and religious leaders. Everyone should endeavor to alter the perception that divorce is easily attainable and underscore the significance of upholding the sanctity of marriage. This effort aims to foster a mature approach to marital life through the institution of marriage.

Conclusions

The sanctity of marriage essentially originates from religious norms and local customs. The process of formalizing marriage using religion and customs as its foundation is intended to make people aware of the need to preserve the sanctity of marriage. However, the high divorce rates in the case data of the Denpasar District Court indicate a decline in understanding regarding the sanctity of marriage. When examining the operation of the legal system at the Denpasar District Court, the ineffectiveness in preventing divorce can be attributed to three factors. Firstly, the high approval rate of divorces by the Denpasar District Court suggests a lack of seriousness in efforts to prevent divorces. Secondly, positive law, especially Supreme Court Regulation Number 1 of 1974, inadequately accommodates mandatory mediation efforts, particularly in divorce cases. Thirdly, divorces are often planned and agreed upon by the parties to facilitate their occurrence, such as agreements for the defendant not to appear in court, indicating a decline in understanding the importance of maintaining the sanctity of marriage. In response to these findings, solutions are needed to improve the legal system. The first solution is to enhance the commitment of the Denpasar District Court and its judges to uphold the principle of discouraging divorce. The second solution is to amend the existing positive law to mandate mediation in all divorce cases without exception. The third solution is to increase awareness of the importance of maintaining the sanctity of marriage through the involvement of government authorities, religious leaders, and other stakeholders.

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