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JUDICIAL LEGAL REASONING ON WIFE-INITIATED DIVORCE (*CERAI GUGAT*) AND ITS SOCIAL DETERMINANTS AT THE SURABAYA RELIGIOUS COURT: A Parsonian AGIL Analysis

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Abstract: *This research analyzes the social factors underlying the dominance of cerai gugat (wife-initiated divorce) at the Surabaya Religious Court, and the judges' legal considerations in adjudicating such cases, using Islamic legal sociology and Talcott Parsons' structural-functional theory (the AGIL scheme). This empirical legal research employs a qualitative approach. Primary data were purposively drawn from a semi-structured interview with a judge of the Surabaya Religious Court and analysis of two illustrative cerai gugat verdicts, selected for evidentiary richness rather than statistical representativeness; secondary data were sourced from statutory regulations and court reports. Data were analyzed through reduction, display, and conclusion drawing, with validity reinforced through source triangulation. Results show economic factors as the most dominant cause of cerai gugat in the cases examined, followed by domestic violence, infidelity, and loss of affective and communicative functions between spouses. Viewed through Parsons' AGIL scheme, the family's four basic functions show signs of concurrent strain in these cases, illustrating a loss of equilibrium in the family as a social system. These social facts are transformed into legal facts through the judges' legal reasoning: applicable norms serve as the major premise, and facts proven at trial as the minor premise, yielding the juridical qualification of broken marriage as ratio decidendi for granting the petition, alongside the ex officio imposition of iddah maintenance, mut'ah, and child support. The study contributes by tracing how family-system strain is qualified into the statutory grounds courts rely upon.*

Keywords: *Judicial Legal Reasoning; Wife-Initiated Divorce (Cerai Gugat); Parsons' AGIL Theory; Surabaya Religious Court.*

INTRODUCTION

No human existence is conceivable without the social institution of marriage. In Islamic belief, marriage is more than a romantic union—it is a sacred covenant between two people aimed at building a harmonious, caring, and affectionate family. Having children, living together as a couple, and establishing a stable social order are among the benefits of marriage. Consequently, preserving domestic peace and stability is highly valued in Islam (Manna et al., 2021).

Under Law No. 1 of 1974 on Marriage, a man and a woman are bound both physically and spiritually as husband and wife with the aim of forming a happy and eternal family based on belief in one God. In practice, however, not all marriages achieve this purpose. Various domestic conflicts often make it impossible for a husband and wife to sustain their relationship, ultimately leading to divorce—which the court may only grant once reconciliation efforts have demonstrably failed. This is consistent with the principle in Islamic law that positions divorce as an *ultimum remedium*, a last resort available only after peaceful efforts within the marriage have been exhausted (Atzahra & Siregar, 2026).

The phenomenon of divorce in Indonesia has shown an upward trend across nearly all regions in recent years, reflecting significant social dynamics in family life. Social change, economic development, and growing individual awareness of marital rights have all contributed to this increase. Data from the Directorate General of Religious Courts (Ditjen Badilag) of the Supreme Court recorded 465,063 divorce cases filed at religious courts in 2023 (Muchlis, 2024). National statistics from Statistics Indonesia (BPS) further show that the number of divorce cases continued to rise, from 394,608 in 2024 to 438,168 in 2025—an increase of roughly 11 percent within a single year (Badan Pusat Statistik, 2026; Fauziah, 2026; Kepaniteraan Mahkamah Agung, 2026). This trend confirms that divorce rates in Indonesia have remained persistently high in recent years.

The causes of divorce are highly varied—ranging from domestic disputes, infidelity, and domestic violence, to financial problems and poor communication between spouses. Differences in life outlook, a lack of responsibility on the part of one spouse, and social environmental influences also act as contributing triggers. This phenomenon therefore cannot be understood solely as a legal matter, but also as a social phenomenon that requires a sociological approach to understand its underlying factors.

Changes in social structure and women's expanding roles across various spheres of life have also influenced family dynamics. Women who were previously passive within the household are now increasingly aware of their marital rights, as reflected in the rising number of wife-initiated divorce (*cerai gugat*) petitions filed with religious courts—for instance, when a husband fails to provide financial support, commits violence or infidelity, or when disputes occur continuously (Jurana et al., 2026). In recent years, the number of *cerai gugat* cases nationally has even tended to exceed that of husband-initiated divorce (*cerai talak*), indicating that women are increasingly willing to pursue legal channels to end marriages they consider unjust to themselves. This shift carries significance well beyond its statistical magnitude: it signals an expansion of women's legal agency within a jurisdiction historically structured around male-initiated repudiation, raises questions about the

capacity of religious courts to absorb a growing caseload without compromising the quality of judicial reasoning in each case, and highlights the practical importance of the *ex officio* protections—*iddah* maintenance, *mut'ah*, and child support—that courts may impose to safeguard economically vulnerable parties following divorce. Understanding how judges reason through *cerai gugat* petitions is therefore not merely of doctrinal interest, but bears directly on how effectively Islamic family law functions to protect the parties it is intended to serve.

The Surabaya Religious Court, as one of the religious courts with the highest number of divorce cases in Jawa Timur, has recorded a similar increase. The social dynamics of this metropolitan city—shaped by economic growth, changing urban lifestyles, and high population mobility—have contributed to shaping the patterns of family life among its residents (Nisa' et al., 2024). Official data confirm that the Surabaya Religious Court received 4,469 *cerai gugat* cases in 2025, out of 6,080 total divorce filings, up from 5,644 total filings the previous year (ANTARA News, 2026; JPNN.com Jatim, 2026). Beyond its sheer case volume, Surabaya is a useful site for this study precisely because its metropolitan character concentrates the social conditions most often associated with *cerai gugat*—dual-income households under economic pressure, greater female workforce participation, and denser exposure to legal-aid services—making it a setting where the interaction between social dysfunction and judicial reasoning is likely to be most visible and most consequential for the court's caseload. This data shows that the majority of divorce cases at the Surabaya Religious Court originate from wife-initiated petitions and continue to rise steadily.

Economic considerations are a key factor repeatedly identified across studies on divorce litigation: disputes arise when the breadwinner is unable to meet the family's needs. Domestic violence, infidelity, and family neglect are also common grounds cited by wives filing for divorce (Manna et al., 2021; Wardani & Abdullah, 2024). At the same time, increasing public access to judicial institutions—through legal aid, simplified procedures, and greater legal awareness—has made it easier for women to pursue litigation to resolve their domestic problems (Nisa' et al., 2024).

Although various studies show that economic factors, domestic violence, persistent disputes, infidelity, and neglect of domestic obligations are the dominant causes of divorce, these factors remain, in essence, social facts that exist within society. A domestic problem only acquires legal consequence once it is brought before a Religious Court, proven at trial, and assessed by a judge according to statutory provisions. Thus, the high rate of *cerai gugat* at the Surabaya Religious Court does not merely reflect social reality, but also indicates a process of transforming social facts into legal facts through the judicial mechanism.

Prior research on *cerai gugat* can be organized into three clusters, each stopping short of the analytical link this study pursues. The first cluster consists of studies identifying the sociological causes of divorce. Research by Hamzah and Alfaini at the Bojonegoro Religious Court maps economic factors, third-party involvement, and lack of responsibility as dominant causes of divorce among young couples (Hamzah & Alfaini, 2021), while research by Jurana, Thahir, and Malarangan at the Palu Religious Court analyzes the factors behind rising *cerai gugat* cases (Jurana et al., 2026). Both studies are methodologically sound

in identifying causal factors, but neither examines how judges construct these social facts into legal considerations—they treat the judicial ruling as an endpoint rather than as an object of analysis in its own right.

The second cluster comprises studies examining normative or legal protection dimensions of *cerai gugat*. Fatkhurohmah, Hayatudin, and Yunus, studying the Bandung Religious Court, focus on legal protection for women who are victims of domestic violence (Fatkhurohmah et al., 2023), while research on the Bekasi Religious Court concludes that economic factors dominate *cerai gugat* filings, analyzed through Article 77 of the Compilation of Islamic Law (Romadhoni & Rojak, 2024). These studies contribute a doctrinal-protective lens but do not situate their findings within a sociological framework explaining why family dysfunction occurs in the first place, nor do they trace the judge's reasoning process.

The third cluster consists of studies analyzing particular judicial decisions or specific grounds for divorce. Research on rulings of the Samarinda Religious Court examines infidelity as the dominant reason wives file for *cerai gugat*, based on close reading of a single case (Kamsiah et al., 2024). While methodologically closest to the present study in its attention to judicial rulings, this cluster remains confined to single-case analysis without a theoretical framework bridging social facts and legal facts that could be extended across cases.

Read together, the three clusters share a common limitation: cluster one identifies social causes but stops before the courtroom; cluster two engages doctrine but does not explain the sociological origin of the disputes it protects against; and cluster three examines judicial rulings but lacks a theoretical bridge connecting the social facts underlying a case to the legal reasoning a judge applies to it. This is the gap this research seeks to fill.

To address this gap, this study employs two complementary layers of theoretical framework. These two layers are treated as complementary rather than interchangeable because they explain different stages of the same phenomenon: Parsons' AGIL scheme explains why a family reaches the point of seeking divorce, by identifying which of its basic functions has failed, while legal reasoning theory explains how that failure—once brought before the court—is evaluated, evidenced, and qualified into a legally cognizable ground for divorce. Neither theory alone accounts for both stages: AGIL has no vocabulary for evidentiary qualification or *ratio decidendi*, while legal reasoning theory, applied alone, would treat the litigants' grievances as already-established facts without asking why the underlying family dysfunction arose. Combining them allows this study to trace a single analytical sequence—from family dysfunction, to the social facts alleged in court, to the evidence admitted, to the judge's factual findings, to the legal qualification applied, to the final ruling—that neither theory could trace on its own.

The first layer is Talcott Parsons' structural-functional theory, particularly the AGIL scheme (Adaptation, Goal Attainment, Integration, Latency), used to dissect the social facts behind the high rate of *cerai gugat*—namely, how the family as a social institution experiences dysfunction when one of its functions (economic adaptation, shared goal attainment, integration among members, or maintenance of value patterns) ceases to

operate effectively (Parsons, 1991; Rusydiyah & Rohman, 2020). This theory is relevant because it can explain the high incidence of *cerai gugat* both as a consequence of disrupted family functions and as a form of adjustment to changes in modern social structure.

The second layer is legal reasoning theory, used to dissect how the social facts identified through the first layer are transformed by judges into legal facts within their rulings (Panjalu, 2025). In this process, judges do not merely apply legal provisions mechanically, but engage in *rechtsvinding* (legal discovery)—assessing whether the reasons put forward by the parties satisfy the legal grounds for divorce as regulated in Article 39 of Law No. 1 of 1974 on Marriage as amended by Law No. 16 of 2019, Article 19 of Government Regulation No. 9 of 1975, and Article 116 of the Compilation of Islamic Law. This legal reasoning is what bridges the social facts (explained through Parsons' AGIL scheme) with the legal facts set out in the ruling's dictum.

With this layered framework, the dominance of *cerai gugat* cases at the Surabaya Religious Court can be read not merely as a consequence of increasing domestic social problems, but also as the result of a judicial evaluation process in which judges qualify these social facts as legitimate legal grounds for granting a divorce. The study's central validity proposition, accordingly, is that the dominant social causes of family dysfunction identified through the AGIL framework should be systematically traceable within the legal grounds judges actually rely upon in their rulings—and where this traceability is weak or inconsistent, that inconsistency itself is analytically informative about the limits of judicial qualification. The two research questions below follow a sequential rather than parallel logic: the first identifies family dysfunction as a social phenomenon prior to litigation, and the second examines how that same dysfunction, once brought to court, is legally qualified—so that the second question builds directly on the findings of the first, rather than treating the two as independent inquiries.

The novelty of this research lies in combining two layers of analysis rarely conducted together in *cerai gugat* studies: a sociological reading of family dysfunction through Parsons' AGIL theory, and a juridical reading of the judges' reasoning process in transforming social facts into *ratio decidendi*. Accordingly, this research does not stop at mapping the causal factors of divorce as prior studies have done, but traces how these factors are elevated from social facts into legal facts through the judicial mechanism.

Based on the foregoing, this study formulates the following research problems: (1) What dominant social factors underlie the high rate of *cerai gugat* at the Surabaya Religious Court, viewed through Talcott Parsons' structural-functional theory? (2) How do judges at the Surabaya Religious Court reason through the transformation of these social facts into legal considerations (*ratio decidendi*) in *cerai gugat* rulings? In line with these research problems, this study aims to: (1) analyze the dominant social factors behind the high rate of *cerai gugat* at the Surabaya Religious Court through a structural-functional approach; and (2) analyze the process of judicial legal reasoning in qualifying these social facts as legal facts within *cerai gugat* rulings.

RESEARCH METHOD

This research is an empirical legal study employing a qualitative approach informed by the sociology of Islamic law (Sumarna & Kadriah, 2023). This approach was chosen because the study does not merely examine the legal provisions governing *cerai gugat* (wife-initiated divorce), but also investigates how the social facts behind divorce are taken into consideration by judges in their rulings. The unit of analysis in this study is the transformation process itself—that is, the sequence by which a social fact underlying a *cerai gugat* petition is evidenced, found, and legally qualified within a judicial ruling—rather than the institution, the individual judge, or the case in isolation. Accordingly, judges' interview accounts and the two rulings are treated as two complementary sources of evidence for reconstructing this single process, not as two independent units to be analyzed and reported separately. The research was conducted at the Surabaya Religious Court, purposively selected as the religious court with the highest number of *cerai gugat* cases in Jawa Timur. The research subject was a judge handling *cerai gugat* cases, selected purposively based on direct involvement in examining and deciding such cases; a single judge was interviewed, consistent with this study's focus on reconstructing the reasoning process evidenced in two specific rulings rather than surveying variation in judicial practice across the court.

Primary data were obtained through a semi-structured interview with a judge of the Surabaya Religious Court, conducted in person at the court, lasting approximately 45–60 minutes, aimed at uncovering the dominant factors behind *cerai gugat* filings and the legal considerations underlying the granting of such petitions. The interview was audio-recorded with the judge's consent and transcribed verbatim for analysis. Secondary data were drawn from statutory regulations—Law No. 1 of 1974 as amended by Law No. 16 of 2019 on Marriage, Law No. 7 of 1989 on Religious Courts and its amendments, Government Regulation No. 9 of 1975, and the Compilation of Islamic Law—as well as the Supreme Court's Annual Report, the Surabaya Religious Court's activity implementation report, and relevant prior research literature (Bado, 2022). The two 2025 *cerai gugat* rulings are treated as a third, distinct category of data—documentary evidence analyzed directly for their evidentiary and reasoning content, rather than as secondary or merely illustrative material—since the rulings' own findings of fact and legal considerations constitute the primary object of the juridical layer of analysis described below. The Supreme Court's Annual Report and the Surabaya Religious Court's activity report, by contrast, function only as contextual data establishing the scale of *cerai gugat* filings discussed in the Introduction, and were not subjected to the same case-level analytical procedure as the two rulings. Data collection was carried out through three techniques: interviews, documentation (review of court rulings and statistical reports), and library research (theoretical-normative foundations).

The research used two *cerai gugat* rulings as analytical samples—Ruling No. 5957/Pdt.G/2025/PA.Sby and Ruling No. 6223/Pdt.G/2025/PA.Sby—purposively selected based on four criteria. First, the two rulings represent different forms of family dysfunction: one was filed on the basis of *adaptation* dysfunction in the form of economic

incapacity, while the other was filed on the basis of *integration* dysfunction in the form of persistent domestic disputes or violence, so that together they illustrate more than one element of Parsons' AGIL scheme. Second, both rulings had attained final and binding legal force (*inkracht*) within the same year (2025), meaning their legal considerations are final and can be analyzed as complete *ratio decidendi*. Third, both rulings contain legal considerations that explicitly refer to Article 39 of the Marriage Law, Article 19 of Government Regulation No. 9 of 1975, and/or Article 116 of the Compilation of Islamic Law, allowing for a clear analysis of the judges' legal reasoning. Fourth, both rulings were decided by the Surabaya Religious Court within the same period as the statistical data discussed in the introduction, ensuring consistency between the sample and the quantitative context previously presented. These two rulings are presented as illustrative case studies selected for analytical depth rather than as a representative sample of *cerai gugat* adjudication at the Surabaya Religious Court; both were in fact decided by *versteek* (in the respondent's absence) and share several procedural similarities—reliance on witness testimony and reference to substantially the same statutory provisions—which the Discussion section addresses explicitly when assessing how much analytical variation the two cases can support.

Data analysis was conducted qualitatively through the stages of data reduction, data display, and conclusion drawing (Rijali, 2019), applying two layers of theory in sequence. At the sociological layer, interview data and the case facts within the rulings were classified according to the AGIL elements of Talcott Parsons' structural-functional theory to identify the forms of family dysfunction underlying the petitions. To reduce the risk of classifying case facts into AGIL categories before establishing how the judge and the parties themselves understood those facts, coding proceeded in two steps: first, statements and case facts were coded descriptively in the terms used by the judge and by the rulings themselves (e.g., "unable to provide for the family," "repeated disputes"); only subsequently were these descriptive codes mapped onto AGIL categories using the operational indicators in Table 1, so that the theoretical classification followed from, rather than preceded, the empirical description.

Table 1. Operational Indicators for Classifying Case Facts into AGIL Dimensions.

AGIL Dimension	Operational Indicator
Adaptation	The family's capacity to secure and allocate material resources (income, employment, provision of <i>nafkah</i>) needed to meet household needs.
Goal Attainment	The couple's capacity to define and pursue shared household objectives (e.g., agreement on finances, child-rearing, or life direction).
Integration	The coordination and cohesion among family members, including the presence or absence of persistent conflict, violence, or infidelity that disrupts shared functioning.

Latency (Pattern Maintenance)	The maintenance of shared values, affective bonds, and communication patterns that sustain commitment to the marriage over time.
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At the juridical layer, the social facts thus classified were traced within the rulings' legal considerations using legal reasoning theory, to examine how the judges connected them to Article 39 of the Marriage Law, Article 19 of Government Regulation No. 9 of 1975, and Article 116 of the Compilation of Islamic Law in arriving at the final verdict. This tracing followed an explicit analytical chain for each ruling: (1) the social fact alleged by the petitioner; (2) the evidence presented at trial (witness testimony, documentary evidence); (3) the judge's factual finding based on that evidence; (4) the legal qualification applied to that finding (e.g., "continuous disputes," "broken marriage"); (5) the applicable statutory provision; and (6) the resulting conclusion in the ruling's dictum. This chain is applied step-by-step to each ruling in the Discussion section. These two layers of analysis were carried out sequentially, with the findings from the sociological layer serving as the basis for tracing the juridical layer, so that the final results present a complete trajectory from social fact to legal fact.

To enhance the validity of the data, this research applied source triangulation by comparing interview results, the content of court rulings, official statistical data, and relevant literature (Nurfajriani et al., 2024), in order to obtain a credible and comprehensive picture of the dominance of *cerai gugat* cases and the judges' legal reasoning at the Surabaya Religious Court. These sources were triangulated for distinct, non-overlapping purposes rather than treated as interchangeable confirmation of a single claim: official statistics corroborate the scale and trend of *cerai gugat* filings discussed in the Introduction; the interview corroborates the institutional and judicial perspective on why such cases arise; and the two rulings corroborate the specific reasoning process by which particular social facts were qualified into legal grounds in practice. Source triangulation, as applied here, strengthens the credibility of each data source individually; it does not by itself establish the validity of the AGIL-based theoretical interpretation, which instead rests on the transparency of the operational indicators in Table 1 and the step-by-step reasoning chain described above. No material inconsistencies were found among the interview, the two rulings, and the official statistics used in this study; each source was found to corroborate a distinct aspect of the analysis rather than conflicting with the others.

RESULT AND DISCUSSION

Result

Social Reality and Factors Behind *Cerai Gugat* at the Surabaya Religious Court

The Surabaya Religious Court is one of the first-instance courts within the Religious Courts system with jurisdiction over the City of Surabaya, authorized to examine, adjudicate, decide, and settle Islamic family law cases—particularly marital disputes such as *cerai gugat* (wife-initiated divorce) and *cerai talak* (husband-initiated divorce)—and is recorded as the court with the highest number of divorce cases in Jawa Timur. As a

metropolitan city with complex social dynamics, Surabaya has experienced shifts in family life patterns shaped by economic growth, changing urban lifestyles, and high population mobility, all of which have contributed to the high number of divorce cases filed at this court.

To gain an in-depth picture of the factors underlying the high rate of *cerai gugat*, this research gathered information from Judge Siti Aisyah, S.Ag., M.H., who has handled *cerai gugat* cases for approximately five years. According to her account, the number of *cerai gugat* cases has shown an increasing trend year over year, particularly over the past three years (Permata et al., 2026). She identified economic factors were cited as the most dominant cause in her experience, where a husband's inability to meet the family's financial needs frequently triggers domestic disputes that culminate in divorce petitions; this problem, she noted, has been further aggravated by the proliferation of online loans and online gambling, which worsen the family's financial condition. Beyond economic factors, she cited domestic violence and infidelity were cited as reasons frequently raised by wives, although in her assessment in practice domestic violence is often a consequence of more fundamental problems—namely economic hardship and marital infidelity (Wahyudi et al., 2026).

In terms of the trial process, the mandatory administrative evidence required in *cerai gugat* cases includes an ID card (KTP), Marriage Certificate, Family Card (KK), and Child's Birth Certificate where applicable, along with supplementary evidence such as pay slips relevant to the dispute. Witness testimony also plays a crucial evidentiary role; the judge explained that, in her practice, witnesses must have direct knowledge of the disputed events, while testimony based solely on secondhand accounts or mere photographs is considered to lack sufficient evidentiary weight. Judges generally continue to prioritize mediation as an initial stage before proceeding to the evidentiary phase, in line with the Islamic legal principle that positions divorce as a last resort. Although mediation does not always succeed in preserving the marriage, this process often produces partial agreements on child custody or support, which facilitates the subsequent examination of the case.

Regarding the phenomenon of rising *cerai gugat* filings, Judge Siti Aisyah's own interpretation is that it is being influenced by women's growing economic independence and legal awareness, as well as regulations that protect women's and children's rights following divorce. In her view, unlike in the past, when women tended to wait for their husbands to file for divorce, women today are more inclined to file *cerai gugat* themselves when their rights are not fulfilled or when their marital status is left hanging without legal certainty. This is presented here as the judge's own interpretive account, distinct from the factual pattern documented in the two rulings analyzed below; it is not independently verified by this study against a broader sample of cases or litigants. She also considers that the current divorce phenomenon is influenced more by the dysfunction of family roles—such as the failure to perform economic functions, the loss of affective functions, and infidelity—than by legal violations alone. As a measure to reduce divorce rates, she referred to Supreme Court Circular Letter (Surat Edaran Mahkamah Agung–SEMA) No. 3 of 2023, which affirms that divorce should generally be granted once the parties have lived

separately for at least six months with no remaining hope of reconciliation, so that the public is not encouraged to rush into filing for divorce and still retains the opportunity for introspection and reconciliation.

Dictum and Anatomy of *Cerai Gugat* Rulings

To strengthen the interview findings, this research examined two *cerai gugat* rulings as a distinct category of documentary evidence, analyzed for their own evidentiary and reasoning content.

Ruling No. 5957/Pdt.G/2025/PA.Sby. The plaintiff argued that since May 2025 her marriage with the defendant had begun to falter, marked by frequent disputes and quarrels caused by the defendant's failure to provide financial support, until the two eventually lived separately for approximately seven months without any physical or emotional communication. This claim was supported by evidence in the form of copies of the Marriage Certificate, ID card, Family Card, and the child's Birth Certificate, as well as testimony from two witnesses from the plaintiff's family confirming continuous quarrels resulting from the defendant's economic incapacity. The defendant never appeared in court despite having been officially and properly summoned in accordance with applicable summons procedures, so the panel of judges decided the case by default (*verstek*)—a ruling issued without the defendant's presence, on the grounds that non-attendance is deemed not to contest the plaintiff's claims, so long as those claims are legally justified and do not violate any rights. The panel granted the petition on the basis of Article 39(2) of Law No. 1 of 1974 on Marriage in conjunction with Article 19(f) of Government Regulation No. 9 of 1975 and Article 116(f) of the Compilation of Islamic Law. In addition to granting the divorce, the panel—acting *ex officio*, meaning it imposed obligations without these being explicitly demanded by the plaintiff—also ordered the defendant to pay *iddah* maintenance, *mut'ah* (consolatory gift), and child support, based on Article 41(c) of the Marriage Law in conjunction with Article 149(a) and (b) of the Compilation of Islamic Law regarding a former husband's obligation to provide *mut'ah* and *iddah* maintenance unless the wife is proven to have committed *nusyuz* (marital disobedience), in line with Supreme Court Regulation No. 3 of 2017 on Guidelines for Adjudicating Cases Involving Women in Conflict with the Law, as the basis for the court's stance favoring the protection of women's and children's rights after divorce.

Ruling No. 6223/Pdt.G/2025/PA.Sby. A similar pattern was found in this ruling. The plaintiff argued that the marriage had begun deteriorating since 2014 due to the defendant's habit of online gambling, frequent disagreements, and harsh language, until the defendant left the family home in March 2015, after which the two parties lived separately for ten years without meaningful communication. This claim was supported by evidence including copies of the Marriage Certificate, ID card, and Family Card, as well as testimony from two witnesses (relatives and neighbors of the plaintiff) confirming continuous disputes with no hope of reconciliation. As in the previous case, the defendant never appeared despite being officially and properly summoned, so the panel likewise decided the case by default. The panel granted the petition on the same legal grounds—Article 39(2) of Law No. 1 of 1974 in conjunction with Article 19(f) of Government Regulation No. 9 of 1975

and Article 116(f) of the Compilation of Islamic Law—and likewise ordered *iddah* maintenance, *mut'ah*, and child support *ex officio* on the same legal basis as the previous ruling.

Both rulings exhibit a consistent pattern: the cases were decided by default because the defendant never appeared despite proper and official summons; the evidence submitted was uniformly composed of civil registry and family documents; the judges' legal considerations referred to the concept of "broken marriage" or marital disharmony resulting from "mental cruelty"; and the panel of judges, acting *ex officio*, imposed obligations of *iddah* maintenance, *mut'ah*, and child support as a form of protecting women's rights after divorce, as mandated by Supreme Court Regulation No. 3 of 2017. This pattern is broadly consistent with Judge Siti Aisyah's account that economic factors and the dysfunction of family roles are the dominant causes of the high rate of *cerai gugat* at the Surabaya Religious Court, though the correspondence between one judge's general account and two specific rulings does not itself establish that this pattern holds across the court's broader caseload.

The data gathered from these three sources serve distinct, complementary purposes rather than jointly validating a single claim. The Supreme Court's Annual Report and the Surabaya Religious Court's activity report establish the scale and trend of *cerai gugat* filings described in the Introduction; Judge Siti Aisyah's testimony provides an institutional and experiential account of why such cases arise; and the two rulings provide a concrete record of how particular social facts were evidenced and legally qualified in practice. Their alignment strengthens confidence that the interview account is not idiosyncratic to this one judge's impression, but this alignment corroborates the prevalence and general causes of *cerai gugat*—it does not, on its own, validate the AGIL-based theoretical interpretation applied to the two rulings, which is instead addressed through the operational indicators and reasoning chain set out in the Discussion below.

Discussion

This section systematically and evenly analyzes the data presented in the Findings section using two layers of theory: the first layer reads the social facts behind family dysfunction through Talcott Parsons' AGIL scheme, while the second layer traces how these social facts are transformed by judges into legal facts through legal reasoning. Both data sources—Judge Siti Aisyah's testimony and the legal facts in Ruling No. 5957/Pdt.G/2025/PA.Sby and Ruling No. 6223/Pdt.G/2025/PA.Sby—are read together, as each contributes a distinct kind of evidence to the analysis, the judge's testimony provides the interpretive, experience-based account of why such cases arise, while the two rulings provide the documentary record of how specific facts were evidenced and qualified — the two are complementary rather than mutually confirming, as explained in the Method and Result sections above.

Analysis of Family Dysfunction in *Cerai Gugat* Couples through the Structural-Functional Perspective (AGIL Scheme)

Talcott Parsons viewed the family as a small social system that must perform four functions to remain intact and balanced, known as the AGIL scheme: *Adaptation*, *Goal Attainment*, *Integration*, and *Latency* (Hidayatullah & Rozak, 2024). When one or more of these functions fails to operate, the family system becomes unstable and, at a certain point, ends in disintegration in the form of divorce. Each function is assessed below against the operational indicators set out in Table 1.

Adaptation. The adaptation function relates to a family's capacity to meet its everyday needs, particularly economic ones. Judge Siti Aisyah's account indicates that economic factors are a dominant cause she has observed in *cerai gugat* cases: a husband's inability to provide for the family's needs becomes the initial trigger for disputes that eventually escalate to court. Against the operational indicator for adaptation — the family's capacity to secure and allocate material resources needed to meet household needs — in Parsonian terms, this represents a failure of the adaptation function—the husband, as the party traditionally expected to fulfill the instrumental role of breadwinner, fails to do so, destabilizing the family's most basic foundation as a social system from the outset. This fact is clearly illustrated in Ruling No. 5957/Pdt.G/2025/PA.Sby, in which the plaintiff claimed her marriage began to falter in May 2025 because the defendant failed to provide financial support, a claim corroborated by two witnesses even though they did not know the defendant's exact income as a dockworker.

Goal Attainment and Integration. The goal-attainment function relates to a couple's capacity to hold shared direction, while the integration function relates to family members' capacity to remain harmonious and resolve conflicts internally. The judge's account that persistent disputes and quarrels are among the common grounds she has observed cited in divorce petitions can be read, against the indicators for these two functions, as the failure of both functions simultaneously: once a husband and wife no longer share common goals and are unable to resolve conflict internally, the household loses its capacity to remain unified. This condition is illustrated in Ruling No. 6223/Pdt.G/2025/PA.Sby, in which marital breakdown had been felt since 2014—caused by the defendant's habit of online gambling, frequent disagreements, and harsh language—until the defendant left home in March 2015, after which the two parties lived separately for ten years without meaningful communication. This span of time demonstrates that the integration function within this family had genuinely ceased to operate.

Latency. The pattern-maintenance function relates to how a family sustains affection and emotional closeness over time. Judge Siti Aisyah's observation that divorce today is driven more by the loss of affective function and role dysfunction—rather than by legal violations alone—reflects her professional interpretation and, if accepted, affirms that the root of divorce is social rather than purely normative in nature. A similar pattern emerges in both rulings, where the judges found as fact that the defendants had ceased to attend to the plaintiffs during the period of separation. Notably, in both rulings the panel of judges themselves used terminology relevant to this notion of dysfunction—namely "broken marriage," or in Islamic legal terms *aḥ-ḥammaj al-makṣurab*—a condition in which a damaged marriage need not involve physical violence, but may instead take the form of "mental

cruelty," such as persistent indifference and neglect. This explanation aligns with Parsons' view that dysfunction within a social system does not always manifest as open conflict, but can also take the form of silent failure.

This phenomenon is also linked to a shift in the division of family roles. In Parsons' scheme, family roles were traditionally divided rigidly between instrumental roles (the husband as breadwinner) and expressive roles (the wife as caregiver and guardian of harmony); this division is invoked here strictly as an analytical lens from Parsons' mid-twentieth-century framework, not as a normative endorsement of how family roles ought to be divided today. When a husband fails to perform his instrumental role while the wife possesses greater economic independence and legal awareness, the wife may take control by filing for divorce herself. The fact that in both rulings examined the petitions were filed by the wife, and were decided by default because the husband never appeared despite proper official summons, is consistent with this picture, though the reasons for the husband's non-appearance are not established by the case record and should not, on that basis alone, be read as a continuation of prior domestic neglect.

This sub-section thus shows that the dominance of *cerai gugat* at the Surabaya Religious Court, at the level of social fact, appears in the two cases examined to involve concurrent strain across all four AGIL functions: unstable economic adaptation, severed shared goals and integration, and a lost maintenance of affective patterns, though this study's small and procedurally similar case sample does not establish how often all four functions fail together across the court's broader caseload.

Judges' Legal Reasoning in Transforming Social Facts into Legal Facts

The social facts of family dysfunction described in the previous sub-section do not, by themselves, constitute valid legal grounds for granting a divorce. These facts acquire legal force only after passing through the judges' process of legal reasoning, which can simply be read as the construction of a legal syllogism: a major premise consisting of positive legal rules, a minor premise consisting of trial facts that have passed the evidentiary test, and a conclusion consisting of the juridical qualification that forms the basis of the ruling's dictum (Zubaidi & Mardhiya, 2024).

Major premise. The major premise in both rulings examined is Article 39(2) of Law No. 1 of 1974 on Marriage as amended by Law No. 16 of 2019, which requires sufficient grounds that the husband and wife will no longer be able to live together harmoniously as spouses; Article 19(f) of Government Regulation No. 9 of 1975, which formulates this ground more concretely as "continuous disputes and quarrels with no hope of living harmoniously together again"; and Article 116(f) of the Compilation of Islamic Law, which contains a similar formulation. This major premise is reinforced by Supreme Court Circular Letter No. 3 of 2023, which provides the additional guideline that divorce should generally be granted once the parties have lived separately for at least six months with no hope of reconciliation—a normative safeguard that simultaneously prevents courts from hastily granting divorce without sufficiently prolonged evidence of separation.

Minor premise. The minor premise consists of the trial facts that have passed both formal and material evidentiary tests. In Ruling No. 5957/Pdt.G/2025/PA.Sby, the proven fact was a separation of approximately seven months without physical or emotional communication, corroborated by two witnesses' testimony regarding the defendant's economic incapacity. In Ruling No. 6223/Pdt.G/2025/PA.Sby, the proven fact was a ten-year separation without meaningful communication, corroborated by witness testimony regarding the defendant's habit of online gambling and harsh conduct. In both cases, the defendant never appeared despite being properly and officially summoned in accordance with applicable procedures, leading the judges to decide by default. This default status does not mean the plaintiff's claims were simply accepted at face value: the judges still required the plaintiff to prove her claims through documentary evidence (Marriage Certificate, ID card, Family Card) and witness testimony based on direct knowledge of the disputed events. In this context, default means the defendant is deemed not to contest the plaintiff's claims due to non-attendance, so long as those claims have been proven and do not violate any rights—not that the court disregarded the evidentiary requirements.

Juridical qualification. This is the point at which the judges' legal reasoning bridges social fact with legal fact. The facts of prolonged separation, the absence of physical and emotional communication, and the loss of mutual care between spouses—read in the previous sub-section as indicative of strain in the adaptation, goal-attainment, integration, and latency functions—were juridically qualified by the judges as "continuous disputes and quarrels with no hope of living harmoniously together again" within the meaning of Article 19(f) of Government Regulation No. 9 of 1975 in conjunction with Article 116(f) of the Compilation of Islamic Law. The panel's use of the terms "broken marriage" / *aṣ-ṣunwaj al-maksurah* and the concept of "mental cruelty" in both rulings shows that this juridical qualification is not read narrowly as mere physical conflict, but also encompasses subtler yet equally destructive relational dysfunction—a reading that, from the standpoint of legal construction, aligns with the sociological reading in the first sub-section.

Ratio decidendi. The connection between the major premise, minor premise, and juridical qualification forms the *ratio decidendi*—the core reasoning underlying the judges' decision to grant the divorce petitions in both cases. This *ratio decidendi* does not stop at granting the divorce alone, but also forms the basis for the panel to impose *ex officio* obligations of *iddah* maintenance, *mut'ah*, and child support on the defendant, even though these were not explicitly demanded by the plaintiff. This *ex officio* determination rests on Article 41(c) of the Marriage Law in conjunction with Article 149(a) and (b) of the Compilation of Islamic Law regarding a former husband's obligation to provide *mut'ah* and *iddah* maintenance unless the wife is proven to have committed *nusyuz*, and is consistent with Supreme Court Regulation No. 3 of 2017 on Guidelines for Adjudicating Cases Involving Women in Conflict with the Law. In other words, the judges' *ratio decidendi* does not merely resolve marital status, but simultaneously functions to protect the party considered more economically and socially vulnerable after divorce (Ayu Cahyani et al., 2024)—a form of juridical partiality that, when traced back to the sociological layer, can be read as a legal response to the shift in instrumental-expressive roles discussed in the first sub-section.

By combining these two sub-sections, it can be concluded that the *cerai gugat* trial process at the Surabaya Religious Court, in the two cases examined here, functions as a two-way bridge: on one side, confirming family dysfunction as a social fact through Parsons' AGIL framework, and on the other, transforming that social fact into a legally binding fact through the judges' legal reasoning—complete with its juridical consequences in the form of child custody, *iddah* maintenance, *mut'ah*, and child support.

CONCLUSION

Based on the results of the research and discussion, it can be concluded that the predominance of divorce cases filed by the wife (*cerai gugat*) in the Surabaya Religious Court is the result of two interrelated processes: family dysfunction as a social fact, and the transformation of that social fact into a legal fact through the judge's reasoning.

At the level of social facts, the results of the analysis using Talcott Parsons' AGIL framework show that, in the two cases examined, the four basic functions of the family as a social system showed concurrent strain among these couples filing for divorce at the Surabaya Religious Court: the adaptation function failed due to the husband's economic inability to provide for the family; the goal-attainment and integration functions failed due to prolonged disputes and a breakdown in communication; while the pattern-maintenance function failed due to the loss of affection and care between the spouses. Because these functions were assessed from overlapping fact patterns within a small, procedurally similar sample, this finding should be read as illustrative of how such strain can manifest jointly, rather than as evidence of a fixed causal sequence among the four functions. This pattern, according to the interviewed judge, is exacerbated by a shift in instrumental-expressive roles within the family, where women's increasing economic independence and legal awareness have encouraged wives to take legal initiative when their husbands no longer fulfill their roles.

At the level of legal facts, this study found that these social facts do not automatically constitute valid legal grounds, but must instead undergo the judge's legal reasoning, which functions like a syllogism: positive law provisions (Article 39 of Law No. 1 of 1974 in conjunction with Article 19(f) of Government Regulation No. 9 of 1975 in conjunction with Article 116(f) of the Compilation of Islamic Law, as well as SEMA No. 3/2023) as the major premise; trial facts that have passed the standard of proof as the minor premise; and the legal characterization of the family dysfunction as a "*broken marriage*" or "*az-ẓawwaj al-maksurah*" as the conclusion. It is this legal characterization that serves as the *ratio decidendi* for the judge to grant the divorce petition, while simultaneously ordering *ex officio* obligations in the form of *iddah* maintenance, *mut'ah*, and child support as a form of legal protection for the more vulnerable party following the divorce.

Thus, this study addresses both research questions posed: in the two cases examined, the high rate of divorce by petition in the Surabaya Religious Court is associated with the accumulation of functional family dysfunctions, and these dysfunctions only acquire legal force after undergoing the judge's legal reasoning process, which transforms them from

social facts into binding legal facts. These two pillars of analysis complement each other and suggest that the handling of divorce lawsuits cannot be understood solely from a normative perspective or solely from a sociological perspective; rather, it may benefit from an interpretation that connects the two.

This study has a number of limitations that must be honestly acknowledged. First, the sample of decisions analyzed is limited to only two cases, both of which were decided by default judgment and shared substantial procedural similarity; thus, the pattern of the judges' legal reasoning in divorce cases where the defendant was present or that ended with the dismissal of the complaint is not reflected in this study, nor could the present sample demonstrate how the analytical framework applies to more procedurally varied cases. Second, this study was conducted at only one court (the Surabaya Religious Court) and relied on information from a single judge as a source, so its findings cannot necessarily be generalized to other religious courts with different socioeconomic characteristics. Third, while the qualitative approach used allows for an in-depth understanding of the cases studied, it is not designed to quantitatively measure the proportion of each AGIL dysfunction factor.

Given these limitations, future research is recommended to expand the sample size of court decisions to include variations in outcomes (granted, denied, revoked) and variations in the presence of the parties; to compare patterns of judicial reasoning across religious courts in regions with different characteristics; and to consider a mixed-methods approach to quantitatively measure the contribution of each AGIL component to the decision to file for divorce. Further research could also deepen the analysis of the impact of SEMA No. 3 of 2023 on judges' reasoning patterns over a longer period following the policy's implementation.

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