



The Practices of Divorce by Petitions in Transmigration Area

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Submitted: September 7 th , 2025	Accepted: October 11 th , 2025	Published: October 12 th , 2025
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Abstract: *The divorce rate on Java Island tends to increase every year. These indicate a breakdown in marriages. But Javanese people do not only live in Java Island but are spread across many islands in Indonesia, primarily due to the transmigration program. Riau Province, situated on the island of Sumatra, is one of the areas designated for transmigration, resulting in a large number of Javanese people settling in these villages. It turns out that divorce cases are also common in these locations. Therefore, this study was conducted to examine the practice of divorce by petition among Javanese women in a transmigration village in Riau Province. The research approach employed in this study was qualitative, with an exploratory research style and a feminist methodology that prioritizes considering women's voices and experiences as worthy of being heard. The results of suggest that certain factors contribute to divorce, particularly in the context of marriage values within Javanese culture: legal system and women's growing legal awareness, reinterpretations of Javanese familial and cultural values, economic independence and the gendered dimension of divorce, and the search for legal and social legitimacy. Even in transmigration areas far from Java Island, Javanese transmigrants and their descendants continue to uphold Javanese traditional values. These values persist and are internalized in their daily practices, including in the practice of divorce by petition in the transmigration area of Java.*

Keywords: *Divorce; Divorce by Petitions; Javanese Values; Enabling Structures*

A. INTRODUCTION

The increasing number of divorce cases in Indonesia has become a significant social issue. According to Statistics Indonesia (Badan Pusat Statistik, 2024) the national divorce rate has consistently risen over the past decade, with the highest rates found in Central Java, East Java, and West Java. These regions are not only demographically dominated by Javanese ethnic groups but also strongly influenced by Islamic legal norms that regulate marriage and divorce. Interestingly, the pattern of divorce, especially divorce by petition (*cerai gugat*), has also emerged among Javanese transmigrant communities living outside Java Island. This phenomenon invites deeper sociological analysis, as it indicates that Javanese cultural and religious values continue to shape social practices across geographical boundaries.

In recent years, divorce has increasingly been understood not only as a private matter but also as a reflection of broader socio-cultural and structural dynamics in Indonesian society. Scholars have argued that divorce trends are influenced by shifting gender relations, the expansion of women's education, and access to legal institutions that recognize women's rights to initiate divorce (Rais, 2021; Rinaldo et al., 2023; Wardatun & Smith, 2020; Yakin et al., 2022). This broader shift suggests that women's growing legal and social awareness is reshaping the meaning of marriage and family stability, particularly within communities that traditionally uphold patriarchal norms.

Previous studies on divorce in Indonesia have primarily focused on urban or middle-class settings, often explaining divorce from economic, moral, or religious perspectives (Adawiyah, 2012; Sari, 2016; Tristanto & Yunilisiah, 2022). For example, research by Yakin et al. (2022) and Nakamura (1991) found that Javanese divorce patterns are deeply intertwined with Islamic teachings and patriarchal norms. Little attention has been given to how women, particularly in rural or transmigration contexts, actively navigate social and structural constraints when deciding to file for divorce. This lack of attention forms the empirical and theoretical gap that this study seeks to address. Therefore, this article asks the question of what does enabling structures that influence the practice of divorce by petition among Javanese women living in Sukamaju Village, a transmigration settlement in Kuantan Singingi Regency, Riau Province.

The phenomenon of divorce by petition (*cerai gugat*) in Indonesia can be understood not only as a legal process but also as a social practice shaped by gender relations, cultural values, and institutional structures. Most previous studies have examined divorce from normative or legal perspectives, focusing on the causes such as economic hardship, domestic violence, and moral conflict (Adawiyah, 2012; Muhammad, 2016; Sari, 2016). However, such perspectives often overlook women's agency—their capacity to act within and against structural constraints. Feminist sociologists have long argued that women's decisions, including to end a marriage, should be analyzed within the dynamics of power and gendered social norms (Harding, 1987; Hooks, 2000a, 2000b; Ollenburger & Moore, 1996).

The focus on Javanese women is significant because the Javanese culture emphasizes harmony (*rukun*), obedience (*konco wingking*), and the sacredness of marriage. Yet, the rising number of divorce petitions filed by Javanese women in transmigration villages suggests a transformation in how these values are interpreted and enacted.

This article draws upon Anthony Giddens' structuration theory to explain the phenomenon of divorce by petition as a form of social practice. By employing a feminist methodology, this study highlights women's voices as legitimate sources of knowledge and situates their lived experiences within the broader socio-cultural and legal context.

B. METHOD

1. Research Design

This study employed a qualitative approach, utilizing a feminist methodology that emphasizes women's experiences and perspectives as valid sources of social knowledge (Harding, 1987; Ollenburger & Moore, 1996). The feminist methodology

differs from conventional qualitative methods in its orientation: it seeks to uncover gendered power relations and positions women as active agents rather than passive research subjects. Through this lens, the research not only describes but also interprets women's experiences within structures of power that both enable and constrain their actions.

2. Research Site and Informants

The research was conducted in Sukamaju Village, Singingi Hilir District, Kuantan Singingi Regency, Riau Province established transmigration settlement predominantly inhabited by Javanese descendants. There were 10 cases of divorce by petitions studied. The cases were selected from the Teluk Kuantan Religious Court's cases between 2019 and 2024.

The cases selection was based on purposive sampling with the following criteria:

- a. The cases of Javanese descent and resides in a transmigration area.
- b. She has filed a divorce petition (*cerai gugat*) within the past five years.
- c. She is willing to share her experiences and reflections regarding the divorce process.
- d. The cases represent diverse age groups, occupations (farmers, plantation workers, and housewives), and educational backgrounds.

3. Data Collection

Data collection was using two main techniques:

- a. In-depth Interviews: Semi-structured interviews were conducted to explore the informants' motivations, family dynamics, and experiences during and after filing for divorce. Each interview lasted approximately 60–90 minutes and was conducted in Bahasa Indonesia and Javanese dialects.
- b. Participant Observation: The researcher observed daily community interactions, local cultural activities, and village meetings to understand the socio-cultural setting in which divorce practices occurred.
- c. In addition to primary data, secondary data were obtained from: The Teluk Kuantan Religious Court Annual Reports (2019–2024), Statistics of Riau Province and Kuantan Singingi Regency in Figures, Village development planning documents, and online news reports on divorce trends in Riau.

4. Data Analysis

The data were analyzed using thematic analysis, guided by the concepts of agency and enabling structures in Giddens' structuration theory. The analysis involved:

- a. Data reduction: identifying patterns related to women's decision-making processes.
- b. Coding and categorization: grouping themes such as legal awareness, family intervention, and economic independence.
- c. Interpretation: relating empirical findings to theoretical concepts of structure and agency.

C. LITERATURE REVIEW

1. Theoretical and Conceptual Framework

In Indonesian scholarship, the growing number of divorce petitions filed by women has been linked to increased awareness of legal rights and access to religious

courts (Jayanti, 2007; Khotima & Ahmad, 2019). Studies such as (Rais, 2021; Rinaldo et al., 2023; Wardatun & Smith, 2020; Yakin et al., 2022) further emphasize that women's participation in the divorce process reflects changing gender relations and the gradual recognition of women's voices within patriarchal systems. Yet, these studies rarely explore the structural mechanisms that enable women to exercise such agency, particularly in rural or transmigration settings where traditional values remain dominant.

To analyze this phenomenon, this study applies Anthony Giddens's Structuration Theory (Giddens, 2010; Ritzer, G & Douglas J, 2011), which offers a dynamic perspective on the relationship between individual actions (agency) and the social systems that constrain and enable them (structure). According to Giddens, social practices are the recursive product of both structures and agents. Structures provide rules and resources that guide human behavior, but these structures are simultaneously reproduced and transformed through everyday actions. This reciprocal relationship is known as the duality of structure.

Within this framework, enabling structures are institutional, legal, or cultural arrangements that make certain social actions possible. In the context of divorce by petition, enabling structures may include:

- a. Legal frameworks, such as the Marriage Law No. 1/1974 and Law No. 23/2004 on the Elimination of Domestic Violence, which legally allow women to initiate divorce.
- b. Cultural values, including Javanese ideals of harmony (*rukun*), obedience (*konco wingking*), and family responsibility (*somah*), which simultaneously shape and challenge women's choices.
- c. Familial and community support, which can legitimize women's decisions to seek formal separation.
- d. Economic independence, which allows women to bear the financial consequences of filing for divorce.

The study interprets women's divorce petitions as a form of agency enacted through available structural opportunities. Feminist methodology supports this view by emphasizing the importance of women's lived experiences and recognizing how power operates through everyday social relations (Harding, 1987; Hesse-Biber, 2014). Thus, the integration of Giddens's theory with feminist methodology allows this study to move beyond deterministic explanations and to highlight how women, even within restrictive cultural systems, exercise autonomy and reshape the meaning of marriage and family.

D. RESULTS AND DISCUSSION

1. Results

Drawing on in-depth interviews with ten Javanese women who filed divorce petitions, several patterns emerged that reveal how women in transmigration areas negotiate their agency within patriarchal systems. Four interrelated structures were identified: (1) the legal system and women's growing legal awareness, (2) reinterpretations of Javanese familial and cultural values, (3) economic independence as a source of agency, and (4) the pursuit of legal and social legitimacy. These findings reflect the duality of structure in which women's actions are simultaneously enabled

and constrained by social systems, and yet their actions also reshape those very systems.

Theoretically, this research contributes to feminist sociology by contextualizing Giddens's Structuration Theory within Indonesian and Javanese cultural settings. It shows how "enabling structures" are not only institutional but also moral and affective, rooted in local traditions and kinship systems. Empirically, it provides a nuanced understanding of how Javanese transmigrant women interpret and negotiate the meaning of marriage, family, and social harmony. Practically, these findings call for greater institutional sensitivity in handling divorce cases, especially in rural areas, by integrating legal assistance, gender education, and community-based support that recognize women's agency rather than viewing them as passive victims.

Divorce by petition among Javanese women in transmigration areas should be understood not as a breakdown of cultural values but as evidence of social transformation. By acting within and through existing structures, these women embody the living negotiation between tradition and modernity, obedience and autonomy, law and culture. Their stories reflect an evolving understanding of justice—one that aligns not only with formal law but also with the moral pursuit of peace, equality, and dignity in everyday life.

a. Legal System and Women's Growing Legal Awareness

Most cases in this study had limited formal education, yet they demonstrated a high level of awareness regarding their legal rights. This awareness emerged primarily from information shared by religious court officers, local village women's groups, or prior cases in their community. The existence of Law No. 1 of 1974 on Marriage and Law No. 23 of 2004 on the Elimination of Domestic Violence (KDRT) became an important reference point for women who experienced neglect, physical abuse, or economic abandonment.

For instance, one informant, aged 25, recounted:

"Yes, it's still getting worse, that's why I've given up. I told him this: if he wants to gamble, go ahead. If he wants to get drunk, go ahead, do drugs with his friends, I'll give you the capital to buy them, I'll give you whatever you want, I'll pay for it. But please don't be with the other women. He only said yes, but it turns out he's already living together with that woman in Pekanbaru, and I heard that they're in a secret marriage, who wouldn't hurt?"

Another informant, aged 30, also gave her explanations like this:

"He lifted me up and beat me, slapped me repeatedly until I bled. I said, if you want to kill me, I'll die, but don't ever dream that I still want to be with you again. It hurt my heart. I said that. If you don't want me anymore, I can't get you, no one else can get you, he said. He strangled me because of that, I immediately fainted. That's why I've been hiding what he did. What I can't understand is this, when I've been hurt emotionally, physically, and also physically. After he did that, he immediately asked me to have sex. How can I have a relationship like that when I'm suffering? It should be full of love. This is not the case, as soon as he gets emotional, vents his frustration, he hits me, and he touches me right then and there while I'm helpless".

This testimony shows how the structure of law operates as an enabling condition. Although the legal framework was designed decades ago, its recent social impact reflects a growing dissemination of legal literacy among rural women. The

establishment of the Teluk Kuantan Religious Court in 2018 further decentralized legal access, making it easier for women in remote transmigration areas to file petitions.

From Giddens's perspective, this represents the duality of structure: the state's legal rules both constrain and enable action. While the law prescribes gender roles within marriage, it also provides mechanisms for women to resist injustice. The women's use of this system demonstrates how social actors reproduce the legal order through everyday practices while simultaneously transforming it to serve their needs.

A feminist interpretation deepens this analysis by emphasizing that access to the law is not merely institutional, it is also symbolic. By bringing their cases to the court, women reclaim authority over their own narratives. Legal awareness becomes a form of discursive consciousness (Ritzer, G & Douglas J, 2011), in which women verbalize and justify their actions using legitimate, socially recognized arguments.

b. Reinterpretations of Javanese Familial and Cultural Values

Javanese culture has long emphasized values such as *rukun* (harmony), *konco wingking* (a wife's obedience), and *swarga nunut, neraka katut* ("a wife follows her husband to heaven or hell"). Traditionally, these norms were used to justify women's submission in marriage. However, findings from this study reveal a subtle yet powerful reinterpretation of these values in the transmigration context. Most informants expressed that true *rukun* no longer means enduring suffering but achieving peace, even if through separation. One informant stated: "My mother told me, 'Rukun doesn't mean you must stay if you are beaten. Rukun means finding peace.'"

This shift illustrates how women and their families reinterpret traditional values as moral grounds for seeking divorce. Rather than rejecting cultural values, they reframe them to justify action. This transformation reflects what Giddens terms the reflexivity of modernity, individuals' capacity to reinterpret inherited traditions based on lived experience.

Family intervention, once a constraining force, has now become a source of empowerment. Parents and siblings often accompany women to court or help them prepare administrative requirements. This familial support acts as a reinforcing structure that legitimizes women's actions publicly and morally. From a feminist lens, this reinterpretation challenges the notion that Javanese women are passive bearers of culture. Instead, they are cultural agents who actively reconstruct meaning. In doing so, they reproduce Javanese identity while simultaneously altering its patriarchal orientation. Thus, culture here functions not as a static constraint but as a living resource that women use to legitimize their choices.

c. Economic Independence and the Gendered Dimension of Divorce

Economic factors play a crucial enabling role in the decision to file for divorce. Although most informants worked as oil palm farmers or plantation laborers, their contribution to household income granted them a sense of stability and confidence to face post-divorce challenges. Several women acknowledged that the cost of divorce, including court fees and travel expenses, was a significant consideration. However, they chose to proceed because they were financially capable. As one informant explained: "If I keep depending on him, I will never be free. I work in the plantation; at least I can feed my children even without him."

Here, economic independence acts as a tangible resource within Giddens's structuration theory. Resources whether material or authoritative enable action.

Financial capability allows women to act autonomously and navigate bureaucratic processes that would otherwise be inaccessible.

At the same time, the findings reveal the gendered paradox of empowerment. While economic participation enables agency, it also increases women's burdens. After divorce, women become the sole providers for their children, often without financial support from their ex-husbands. From a feminist standpoint, this demonstrates the incomplete nature of structural change: women achieve autonomy but within persistent gender inequalities.

Nevertheless, this economic independence is a critical enabling structure that transforms dependency into decision-making power. It redefines the social meaning of womanhood among Javanese transmigrants not as followers (*konco wingking*), but as actors who sustain both economic and moral order within their communities.

d. The Search for Legal and Social Legitimacy

A final theme emerging from the interviews is the women's pursuit of legal clarity and social recognition. Many informants had been separated from their husbands for years before formally filing for divorce. The main motivation was not vengeance but the desire for status recognition within administrative and community systems. For example, a 28-year-old informant explained: "For 10 years, I lived alone, but the neighbors still said I was married. I filed for divorce because I wanted to be honest about my life."

This illustrates that divorce petitions also function as acts of social negotiation. In bureaucratic and moral terms, being legally divorced allows women to access child education, government assistance, and social acceptance as widows (*janda sah*), rather than as women "abandoned" by their husbands. In Giddens's terms, this action represents practical consciousness—a habitual understanding that guides social behavior even without explicit reflection. Women act not out of abstract legal reasoning but through everyday awareness of what is socially necessary. By formalizing their status, they reinforce both the legitimacy of legal structures and the normalization of women's legal agency.

A feminist reading adds that such acts are not only administrative but symbolic: they transform social stigma into dignity. Women reclaim their identity within the community through official recognition, which is a profound form of empowerment in a context where social reputation determines moral standing.

The interaction between legal, cultural, economic, and social dimensions reveals that each structural domain plays a complementary role in enabling women's agency to file for divorce petitions. These domains do not operate in isolation; rather, they are intertwined in everyday practices that both sustain and challenge patriarchal arrangements in Javanese transmigrant society.

2. The relationship between Giddens' theory and the feminist perspective

From the legal domain, the presence of the Religious Court and increasing access to legal information have transformed the law into an enabling structure. Although the Indonesian marriage system was initially constructed within a patriarchal framework, it now provides legitimate pathways for women to act upon their grievances. The law becomes both a tool of conformity and a site of negotiation: a dual function that exemplifies what Giddens calls the duality of structure. Through their participation in legal procedures, women reproduce the authority of the law while simultaneously redefining its gendered meaning. The act of filing a petition thus

represents institutional empowerment: women utilize the very structures that once constrained them to articulate justice on their own terms.

In the cultural domain, Javanese values such as *rukun*, *konco wingking*, and *somah* are no longer understood as prescriptions for female submission but as flexible moral resources that can legitimize divorce when harmony within marriage is lost. The reinterpretation of these values demonstrates how cultural norms are not static but continuously reshaped through practice. This finding supports Giddens's notion of reflexivity, where social actors reinterpret inherited rules to make sense of their current realities. From a feminist standpoint, this cultural negotiation shows that women's actions are not forms of rebellion against tradition, but acts of moral reasoning grounded in indigenous ethics. By reframing divorce as a pursuit of *rukun sejati* (true harmony), women align personal agency with communal morality.

The economic domain functions as a practical foundation that allows these moral and legal choices to materialize. Women's roles as farmers, plantation workers, or small traders provide them with the financial resources and self-assurance needed to bear the costs and social consequences of divorce. Economic participation thus becomes a concrete manifestation of Giddens's "resources" that sustain agency within the structuration process. Yet, this autonomy carries an ambivalent meaning: empowerment is achieved within persistent gender asymmetry, as women remain the primary caregivers post-divorce. Feminist theory helps unpack this paradox by emphasizing that empowerment often occurs in incremental, situated forms through survival, labor, and endurance rather than formal equality.

Finally, the social domain underscores the importance of legitimacy and recognition. For many informants, the act of legalizing a long-term separation is not only about ending a marital bond but also about restoring moral and administrative order in their lives. Filing for divorce provides a sense of clarity, allowing them to claim rightful status as widows (*janda sah*) and to navigate state and community institutions without stigma. This pursuit of recognition illustrates Giddens's idea of practical consciousness: actions driven by a tacit awareness of what is socially expected and morally acceptable. Feminist analysis extends this understanding by showing how women reclaim social dignity and identity through official recognition, converting social stigma into symbolic empowerment.

Taken together, these four domains demonstrate that the practice of divorce by petition operates within a multidimensional structure of constraints and opportunities. Each domain contributes to a layered process of agency: the law legitimizes it, culture moralizes it, economy materializes it, and society validates it. The interplay of these structures shows that women's agency is not a singular act of defiance but a continuous negotiation between continuity and change. Through their actions, Javanese transmigrant women illustrate how structure and agency are mutually constitutive how everyday practices of survival and self-assertion gradually reshape the very systems that once confined them.

E. CONCLUSIONS

This study demonstrates that divorce by petition (*cerai gugat*) among Javanese women in transmigration areas is best understood through the lens of Giddens's structuration theory, which views social life as the ongoing interaction between structure and agency. Drawing on in-depth interviews with ten women, the findings

reveal that women's decisions to file for divorce are not isolated acts of defiance but reflexive practices shaped by and enacted within four interrelated structures: the legal system, cultural values, economic conditions, and the pursuit of social legitimacy.

Theoretically, this research extends Giddens's structuration theory by grounding it in an Indonesian feminist context, showing how enabling structures are not only institutional but also moral and affective, embedded in kinship and local ethics. Empirically, it enriches our understanding of how Javanese transmigrant women construct agency through everyday practices of survival, reinterpretation, and self-legitimation. Practically, the findings call for institutional sensitivity in rural divorce handling—integrating gender education, legal assistance, and community-based support that acknowledges women as moral and social agents, not passive victims.

Ultimately, *cerai gugat* among Javanese women signifies not the erosion of cultural values but their transformation. Through these acts, women redefine justice in everyday life—anchored not only in formal law but in the moral pursuit of peace, equality, and dignity.

F. ACKNOWLEDGEMENTS

The author would like to extend their profound appreciation to the officials of Sukamaju Village, Singingi Hilir District, Kuantan Singingi Regency, for their kind permission and invaluable support in facilitating the conduct of this research. The assistance provided by the village representatives, who accompanied and guided the research process, is gratefully acknowledged. The author is also sincerely indebted to the research informants, whose openness, trust, and willingness to share their experiences and perspectives made this study possible. Any remaining shortcomings of this work are entirely the responsibility of the author.

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