**BALINESE WOMEN IN DIVORCE AND ITS SETTLEMENT**

**(FROM HISTORICAL AND GENDER PERSPECTIVES)**

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**ABSTRACT**

 Cultural and structural injustice resulting from the difference in genre which has been strongly adhered to by the Balinese community has been responsible for divorce, its settlement, and its implication on the Balinese women in Denpasar City. This study was intended to deconstruct, anticipate and implant the concept of structural and cultural injustice resulting from the difference in genre. The data were qualitatively analyzed using the analysis of gender. The theories used were the critical theory of postmodern such as the theory of hegemony and the theory of deconstruction and the other critical theories which are relevant to the present study.

 The result of the study shows that the divorce undergone by the Balinese women was the manifestation of the structural and cultural injustice resulting from the difference in gender. The decisions made through the traditional law and the Act Number 1 of 1974 concerning Divorce are still biased in regard to genre. The divorce undergone by the Balinese women affected the related families (the ex-wife’s family, the ex-husband’s family, and the other families related to them. The patriarchal ideology caused the Balinese women to be marginalized and subordinated and sensitive to both physical and psychological coercions. Economically, they were also neglected. The injustice in gender could also be eternalized through legal regulations. The Act Number 1 of 1974 concerning Marriage is still biased; it still refers to the traditional law which benefits men in divorce.

Keywords: *women, Balinese women, divorce, gender, culture, equality and injustice in gender*

**INTRODUCTION**

Gender is a concept which refers to males and females that are made to be culturally and socially different. Therefore, gender is created by man. It does not matter if the differences in role, nature and status between men and women which are created by society do not lead to inequality in gender. However, the fact shows that the differences between men and women have led to the injustice in gender such as marginalization, subordination, stereotype (being negatively labeled), coercion, and work burden (Fakih, 1999: 12-21). Gender is also identical with the patriarchal ideology which has been adhered to by the Balinese community which distinguishes men from women based on their roles, natures, and statuses. The patriarchal culture also views that men’s value and position are higher and more valuable than the women’s (Sujana, 1994: 51). It is this which has caused the women who are divorced to be marginalized and subordinated. In addition, they are also made to be sensitive to verbal, physical, and psychological coercions. There has been a recent issue which is supported by the number of household coercions that coercions have caused many families to be broken; and then, divorce cannot be avoided. Therefore, it is necessary to reveal the problems of the present study such as why divorces could not be avoided by the women in Denpasar City, Bali; how divorces were settled; and what was the impact of the divorces undergone by the Balinese people? In this present study, such problems are analyzed from the perspective of gender.

 This present study has two objectives; they are the general and specific objectives. In general, this present study was intended to deconstruct and implant the people’s understanding (both the understanding of women and men) of the structural and cultural injustice resulting from the difference in gender. In particular, this present study was intended to understand and analyze what caused divorces to take place, what to do to settle it, and the implication of divorces.

 In theory, it was expected that the result of the present study could enrich the treasure of critical knowledge in general and the cultural studies of Udayana University. The focus of the cultural studies is those who are marginalized (Mariyah, 2009: 4).In practice, it was expected that the result of the present study would make people, higher educational institutions, and those who care about gender keep participating in implanting the concept of gender.

**RESEARCH METHOD**

The qualitative method was used in the present study. The research method includes the research design, the research location, data source, data type, research instrument, technique of determining informants, and technique of collecting data. In the present study the data were collected through observation, in-depth interview, documentary study, and data triangulation. The data were analyzed using the analysis of gender proposed by Harvard. The analysis of gender included activity, control, and significance (Trisakti Handayani and Sugiarti, 2002: 170). The data were also qualitatively analyzed using the theory proposed by Milles & a. Michael Huberman (1992: 15-20), including data reduction, data presentation, and conclusion drawing.

**RESULT AND DISCUSSION**

The structural and cultural injustice due to the difference in gender has been responsible for the divorce undergone by the women in Bali. The divorce has also resulted from the coercion which is undergone by the women in households. Although not all types of coercions result from the structural and cultural injustice, the physical, psychological and being neglected are dominantly responsible for the divorce undergone by the women. Most of the victims of such coercions are women. The differences in role, nature, and status between men and women which are socially and culturally constructed have caused many women to be economically overloaded; they are negatively labeled; they have limited cultural capital, economical capital, and are sensitive to coercions. As a result, they do not have sufficient political capital for making decisions; they submit to their fates; finally, they are divorced by their husbands. Based on the theory of hegemony proposed by Antonio Gramsci (Barker, 2005: 467-469), an ideology can regulate and control the socio-culture.

 The structural and cultural injustice resulting from the difference in gender is also closely related to the settlement of the divorces undergone by the Balinese people in Denpasar City. The Act Number 1 of 1974 concerning Marriage is biased and the traditional low is too. There are several legal regulations which can weaken the women’s position. As an illustration, if one of the couple leaves their house for two years in succession without any legal reason, then one may divorce the other. However, if the wife leaves the husband, as what frequently happens, as a result, for example, of the fact that the husband has another illegal wife, then such legal regulations will inflict pain upon the wife. The injustice in gender may develop into a tradition, faith, myth, and a legal regulation. According to Derrida, the logo centric way of thinking should be criticized as it can lead to imbalance in the modern society (Santoso, 2003: 250-251).

 The structural and cultural injustice due to the difference in gender is also closely related to the impact of the divorce on the families of the ex-wife, the ex-husband and the related families. In addition, the divorces undergone by the Balinese women can also affect the value of equality and the justice in genre. The ex-wife may also encounter structural and cultural injustice as a consequence of the difference in genre; her family and the ex-husband and his family may too. The ex-husband becomes dehumanized as he eternalizes the injustice in gender (Fakih, 1996: 16). The ex-husband may feel that he has been wrong. The ex-wife may too if she cannot perform her responsibility as someone who is supposed to support the family financially. Both the ex-husband and ex-wife may also feel the value of equality and the justice in gender. The ex-wife can understand and implant the value of equality and the justice in gender in performing her role as she has been getting aware of her rights and financial independence. The ex-husband changes his way of thinking when implanting and understanding the value of the injustice in gender to appreciate the women’s role in performing what is supposed to do by their gender.

**CONCLUSIONS AND SUGGESTIONS**

 From what was described above, it can be concluded that, *first*, the divorces undergone by the Balinese women resulted from the cultural and structural injustice such as the physical and psychological coercions and being neglected. *Second*, the decisions made through the traditional law and the Act No. 1 of 1974 concerning Marriage is still biased in regard to gender. *Third*, such a divorce affected the ex-wife and ex-husband and the related families. In addition, it also affected the value of equality and justice in gender.

 It is suggested, therefore, that the society, government, nonprofit organizations, and other organizations, especially those who care about divorce that they should continuously implant the gender-related concept through elucidation, seminar, integrated service, research and so forth. It is also suggested to everybody that they should always implant the value of equality and the justice in gender when they perform their gender-related roles.

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