

# Divorce Phenomena Among State Civil Apparatus in Cilacap Regency

Dyah Retna Puspita<sup>1</sup>, Rin Rostikawati<sup>2</sup>, Pawrtha Dharma<sup>3</sup>

<sup>1</sup>*Faculty of Social and Political Sciences, University of Jenderal Soedirman, Jl. Dipokusumo 30, Purbalingga, Indonesia*

<sup>2</sup>*Faculty of Social and Political Sciences, University of Jenderal Soedirman, Jl. Gatramas Raya C4/12., Purwokerto, Indonesia*

<sup>3</sup>*Faculty of Social and Political Sciences, University of Jenderal Soedirman, Jl. Saragsereg 4, Purwokerto, Indonesia*  
*dyahrupspita@yahoo.com*

**Keywords:** divorce, family resilience, civil apparatus, Cilacap Regency

**Abstract:** The high number of divorce cases in Cilacap Regency in the last few years (the most in number in Central Java) is an interesting phenomenon to study especially among the State Civil Apparatus/ASN. This is in line with their role as government policy implementers and public service providers who need harmonious family support. This study aims to describe the profile of divorce among ASN/PNS over the 2015-2017 period. This study applies descriptive-quantitative approach by utilizing the secondary data from the Regional Agency for Civil Service, Education and Training (BKPPD) of Cilacap Regency. The data was then analyzed using descriptive statistics. The result shows that at the period, the number of cases is quite a lot, but it tended to decrease. Most of them are women as the plaintiffs and are from the Education Agency, especially as teacher. Most of them are highly educated (S1), have been married for over 20 years and have two children. In general, the causative factor is the lack of conjugal communication and worsened by other factors such as economic problems, domestic violence and infidelity. It is recommended that each agency (especially the Office of Education) increase the coaching of family resilience to its employees.

## 1. INTRODUCTION

Civilian employee (ASN) are permanent government employee (PNS) and government employee with employment agreement raised by the staff development officer and was assigned to a public office or entrusted with other state duty and are paid based on the legislation. This is stated in article 1 of Act Number 5 of 2014 concerning the State Civil Apparatus. Their tasks are: (1) implementing public policies made by Staffing Officials, (2) providing professional and quality public services, and (3) strengthening the unity and integrity of the Unitary Republic of Indonesia (article 11).

As the State Apparatus, State Servants and Community Servants element, ASN are required to be role models for the community by maintaining their behaviors, actions and adherence to the applicable rules; included having a harmonious family life. This

demand is shown by the strict regulations related to the issue of divorce in ASN.

In fact, in recent years there has been an increase in divorce among ASN in many areas, especially among teachers. Among other things, this happened in Gunungkidul (Sindonews.com, 10 December 2014), Solo ((Jitunews.com, 12 January 2016), Gresik (Jawapos, 25 April 2017) and Bandung (detik.com, 24 October 2017).

Related to this matter, it is necessary to study the phenomenon of divorce among ASN in Cilacap Regency, which was the highest number of divorces in Central Java over the 2013 to 2015 period. In 2013 there were 4,956 cases, increasing to 5,661 cases in 2014 and slightly decreasing to 5,519 in 2015 (<https://www.badilag.net/rekap-perkara-diterima-dan-diputus>). The number continues to increase to 5,728 cases in 2016, increasing again to 6,212 cases in 2017 and 6,527 cases in 2018 (Cilacap Religious Court, 2008).

The importance of reviewing the phenomenon of divorce among ASN is also caused by the results of a number of studies that show the negative influence of divorce on employee performance. For this reason, it is necessary to study the phenomenon of divorce among ASN in the district with the highest number of cases in the province in Central Java.

Based on that condition, this study aims to examine the divorce phenomenon among ASN in Cilacap Regency over the 2015 to 2017 period as seen from their profiles based on number of cases, gender, agency, education level, marriage duration and the divorce causal factors.

## 2. THEORETICAL

### 2.1 Regulations Concerning Divorce among ASN

With their strategic position as the implementers of Government policies and public services, ASN are required to perform well. They are also required to be role models in the community, one of which is to maintain family harmony. If it turns out that there is disharmony that leads to divorce, then the process must follow the existing laws and regulations.

According to Government Regulation Number 53 of 2010 on Civil Servants Discipline if a civil servant is to divorce the spouse, he or she must obtain permission from the authorized official first so that he or she is not subject to disciplinary sanctions. If the person concerned is the Plaintiff, he or she must submit in written the Application for Permission to divorce. This is needed in order to obtain a Decree (SK) of Permit to do Divorce from the Regent.

If he or she is the defendant, then he or she should submit in written an application for a Certificate to divorce / divorce notification claim signed by the Regional Secretary. This is an administrative requirement that must be met by a civil servant who plans to divorce. The decision whether they are officially divorced or returned to unite with their spouse is made by the Religious Court or the District Court. Even though he or she has received a Divorce Decree / Certificate to divorce, it is still possible to revoke the divorce application.

In the Religious Court / District Court, the process goes through several stages until the divorce certificate is issued. Furthermore, they are obliged to report it in written to authorized officials in a hierarchical manner not later a month after the date of the divorce. If they violate these provisions, they will be subject to severe disciplinary sanctions based on

Government Regulation Number 53 of 2013 on ASN Discipline.

### 2.2 Divorce Phenomena among ASN

Although it is required to be a role model for the community by maintaining family harmony, not all ASN are able to apply this rule. This can be seen from the rise of divorce phenomenon among them. In Gunungkidul for example, in 2014 there were 31 cases, whereas in the previous year there were only 26 cases (Sindonews.com, 10 December 2014). Similarly in Solo, there was an increase in cases from 18 cases in 2014 to 20 cases in 2015 (Jitunews.com, 12 January 2016). In Gresik Regency even the increase has occurred since the last four years even though there was no supporting data given (Jawapos, 25 April 2017). Even in Bandung it reached 111 cases, although it subsequently tended to decline to 40 cases in 2017 (detik.com., October 24, 2017).

The rise of divorce among teachers was revealed from the data of the National Women's Commission which stated that in 2016 there were 21,599 cases on the grounds of family disharmony. The second most reason is the absence of responsibility (17,975 cases), while the third reason is economic problems (20,989 cases) (Danianto, <https://pospapua.com>). There are a number of factors that may be the causal factors of divorce among ASN. According to the elucidation of Article 39 paragraph 2 of Law Number 1 Year 1974 concerning Marriage and Article 19 Government Regulation Number 9 of 1975 concerning Implementation of Law Number 1 Year 1974 concerning Marriage the factors are: (1) the spouse commits adultery or becomes a drunkard, junkie, gamblers, etc. that are difficult to cure; (2) the spouse leaves the other party for 2 (two) consecutive years without any permission of the other party and without valid reasons or because of other things beyond their capability; (3) the spouse gets a sentence of 5 (five) years imprisonment or a more severe sentence after marriage; (4) the spouse commits violence or severe abuse which endangers the other party; (5) the spouse gets a disability or illness with the result of not being able to carry out his obligations as a husband / wife; and (6) Between husband and wife there are continual disputes and arguments and there is no hope of living in harmony anymore in the household.

Mismatch factors are the main contributing factors in some areas such as Gresik (Sindonews.com, December 10, 2014), Solo (m.jitunews.com, January 12, 2016) and Bandung (Dinillah, Detiknews, October 24, 2017). This condition is mostly compounded by other causes such as economic problems and infidelity. Divorce caused by

unemployed husband or part-time employed husband is also common among teachers in Riau, in addition to factors such as domestic violence, infidelity, family interference and conditions of partner's disability (New Weekend Tribunal, 15 May 2019).

The number of divorce cases among teachers can be attributed to the Government's policy in the form of giving Teachers' Professional Allowances amounted one time the basic salary. This is a consequence of implementing Law Number 14 of 2005 concerning Certification. This has an impact on increasing the income of the teachers who at a later stage trigger a number of problems, including filing for divorce.

From the description above, it can be concluded that divorce among ASN in many regions is generally triggered by the same causative factors such as conjugal communication problems, economic problems and infidelity. The increase in divorce among teachers that emerged after the existence of the Teacher Certification policy showed that Government policies could also potentially trigger widespread divorce among ASN.

### **2.3 Impact of Divorce on Employee Performance**

Several studies have shown the effect of divorce on the employees' performance. D. Murray's (2014) study of 12 professional female nurses aged 42 to 61 years who had divorced for 5-11 years mentioned that all informants described divorce has a negative impact on their work performance. This has negative implications to the quality of the way they care for their patients.

Falola et al. (2016) which analyzed 224 employees of selected banks in metropolitan Lagos, Southwest Nigeria, indicated that marriage instability has an effect on employee emotions and job performance. This is also found in Barry's (2009) study which then built the relationship between marital instability and employee performance. Sotonade (2008) also argued that marital instability causes employees to become emotionally unstable and therefore less happy to do less. On the basis of these studies, the study of the divorce phenomenon among ASN is important.

## **3. METHOD**

This research was conducted in Cilacap Regency, where the divorce rate was highest in Central Java and no research had been previously conducted among PNS. This research uses descriptive quantitative approach by utilizing secondary data from the Regional Agency for Civil Service, Education and Training (BKPPD) of Cilacap Regency. The collected data is then analyzed using descriptive statistics.

## **4. RESULT AND DISCUSSION**

### **4.1 General Description of Cilacap Regency**

Cilacap Regency is the largest area in Central Java which is divided into 24 Districts. The vision of Cilacap Regency in accordance with the RPJMD (Regional Medium-Term Development Plan) of Cilacap Regency in 2012-2017 is "to become a Prosperous Cilacap Regency". This vision is translated into six missions where in the first mission is: Quality Human Development and Faith in God Almighty (<https://cilacapkab.go.id/v2/index.php>). This shows that Cilacap Regency also has a strong determination to improve the quality of ASN human resources.

In 2016 there were 13,268 ASN with slightly more male employees (51.87 percent or 6,882 people). They are spread in 52 Cilacap Regency government units, Regional Secretariat, Regional Technical Institutions, Regional Offices and Districts (BPS Cilacap Regency, 2018). More than half of them (66.55 percent or 8,830 people) are employees of the Education Service Agency. Most of them are elementary and middle school teachers. The second highest number is the Health Office and Regional Public Hospital (RSUD), which are 1,457 people (10.99 percent) (BPS Cilacap Regency, 2018). When compared with the population, which was 1,785,971 (BPS Cilacap Regency, 2018), it appears that the ratio is 1: 134.6. This means that one ASN must serve 135 residents. This makes the position of ASN in this district increasingly strategic.

### **4.2 Divorce Phenomena among ASN Employees in Cilacap Regency Government in 2015-2017**

In Cilacap Regency, the problem of ASN divorce is handled by the Regional Agency for Civil Service,

Education and Training (BKPPD). The following are data on divorce cases within the Cilacap Regency over the 2015 to 2017 period.

Over the 2015 to 2017 period, there were 103 cases of divorce, which means that the yearly average is 34 cases. Each year the number of cases decreased from 45 cases in 2015 to 33 cases in 2016 and decreased again to 25 cases in 2017.

If seen from the parties who took the initiative to sue (referred to as the "Plaintiff or Petitioner" that could be either male or female employees), it appears that in the first two years the number of plaintiffs was slightly more than the defendants. It means that more divorce initiatives came from ASN in Cilacap Regency. Meanwhile, in the previous year, the case was more among the defendants. That is, the plaintiff's initiative came more from ASN couples where they are not domiciled in Cilacap Regency. The following table shows the details.

**Table 1. Number of Divorce Cases in 2015-2017 in Cilacap Regency**

Yr.	Kinds of Divorce						Monthly avg.
	Plaintiffs	%	Defendants	%	Total		
1	2015	24	53.33	21	46.67	45	3.75
2	2016	19	57.58	14	42.42	33	2.75
3	2017	12	48.00	13	52.00	25	2.08
	Total	55	53.40	48	46.60	103	34.33
	Yearly avg =					34.33	

Source: BKPPD Cilacap Regency, 2018

Every year the divorce case is dominated by female employees with differences ranging from 1-7 cases, most of whom are positioned as the Plaintiffs. The biggest difference occurred in 2015 (7 cases) and the least occurred in 2017 (1 case). The data is revealed in Table 2 below

**Table 2. Number of Divorces among ASN Employees by Gender in Cilacap Regency in 2015-2017**

Type of Gender	2015		2016		2017	
	Qty	%	Qty	%	Qty	%
Males	16	35.56	16	48.48	11	44.00
Females	29	64.44	17	51.52	14	56.00
Total	45	100	33	100	25	100

Source: BKPPD Cilacap Regency, 2018

During this period, most of the cases occurred in the Education Service Agency followed by the Health Office (including RSUD). The largest percentage of the Department of Education is 57.58 percent (19 cases) that occurred in 2016, while the largest in the Health & RSUD Office was 32 percent in 2017. The following table shows the details

Source: BKPPD Cilacap Regency, 2018

**Table 3. Institutions with the highest number of divorces in Cilacap Regency in 2015-2017**

Institutions	2015		2016		2017	
	Qty	% of total cases	Qty	% of total cases	Qty	% of total cases
Education, Youth and Sports Agency	22	48.89	19	57.58	10	40.00
Health Agency and RSUD	11	24.44	7	21.21	8	32.00

Every year, most of the ASN who are plaintiffs and defendants are those who are highly educated, namely undergraduate education (32-45.45 %). The second highest percentage varies between D2-D4 levels and high school. The following table shows the details.

**Table 4. Education Levels among ASN employees by Gender in Cilacap Regency in 2015-2017**

Education Levels	2015		2016		2017	
	Qty	%	Qty	%	Qty	%
High School	7	15.56	11	33.33	8	32.00
D2 - D4	13	28.89	4	12.12	8	32.00
S1	18	40.00	15	45.45	8	32.00
S2	7	15.56	3	9.09	1	4.00
Total	45	100	33	100	25	100

Source: BKPPD Cilacap Regency, 2018

Most of the ASN who manage the divorce (both as plaintiffs and defendants) have been married long (more than 10 years). Even the most percentage is more than 20 years. In general, they are from small

families having 4 children at the most. The marriage duration data is presented in Table 5 below.

**Table 5. Marriage Duration of Divorced Parties in Cilacap Regency in 2015-2017**

Marriage Duration (years)	2015		2016		2017	
	Qty	%	Qty	%	Qty	%
< 5	4	8.89	5	15.15	2	8.00
5 - <10	4	8.89	6	18.18	0	0.00
10 - <15	12	26.67	6	18.18	7	28.00
15 - <20	10	22.22	5	15.15	6	24.00
20+	15	33.33	11	33.33	10	40.00
Total	45	100	33	100	25	100

Source: BKPPD Cilacap Regency, 2018

There are 13 contributing factors that encourage ASN and their partners to apply for divorce. The most factor that always appears every year is the problem of conjugal communication between husband and wife. Other factors are infidelity and economy.

**Table 6. Factors Causing Divorce in Cilacap Regency 2015-2017**

Causing Factors	2015		2016		2017	
	Qty	%	Qty	%	Qty	%
1. communication	9	20.00	7	21.21	2	8.00
2. economy	5	11.11	5	15.15	0	0.00
3. domestic violence	1	2.22	0	0.00	0	0.00
4. infidelity	2	4.44	2	6.06	5	20.00
5. communication & domestic violence	8	17.78	0	0.00	0	0.00
6. communication & economy	2	4.44	9	27.27	14	56.00
7. age gap & economy	1	2.22	0	0.00	0	0.00
8. economy & infidelity	5	11.11	0	0.00	1	4.00
9. communication & infidelity	9	20.00	2	6.06	0	0.00
10. economy & infidelity	1	2.22	7	21.21	0	0.00
11. communication, economy & infidelity	0	0.00	1	3.03	0	0.00
12. economy & education level	0	0.00	0	0.00	1	4.00
13. communication, economy & infidelity	1	2.22	0	0.00	2	8.00
Total	44	98	33	100	23	92

Source: BKPPD Cilacap Regency, 2018

From the description of the divorce phenomenon described above, the number of divorce cases is declining year by year. This decline is positive considering the burden of ASN is still high where the ratio of the number of ASN and population is 1:135. The decline in divorce cases is expected to improve their performance as a number of studies (Murray, 2014; Falola, et al., 2016; Barry, 2009) have shown the negative impact of divorce on employee performance.

This divorce phenomenon among ASN is no different from the divorce case that occurred among the people in Cilacap Regency. In 2015 the number of cases was 5,950 and declined to 5,721 cases in 2016 (Puspita et al. 2018), then in 2017 the cases declined again to 5,559 cases (Syahrial, 2018).

Based on the gender, the divorce phenomenon among Cilacap Regency ASN is dominated by female employees and tends to occur in all agencies. Based on the percentage, it tends to decline from 64.44 percent in 2015 to 51.52 percent (2015) and 56.00 percent (2017). The females' domination in the

divorce cases is almost the same as the phenomenon of public divorce cases in general. The difference is that the percentage in the divorce phenomenon in the general public is always increasing. In 2015, the number was still 68.84 percent, but increased to 69.06 percent in 2016 (Puspita et al. 2018) and increased again to 69.62 percent in 2017 (Syahrial, 2018).

Most of them are long-married couples over 10 years. Even the highest percentage is for those having marriage duration of 20 years and over. This is different from the phenomenon of divorce among people who are mostly young couples. In 2016 for example, almost 60 percent of the 286 cases analyzed were those having ten years of marriage duration and below (Puspita, et al., 2018).

Most of the parties that deal with divorce within the Cilacap Regency (both as plaintiffs and defendants) are those from the Education Service Agency who mostly work as teachers. In this circle, most of them are female teachers. This finding further strengthens several previous findings such as in Solo (<https://m.jitunews.com>, 12 January, 2016), Gunungkidul (<https://daerah.sindonews.com>) and Pasuruan (<https://faktualnews.com>).

The phenomenon of divorce among teachers possibly occurred due to the teacher professional allowances they got starting around 2010 making a significant increase in their income as much as one time basic salary. On the other hand, there are quite a lot in number of spouses having low income or lower due to their temporary jobs or even because they are unemployed. This condition can be seen from the factors that caused the divorce for 3 years where economic factors is one of the factors that always emerged. The dominance of economic problems also occurred in divorce among the people in Cilacap Regency, in addition to the factor of disharmony (Puspita, et al., 2018; Syafrial, 2018).

Another factor that triggers divorce among employees in Cilacap Regency is the conjugal communication problem between husband and wife which also appears every year. This factor can appear either as the only causal factor or multiple factor side by side with other factors such as domestic violence, economy and infidelity. This needs attention from the relevant agencies to solve the problem.

## 5 CONCLUSION

From the description above it can be concluded that the profile of divorce cases among ASN over the 2015 to 2017 period is marked by the number of cases that occurred continuously over the period. Most of the

cases are dominated women (both as plaintiffs and defendants) from the Education Service Agency, especially the teachers. Most of them are highly educated (S1) and have been married for 20 years and above. In general, the causal factors are conjugal communication, economic problems and infidelity.

Based on the conclusions it is recommended to: (1) improve employee family resilience coaching especially among teachers and (2) examine more deeply the impact of divorce cases among ASN on their performance and on the indications of the influence of Government policies on divorce cases among ASN.

## ACKNOWLEDGEMENTS

This research has been carried out with financial support from the Director of Research and Community Service, Directorate General of Research and Development Strengthening, Ministry of Research, Technology and Higher Education of the Republic of Indonesia in 2019. For this support, we are very grateful.

We also thanks to the Institute for Research and Community Service (LPPM) University of Jenderal Soedirman which has facilitated the sustainability of this activity.

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