

## **(Ir)Rationality among Migrant Worker Families in Ponorogo: The Demolition of Joint Property after Divorce**

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### **ABSTRACT**

House demolition as a solution to joint property disputes appears to be an option for some Ponorogo migrant workers. In 2022, there were five cases of house demolitions in Ponorogo involving migrant families in Ponorogo. This study addresses three main issues: (1) the reasons why some migrant worker couples prefer to demolish joint-property houses; (2) how these reasons can be understood through Homans' theory of rational action; and (3) the socio-economic impacts of these actions. Data were collected through interviews and document analysis. This study argues that, first, the primary reason husbands and wives choose to demolish their house is due to feelings of disappointment and betrayal by their partners, coupled with fear that the house might later be used as a residence for their ex-partners and their new partners. Second, the act of demolishing the house is considered rational because the emotional harm caused by betrayal is perceived as equivalent to suffering an economic loss. Third, this demolition has socio-economic consequences for their children, who are unable to benefit from their parents' property.

[Pembongkaran rumah sebagai solusi atas sengketa harta bersama tampaknya menjadi salah satu pilihan yang ditempuh oleh sebagian pekerja migran asal Ponorogo. Pada tahun 2022, tercatat lima kasus pembongkaran rumah di Ponorogo yang melibatkan keluarga pekerja migran. Penelitian ini mengkaji tiga persoalan utama, yaitu: (1) alasan pasangan pekerja migran memilih membongkar rumah yang merupakan harta bersama; (2) bagaimana alasan tersebut dapat dipahami melalui teori tindakan rasional Homans; dan (3) dampak sosial-ekonomi yang ditimbulkan dari tindakan tersebut. Data penelitian diperoleh melalui wawancara dan analisis dokumen. Penelitian ini berargumen bahwa, pertama, alasan utama suami dan istri memilih membongkar rumah adalah karena adanya perasaan kekecewaan dan pengkhianatan oleh pasangan, disertai kekhawatiran bahwa rumah tersebut kelak akan digunakan sebagai tempat tinggal oleh mantan pasangan bersama pasangan barunya. Kedua, tindakan pembongkaran rumah dipandang sebagai tindakan rasional karena kerugian emosional akibat pengkhianatan dimaknai setara dengan kerugian ekonomi. Ketiga, pembongkaran tersebut menimbulkan konsekuensi sosial-ekonomi, terutama bagi anak-anak, yang pada akhirnya tidak dapat menikmati atau memanfaatkan harta yang telah diusahakan oleh kedua orang tuanya selama masa perkawinan.]

### **KEYWORDS**

Migrant workers, joint-property, rational action, divorce, children rights, Ponorogo

## ARTICLE HISTORY

Received: 11 August 2025

Approved for Publication: 31 December 2025

## TO CITE THIS ARTICLE

Shofwatul Aini, Niswatul Hidayati, "(Ir)Rationality among Migrant Worker Families in Ponorogo: The Demolition of Joint Property after Divorce" *Al-Ahwal: Jurnal Hukum Keluarga Islam* 18, no. 2 (2025): 275-290, <https://doi.org/10.14421/ahwal.2025.18206>.



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## Introduction

According to the Directorate General of the Islamic Courts (Badilag) of Supreme Court, there was a significant increase in divorce rates in Indonesia after the 1998 reformation. Disharmony and domestic violence are some of the factors that cause divorce, which are mostly filed by women or wives with a divorce lawsuit mechanism. This increase in divorces occurred again during the Covid-19 pandemic in 2020–2021.<sup>1</sup> As for Ponorogo, East Java, in 2021, the Ponorogo Islamic Court received 1,990 divorce cases: 540 divorce cases by divorce and 1,450 by lawsuit, with women making up the majority of the divorce petitions. This figure represents an increase compared to 2020, when 1,910 cases were decided: 498 divorce cases by divorce and 1,412 by lawsuit. According to Sukahatta, Public Relations Officer for the Ponorogo Islamic Court, the largest contributor to these divorce cases is Indonesian migrant workers (PMI) working in Taiwan, Hong Kong, and South Korea.<sup>2</sup>

These divorce cases sometimes lead to disputes and conflicts over the ownership of the joint property. In Ponorogo, there have been disputes and conflicts on the ownership of the joint property, five of which were overcome by demolishing the joint-property houses. This phenomenon is known to have occurred since early 2020 until entering the pandemic era.<sup>3</sup> It is this phenomenon that will become the focus of this current study. Many studies, as will be pointed below, have been carried upon joint property disputes, yet none of the studies are directed upon the settlement of joint property disputes after divorce by demolishing the joint-property house.

<sup>1</sup> Aris Tristanto, "PERCERAIAN DI MASA PANDEMI COVID-19 DALAM PERSPEKTIF ILMU SOSIAL," *Sosio Informa* 6, no. 3 (2020): 3.

<sup>2</sup> Charolin Pebrianti, "Selama 2021 Kasus Perceraian di Ponorogo Didominasi TKW," *detikjatim*, accessed October 17, 2025, <https://www.detik.com/jatim/berita/d-5897390/selama-2021-kasus-perceraian-di-ponorogo-didominasi-tkw>.

<sup>3</sup> "Banyaknya Perceraian TKW Asal Ponorogo Yang Berujung Pembongkaran Rumah," accessed May 7, 2025, <https://www.detik.com/jatim/berita/d-5947599/banyaknya-perceraian-tkw-asal-ponorogo-yang-berujung-pembongkaran-rumah>.

A study by Mahdianur entitled shows that the division of joint property based on Article 97 of the Compilation of Islamic Law (KHI) is considered unfair, because the division is that each husband and wife receive half of the joint property. According to this study, a fair division in joint property disputes in Islamic Courts should be carried out on a case-by-case basis. Therefore, the resolution of joint property disputes must be based on contribution and consider the public interest.<sup>4</sup> While Mahdianur's study analyzes the problem of joint property disputes using KHI, and the resolution carried out in court, this current article will be directed upon the issue of resolving the joint property dispute in Ponorogo by demolishing their house in non-litigation manner, without going through the court process.

Another study, made by Kusmayanti, shows that the division of joint property after divorce in Central Aceh Regency is usually carried out through deliberation of the *sarak opat* traditional institution. This division is carried out by considering two factors: who will care for the children and how much income each party has. At first glance, these considerations appear inconsistent with the provisions of Indonesian marriage law and the KHI. However, these considerations do not completely contradict Islamic law or customary law, as both laws contain specific provisions regarding the percentage distribution of joint property after divorce.<sup>5</sup> In this regard, while Kusmayanti's research discusses the problem of joint property disputes using customary law and the resolution is carried out outside the court, yet her study does not touch upon the settlement of joint property by demolishing the house.

A study conducted by Sabil regarding the division of joint property between husband and wife in Aceh by Islamic scholars shows that there are moderate elements in it. This can be seen from the fact that Acehese ulema can accommodate the *hareuta sihareukat* custom, which is caused by the moderation of the dimension of women's property ownership rights with family support.<sup>6</sup> This research emphasizes the division of joint assets equally between husband and wife based on the *hareuta sihareukat* custom. Meanwhile, the research carried out emphasizes resolving joint property disputes by demolishing the house based on mutual agreement between husband and wife

Research by Mujiburrohman examines the division of land rights in mixed marriages. According to Indonesian Marriage Law, husband and wife have the right to receive equal shares in the event of a divorce. But in mixed marriages, this does

<sup>4</sup> Mahdianur et al., "Settlement of Joint Property Disputes Resulting from Divorce in the Religious Courts," *Journal of Law, Policy and Globalization* 141, no. 0 (2024): 1, <https://iiste.org/Journals/index.php/JLPG/article/view/62336>.

<sup>5</sup> Hazar Kusmayanti et al., "THE SETTLEMENT OF DISPUTES REGARDING DIVISION OF JOINT PROPERTY AFTER A DIVORCE IN THE CENTRAL ACEH REGENCY," *Jurnal Ilmiah Islam Futura* 21, no. 2 (2021): 2.

<sup>6</sup> Jabbar Sabil et al., "Fiqh Reform in the Sultanate of Aceh Darussalam: Is It Modernism or Moderatism? A Study of the Hareuta Sihareukat Custom," *Jurnal Ilmiah Peuradeun* 13, no. 1 (2025): 569-98. Compare with the joint-asset in Minangkabau, see Farida Arianti et al., "Minangkabau Tribal Asset Management in Amlak Shirkah for Migrant Tribe Members from in the Perspective Fiqh Muamalah," *Al-Mazaahib: Jurnal Perbandingan Hukum* 13, no. 1 (2025): 78-97; Illy Yanti, "Negotiating Shari'ah and Customary Law: Pluralism in Familial Relationships among the Suku Anak Dalam in Jambi," *J. Islamic L.* 6 (2025): 177.

not apply unless there is an agreement between the husband and wife.<sup>7</sup> Another study, conducted by Zahra, examines the provisions of the Civil Code, which divide joint property equally between husband and wife, unless there are specific reasons that influence the division, and Marriage Law, where the division of joint property refers to the laws applicable to both parties, including customary law, religious law, and other regulations. In practice, there are still inconsistencies in its application in court. This inconsistency occurs due to differences in the interpretation of judges and the legal systems adopted by each party. Therefore, this study recommends harmony between the provisions of the Civil Code and the Marriage Law to create legal certainty. In addition, this study recommends that marriage agreement is very useful in resolving joint property disputes.<sup>8</sup> In this light, while Zahra's study discusses the problem of joint property disputes and analyzes them using Civil Code and Marriage Law, and recommend marriage agreement as a very useful document in resolving joint property disputes, her study does not cope with the demolition of house as the agreement, which become the lens focus of this current study.

Another research by Salmawati entitled discusses the same topic. In her study, she found that dispute resolution carried out by judges is not only limited to the law, but must also consider a sense of justice. So that judges do not have to divide joint property equally but rather on the principles of balance, equality, non-discrimination and granting rights to parties that are considered fair.<sup>9</sup> Salmawati's study also discusses the problem of joint property disputes resolved in court. Finally, research on divorce of migrant workers in Kediri has been conducted by Anam, focusing on reasons of migrant workers who file for divorce.<sup>10</sup> While Anam's study discusses the reasons why migrant workers in Kediri file for divorce through the Islamic Court, this current study will explore the settlement of disputes over the joint property outside of the Islamic Court.

All of the above existing researches focus on the division of joint property, without directing the lens of study toward the settlement of joint property disputes through demolition of the joint-property house—which will become the focus of this article. This study is descriptive, explaining phenomena or characteristics of individuals, situations or certain groups qualitatively.<sup>11</sup> This study uses a sociological approach, referring to Homans' theory of rational choice, to obtain a clear picture of the settlement of joint property disputes in migrant worker families in Ponorogo by demolition of houses. This study conducted during the period of 2020-2022. Three questions explored in this study are first, why

<sup>7</sup> Dian Aries Mujiburohman et al., "The Issues of Land Tenure in Mixed Marriage," *Jurnal Ilmiah Peuradeun* 11, no. 1 (2023): 19–38.

<sup>8</sup> Andi Indah Zahra Murdiani Anas et al., "Legal Analysis of Division of Joint Property in Divorce Based on the Civil Code," *Qawanin Jurnal Ilmu Hukum* 6, no. 1 (2025): 1.

<sup>9</sup> Salma Wati et al., "Penyelesaian Sengketa Harta Bersama: Analisis Perkara Nomor: 283/Pdt.G/2017/PA.Mtr Dan Nomor: 59/Pdt.G/2023/PTA.Mtr," *Zaaken: Journal of Civil and Business Law*, ahead of print, 2024.

<sup>10</sup> Khoirul Anam Anam et al., "Reasons for Divorce Claims of Female Migrant Workers at the Religious Courts of Ex-Kediri Residency," *Indonesian Journal of Interdisciplinary Islamic Studies (IJIS)*, October 18, 2023, 71–84.

<sup>11</sup> B Sandjaja and Albertus Heriyanto, *Panduan Penelitian* (Prestasi Pustaka, 2006), 76.

some migrant worker couples in Ponorogo prefer to demolish their joint-property houses, after divorce; second, how these reasons are viewed from Homan's perspective; and third what are the socio-economic impacts of the demolition of that joint-property house?

To deal with these questions, this article starts with the root of the emergence of the joint-property dispute, followed by depicting the further detailed phenomenon of disputes and settlement of joint property in Ponorogo migrant worker families, and then placing this phenomenon in the perspective of Homans' perspective. This study cope as well with socio-economic impact of the phenomenon of settlement joint-property by demolishing the house of Ponorogo migrant worker families.

### **General Overview of Joint Property: Legal Rules**

Joint property is property owned by a person through marriage, and it creates rights and obligations between husband and wife. After marriage, the assets of the husband and wife are combined.<sup>12</sup> The definition of joint property according to Law Number 16 of 2019 Article 35 is property acquired during the marriage. When a divorce occurs between husband and wife, the property acquired by each party will be inherited under their respective control as long as the parties do not determine otherwise. Meanwhile, according to the Civil Code (KUHP), joint property is property acquired by husband and wife during their marriage.<sup>13</sup>

In Islamic law, the cooperation of husband and wife to collect wealth for the benefit of the family can be analogous to *syirkah* in trade. Some argue that joint property is considered as *syirkah amlak* due to several similarities. These similarities include the partnership form, which does not require a contract, the division of assets equally, and the absence of capital in the combined assets to be divided.<sup>14</sup> Another opinion says that joint property is *syirkah abdan* (sharing of power). With the occurrence of marriage, the wife shares the husband's ally in sailing the ark of household life. This cooperation between husband and wife is based on trust and mutual understanding between the two. Imam Syafi'i forbade *syirkah abdan*, because the cooperation only applies to wealth, not to power which cannot be known for sure, unlike capital wealth which can be known for sure. So that power sharing is considered fraud.<sup>15</sup>

Imam Syafii rejected the partnership for several reasons. The first is the lack of assets or capital owned by the parties involved. The second is the element of *gharar* (uncertainty), which concerns whether the partner or party involved in the partnership will perform the work. The third is the difference in the amount of

<sup>12</sup> Fajarwati, "PENGALIHAN HARTA GONO GINI OLEH SATU PIHAK (PERSPEKTIF HUKUM ISLAM)," *Jurnal Tahqiqat: Jurnal Pemikiran Hukum Islam* 19, no. 1 (2025): 1.

<sup>13</sup> Nely Melinda and Sakirman, "Pemahaman Masyarakat Tentang Harta Bersama Perspektif Hukum Positif Indonesia," *Syakhshiyah Jurnal Hukum Keluarga Islam* 3, no. 2 (2023): 2.

<sup>14</sup> Liky Faizal, "HARTA BERSAMA DALAM PERKAWINAN," *Ijtima'iyya: Jurnal Pengembangan Masyarakat Islam* 8, no. 2 (2015): 77-102.

<sup>15</sup> Ismuha, *Pencaharian Bersama Suami Istri Di Indonesia* (Bulan Bintang, 1978), 75-78.

labor and benefits provided.<sup>16</sup> Meanwhile, scholars of the Hanafi school of thought view *syirkah abdan* as valid, without the condition that the work is only of one type, all members must participate in the work and each member's share must be the same.<sup>17</sup> If Imam Shafi'i considers the sharing of power in *shirkah abdan* as fraud, then the opinion of the scholars of the Hanafi school of thought is different. That basically *syirkah* between husband and wife is not intended for fraud, although in other *syirkah abdan* there may still be a possibility of fraud.

Based on the opinion of Imam Syafi'i and the scholars of the Hanafi school of thought above, this study tends to the opinion of Imam Syafi'i, especially in the context of resolving the joint property dispute of an Indonesian migrant families from Ponorogo, on the grounds that one of the partners betrayed the partnership or cooperation by having a relationship with someone else or having an affair. This means that Imam Syafi'i's concerns about the possibility of fraud in the *syirkah abdan* were true. In fact, the *syirkah* between husband and wife should be different from other *syirkah* that usually occur in society. Their partnership or cooperation is deeper than ordinary partnership because their partnership is not only about material things, but also about souls and descendants. Each party, husband and wife, should always try to meet the needs of the family, in addition to that also as savings in old age or for inheritance for their children together. Therefore, even if the results of their efforts are separated, they will certainly return to their children as well.

However, this did not happen in the case of resolving joint property disputes after the divorce of migrant families in Ponorogo. Therefore, according to this study, in the context of migrant families, it is very necessary to make a marriage agreement, especially regarding the position and management of marital property. Awareness of making a marriage agreement is still low in society, because there is an assumption and belief that they will live together forever. The agreement will be very useful if unexpected things happen in their household relationship.<sup>18</sup> Especially the property will be very much needed for the future of their children.<sup>19</sup>

Meanwhile, in the perspective of positive law, according to Article 128 of the Civil Code, it states that after a divorce, the joint property of a husband and wife is divided into two equal parts, each for the husband and wife or for their respective heirs, regardless of which party the property was obtained from.<sup>20</sup> This is in line with the Compilation of Islamic Law (KHI). Article 85 of the KHI explicitly recognizes that the existence of joint marital property does not exclude the possibility of individual ownership of separate property by either the husband or the wife. Additionally, Article 97 of the KHI mandates that, following divorce, each

<sup>16</sup> Dedisyah Putra, "KEDUDUKAN SYIRKAH ABDAN PERSPEKTIF MAZHAB SYAFI'I," *Yurisprudencia: Jurnal Hukum Ekonomi* 9, no. 1 (2023): 1.

<sup>17</sup> Ismuha, *Pencapaian Bersama Suami Istri Di Indonesia*, 75–78.

<sup>18</sup> Abdul Muthalib Rimi, "The Position of Premarital Property and Joint Property after Divorce: A Study of Premarital Agreement," *SIGN Jurnal Hukum* 4, no. 2 (2022): 2.

<sup>19</sup> Kresna Ayung Begawan and I. Ketut Kasta Arya Wijaya, "Marriage Agreement As Legal Protection For Both Parties in Marriage," *Pemuliaan Keadilan* 2, no. 2 (2025): 01–09.

<sup>20</sup> Carissa Patricia Hong et al., "Juridical Analysis of the Distribution of Joint Assets in Divorce According to Indonesian Positive Law," *International Journal of Religion Education and Law* 2, no. 2 (2023): 2.

spouse (the widow or widower) is entitled to one-half of the joint property, except where a marriage agreement specifies otherwise. This provision embodies the principles of distributive justice and equality of rights between spouses concerning property acquired during the marriage, irrespective of which party was the formal income earner.

In judicial practice, the implementation of these provisions often necessitates contextual interpretation. In this regard, the Supreme Court of the Republic of Indonesia plays a pivotal role through the issuance of Supreme Court Circular Letters (SEMA). The circulars provide judicial guidance, encouraging judges to consider factors such as the parties' actual contributions, good faith, and their specific circumstances following divorce. As a result, the division of joint property is not invariably applied in a strict 50:50 ratio; rather, it may incorporate considerations of substantive justice.

Furthermore, in instances involving injustice or breaches of marital obligations, judges may adopt a progressive interpretative approach, provided that such an approach remains anchored in the KHI and the relevant procedural legal principles. This illustrates that the legal framework governing joint marital property in Indonesia is both normative and adaptable, granting judges the discretion to reconcile legal certainty with equitable outcomes. This is reflected in SEMA number 1 of 2022. It stipulates that the division of joint marital property (*gono-gini*) could be done after the children reached adulthood. If there is a house serving as the only child's residence, the execution of the property division may be postponed until the child reaches the age of 21 or marries, pursuant in order to ensure the best interests of the child.<sup>21</sup>

The settlement of joint property disputes according to civil law due to divorce due to disputes between husband and wife is based on whether or not there is a marriage agreement between husband and wife. If there is no marriage agreement between the husband and wife, then the settlement of joint property disputes is carried out by dividing the joint property into two parts, each for the husband and wife or for their respective heirs. Yet, if the husband and wife make a marriage agreement regarding the position and management of joint property before their marriage, then the settlement of joint property is based on the agreement they have made.<sup>22</sup> However, for the case of Ponorogo migrant worker families, the settlement of joint property was not based on these alternatives, but was on the agreement after divorce, that is, by demolishing the joint-property house.

<sup>21</sup> Azhar Nur Fajar Alam, "Kaidah Hukum: Aspek Kepentingan Terbaik Anak Dalam Sengketa," *Kaidah Hukum: Aspek Kepentingan Terbaik Anak Dalam Sengketa*, accessed December 18, 2025, <https://marinews.mahkamahagung.go.id/artikel/kaidah-hukum-aspek-kepentingan-terbaik-anak-dalam-sengketa-01i>.

<sup>22</sup> Habib Rasyidi Daulay et al., "Reform of The Law on The Division of Joint Property Divorce," *Jurnal Indonesia Sosial Sains* 5, no. 02 (2024): 202–11.

## Case by Case

The reasons for filing for divorce filed by migrant workers from Ponorogo, based on the results of the study as conveyed by Muawwanah in her research report in 2019, included the husband committing adultery, the husband leaving the wife for 2 (two) consecutive years without permission and without valid reasons, and disharmony.<sup>23</sup> Among these divorce cases, especially those that occur in Indonesian migrant worker families in Ponorogo, five cases were found where demolishing joint-property house was taken to resolve joint property.

**Table 5.** Divorce cases that ended in the house being destroyed

Name	Family's condition	Case number/ location	Reason
<b>H and L</b>	Marriage age 5 years, 2 children	1125/Pdt.G/2019/PA.PO Tanggal 29 Juli 2019 <sup>24</sup>  Pengkol, Kauman Ponorogo	The husband was disappointed with his wife because he was caught cheating while her husband was working as a migrant worker in Korea.
<b>S and S</b>	Age of marriage 15 years, 1 child	1903/Pdt.G/2020/PA.Po <sup>25</sup>  Krebet, Jambon, Ponorogo	The wife was disappointed with her husband because he was caught cheating while his wife was working as a migrant worker in Taiwan.
<b>A and A</b>	2 children	862/Pdt.G/2021/PA.Po <sup>26</sup>  Carangrejo, Sampung, Ponorogo	The husband did not accept being sued for divorce by his wife, who is a migrant worker in Hong Kong.
<b>P and S</b>	1 child	1659/Pdt.G/2019/PA.PO <sup>27</sup>  Kedung banteng, Sukorejo, Ponorogo	The wife was disappointed with her husband because she caught him cheating with another woman.
<b>P and S</b>	1 child	1758/Pdt.G/2021/PA.Po  Kedung banteng, Sukorejo, Ponorogo	The wife was disappointed with her husband because he was caught cheating while his wife was working out of town.

The demolition of a house that occurred in Pengkol Village, Kauman District, Ponorogo in 2020, due to a divorce between residents with the initials H (husband) and L (wife). Before being demolished, the house had been offered for

<sup>23</sup> Rohana Muawwanah, "Realitas Gugat Cerai TKW (Asia Timur) di Kabupaten Ponorogo: Sebuah Tinjauan Hukum Islam," *Edugama: Jurnal Kependidikan dan Sosial Keagamaan* 5, no. 2 (2019): 167–70, <https://doi.org/10.32923/edugama.v5i2.975>.

<sup>24</sup> "Direktori Putusan," accessed February 17, 2025, <https://putusan3.mahkamahagung.go.id/direktori/putusan/d5728890fad719242059520b20b0ddf2.html>.

<sup>25</sup> "Direktori Putusan," accessed February 17, 2025, <https://putusan3.mahkamahagung.go.id/direktori/putusan/zaeb49c414c7633ec0fc313735333237.html>.

<sup>26</sup> "Direktori Putusan," accessed February 17, 2025, <https://putusan3.mahkamahagung.go.id/direktori/putusan/zaebc783eb25377a8bbb313833313336.html>.

<sup>27</sup> "Direktori Putusan," accessed February 17, 2025, <https://putusan3.mahkamahagung.go.id/direktori/putusan/f3f00283b8cd35f41a80d35a748a1646.html>.

sale but had not sold. The 89 square meter house was built on the land of the woman's sister. so that on March 7, 2020 the house was demolished by workers on the orders of the man (H). They agreed to demolish the house to erase the memories. The reason was that the wife had an affair with a man while her husband was working in South Korea. This was despite the fact that they had two grown children during their 15-year marriage. As part of their marital property, the wife had previously intended to buy the house for half the price and give the proceeds to their two children, but the husband insisted on demolishing the house.

House demolition that occurred in Krebbe Village, Jambon District, Ponorogo, in the case of divorce between S (husband) and S (wife) who have one child: on March 14, 2020, a wife with the initials S, demolished her house, due to a divorce that occurred with her husband (S). The divorce factor that occurred was due to an affair from the man while the wife was working as a migrant worker abroad. The house that was demolished was the result of the wife's hard work working as a migrant worker. Mediation efforts have been carried out by the Village official several times but have not found a common ground so that the couple who have been married for 15 years agreed to demolish the house or they call it moving the house, namely by moving the roof and door frames to be moved to the wife's home village, Tanjung Gunung Village.<sup>28</sup>

Demolition of wooden construction or house in Carangrejo Village, Sampung, Ponorogo by husband (A) and wife (A), who have two children, on June 23, 2021. The husband did not accept the divorce suit from the wife who had just returned from Hong Kong as a female migrant worker. The demolition of the house was carried out to take some wooden materials, such as door frames, windows, doors and roof wood because the wood came from the parents of the male party. While the house building remains the property of the wife, the demolition was carried out by agreement of both parties even after mediation from the village government. In this case, the husband, especially the husband's parents, wanted to bring home the wooden materials used in the construction of the house.<sup>29</sup> Demolition of the house of a former married couple, namely husband (P) and wife (S), who have one child. They agreed to demolish the house worth 300 million which stands in Kedungbanteng Village, Sukorejo District, Ponorogo. The demolition took place in February 2022.<sup>30</sup>

The demolition of a house that was eventually razed to the ground occurred to the couple the husband (P) and the wife (S), who have one child, in Kedungbanteng Village, Sukorejo District, Ponorogo. The demolition took place by

<sup>28</sup> Kompas Cyber Media, "Suami Ketahuan Selingkuh, Pasutri Sepakat Robohkan Rumah yang Dibangun Istri Selama Jadi TKW," KOMPAS.com, March 14, 2020, <https://regional.kompas.com/read/2020/03/14/17403011/suami-ketahuan-selingkuh-pasutri-sepakat-robohkan-rumah-yang-dibangun-istri>.

<sup>29</sup> "Sosok Pria Ponorogo yang Preteli Rumahnya karena Mendadak Dicerai Istri yang Baru Pulang Jadi TKW," Surya.co.id, accessed May 12, 2025, <https://surabaya.tribunnews.com/2021/06/24/sosok-pria-ponorogo-yang-preteli-rumahnya-karena-mendadak-dicerai-istri-yang-baru-pulang-jadi-tkw>.

<sup>30</sup> Charolin Pebrianti, "5 Perceraian di Ponorogo yang Berujung Pembongkaran Rumah," detikjatim, accessed February 17, 2025, <https://www.detik.com/jatim/berita/d-5946626/5-perceraian-di-ponorogo-yang-berujung-pembongkaran-rumah>.

agreement of both parties. The wife demolished the house because she was heartbroken after being divorced by her husband (P), who was suspected of having another woman (cheating). The demolished house was a permanent structure approximately 7 m<sup>2</sup>. Although the land was known to have been inherited from her husband, the house was built using funds from her, estimated at hundreds of millions of rupiah. Although the Village Government has conducted mediation, the woman insists on demolishing the house.<sup>31</sup>

### **Reason of Disputes: Between Emotional Loss and Rational Choice**

From the data obtained, most of the driving factors for the demolition of the joint-property houses are heartache or disappointment due to infidelity from their partners. This cannot be separated from the fact that they are in an economically productive age, so they think that property can still be sought again, especially for these migrant workers. According to Homans, in the perspective of rational action theory or rational choice, it is not always based on conscious choices and strategic calculations. The main focus of Homans' theory is on social relations, which are conceptualized as exchange or transaction relations. Those who experience losses in interaction will withdraw and will turn to more profitable types of actions.<sup>32</sup> The profits that are sought to be secured in society are not limited to financial/economic ones. Through social interaction, they may be able to gain love, recognition, loyalty, political support, or knowledge as well as financial rewards. Similarly, they may experience violence, abuse, loss of time, fatigue, anxiety, hatred as well as financial losses. The totality of the profits secured in a relationship therefore involves a complex calculation of various types of rewards and costs.<sup>33</sup>

Regarding love, loyalty, support, or things related to one's emotions and consciousness, in the perspective of Homans' rational action or choice are the same as money. So, love, loyalty, and support are the same as economic commodities. Profit or loss in terms of emotions, such as love and loyalty are equivalent to profit and loss in terms of economics. So, the choice to agree to demolish the house, especially for the party who was cheated on, is a rational action according to Homans' perspective, because they have experienced losses in terms of love, loyalty, and recognition from their partner, so that the act of demolishing the house is carried out so that the party who was cheated on does not experience a major loss, because they do not want the house to be occupied by their ex-husband/wife with their new partner.

### **Broader Consequences of Post-Divorce Property Demolition**

In general, there are four dimensions of children's basic needs that must be met in their growth and development process. First, the physical dimension, namely the

<sup>31</sup> "Akibat Orang Ketiga, Istri di Ponorogo Hancurkan Rumah Seharga Ratusan Juta," *Jatimnet.com*, accessed February 17, 2025, <https://jatimnet.com/akibat-orang-ketiga-istri-di-ponorogo-hancurkan-rumah-seharga-ratusan-juta>.

<sup>32</sup> John Scott and terj. Ahmad Lintang Lazuardi, *Teori Sosial: Masalah-Masalah Pokok Dalam Sosiologi* (Pustaka Pelajar, 2012), 243–44.

<sup>33</sup> John Scott and terj. Ahmad Lintang Lazuardi, *Teori Sosial: Masalah-Masalah Pokok Dalam Sosiologi*.

needs of children that must be met in their growth and development which include adequate nutritional intake, getting care for personal hygiene and clothing, health, cleanliness and adequate home sanitation. Second, the cognitive dimension, namely attention to their education, where children are not allowed to skip school, get attention in terms of learning activities, get stimulation for the development of logical thinking. Third, the emotional dimension, namely the fulfillment of children's needs related to attention intake, getting affection and support. Fourth, the supervision dimension, namely related to the fulfillment of children's basic needs that must be met, namely children get supervision in terms of children's relationships and activities.<sup>34</sup>

The impact of divorce is also very complex for both men and women who have divorced. Women who do not work will experience financial difficulties, sometimes they also have to support their children if custody falls into the hands of women. Generally, many divorced men do not provide for their children, so women are responsible for meeting the needs of their children.<sup>35</sup> As for the data results relating to the impact on children, there are two forms of post-divorce parenting for their parents. First, the child goes with one of the grandparents of one of his parents. As happened to the L (wife) and H (husband) family, which happened in Pengkol village, Kauman District.<sup>36</sup> Second, the child follows the mother, because the man who was caught cheating and the man's family wanted to demolish his house, so the wife and child had to leave the house. While it is known that the house is the result of the hard work of the husband and wife, but it was built on the man's land. As experienced by the couple P (man) and S (woman) from Kedungbanteng village, Sukorejo District.<sup>37</sup> The above phenomenon shows that children are the ones most impacted by divorce and disputes over marital property. The reality is that children, growing and developing, need a parental figure, affection, and funds for their education and living expenses, which is often overlooked.<sup>38</sup>

The social impact of the settlement of property disputes by demolishing the house as stated above has a broad influence, including in the social sphere. In Ponorogo itself, the pattern of resolving divorce conflicts by demolishing houses as marital property began to occur in early 2020 along with the emergence of Covid-19. From the researcher's investigation in previous years, this had never happened before. The change and shift in this pattern could be due to contact with other cultures, especially due to the speed and massiveness of information that can be accessed by the public, which is called the era of disruption.<sup>39</sup>

<sup>34</sup> H. R. Abdussalam, *Hukum Perlindungan Anak*, Cet. 3 (Restu Agung, 2007), 1, <https://cir.nii.ac.jp/crid/1130282269591438464>.

<sup>35</sup> Marisa Kurnianingsih et al., "Legal Protection of Women's Rights after Divorce," *International Journal of Advanced Multidisciplinary Research and Studies* 4, no. 6 (2024): 716–20.

<sup>36</sup> Sunoto, interview with village official, September 10, 2023

<sup>37</sup> Siswoyo, interview with village official, August 25, 2023

<sup>38</sup> Rina Nur Azizah, "DAMPAK PERCERAIAN ORANG TUA TERHADAP PERKEMBANGANPSIKOLOGIS ANAK," *Al-Ibrah: Jurnal Pendidikan Dan Keilmuan Islam* 2, no. 2 (2017): 2, <https://ejournal.stital.ac.id/index.php/alibrah/article/view/34>.

<sup>39</sup> The era of disruption occurs due to the development of communication technology, the emergence of the millennial generation, the need for exponential mindsets, corporate mindsets, disruptive business

In the era of disruption, one aspect of which is the internet of things, a concept that is connected to devices as a fast-paced internet-based communication media, social changes that occur in a particular area will be quickly accessed by people outside the area.<sup>40</sup> It is proven that this method of resolving post-divorce property disputes in 2023 was imitated by divorce couples in the Kediri Regency area, where previously there had never been a Kediri Regency community that had carried out this method of resolving marital property disputes like that.<sup>41</sup> Theoretically, in social change, society tends to tolerate deviant actions or behaviors, which are not crimes or actions that are contrary to the law that are detrimental or dangerous to others.<sup>42</sup> This means that psychological disorganization is currently occurring in society and is at a stage of social maladjustment which may result in anomie. Because the way of resolving marital property disputes that are occurring is a form and element that is contrary to the norms and values that exist in society, and of course has an impact on the community.

### **Concluding Remarks**

Based on the problem formulation, description, and discussion that have been presented in the previous sections, the following conclusions can be put forward. *First*, the settlement of a joint property dispute in migrant worker's families in Ponorogo by demolishing their house represents an act of anomie in social change. The dispute was resolved out of court, and mediation by village officials and even involving the police to help find a proper solution and resolution failed. The husband and wife then agreed to destroy or demolish the house as a method deemed most satisfactory to both parties. This destructive approach stemmed from feelings of disappointment and betrayal and fear that the house, as shared property, would later be used as a place to live with the person they were having an affair with. *Second*, the act of demolishing a house as a settlement of a joint property dispute is carried out because there is a disadvantaged party, namely the betrayed husband or wife. From this action, matters of love, loyalty, support, or matters related to a person's emotions and consciousness, from Homans' perspective of rational action or choice, are equivalent to money. Therefore, love, loyalty, and support are the same as economic commodities. Gains or losses in emotional terms, such as love and loyalty, are equivalent to gains and losses in

models, and the era of the internet of things. The elements of disruption generally include socio-demographic aspects or social mobility, social organizational structures or community institutions, socio-political, and psychocultural, see I. Wayan Lasmawan, "ERA DISRUPSI DAN IMPLIKASINYA BAGI REPOSISI MAKNA DAN PRAKTEK PENDIDIKAN (KAJI PETIK DALAM PERSPEKTIF ELEKTIK SOSIAL ANALISIS)," *Jurnal Media Komunikasi Pendidikan Pancasila Dan Kewarganegaraan* 1, no. 1 (2019): 54, 1.

<sup>40</sup> Somayya Madakam et al., "Internet of Things (IoT): A Literature Review," *Journal of Computer and Communications* 3, no. 5 (2015): 5.

<sup>41</sup> "Mantan Pasutri Di Kediri Robohkan Rumah Gono Gini Senilai Rp 200 Juta," accessed May 13, 2025, <https://www.detik.com/jatim/berita/d-6829735/mantan-pasutri-di-kediri-robohkan-rumah-gono-gini-senilai-rp-200-juta>.

<sup>42</sup> Soerjono Soekanto, *Sosiologi Suatu Pengantar*, 47th ed. (PT. Raja Grafindo Persada, 2015), 283.

economic terms. So, the choice to agree to demolish the house, especially for the party who was cheated on, is a rational action according to Homans' perspective.

The action of demolishing the house is carried out so that the party who was cheated on does not experience a big loss, because they do not want the house to be occupied by their ex-husband/wife with their new partner. Third, the socio-economic impacts caused by the demolition of a house as a settlement of a joint property dispute, including the impact on children: in addition to no longer feeling the full love of their parents, children also cannot benefit from the property, either for daily living needs or for their education costs; and the social impact: that the method or pattern of settling husband and wife property after divorce is imitated by people with the same problems, especially in the era of disruption and digital where news spreads so quickly and is easily accessible to the public. This is evidenced by the settlement of disputes with divorce cases in Kediri in 2023, which also imitated and used the same method, namely demolishing the house in resolving post-divorce property disputes, where this method or pattern has never happened before in the Kediri area.

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