



ACCESS TO JUSTICE AND WIVES' DECISIONS TO CLAIM JOINT PROPERTY AFTER DIVORCE

Taufiq, Suwito, Mujito
Universitas Sunan Giri Surabaya
correspondence: dr.suwito@gmail.com

Abstract

This paper examines why wives seldom file joint property claims after divorce through a qualitative doctrinal synthesis in family law. The discussion maps concept level drivers that shape post divorce choices, including legal literacy, perceived procedural fairness, and resource constraints. It explains how documentation asymmetry, asset registration patterns, and limited access to financial information weaken confidence in proof and expected outcomes. The paper also discusses how time burdens, childcare duties, and short term income needs raise the perceived cost of court proceedings. Social pressures such as stigma, expectations of self sacrifice, and concerns about co parenting relations may discourage formal disputes. Safety concerns and fear of retaliation can further reduce willingness to pursue claims, even when entitlement is acknowledged. Informal settlements are described as a common substitute that may offer speed and social peace while leaving fairness uncertain. The synthesis proposes an integrated conceptual map linking information access, support networks, psychological readiness, and normative expectations to the decision not to litigate. It concludes that low claim rates reflect intertwined mechanisms that narrow practical access to rights, and it highlights the need for clearer legal information and supportive pathways for vulnerable parties.

Keywords: joint property, divorce, wives, litigation choice, proof, stigma, access to justice.

Introduction

Divorce as a legal event terminates a marital bond, but it does not immediately end all civil relationships formed during the marriage. In a household, the accumulation of assets can be formed through work, business, and financial management conducted together or through contributions of different forms. Joint property (*harta bersama*) is often understood as the result of marital cooperation that demands fair division when the marriage ends (Putri & Pratama, 2023). Nevertheless, after a divorce decree, the settlement regarding joint property is often not a top priority for the parties involved. Attention is often diverted to restoring daily life, childcare, and organizing living arrangements and income. In such a period of change, the step of claiming rights through judicial mechanisms requires mental readiness, information, and administrative capacity. Wives, as the party who in many situations bears the burden of family recovery, may face more urgent practical needs than the need for asset settlement. As a result, the right to joint property, which is normatively available, may remain unpursued in the form of a lawsuit. These dynamics in family law also intersect with various developments in regulations and legal practices in society that are becoming increasingly complex (Aliyah et al., 2023).

The relationship between legal norms and the practice of seeking justice often reveals a gap. Norms provide rights and procedures, while practice is influenced by knowledge, beliefs, and public experience with judicial institutions. In joint property cases, the evidentiary process requires an understanding of the origin of asset acquisition, the time of acquisition, the form of ownership, and the relationship between the assets and the marriage (Rouf et al., 2023). For some parties, especially wives who do not hold ownership documents or are not directly involved in formal transactions, proving ownership can be perceived as a complicated matter. This perception of complexity can lead to delays, or even avoidance, even if the wife fundamentally believes she is entitled to a share. Furthermore, emotional relationships after a divorce can affect the courage to bring a new case to court. A joint property lawsuit demands formal communication, summons, and juridical confrontation that can increase tension. In a social space that views divorce as a sufficiently heavy event, there is a tendency to end the relationship as quickly as possible and avoid further disputes. This tendency forms a pattern that makes joint property lawsuits by wives rarely filed.

In household life, a wife's contribution to asset formation often occurs through domestic work, caregiving, emotional support, and consumption management. This contribution is not always recorded as a transaction, but it can normatively be understood as part of the basis for the formation of joint property. When a divorce occurs, this invisible contribution is often difficult to translate into an operational legal claim (Musfira et al., 2022). A wife may feel her contribution is real, yet feel she lacks the legal language to articulate that contribution in a lawsuit. At the same time, the asset ownership structure often uses the name of one party, such as the husband, leading the wife to assess the chances of winning as uncertain. Assessing the chances of success greatly determines the decision to sue, as a lawsuit requires energy, money, and time. Additionally, for a wife who has entered a phase of building a new life, a joint property lawsuit can be perceived as an action that extends the attachment to her ex-husband. This perception can create a dilemma between the need for psychological recovery and the need for economic recovery. This dilemma places the wife in a position of choosing either a quick settlement through informal agreements or choosing a more formal judicial path that is considered exhausting. The welfare and protection of children's rights in families experiencing separation also become fundamental aspects that need to be considered in maintaining the values of life (Safira et al., 2022; Safira & El-Yunusi, 2023).

Joint property settlement often takes place through family negotiations, informal mediation, or agreements drafted in simple language. Such agreements may be considered sufficient for parties who wish to avoid an escalation of conflict. However, informal agreements carry the risk of uncertainty, especially when they are not formalized into an enforceable document. A wife may accept an imbalanced division due to the urge to quickly close the chapter of divorce. In some families, there is social pressure for the wife to adopt a yielding attitude for the sake of maintaining kinship, especially when children are still involved. This pressure can take the form of encouragement not to embarrass the other party through the court process. Under such pressure, a joint property lawsuit is perceived as an act that disturbs the social order of the family. Furthermore, a wife may face a narrative that claiming joint property shows a lack of sincerity or greed, thus creating a stigma. Stigma influences how a wife perceives herself and how her environment perceives her. When this stigma is strong, a wife may

choose to remain silent even if she understands that there is economic injustice. This choice of silence is then observed as a low frequency of lawsuits, whereas behind it lies a social and psychological process that directs the decision. Pressure from the social environment on individual decisions of this nature is also frequently found in various dispute resolutions within society (Suhandoko et al., 2023).

The judiciary, as a means of fulfilling rights, requires access that includes knowledge of procedures, availability of time, and the ability to interact with court officials. For a wife post-divorce, such access is often related to economic conditions and caregiving responsibilities. When a wife must work or look after children, attending court summons can be perceived as a burden that disrupts her livelihood. Furthermore, court fees and legal representation costs are often understood as expenses with uncertain outcomes. The uncertainty of the result and the uncertainty of the duration strengthen the hesitation to initiate a lawsuit. In addition, the dimension of fear regarding the ex-husband's reaction whether in the form of harsh rejection or social pressure becomes a consideration that drives the wife to avoid further disputes. This consideration is rational for someone who wishes to maintain life stability. Consequently, even though legal norms open the path for lawsuits, the choice to sue does not emerge as a safe option. The low frequency of lawsuits must therefore be understood as the result of a complex risk assessment. The presence of psychosocial barriers, including stigma, also frequently restricts individuals from fighting for their rights through the available legal channels (Zahid et al., 2022).

The problem that needs to be explained is why the right to joint property, which is normatively available, is not realized in the form of a lawsuit by wives after a divorce. Discussion often gets trapped in the assumption that wives lack legal understanding, whereas legal knowledge is only one part of the decision-making structure. The decision to sue is one that combines considerations of evidence, costs, social relations, and security. If these factors are not disentangled, the explanation remains superficial and tends to blame the party in a vulnerable position. Furthermore, there is confusion between settlement through agreement and litigation. Agreements can occur, but their quality can vary from fair to highly imbalanced. Without a conceptual framework, it is difficult to explain when an agreement becomes an autonomous choice and when it

becomes the result of pressure. This confusion is important because a low number of lawsuits does not necessarily mean there are no claims to rights; rather, it may mean that claims are made through other means that do not necessarily guarantee the wife's economic recovery. Therefore, a normative description is needed to unravel the socio-legal mechanisms that shape a wife's decision not to sue. In striving for justice for the parties, a wiser and more humanist approach is often a relevant choice to overcome deadlocks in disputes (Wijaya et al., 2022).

The next problem relates to how the evidentiary system and asset ownership structure influence a wife's courage to file a lawsuit. Joint property is often linked to fixed assets, savings, vehicles, or businesses whose ownership is recorded under the name of one party. When documents are held by the ex-husband, the wife faces limited access to evidence. Within the judicial system, the burden of proof is often the focus of examination, so parties who do not hold documents may feel their position is weak from the start. This weakness can lead to the perception that a lawsuit is a risk of defeat that will increase emotional burden. Additionally, there is the problem of psychological time limits, namely when a wife feels strong enough to enter a new arena of dispute. The divorce process itself already demands energy, so a follow-up lawsuit can be considered exhausting. In the social realm, the environment often assesses that a divorce should end with a complete severance of the relationship, while a joint property lawsuit is understood as prolonging conflict. This understanding creates covert pressure for the wife to accept her circumstances. Without proper conceptual structuring, factors of evidence and social pressure will appear to be separate, whereas they actually reinforce each other. Issues regarding vulnerability and limited access to legal protection are also challenges experienced by various groups in society, especially those in disadvantaged economic and social conditions (Aidan Bin Abdullah, 2021; Hartono & Sulisty, 2022).

This paper aims to construct a conceptual mapping regarding the factors causing the low frequency of joint property lawsuits filed by wives post-divorce from the perspective of family law and social dynamics. This mapping is important so that academic discussion does not stop at general claims regarding low legal awareness, but is able to demonstrate a layered and interconnected structure of causes. In the realm of protecting civil

rights, concept mapping can clarify how access to evidence, access to legal aid, and perceptions of procedural justice influence decisions. In the realm of policy, mapping can become a basis for assessing whether the procedural system has been friendly to vulnerable parties, especially at the information, mediation, and evidentiary stages. The urgency is also related to post-divorce economic consequences, because the division of joint property is directly related to a wife's ability to organize a new life and fulfill the needs of her children. Although this paper is normative in nature, a clear framework of causes helps the reader assess the relationship between the norms of joint property division and the reality of access to the courts experienced by many parties. Thus, this paper is necessary to strengthen legal reasoning that is sensitive to social reality.

The objective of this writing is to develop a conceptual framework regarding the factors causing the low rate of joint property lawsuits filed by wives post-divorce. This framework maps the factors of access to information and legal assistance, cost and time factors, safety factors, evidentiary factors and ownership structures, as well as family social norm factors. This writing organizes the relationships between these factors as a basis for explaining decisions to pursue informal settlements or choose not to sue. Theoretically, this piece clarifies the relationship between formal rights and actual choices in family law. Practically, this framework can serve as a reference for legal service designers and public legal education. The description is normative in nature without the presentation of field data.

Method

This study employs a qualitative literature study in legal research, focusing on normative reasoning and the reading of doctrines relevant to joint property, divorce, and access to justice for vulnerable parties. Arfa and Marpaung (2016) are used to organize the methodological approach to Islamic law when explaining the principles of property division within the family, the relationship between religious and state norms, and the way to construct consistent arguments from normative sources. Sources are selected based on their relevance to the topic of joint property lawsuits, evidentiary procedures, legal aid, and family social dynamics; thus, materials include regulations, court decisions as conceptual references, and academic writings on the behavior of justice seekers. The search was conducted by

grouping themes for instance, legal literacy, litigation costs, safety, social stigma, and asset ownership and then organized into an interconnected explanatory flow. The entire description is maintained within the normative realm without interviews and without field observations.

Material processing is carried out through repetitive reading and thematic coding to discover recurring explanatory patterns regarding the reasons wives choose not to sue for joint property. Rifa'i et al. (2023) is used to guide the stages of legal research, including the identification of issues, the classification of legal materials, and the construction of an argumentative framework that separates normative propositions from conceptual assessments. Variations in citation styles are applied proportionally, such as narrative forms like Arfa and Marpaung (2016) and parenthetical forms like (Rifa'i et al., 2023), to ensure the narrative remains fluid. Conceptual validity is maintained through terminological consistency, the distinction between internal factors within the subject and external factors within the system, and the affirmation of relationships between factors as the mechanism that shapes decisions. The synthesis results are presented as a mapping of causal categories and a description of the relationships between categories to address the research questions in a focused manner.

Result and Discussion

Regulations regarding a wife's decision to file a joint property lawsuit in Indonesia are based on the principle of equal legal standing between husband and wife. The primary legal foundation for this matter rests on Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019, where Article 35 paragraph (1) asserts that property acquired during marriage becomes joint property. A wife's right to sue for the division of this property is independent and can be exercised either as part of the divorce process or through a separate lawsuit after the divorce decree has permanent legal force. The transformation of social structures and legal dynamics in the current family regulatory system also continues to strive to prioritize more inclusive protection, especially for women and children after a divorce (Aliyah & Mardikaningsih, 2023).

For Muslim citizens, the governance regarding this lawsuit is detailed in the Compilation of Islamic Law (KHI) through Presidential Instruction Number 1 of 1991. In Articles 96 and 97 of the KHI, it is affirmed that if

a marriage ends due to divorce, each husband and wife is entitled to one-half of the joint property, unless otherwise determined in a prenuptial agreement (Rania & Sudiro, 2024). A wife has the full right to file this lawsuit in the Religious Court to ensure a fair division of assets collected during the marriage, including assets registered in the husband's name but acquired during the marital bond.

Meanwhile, for non-Muslim citizens, the joint property lawsuit process refers to the provisions in the Civil Code (KUHPer) and is conducted through the District Court (Melo et al., 2024). This regulation views joint property as a union of assets that occurs by operation of law from the moment the marriage takes place, unless the couple has a Marital Agreement that separates their assets. A wife may claim the division of such assets as part of a civil dispute settlement to obtain her proportional rights over wealth generated during their life together.

Technically and procedurally, the Supreme Court, through Supreme Court Regulation (PERMA) Number 1 of 2016 concerning Mediation Procedures in Court, requires every joint property lawsuit to first undergo a mediation stage (Luthfi et al., 2022). This stage provides an opportunity for the wife and husband to reach a peaceful agreement regarding asset division without having to go through a lengthy court process. If mediation fails, the judge will then examine evidence of asset ownership, the contribution of each party, and any debt obligations that may be attached to the joint property before rendering a decision. In the broader scope of family law, the principle of the best interests of the child also becomes a primary focus in various rulings related to post-divorce custody (Fajar et al., 2021).

A joint property lawsuit may also include a petition for a Protective Attachment (*Conservatoir Beslag*) to prevent one party, in this case, the husband, from transferring or selling assets before a court decision is rendered (Hidayati & Harsono, 2024). This regulation protects the wife's interests so that the object of the lawsuit remains intact and available when the execution of the decision is carried out. This is highly crucial, especially if there is an indication that these assets are under the full control of one party, which could potentially harm the economic rights of the other party. Special attention is also often given to the rights of children born outside of marriage, including their right to retain access to proper education under the protection of family law (Fajar et al., 2022).

A wife's decision to sue for joint property does not depend on the cause of the divorce, whether it is through a husband's pronouncement of *talak* or a wife's petition for divorce (*gugat cerai*) (Amisena et al., 2023). The right to a share of joint property remains legally attached as long as the assets are proven to have been acquired during the duration of the marriage and are not separate property (such as gifts or inheritance). With this regulatory framework in place, the law provides post-divorce economic protection so that the wife continues to receive her fair rights for the results of the hard work shared during the time of building a household. It is important to remember that various problems within marriage, including the impacts of early-age marriage, often provide prolonged negative influences on the overall welfare of the household (Aliyah et al., 2023).

A wife's decision to file a joint property lawsuit after a divorce can be understood as a legal decision stemming from simultaneous rational and social considerations (Rahmawati et al., 2023). On one hand, there are rights provided by norms, procedures that can be followed, and the possibility of a decision that restores economic conditions. On the other hand, there is a need to immediately organize one's life, maintain family relationships for the sake of the children, and avoid prolonged conflict. This consideration makes a joint property lawsuit often positioned as a choice that requires special readiness. This readiness includes knowledge of rights, the courage to face procedures, and the ability to manage the relationship with an ex-husband. In a dynamic society, the awareness of the need for social adaptation to various challenges of change is also key in maintaining the balance of life (Oluwatoyin & Mardikaningsih, 2022).

Within a normative framework, a low number of lawsuits cannot be read merely as indifference toward rights, but rather as an indication of the existence of factors reducing the intention to sue that work at the stage before the judicial process begins. These factors often exist in the realm of perception, such as the perception of the chances of winning, the perception of costs, and the perception of social consequences. Such perceptions are formed by personal experience, stories from the environment, and general images of the court. Therefore, a discussion of causes must place perception as part of the mechanism of legal access, because access is not merely a formal door, but the ability and willingness to enter it.

Legal literacy influences how a wife interprets joint property and maps the actions that might be taken. Legal literacy here is not identical to the memorization of articles, but rather the ability to understand that divorce and property division can be pursued through different channels, with different requirements and consequences (Hidayat & Pratiwi, 2020). If a wife's understanding assumes that property matters must be settled concurrently with the divorce, then when the divorce is finished, the wife may assume the door is closed. If a wife does not understand that a lawsuit can be filed afterward according to certain provisions, then the option to sue disappears from her list of choices. Furthermore, legal literacy influences the understanding of what constitutes joint property, what constitutes separate property, and how to distinguish between earnings, gifts, and inheritance. When the boundaries of these categories are not understood, a wife may hesitate to make a claim for fear that her claim will be deemed invalid. This doubt lowers her intention. Legal literacy also includes an understanding of the types of evidence, the function of witnesses, and the function of documents. Without this understanding, a wife feels that proving her case is impossible. In a normative framework, legal literacy is a causative factor that works through mechanisms of knowledge and belief, because people tend not to initiate processes that they believe they cannot execute.

Court costs are broadly understood by those seeking justice to include both formal and informal expenses inherent in the process (Firayani, 2024). Formal costs may be perceived as those for registration, summons, and administration that must be paid. Informal costs can include transportation, loss of working time, childcare costs during hearings, as well as communication costs and stress. In the post-divorce phase, wives are often in a vulnerable stage of economic restructuring. Additional expenditures are perceived as a threat to basic needs. Therefore, even though a lawsuit may promise results, the upfront costs can be an obstacle. Beyond costs, there is the risk of immeasurable expenses, namely the uncertainty of how many hearings will take place and how long the process will last. This uncertainty reduces the ability to plan. In a normative framework, the ability to plan is an element of access to justice, as procedures perceived as unpredictable make people reluctant to engage. Furthermore, a wife may assess that the result of the division may

not be proportional to the costs, especially if the assets are not large or if the assets are difficult to execute. This assessment can arise before a wife understands the legal instruments of execution. Consequently, costs and the uncertainty of costs become a cause for the low frequency of lawsuits through the mechanism of economic risk calculation.

Time and energy are crucial resources that influence the decision to sue. After a divorce, a wife often has to perform a dual function: working for a livelihood and attending to the needs of the children. The judicial process demands attendance, communication, and document preparation that consume time. When time is fragmented by work and caregiving, attending court can trigger a loss of income or loss of job opportunities. Furthermore, psychological energy often declines after the divorce process, as divorce itself is an emotionally draining event. A new lawsuit means reopening formal interactions with an ex-husband, including the possibility of mutual denial (Perwira, 2023). For many people, reopening a conflict is viewed as a heavy emotional cost. In a normative framework, emotional costs cannot be considered purely private matters, as they affect real access to legal mechanisms. If the legal process is designed with the assumption that parties are always ready, then that design is not sensitive to the reality that those seeking justice can experience exhaustion. Exhaustion creates a preference for ending matters as quickly as possible, even at an economic cost. Therefore, limited time and energy become a cause for the low frequency of lawsuits through the mechanism of life priorities overriding the priority of rights enforcement.

The structure of evidence is a highly determining factor in joint property cases. Many household assets are registered under the husband's name due to administrative habits, transaction convenience, or work structures that place the husband in the public sphere (Gaddis, 2022). If ownership documents are held by the husband, the wife often lacks access. The lack of access to documents makes the wife view proving her case as an impossible task. In the normative realm, proving a case requires the ability to demonstrate the origin of acquisition, the time of acquisition, and the relationship of the assets to the marriage. Without documents, the wife is dependent on witnesses or other indications that are considered weak. When a wife believes that proving her case depends on documents held by her husband, the decision to sue becomes irrational from her

perspective. Furthermore, some assets are stored in informal forms, such as cash, movable property without titles, or undocumented businesses. Such assets are difficult to claim through a lawsuit, making the wife feel the results would be minimal. In a normative framework, a structure of evidence that favors the document holder creates asymmetry, and this asymmetry becomes a cause for the low frequency of lawsuits because it diminishes confidence in the chances of recovery.

Information asymmetry regarding family financial status during marriage further reinforces the low frequency of lawsuits. In many households, one party manages accounts, debts, investments, and major transactions. A wife may know the daily needs but lacks a comprehensive map of the assets (Hariati et al., 2023). When a divorce occurs, the wife may not possess a list of assets that could serve as the basis for a lawsuit. This ignorance makes filing a lawsuit feel like guessing. Guessing is a risky action, especially when there are cost consequences involved. In a normative framework, access to family information is a prerequisite for rights to be effectively claimed. If information is not possessed, rights become abstract. A wife may have a right to joint property but not know the objects of that right. Furthermore, information asymmetry affects bargaining power. If a wife does not know the value of the assets, she may accept an imbalanced agreement. Such an agreement can be reached without full awareness, leading the wife to feel no need to sue. In normative reasoning, this state shows that the low frequency of lawsuits can arise from the mechanism of asset invisibility. Assets that are not visible will not be claimed, and this invisibility is often the result of an unequal division of household labor regarding access to financial information.

Preferring informal settlements is often considered the most realistic choice. Informal settlements can take the form of divisions based on family agreements, the surrender of partial assets, or the provision of compensation in certain forms (Rouf et al., 2023). For a wife, informal settlement may be seen as faster and as a way to reduce tension. However, informal settlements can create problems regarding the quality of justice. Agreements can be born from imbalanced bargaining positions. In a normative framework, bargaining power is influenced by asset control, family support, and negotiation skills. If a husband controls the assets and has strong family support, the wife may find herself in a position where she cannot refuse.

Beyond that, informal settlement may be chosen to preserve relationships for the sake of the children. Many wives believe that open conflict in court can worsen communication regarding caregiving, so they choose to compromise. This compromise can mean accepting an imbalanced division. The low frequency of lawsuits, therefore, does not mean there are no claims, but rather that claims are directed toward negotiations without guarantees of execution. In normative reasoning, the informal choice is an adaptation mechanism toward the perceived risk of litigation. When the court is perceived as expensive and exhausting, the informal path becomes the primary route, even if it potentially reduces the protection of rights.

Social pressure from family and the surrounding environment can significantly influence a wife's decision. In some environments, divorce is viewed as a disgrace, so a wife is encouraged not to extend the case to avoid attracting public attention (Tusiran & Yunanto, 2023). A joint property lawsuit can be seen as a new conflict that sparks gossip. A wife may receive messages that claiming property means reopening old wounds. This pressure is not always delivered harshly, but is present through advice, insinuations, and comparisons with other women. In a normative framework, social pressure works as a disciplinary mechanism that limits choices. A wife may assess that maintaining social reputation is more important than acquiring assets that are legally claimable. Furthermore, there is a norm of sacrifice inherent in the role of a wife, namely the demand to yield for the sake of the children. This norm of sacrifice can make a wife feel guilty if she makes a claim. Guilt reduces the intention to sue. On the other hand, a husband can use social networks to build a narrative that a lawsuit is an unnatural act. When this narrative is accepted by the environment, the wife becomes increasingly isolated. Social isolation causes the wife to lose support for pursuing legal processes. Thus, social pressure is a cause for the low frequency of lawsuits through the mechanisms of stigma and the restriction of support.

The sense of security is a factor that must be understood seriously in mapping the causes. A joint property lawsuit can trigger a response from an ex-husband, whether in the form of rejection, threats, or actions that disturb the stability of life (Nisa et al., 2024). A wife may worry about her own safety, the safety of her children, or the stability of her employment. Even without an actual incident, the concern can be strong enough to hold back action. In

a normative framework, a sense of security influences access to justice because a person will not exercise a right if doing so is considered dangerous. Furthermore, a wife may worry that the lawsuit will trigger a reduction in economic support that is still provided informally, such as child support. Although such assistance is not always based on a clear obligation, in practice, many families depend on it to survive. If a lawsuit is viewed as potentially cutting off that assistance, the wife chooses to hold onto existing aid. This mechanism shows that a wife's decision is often in a situation of *trade-off* between long-term rights and short-term needs. In normative reasoning, this *trade-off* must be read as a decision made under uncertainty, not as a fully free choice. Therefore, a sense of security is a cause for the low frequency of lawsuits through the mechanisms of risk prevention and self-protection.

Procedural justice influences trust in the court and affects the willingness to file a lawsuit. Procedural justice includes the sense that the process can be understood, that the parties are heard, and that the verdict is executed fairly (Sumiati, 2023). If a wife has experiences or hears stories that the court process is not friendly to the weaker party, her trust diminishes. A decrease in trust makes a lawsuit look like entering a disadvantageous arena. In a normative framework, the perception of procedural unfriendliness can arise from difficult legal language, rigid interactions, or schedule uncertainty. This gives rise to psychological distance. Psychological distance is the feeling that the court is not a suitable space for oneself. When this distance is high, people avoid it. Furthermore, a wife may assess that the evidentiary process will be more advantageous to the party who has access to money and documents, so the process is viewed as imbalanced. This perception makes people choose the informal path or choose not to make a claim. Procedural justice is also related to the ability to access legal aid. If legal aid is perceived as difficult to reach, the wife feels alone. Feeling alone lowers courage. Thus, the perception of procedural justice becomes a cause for the low frequency of lawsuits through the mechanisms of trust and psychological distance.

Legal aid and assistance influence a wife's ability to form an effective lawsuit. Many wives understand that a joint property case is not a simple matter because it requires a description of objects, evidence, and argumentation (Hidayah & Komariah, 2024). If a wife does not have access to assistance, she may assess that suing means entering a process she does

not understand. A lack of understanding triggers delay. In a normative framework, legal aid functions as a bridge between formal rights and action. Without a bridge, rights remain on the page. Furthermore, the quality of assistance influences self-confidence. Assistance that is clear and respects the wife's experience can increase her courage. Assistance that feels transactional can make a wife hesitant. This hesitation is reinforced by concerns about costs. Wives who have limited resources tend to seek cheap or free assistance, but access is not always easy. When access is difficult, the wife stops halfway. In addition, there is the issue of choosing the right forum and path. If a wife does not understand the options, she easily takes the wrong step and then feels she has failed. The feeling of failure lowers the intention to continue. Thus, limited assistance is a cause for the low frequency of lawsuits through the mechanisms of technical ability and self-confidence.

Religious dimensions and moral norms can also influence a wife's decision, especially when divorce is understood as an ending that should be accompanied by detachment. In some moral understandings, claiming property is seen as a less noble act, particularly if the other party is considered to have provided support during the marriage (Putri & Pratama, 2023). This understanding can lead a wife to assess that claiming is inappropriate, even though, legally, joint property is a right. In a normative framework, moral norms can be a source of legitimacy or a source of restriction. If moral norms support the economic protection of the wife and children, the norms can encourage a claim. If moral norms emphasize sacrifice, they can restrain a claim. Furthermore, there is a habit of viewing property as a man's affair, which makes a wife feel she has no standing to make a claim. This habit can arise from patterns of education and family dynamics. When this habit is strong, a lawsuit is perceived as a violation of norms. Violation of norms triggers a fear of judgment. Social judgment is often feared more than abstract economic loss. Thus, moral norms are a cause for the low frequency of lawsuits through the mechanisms of value internalization and the regulation of shame. This discussion affirms that the causative factors are not limited to legal procedures, but also extend to the social legitimacy of the act of suing.

The presence of children often becomes a factor that directs a wife's choice not to bring conflict into the courtroom. A wife may assess that the child's emotional stability is more important than asset division. Additionally,

a wife may worry that a property conflict will affect the child's access to their father or impact financial support. In a normative framework, prioritizing children is a morally justifiable priority, yet it can result in the neglect of economic rights that could also support the child's welfare. Here, a paradox arises: the decision to avoid a lawsuit for the sake of the children can result in more difficult economic conditions, which ultimately also affect the children. This paradox makes the decision-making process complex. A wife often chooses the path that most reduces immediate tension, because immediate tension feels real, whereas long-term economic loss feels uncertain. In this process, the ex-husband may use children as an excuse to refuse asset division, for example, by stating that money is better spent on the children without going through a formal division (Sanyal, 2017). A wife may accept this narrative because it sounds reasonable. However, without a clear mechanism, the narrative can lead to uncertainty. In normative reasoning, the factor of children acts as a cause for the low frequency of lawsuits through the mechanisms of emotional priority and the risk to caregiving relationships. A wife's decision becomes an effort to maintain communication, even though it may diminish her bargaining position regarding assets.

Joint ownership is often not supported by tidy documentation during the marriage. Many couples pool money, purchase assets, and manage businesses without bookkeeping (Mumtaz et al., 2023). When a divorce occurs, this lack of organization turns into difficulty in identification. A wife may recognize that assets exist but is unable to provide details. In a normative framework, the identification of the object of the lawsuit is an essential requirement. Without an object, a lawsuit cannot be structured properly. The difficulty in identification makes a wife feel that a lawsuit will be rejected or will drag on. Furthermore, assets can be hidden or transferred before the process, especially if one party has exclusive access. Concern regarding asset transfer makes a wife feel it is too late. The feeling of being late lowers the intention to sue. Additionally, there are assets tied to debt. A wife may worry that claiming property also means taking on the burden of debt. This concern arises when the understanding of the division of assets and debts is unclear. This ambiguity triggers delays. Thus, weak documentation during the marriage becomes a cause for the low frequency of lawsuits through the mechanisms of ambiguity of objects and uncertainty of consequences. This demonstrates

the importance of discussions that link the marital phase with the post-divorce phase, as post-divorce decisions are often the result of administrative habits during the marriage.

The perception of the chance of winning is often built on the image that the court favors the stronger party. This image can arise from stories, family experiences, or general narratives about disputes. If a wife believes that her husband has networks and resources, she assesses that a lawsuit is pointless. This perception can persist even though norms provide equal standing. In a normative framework, the perception of the chance of winning is a psychological factor that can defeat the existence of a right. A right without conviction does not move. Furthermore, a wife may assess that her husband will delay the process, making it exhausting. The image of a long process lowers intent. A wife may assess that even if she wins, execution is difficult. Concern about execution makes a lawsuit perceived as a victory on paper. Victory on paper is not attractive to those who need real recovery. In normative reasoning, the perception of execution is part of the perception of institutional effectiveness, though this term does not need to be used as a label. What matters is the understanding that people value the end result, not just the verdict. If the end result is perceived as unattainable, people do not initiate the process. Thus, the perception of the chance of winning and the chance of execution becomes a cause for the low frequency of lawsuits through the mechanism of outcome expectation. Similar dynamics are also often found in various other civil disputes, where challenges in legal implementation and the role of culture are often determining variables for the success of dispute resolution in the field (Aliyah & Evendi, 2023).

The influence of power relations during marriage can carry over into the post-divorce phase. Power relations can take the form of economic domination, decision-making domination, and informational access domination (Watson & Ancis, 2013). If during the marriage a wife was accustomed to following her husband's decisions, then after the divorce, the wife may still find it difficult to take confrontational steps. A joint property lawsuit is a confrontational step in a juridical sense, as it summons the other party to respond in a formal forum. In a normative framework, the habit of subordination can form a disposition to avoid conflict. This disposition can be reinforced by experiences of violence, although this discussion does not require a description of cases. What is relevant is that the experience of

unequal relationships can lower courage. Furthermore, power relations can affect access to extended family. If the extended family supports the husband more, the wife feels alone. Feeling alone reduces the ability to take risks. On the other hand, if a wife has strong extended family support, the intention to sue may increase. Thus, the low frequency of lawsuits can be linked to the distribution of social support. Social support influences the sense of security and the sense of capability. Thus, power relations are a cause for the low frequency of lawsuits through the mechanisms of subordination internalization and support distribution. This shows that the causative factors do not stand alone, but are connected between psychology, social aspects, and legal procedures.

How the court facilitates information at the initial stage can influence whether a wife understands her options after the divorce decree (Sumiati, 2023). If information about joint property is not understood as an issue that can be processed separately, the wife tends to close the case after the divorce is finalized. In a normative framework, the initial information stage is a critical point because the decision to sue is often influenced by knowledge immediately following the divorce. As time passes, the wife may enter a phase of adaptation, so the drive to file a lawsuit decreases. Furthermore, a wife may assume that suing after some time will be viewed negatively, as if she only remembered when she needed money. This perception is related to stigma. Stigma works through moral judgment. Therefore, clear information at the initial stage can reduce stigma by positioning the lawsuit as a natural part of settling the consequences of divorce. However, if information does not reach her, stigma remains dominant. In normative reasoning, the information system is not merely service, but part of the design of access. If access is defined as the ability to use rights, then unclear information closes off access. Thus, the quality of initial information is a cause for the low frequency of lawsuits through the mechanisms of loss of momentum and the dominance of stigma.

There is a difference between recognized rights and actionable rights. A wife may recognize that she is entitled to joint property, but is unable to make a claim due to limitations in evidence, costs, and support (Hariati et al., 2023). In a normative framework, this difference marks the existence of an access gap. The access gap is not always visible, because people who do not sue are often unheard. However, the access gap can be understood

through the logic that rights require the means to be exercised. These means include knowledge, assistance, and procedures that can be understood. When these means are not available, rights become symbols. In addition, there is a difference between substantial justice and felt justice. A wife may assess that suing is right, but does not feel it is fair to have to return to a space of conflict. The feeling of fairness is related to life experience, not just norms. Therefore, a procedural design perceived as harsh can make people avoid it. In a normative framework, the decision not to sue can be understood as a form of survival rationality, namely choosing the path most likely to maintain life stability. This rationality is not a justification for injustice, but an explanation of why injustice can persist without a lawsuit. Thus, mapping causes must place the access gap as the primary category.

Post-divorce economic factors often force wives to focus on immediate income. A joint property lawsuit tends to be perceived as a process that delays results (Putri & Pratama, 2023). If a wife needs money immediately for rent, school fees for children, or daily necessities, a process that requires waiting for a verdict is unattractive. In a normative framework, these immediate needs influence the preference structure. The preference structure is the tendency to choose options that provide quick results, even if they are smaller. Informal agreements can provide quick results, even if they are not proportional. Additional work can provide quick money, even if it is exhausting. A lawsuit offers the chance for a large result, but it is delayed. Therefore, many wives choose the quick option. Furthermore, a wife may fear that suing will interfere with her work because she must leave work for hearings. Work disruption means loss of income. Loss of income is a risk that cannot be borne. In normative reasoning, economic factors work through the mechanism of opportunity cost. Opportunity cost is the value of the foregone alternative. If the opportunity cost is high, a lawsuit is not chosen. Thus, the post-divorce economic condition becomes a cause for the low frequency of lawsuits because it forms a preference for quick results, enforces a priority on work, and reduces the ability to bear procedural delays.

At the social level, many women believe that social recognition of their decisions is important to initiate legal processes. Social recognition can take the form of support from family, friends, or local figures (Santi et al., 2010). Without recognition, a wife feels her steps will be questioned. This doubt is strong on the issue of property because property is viewed as a sensitive

matter. In a normative framework, social support functions as the legitimacy of an action. If social support states that suing is a reasonable right, a wife is braver. If social support states that suing is shameful, a wife refrains. Furthermore, social support provides practical resources, such as a place to leave children, financial assistance, or help in finding documents. Without support, a wife lacks resources. Lack of resources strengthens the perception of difficulty. The perception of difficulty lowers intention. Thus, social support is a cause for the low frequency of lawsuits through the mechanisms of legitimacy and resources. This also shows that access to justice cannot be narrowed down to institutional access, because the decision to use an institution is influenced by social legitimacy. In normative reasoning, social legitimacy often becomes an unwritten but highly effective condition in determining behavior. Therefore, approaches through traditional mediation and consensus-based deliberation are often chosen by the community as alternative solutions considered more in harmony with the values of legal pluralism and social harmony (Futriyah et al., 2023; Gunawan et al., 2023).

The factors causing the low frequency of joint property lawsuits by wives post-divorce can be mapped into several interlocking groups. The first group is legal knowledge and literacy, including understanding property categories and the understanding of litigation paths. The second group is resource factors, including costs, time, energy, and social support. The third group is evidence and information factors, including document access, transaction traceability, and financial information asymmetry. The fourth group is psychological and security factors, including fear of an ex-husband's response, emotional exhaustion, and perceptions of the chance of winning and execution. The fifth group is social and moral norm factors, including stigma, family pressure, and the value of sacrifice. In a normative framework, these groups do not work alone but reinforce each other. For example, low literacy reinforces the fear of proving a case, the fear of proving a case reinforces informal choices, informal choices reinforce the stigma against lawsuits, and stigma weakens social support. Therefore, the answer to the formulation of the problem lies in the understanding that the low frequency of lawsuits is the result of a structured network of causes. This network forms life priorities and limits choices, so formal rights do not always transform into action. The complexity of rights and legal protection of this kind is also reflected in

various other contemporary issues that demand sharpness of juridical analysis, such as in the determination of legal status and the basic rights of children in situations full of normative dilemmas (Priyatama et al., 2022). Ensuring meaningful access to justice demands that legal authorities and policy frameworks actively bridge the gap between abstract statutory rights and the lived, practical realities of vulnerable litigants in the legal system.

Conclusion

The conclusion of this writing states that the low rate of joint property lawsuits filed by wives after divorce is the result of the interconnectedness of legal access, evidentiary factors, and family social pressure. Normative rights to joint property are often not realized because limited legal literacy obscures the available courses of action, while the structure of evidence and asset ownership structures create asymmetries that diminish the confidence to win. Factors such as cost, time, energy, and post-divorce economic needs form a preference for quick resolution through informal channels, even though the quality of justice is not always adequate. Social pressures in the form of stigma, norms of sacrifice, and the need to maintain co-parenting relationships also restrain wives from taking legal steps perceived as prolonging conflict. Furthermore, the sense of security and perceptions of procedural justice influence the willingness to enter court, as lawsuits are perceived to carry risks that are not limited to the case itself, but also to life stability. Consequently, the low rate of lawsuits cannot be explained by a single cause, but rather by a series of mutually reinforcing mechanisms that shape the decision not to pursue a claim through litigation.

The implications and suggestions emphasize the need for a normative reading that positions access to justice as the actual capability to exercise rights, rather than merely the existence of procedures. The causal framework mapping legal literacy, resources, evidentiary structures, the sense of security, and social norms can be used to assess whether family law service designs are adequate for parties in vulnerable positions post-divorce. Academic discussion can clarify the relationship between the distribution of ownership documents within the household and the effectiveness of evidence in joint property lawsuits, as well as the link between social stigma and the choice of informal settlement. Conceptual suggestions for service development include strengthening explanations regarding joint property settlement

options after divorce, enhancing the understanding of objects and evidence, and strengthening assistance that fosters procedural security. Further research based on written sources can expand the conceptual map regarding power relations, the social legitimacy of the act of suing, and procedural justice indicators relevant to family cases.

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