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The Intersection of Court Transparency and Gender Equality in Indonesian Muslim Divorce

Indonesia's Religious Courts are arguably the largest public Islamic institution in the country. Recent years have seen a dramatic climb in the number of divorces filed in these courts, including those initiated by women. This trend is now the subject of extensive academic scrutiny, and ongoing public debate in Indonesia. At the same time as the public's use of the courts has increased, so has transparency across Indonesia's judicial sector. This is the result of the adoption of a decree on Court Information Transparency, part of a policy to promote trust and accountability in the work of the courts. One consequence of this is the easy availability of judgements from all Indonesian courts.

Court judgements contain a wealth of vital demographic information about litigants which assists researchers in understanding much about the lives of typical divorcing couples. It also informs researchers about common reasons for divorce, rights to custody, and Judges' perspectives on the application of the law to a variety of common circumstances. The paper argues this vast database of court judgements is a critical and surprisingly rich source of information to investigate the implementation of the Marriage Law and the 1991 Compilation of Islamic Law, and to see how judicial decisions are consistent with other laws. Technology here provides fascinating evidence about the continuing engagement between state law and Islamic social and legal norms, and acts potentially as a trigger for advocacy in the reform of Indonesian family law, and for a more equitable status for women.