

## **Juridical Review of the Legal Imposition of the Defendant in the Sued Divorce Case as the Implementation of Just PERMA No. 3 of 2017**

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### **Abstract**

*The law enforcement paradigm regarding the legal imposition of the Defendant in the case of sued divorce lawsuit as the implementation of Perma No. 3 of 2017, the factor of law protection and justice for women and children's rights due to the divorce of their parents in the Religious Court is essential as the upholding of the rule of law and justice. Judges in adjudicating women's cases against the law must adhere to the following principles: respect for human dignity, non-discrimination, gender equality, equality before the law, justice, benefit and legal certainty. The process of adjudicating a divorce case, even if the initiative of the case is from the woman, her rights must be protected by the former wife, as well as the rights of her child. Normatively, the legal arrangements for the divorce case are Article 73 to Article 83 of Law Number 7 of 1989 Jonto Article 114 to Article 156 Compilation of Islamic Law, and as the initiator of the filing of the divorce case is the wife as the plaintiff. This study uses a sample of several decision objects in certain Religious Courts in the jurisdiction of the High Court of Religion, Central Java, through a series of research methods with a sociological juridical approach or social legal research, and data collection techniques through interviews and literature study. The implementation of Perma No. 3 of 2017 regarding the legal imposition of the Defendant in the case of sued divorce lawsuit in the Religious Court can be formulated in the form of a dictum of the Judge's decision "Condemnatur" as a court product that contains the rights of the former wife as the Plaintiff, as well as the rights of child support, fees sustainability of education and health that is just.*

**Keywords:** *Legal imposition; the defendant; sued divorce*

### **INTRODUCTION**

Constitutionally, Article 28 paragraph (2) of UUD 1945 has provided protection that women must be free from discrimination or acts of discrimination, especially as a result of their natural tendencies that are weaker than that of men. For this purpose, the Indonesian state has ratified the "International Covenant on Civil and Political Rights (ICCPR) with Law Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights.

Normatively, the regulation of the process of filing cases and all legal consequences of sued divorce are Article 73 to Article 83 of Law Number 7 of 1989 concerning Jonto Religious Courts Article 114 to Article 156 Compilation of Islamic Law (KHI). The initiative for filing the sued divorce is from the wife as the Plaintiff as the absolute competence of the Religious Courts.

Implementation of Perma (or Supreme Court Regulations) No. 3 of 2017 concerning Guidelines for Adjudicating Cases of Women in Confrontation with the Law requires the maximum role of judges in applying principles that must be guided when judging women's cases with law such as the principle of respect for human dignity, non-discrimination, gender equality, equality in front of law, justice, benefit and legal certainty (Article 3 Perma No.3/2017).

Along with this research, the researcher assumes specifically that the implementation of Perma No. 3 of 2017 is related to women dealing with the law in divorce cases related to the legal burden of the Defendant due to "Divorce Claims" so that the rights of women (former wives) are protected and the rights of children due to sued divorce of both parents based on justice whose object of research is a number of decisions of certain Religious Courts in the jurisdiction of the High Court of Religion, Central Java.

Based on the background description with regard to the research title, the following problems can be formulated:

- a. What are the factors and principles that should be expressed by the Judge in Judging Women Facing the Law with respect to the legal burden of the Defendant in the matter of divorce?
- b. What is the form of the Defendant's legal imposition formula in the "condemnatur" dictum regarding women's rights and children's rights due to sued divorce?
- c. Who is the holder of hadhanah and the person responsible for the cost of living for the child who is not yet mumayyiz after the sued divorce between his parents?

After explaining a series of urgent words in the title of the research as described, it can be argued that the author assumes that he wants to review from a legal point of view regarding the legal imposition of the Defendant regarding the legal consequences in the sued divorce, whose case was filed by the wife as the actualization of the implementation of PERMA No.3 of 2017 regarding guidelines try women's cases against justice-based law.

### **Legal Considerations Aspects in Decisions**

With the birth of PERMA No. 3 of 2017 as the legal umbrella for litigation must be implemented in its litigation duties. Judges are required to be able to provide thorough legal reasoning in their decisions. The judge's decision is the judge's crown. A decision must contain 3 (three) aspects that are in the legal reasoning (Varia Peradilan: 124) as follows:

- a. Juridical aspect: In the case of divorce (*talak*), for example, legal considerations basically do not violate existing statutory provisions. Apart from being supported by PERMA No. 3 of 2017 this is also referred to in Law no. 48 of 2009 which states that "the Court is prohibited from refusing to examine, hear and decide on a case filed on

the pretext that the law does not exist or is unclear, but is obliged to examine and judge it" (Article 10 paragraph 1 of Law Number 48/2009)

- b. Sociological Aspects: Legal considerations in the sociological aspect basically emphasize how the law can be accepted by society, which in this case for husband and wife, is related to the consequences of divorce. In terms of the imposition of idah and mutah livelihoods, persuasive communication is also needed, namely by not directly punishing to pay a specified amount, but seeing and considering the aspects of capability and appropriateness (Articles 158-160 of Islamic Law Compilation).
- c. Philosophical Aspects: This aspect emphasizes the suitability of decisions with the philosophical views of society and in accordance with the principles of justice. Law enforcement by judges is not merely a matter of technical skills, but is more related to intellectual intelligence, maturity and emotional balance between rationality and conscience, in order to guarantee justice, order and welfare as well as legal certainty (Lapian, 2012).

### **Women's and Children's Rights Due to Sued Divorce**

A woman who is married and has *ba'da dukhul*, then divorced by her husband, then she is obliged to undergo the period of *iddah* for at least 90 (ninety) days. During the *iddah*, the ex-husband has the right to refer to his ex-wife, during the *iddah*, the ex-wife must take care not to accept the proposal and not to marry another man. Therefore, the ex-wife is entitled to receive *iddah alimony* from her ex-husband, unless the ex-wife is *nusyuz* (Articles 150,151 and 152 KHI).

With regard to children's rights due to the divorce of their parents, for the sake of legal certainty, the Court can formulate a decision regarding who is a *hadhanah* holder or child custodian who is not yet *mumayyiz*, as well as protection of children's rights in the form of child support and costs of living, education and health, due to the divorce of the two parents according to the ability of the father based on justice (Article 149 letter d and Article 156 letter d KHI).

### **Justice Values with Gender Perspective in the Case of Sued Divorce**

Article 27 Paragraph 1 of the UUD 1945 regulates the principle that every citizen has the same position before the law and the government, and the obligation to uphold governmental law without any exceptions. This principle is in accordance with the legal principles of universal equality before the law and government. With these legal principles, the Indonesian state adheres to the principle of balance between rights and obligations for every citizen or resident, without any discrimination (Bisri, 2017: 174).

### **The Principle of Judge Decisions Must Be Accompanied by Reasons and Considerations**

Based on Article 50 paragraph (1) of Law Number 48 Year 2009 concerning Judicial Power, it is stated that a court decision must have a legal basis on which to base the decision and must also state the legal source that is used as the basis for the trial.

In fact, the exercise of a judge's duties and authority is done in the framework of upholding truth and justice, by adhering to the laws, laws, and values of justice in society. In the judge is entrusted to ensure that the rules of law are applied correctly and fairly, and if the application of the rules of law will cause injustice, then the judge must side with justice (moral justice) and set aside the law and / or rules of law ( legal justice). Good law is the law that corresponds to the law that lives in society (the living law) which is a reflection of the values that prevail in society (social justice). Justice here, is not procedural justice (formal), but substantive (material) justice, which is in accordance with the conscience of the judge (Rifai, 2011: 127-128).

In essence, every judge's decision in legal considerations should contain the following:

- a. Issues in the case as well as matters that are recognized or arguments that are not refuted;
- b. There is a juridical analysis of all aspects concerning all facts proven in the trial.
- c. There is a juridical consideration of judges who have a decidendi ratio based on doctrinal opinion, evidence and jurisdiction.
- d. The considerations are arranged in a logical, systematic, interrelated, and mutually additive.
- e. All parts of the plaintiff's petitum are considered / tried one by one by the judge so that the judge draws conclusions about whether it is proven / not and can be granted / rejected the demands referred to in the verdict (Sunarto, 2014: 207).

### **Characteristics of Court Product Judgments**

As for its nature, there are (3) types of court product decisions, namely:

- a. Declarative decision, is a decision whose content is to explain or state what is legal, for example the child who is in dispute is, the verdict of a child born from a legal marriage, the decision rejects the lawsuit;
- b. A constitutive decision, is a decision that has the character of terminating or giving rise to a new law in which the implementation of the decision does not require enforcing it by force, for example breaking a marriage bond;
- c. Condemnatoir decision, is a decision which punishes the losing party to fulfill an achievement determined by the judge. In a conditional decision, the verdict must contain the sentence: Punish the defendant (do something, don't do something, hand over something, break something, hand over some money, share and empty) (Book II, 2003: 113).

This study aims to determine the factors and principles of judges in adjudicating cases of sued divorce, and legal imposition of the Defendant regarding women's rights against the law, to determine women's rights and children's rights in the form of a justice-based decision dictum due to sued divorce, and to know and understand who is the holder of the hadlonah and who is the bearer of living expenses for children who are not yet mumayyiz due to the divorce of their parents.

This research is expected to add scientific insight to the public regarding the implementation of PERMA No.3 of 2017 concerning Guidelines for trying cases of

women in conflict with the law. In addition, this research will provide benefits in the form of legal opinions for the development of legal science in general and in the field of civil law in particular with regard to women's rights and children's rights due to the divorce of both parents.

## **METHOD**

The method used in this research is the Sociological Juridical Approach Method or Social Legal Research. The research was conducted by reviewing the written normative legislation and organic regulations in relation to the implementation of PERMA No. 3 of 2017 in the field of litigation duties at the Religious Courts, so that it further guarantees legal certainty that is in accordance with the sense of justice and is a legal requirement that lives in society.

The juridical aspect approach is used in an effort to analyze data by referring to legal norms set forth in statutory regulations, while the sociological aspect of this research is to go directly to the research location to determine the form and implementation of legal protection for women who are dealing with the law in divorce case. Both aspects by the author, then researched and analyzed in practice at the Kebumen Religious Court.

## **Research Specifications**

In this study, the research specification used a descriptive analysis research method, because the researcher in the analysis wanted to provide an overview or explanation of the object at the center of the problem. The object referred to here is about the role of the court or judge in implementing or implementing PERMA No. 3 of 2017 concerning guidelines for judging cases of women in conflict with the law in favor of the legal imposition of the Defendants due to the sued divorce case based on justice as a legal requirement of the justice seeking community.

## **Sources and Types of Data**

### **a. Primary data**

Primary data is data obtained directly from data sources. How to obtain direct data obtained from field research, namely through direct interviews with litigation practitioners or judges at the Kebumen Religious Court.

### **b. Secondary Data**

Secondary data collection is data collection that is carried out by means of library research in order to obtain a theoretical basis.

Secondary data are grouped into 3 legal materials, namely:

#### **1. Primary legal materials, namely binding legal materials, namely**

- 1) Law Number 48 of 2009 concerning Judicial Power
- 2) Law Number 7 of 1989 concerning Religious Courts which was amended first by Law Number 3 of 2006 and the second amendment by Law Number 50 of 2009.
- 3) Law Number 1 of 1974 concerning Marriage.

- 4) Government Regulation Number 9 of 1975 concerning Implementation of Law Number 1 of 1974 concerning Marriage.
- 5) Presidential Instruction Number 1 of 1991 concerning Compilation of Islamic Law.
- 6) PERMA Number 3 of 2017 concerning Guidelines for Adjudicating Cases of Women in Confrontation with the Law.
- 7) The Court's decisions are inkracht.
2. Secondary Legal Materials, namely materials that can explain primary legal materials. In this case, it consists of the results of research by experts and the work of legal experts, such as the books in the footnotes.
3. Tertiary legal materials, namely materials that are supporting in nature to be able to provide instructions and explanations for primary and secondary legal materials, such as general dictionaries, legal dictionaries, scientific journals, the internet, and papers related to the object of research.

### **Method of Approach**

In this study, the approach method used is descriptive method with a qualitative approach (Fajar & Yulianto, 2010). Research that aims to explore and clarify a phenomenon or the reality of the legal needs of society by describing a number of variables with respect to the problem and the object under study.

### **Technique of Collecting Data**

Data collection methods in this study are carried out through:

- a. Interview, namely a question and answer process which is carried out directly seeking information in the field by asking questions to legal practitioners regarding the implementation of PERRMA No. 3 of 2017 at the Semarang High Religious Court and at the Kebumen Religious Court.
- b. Literature review; In the implementation of this research, the writer uses library research method, namely the research is carried out using relevant literature and laws and regulations as well as the Directory of First Level Court decisions, Appeal Level decisions and Cassation level decisions;

### **Technique of Analyzing Data**

The data analysis of this research was carried out in 2 (two) stages:

- a. The first stage which is based on the doctrinal approach; The analysis was performed using qualitative normative analysis methods. At this stage the researcher carried out an inventory of legal rules, namely describing the law with the legal logic of qualitative analysis using the deductive logic method. The data obtained (collected) in this study were analyzed using qualitative data analysis techniques.
- b. The second stage is based on an empirical approach; analysis performed using interactive analysis methods. The interactive analysis model is that the data collected will be analyzed through 3 [three] stages, namely: reducing data, presenting data and drawing conclusions.

### Cases - Position of Research Results of the Defendant's Sued Divorce Case

**Case 1:** The case of Sued Divorce decision in the First Level Court case, namely the Pati Religious Court Decision Number 350 / Pdt.G / 2020 / PA.Pt, whose legal products are as follows:

1. To grant the claimants of the Convention;
2. Imposing a talak of one ba'in shughra from the Defendant of the Convention (Herri Sulaiman bin Basyaruddin Nasution) against the Plaintiff of the Convention (Setiyaningrum binti Suparman);
3. Determine custody of the two children to the Plaintiff;
4. To order the Defendant to pay a living for the two children in the amount of IDR 2,000,000 (two million rupiah) every month excluding education and health costs; (Dictum of Pati Religious Court Decision No. 350 / Pdt.G / 2020 / PA. Pt).

**Case 2:** The Case for Divorce and Lawsuit Number 303 / Pdt.G / 2020 / PTA. Smg. In case 2, the sued divorce case is the decision of the appellate court, namely the Semarang High Religious Court Decision Number 303 / Pdt.G / 2020 / PTA Smg, whose legal product cancels the Banjarnegara Religious Court Decision Number 504 / Pdt.G / 2020 / PA. Ba, by judging himself as contained in the dictum of the *a quo* Semarang High Religious Court decision; with the dictum in essence as follows:

1. Partially granted the Plaintiff's claim
2. Dropping the divorce of one bain sughra of the Defendant (Febry Riyadi bin Efendi) against the Plaintiff (Ratna Nur Wigiyasih binti Wagiyono);
3. Determine custody of the two children to the Plaintiff;
4. Determine custody of a child named Joan Febrian, a boy born in Nabire, 23 October 2009 and Syakila Putri Febrian, a woman, born in Nabire, 17 February 2014 under the care and maintenance of the Plaintiff as his biological mother, provided that the Plaintiff must provide access to the Defendant as the biological father to meet and express his affection for the two children;
5. Sentenced the Defendant to pay a living for the two children in the amount of IDR 2,000,000, - (two million rupiah) every month excluding education and health costs; (Diktum Putuan Semarang High Religious Court No. 303 / Pdt.G / 2020 / PTA. Smg)

**Case 3:** Case for Divorce and Claim the Supreme Court Decision. Number 137 / AG / 2007.

Whereas based on the lawsuit, the Plaintiff asked the Bekasi Religious Court to decide as follows:

1. To grant the Plaintiff's claim;
2. Declare the divorce of 1 (one) *khul'i* from the Defendant (Jahrudin bin H Sapi'i) against the Plaintiff (Maswanih binti H Asmawi) with an iwadl of IDR 10,000 (ten thousand rupiah);
3. Determine the cost of the case in accordance with the applicable provisions;

If the Bekasi Religious Court has a different opinion, ask for a fairest decision;

That against the lawsuit the Bekasi Religious Court has issued a decision Number: 688 / Pdt.G / 2005 / PA.Bks. on August 25, 2005 M to coincide with the date of 20 Rajab 1426 H with the following guidelines:

1. To grant the Plaintiff's claim;
2. Declared the divorce of 1 (one) bain sughra Defendant (Jahruddin bin H Sapi'i) against the Plaintiff (Maswanih binti H Asmawi);
3. Charges the Plaintiff to pay the cost of this case in the amount of IDR 172,000 (one hundred seventy-two thousand rupiah);

Whereas the decision on the appeal level of the Defendant's petition has been overturned by the Bandung Religious High Court with its decision Number 1 2 / Pdt.G / 2006 / PTA.Bdg, on November 28, 2006 AD coinciding with the 7th Dzulqaidah 1427 H which reads as follows:

- Declare that the formal appeal is acceptable;
- To cancel the decision of the Bekasi Religious Court Number: 688 / Pdt.G / 2005 / PA. Bks dated 25 August 2005 AD to coincide with 20 Rajab 1426 H;

AND BY JUDGING ONESELF

1. Declare that the Plaintiff's claim is unacceptable / niet ontvankelijk verklaard (NO);
2. Charges the Plaintiff to pay the court fee at the first level of IDR 172,000 (one hundred seventy-two thousand rupiah);
3. Sentencing the Appellant to pay the court fee at the appeal level of IDR 127,000 (one hundred twenty seven thousand rupiah);

Whereas after this final decision was notified to the Plaintiff / Appealed on January 9, 2007, the Plaintiff / Appealee then submitted an oral appeal for cassation on January 15, 2007 as evident from the deed of appeal Number: 688 / Pdt.G / 2005 / PA. Bks made by the Clerk of the Bekasi Religious Court, which application was then followed by an appeal memory stating the reasons received at the Registrar's Office of the Religious Court on 17 January 2007;

Whereas after that the Defendant / Appealer on 26 January 2007 was informed about the cassation memorandum from the Plaintiff / Appealed, no response was submitted;

Considering, whereas the petition for cassation a quo and the reasons thereof which have been carefully notified to the opposing party, are filed within a grace period and in a manner determined by law, therefore the petition for cassation is formal and acceptable;

Considering, whereas based on the above considerations, the Supreme Court is of the opinion that there is sufficient reason to grant the appeal filed by the Cassation Petitioner, Maswanih binti H Asmawi, and annul the decision of the Bandung High Religious Court and the Supreme Court will judge this case by itself take over the



consideration of the Bekasi Religious Court's decision which is deemed appropriate and correct as its own considerations whose safety will be as stated below:

Considering, that because this matter concerns disputes in the field of marriage, in accordance with Article 89 paragraph (1) of Law Number 7 of 1989 as it has been amended and added to Law Number: of 2006, then the cost of the matter in the first level is charged to the Plaintiff and in the level of appeal to the Comparison as well as from the level of cassation to the Applicant of cassation;

Law Number: 14 of 1985 which has been amended by Law Number 5 of 2004 and Law Number: 7 of 1989 which has been amended and added to Law No. 3 of 2006 as well as all applicable laws and regulations with this matter;

#### JUDGING

1. To grant the petition for cassation from the petitioner, Maswanih binti H Asmawi;
2. To cancel the decision of the Bandung Religious High Court Number: 112 / Pdt.G / 2006 / PTA.Bdg, dated 28 November 2006 AD to coincide with the 7th Dzulkaidah 1427 H;

#### JUDGING ONESELF

1. To grant the Plaintiff's claim;
2. Dropping 1 (one) ba 'in sughra of the Defendant (Jahrudin bin H. Sapi'i) against the Plaintiff (Maswanih binti H Asmawi);
3. Sentenced the Defendant to provide iddah support to the Plaintiff in the amount of Rp. 1,000,000 (one million rupiah);
4. Sentenced the Defendant to provide support for his three children named Helmi Helmansyah, born on November 13, 1986, M. Husni Thamrin, born on April 11, 1989 and Randi Muamar Khadafi, born on November 31, 1996, with a minimum of IDR 500,000 (five hundred thousand rupiah) per month from the time this decision is passed until the three children are adults (21 years);
5. Ordered the Clerk of the Bekasi Religious Court to send a copy of this decision to the Marriage Registration Officer in the area where the Plaintiff and Defendant resided and to the Registrar of Marriages at the place where the Plaintiff and Defendant were married to be recorded in the list provided for that;
6. Ordered the Plaintiff to pay the first tier court fee of IDR 172,000 (one hundred seventy-two thousand rupiah);
7. Sentencing the Appellant to pay the court fee at the appeal rate of IDR 127,000 (one hundred twenty seven thousand rupiah);
8. To punish the cassation applicant / Plaintiff to pay court fees in the cassation rate of IDR 500,000 (five hundred thousand rupiah) (Dictum on Cassation Decisions Number 137 / AG / 2007).

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### **Judicial review of the legal imposition of the defendant as a result of the sued divorce law as the implementation of PERMA No. 3 of 2017 on a justice basis**

- a. The factors and principles that must be revealed by the Judge in trying women in conflict with the law regarding the legal imposition of the Defendant due to the Divorce Law in the case of Sued Divorce are as follows:
- 1) Respect for human dignity;
  - 2) Non discrimination;
  - 3) Gender Equality;
  - 4) Equality before the law;
  - 5) Justice;
  - 6) Benefits;
  - 7) Legal certainty (Article 2 Perma No. 3/2017).

The requirement for judges to try cases of women in conflict with the law, judges must:

- a. Take into account Gender Equality and Gender Stereotypes in statutory regulations and unwritten laws;
  - b. Interpreting unwritten regulations and / or laws that can guarantee Gender Equality;
  - c. Exploring legal values, local wisdom and a sense of justice that lives in the community to ensure Gender Equality, equal and non-discriminatory protection;
  - d. Consider the application of ratified international conventions and treaties related to Gender Equality (Article 6 Perma No.3/2017).
- b. The form of the Justice-based Decision Dictum Formula, regarding the Legal Imposition of the Defendant as a Result of Divorce Law in the Sued Divorce case as follows:

#### **Legal principles that must be understood by judges in adjudicating sued divorce cases**

The wife who sued her husband is not always punished *nusyuz*: Although the sued divorce is filed by the wife but it is not proven that the wife has done *nusyuz*, then *ex officio* the husband can be punished to provide *iddah* alimony to his ex-wife, on the grounds that the ex-wife must undergo *iddah* period, among others for *istibra* 'which also concerns the interests of the husband (SEMA No. 3/2018 Formula Religious Room letter A number 2).

As for the formula of the decision of the sued divorce case, it must be "Condemnatur" in order to ensure the rights of women in the form of vacant alimony, *Iddah* alimony and giving *mut'ah*, as well as those related to the rights and alimony of children due to sued divorce from both parents;

- c. *Hadhanah* holder and person in charge of living expenses for children who are not yet *mumayyiz* after the sued divorced both parents;

The holders of *hadlonah* for children who are not yet *mumayyiz* and bearers of the child's living expenses for the sake of survival due to the sued divorce of both parents,

with regard to the Defendant's legal imposition as implementation of Justice-Based Perma Number 3 of 2017, is in the application of judicial practice or litigation, after consideration proportionally for the benefit of the future of the child, the dictum formula for the court decision as the holder of the hadhonah of the child who is not yet mumayyiz is on the part of the Plaintiff or the former wife as the biological mother; while the cost of living as child support is the responsibility of the Defendant as his biological father, of course according to his abilities (Dictum on PA Pati Decision Number 350/2020, Dictum on the Decision of PTA Semarang No. 303/2020, Dictum on Cassation Decisions No. 137 / AG / 22007).

## CONCLUSION

Based on the results of the research that the researchers describe above with regard to the research with the title "Judicial Review of the Legal Imposition of the Defendant in the Sued Divorce case as Implementation of PERMA No. 3 of 2017 based on Justice in this research, it can be concluded that in the field of duties of the Judge's role in adjudicating women's cases against the law must reveal factors based on the principles: Respect for human dignity, non-discrimination, Gender Equality, Equality before the law, Justice, Benefit, for the sake of legal certainty. In addition, the form of the dictum formula of the Court / Judge's decision as a legal burden for the Defendant due to the sued divorce must be of "Condemniture" in nature in order to realize and guarantee women's rights in the form of vacant living, Iddah's living and giving of mut'ah, as well as those related to the rights and livelihoods of the child due to the sued divorce of both parents so that the dictum of the verdict is executable. For the sake of legal certainty as the holder of hadlonah or child care due to sued divorce is the Plaintiff and for the sake of legal certainty the bearer for the survival costs of children who are not yet mumayyiz is the defendant as the father according to his abilities.

It is suggested then that legal practitioners, in this case judges, with regard to the Defendant's legal imposition when adjudicating the sued divorce case as the implementation of PERMA No. 3 of 2017 in examining the Case of Women Dealing with the Law, based on justice, the judge must pay attention to the prohibitions that must be avoided, such as: Show attitudes or issue statements that denigrate, blame and / or intimidate women in conflict with the law, and must not issue statements or views that contain discrimination. In rendering the verdict, when the sued divorce case is irreconcilable, with regard to the Defendant's legal imposition in the dictum, the decision should be "Condemnated" so that it is excusable. For the community, it should not be easy to file a divorce case, perhaps only a trivial reason or problem, unless the household is completely untenable, so that the multidimensional impact of the sued divorce of the two parents can be avoided.

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- Presidential Instruction Number 1 of 1991 concerning Compilation of Islamic Law.
- Supreme Court of the Republic of Indonesia, Book II: Judicial Technical Guidelines for Religious Paradila Year 2003
- PERMA Number 3 of 2017 concerning Guidelines for Adjudicating Cases of Women in Conflict with the Law.

### **The civil case decisions that have been inkracht are as follows:**

- Pati Religious Court Decision Number 350/Pdt.G/2020/PA. Pt.
- Decision of the Semarang High Religious Court Number 303 / Pdt.G / 2020 / PTA.Smg.
- Supreme Court Cassation Decision No. 137 / AG / 2020.