

**JURIDICAL ANALYSIS RELATED TO LAWSUIT DIVORCE CASE AGAINST
HUSBAND REJECTED BY KEBUMEN RELIGIOUS COURT
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Abstrak

Pengadilan agama adalah lingkup pengadilan yang ada di Indonesia yang khusus dalam menangani kasus, perkara dan hal-hal yang bersifat perdata agama. Pengadilan agama secara khusus merupakan layanan peradilan untuk warga negara Indonesia yang memiliki agama Islam seperti dalam kasus perceraian, perkawinan dini, waris, waqaf dan lain-lainnya yang diatur dalam Undang-undang Kompilasi Hukum Islam. Pada nomor perkara 609/Pdt.G/2019/PA.Kbm yang mana dalam duduk perkara yang diajukan oleh istri dalam hal 'cerai gugat' adalah seorang penggugat yang melakukan tindakan gugatan kepada seorang suami yang dalam konteks ini adalah seorang terlawsuit. Dalam gugatan pada perkara tersebut, penggugat secara gamblang memberikan hal-hal yang sekiranya kuat untuk dapat diputus oleh hakim agar terlaksananya suatu perceraian dengan pembobotan syarat yang dijatuhkan kepada pihak tergugat. Pada perkara tersebut juga diberikan kesempatan untuk pihak tergugat dalam menyampaikan jawaban-jawaban atas lawsuits yang diberikan oleh penggugat. Atas jawaban yang diberikan oleh pihak tergugat inilah menjadi penentu bagaimana hasil dari pertimbangan dalam memutuskan perkara yang diajukan yang mana akan ditentukan oleh Majelis Hakim.

Kata kunci: cerai gugat; penolakan; pengadilan agama; perceraian

Abstract

Religious courts are the scope of courts in Indonesia that specialize in handling cases, cases and matters of a religious civil nature. Religious courts are specifically a judicial service for Indonesian citizens who have a Muslim religion such as in cases of divorce, early marriage, inheritance, waqf and others which are regulated in the Compilation of Islamic Law.. In case number 609/Pdt.G/2019/PA.Kbm which in the case filed by the wife in the case of 'divorce lawsuit' is a plaintiff who takes action against a husband who in this context is a defendant. In the lawsuit in this case, the plaintiff clearly gave things that if strong enough to be decided by the judge in order to carry out a divorce with the weighting of the conditions imposed on the defendant. And in this case, the defendant is also given the opportunity to submit answers to the claim given by the plaintiff. The answer given by the defendant is what determines how the results of the considerations in deciding the proposed case will be determined by the Panel of Judges.

Keywords: divorce; lawsuit divorce; rejected; religious court

Introduction

Marriage is a most sacred event experienced by every human being, whether it is a woman or a man in this world, marriage means a contract that justifies the association between a man and a woman who is not a Muslim and creates rights and obligations between the two. In a broad sense, marriage is a bond that is born outwardly between two people, which is a man and a woman, which is the purpose of living together in a household and descent which is carried out according to religion. Almost all religions apply how we must marry the people we love in order to get benefits such as offspring, improve life and many more positive things that are obtained when running a marriage. In national law that The 1974 Law No. 1 on Marriage refers to the bond established between men and women who will become husbands

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and wives in the future under the pretext of body and spirit, with the purpose of establishing a happy and eternal family (family) based on *Ketuhanan Yang Maha Esa*.⁴

But of course, in every marriage or a legal bond in the eyes of the law or in the eyes of religion, of course there are things that make the marriage have cracks and negative auras that cause the loss of marriage promises that have been made. In which case, the loss of a promise and which annuls eternity in marriage is called a divorce. According to the Civil Code in Article 207, it means that divorce is the abolition of marriage by a judge's decision, on the demands of one of the parties in the marriage based on the reasons stated in the Act. Meanwhile, the notion of divorce is not found at all and specifically in the Marriage Law as well as in its explanations and implementing regulations.

The definition of divorce itself withinside the Compilation of Islamic Law is explicitly emphasised in Article 117 which states that divorce is a husband's 'promise' earlier than a Religious Court trial that's one of the motives for breaking apart a marriage. Based in this description, it is able to be understood that divorce is the breaking of the wedding bond among a husband and spouse who's legal through the use of the *lafadz talak* or the like.⁵

In a divorce that is taught in Islam which is implemented into cases in the Religious Courts in Indonesia, there are 2 kinds, namely *talak* divorce and lawsuit divorce. Lawsuit divorce is an effort made by a woman who is a wife to file a lawsuit to break marital relations with a husband on the pretext of being in accordance with the provisions of the law. Meanwhile, 'talak' divorce is an effort made by a man who is the husband in severing his relationship with his wife on the pretext determined by law. In writing this journal article, we limit it to the matter of litigation which is clearly described by the legislation in force in Indonesia as in Article 73 Paragraph (1) of Law No. 7 of 1989, Article 132 Paragraph (1) Compilation of Islamic Law and Article 20 Paragraph (1) Government Regulation of the Republic of Indonesia No. 9 of 1975 concerning the implementation of the law that mentioned concerning marriage. In all the laws that discuss lawsuit divorce or an action taken by a wife in suing her husband, it can be concluded that the use of the term 'lawsuit divorce' is actually only in the realm of the Religious Courts.

In this article, authors will not only discuss what lawsuit divorce is in terms of national law and Islamic law, but authors will provide a specific explanation regarding the lawsuit divorce that is carried out by a wife to her husband for actions that according to the wife are something that decides. marriage agreement. Specifically, authors also provide a case study where the wife filed for divorce against her husband which was rejected by the Kebumen Religious Court. In case number 609/Pdt.G/2019/PA.Kbm, in which the case filed by the wife in the case of lawsuit divorce is a plaintiff who takes action against a husband who in this context is a defendant. In the lawsuit in that case, the plaintiff clearly gave things that if strong enough to be decided by the judge so that a divorce was carried out with the weighting of the conditions imposed on the defendant. And in this case, the defendant is also given the opportunity to submit answers to the claim given by the plaintiff. The answer given by the

⁴ Choirunnisa Nur Novitasari, Dian Latifiani, and Ridwan Arifin, 'Analisis Hukum Islam Terhadap Faktor Putusnya Tali Perkawinan', *Samarah*, 3.2 (2019), 322-41 <<https://doi.org/10.22373/sjhk.v3i2.4441>>.

⁵ Endang Hadrian and Lukman Hakim, *Hukum Acara Perdata Di Indonesia : Permasalahan Eksekusi Dan Mediasi*, 1st edn (Yogyakarta: DEEPUBLISH, 2020).

defendant is what determines how the results of the considerations in deciding the proposed case will be determined by the Panel of Judges.

The discussion that becomes one of the main topics in the making of this article is how a case submitted by a wife to her husband can be decided by the Panel of Judges and or vice versa, namely being canceled or rejected on the pretexts determined by law as a condition for the rejection of the lawsuit. in the realm of the Religious Courts. The study site that we take in this legal article research is the Kebumen Religious Court which is a court in Kebumen Regency which has the authority to accept, examine, and decide fairly on divorce and cases within the Religious Civil Code.

In this article, deliberately write with the title "Juridical Analysis Regarding Lawsuit Divorce Cases Against Husbands Rejected by the Kebumen Religious Court" with a novelty that we offer in the form of in-depth legal studies with steps to find problems in the form of a lawsuit made by an 'defendant' to a 'defendant' in which in this case we attach the issue that in the lawsuit there is an annulment which causes the panel of judges at the Kebumen Religious Court to reject which is in accordance with the teachings of the National Civil Procedure Code and the Compilation of Islamic Law which causes why the lawsuit filed can be rejected . The things that cause the lawsuit to be rejected are on the pretext of a lawsuit that is not proven to be actually carried out by the defendant as filed by the plaintiff which causes the cancellation of the divorce decision made by the panel of judges.⁶

In writing this article, authors as writers also prove that the novelty of writing our article is proven by providing 3 similar studies which are related to lawsuit divorce, unacceptable lawsuit divorce and others. Instead of that, authors will also compare the things that make the writing of our journal articles significantly different from other studies with similar topics and themes. One of them is in the writings of I Gusti Agung Ketut Bagus Wira Adiputra, Ida Ayu Putu Widiati, Ni Made Puspasutari Ujiti in an article entitled 'Unacceptable Lawsuit (Niet Ontvankelijke Verklaard) in Divorce Lawsuit at the Bandung Religious Court' which where the core and main topics written by them in the article are the reasons that cause a lawsuit not to be accepted on the pretext that the formal defect is an invalid power of attorney, a lawsuit filed by a party who has no legal interest, an error in person lawsuit, a premature lawsuit, Obsur Libel lawsuits, lawsuits beyond competence and expired lawsuits.⁷

Meanwhile, in the second article written by Dhoni Yusra with the article title 'Division And Their Consequences (Study on Filing Applications for Divorce filed by Civil Servants) that the discussion is more of a general study of a wife who filed a lawsuit with the Religious Court with the status of the plaintiff as an employee Civil Service (PNS). The third is an article written by Lina Kushidayati in the title 'Leg Reasoning Women in Divorce Lawsuits at the Kudus Religious Court in 2014' which has a study that relates to the factors that are the main causes why a wife who is in the realm of this lawsuit becomes a plaintiff against her husband

⁶ Dian Latifiani, 'Permasalahan Pelaksanaan Putusan Hakim', *Jurnal Hukum Acara Perdata*, 1.1 (2015), 16.

⁷ Akhmad Munawar, 'SAHNYA PERKAWINAN MENURUT HUKUM POSITIF YANG BERLAKU DI INDONESIA', *Al' Adl*, 7.13 (2015), 21-31.

a defendant because of improper polygamy, moral crisis, jealousy, irresponsibility to the family, abandoning obligations as a husband's wife or as a wife, forced marriage, economic problems, underage marriage, persecution, one party is sentenced to prison, biological disability, squabbles due to different beliefs, and squabbles on the basis of changing religions.⁸

Of the three previous studies that have been described regarding the title and discussion, with articles written by the author, despite having almost the same topic and issues, but have a significant difference to the lawsuit divorce study in this article which is more complex and specific, case studies in this article, which refers to the methods used and the data sources used, and the problems presented are more specific and clear.

In this journal article, a problem formulation is also made which is the subject of study to solve the problem with the following problems: how a lawsuit divorce against a husband can be declared null and void and what are the steps or solutions so that a lawsuit can be accepted in front of a judge.

Method Research

The type of research used is empirical legal research, namely research with data conducted by interviews and observations with the results made as collected data.⁹ In addition, the researcher also collected research data by conducting interviews with the Kebumen Religious Court Judges to ensure the validity of the data used in the study.

In addition, this study also uses a qualitative approach. In this approach the emphasis is on the quality of the data, so that in this approach the researcher is required to determine, sort and select the data and materials that have the most relevant quality to the things being worked on or careful material..

Results And Discussion

Marriage According To General And Islamic Views

Some writers refer to "pernikahan" with the word "perkawinan" both of these are actually have the same meaning, which means forming a family with the opposite sex; have sex and have intercourse", the term "marriage" is used generally, for plants, animals and humans, and denotes a natural generative process. In contrast to that, marriage is only used on humans because it contains national legal validity, customs, and especially according to religion. The meaning of marriage is a contract or bond, because in a marriage process there is ijab (a statement of submission from the woman) and Kabul (a statement of acceptance from the man). In addition, marriage can also be interpreted as having intercourse.¹⁰

Marriage is a transition from the level of adolescent life to the level of family life of all humans in the world. If viewed from the point of view of human culture, marriage is a regulator of human behavior related to sex life, namely sexual behavior and sexual relations. Apart from being a regulator of sexual behavior, marriage also has various other functions of cultural life and human society. First of all, marriage provides provisions for rights and obligations as well as protection for the results of sexual relations, namely children. Marriage also fulfills the human need for a mate; fulfill the need for wealth, prestige, and social class;

⁸ Dhoni Yusra, 'PERCERAIAN DAN AKIBATNYA', *Perceraian Dan Akibatnya*, 2.3 (2005), 22–33.

⁹ Tomy Michael, 'TOURISM LAW (STUDY ON THE DUTCH CEMETRY IN PENELEH SURABAYA)', *DiH: Jurnal Ilmu Hukum*, 2019 <<https://doi.org/10.30996/dih.v15i2.2466>>.

¹⁰ Akhmad Munawar.

and the maintenance of good relations between certain groups of relatives is often also the reason for a marriage.

In Article 1 of Law Number 1 of 1974 concerning Marriage promulgated on January 2, 1974, the definition of marriage has been formulated as follows: " Marriage is a relationship that occurs between a woman and a man as a goal to build a happy and eternal family with an inner and outer bond based on *Ketuhanan Yang Maha Esa*". Marriage emphasizes the validity of marriage on two elements, namely; (a) the marriage must be carried out in accordance with the terms and procedures prescribed by law (state law) and (b) religious law. This means that if the marriage is only carried out according to the provisions of the State Law without regard to religious provisions, the marriage is considered invalid, and vice versa.¹¹

Marriage According to Islamic View

Marriage is recommended and regulated in Islam because it has a noble purpose. In general, marriage between a man and a woman is intended as an effort to maintain self-respect (*hifzh al 'irdh*) so that they do not fall into forbidden acts, maintain the continuity of human life / offspring (*hifzh an nasl*) healthy and establish a home life filled with love. between husband and wife and help each other between the two for the common good.¹² Indeed, in a household that must be fostered by men and women is a must without any disputes that occur in the meaning of a happy, comfortable and peaceful family.¹³

Islamic Shari'ah has really paid attention to all family problems, because the family is the main first foundation in building an ark in the household in the midst of society. When the house's ark has been built strong and built with a sound foundation and a very strong foundation, then the community's products will become strong, they will be able to live happily and prosperously. Marriage as a legal act which is an act that contains rights and obligations for the individuals who do it. A man and a woman after marriage will have legal consequences, namely, among others, regarding the legal relationship between husband and wife and regarding marital property and their income.

The time period marriage in step with the Compilation of Islamic Law (KHI) is marriage, what is supposed via way of means of marriage is a totally sturdy agreement to obey Allah's instructions and sporting it out is worship. Marriage in step with Islamic regulation is a totally sturdy agreement or mitsaaqan ghalidzan. In this expression needs for care, affection and love. Thus marriage is a noble bond of settlement and a sturdy bond, binding the coronary heart and uniting the blessings for the formation of a harmonious own circle of relatives, *sakinah mawaddah warahmah* to obey Allah's instructions and deliver it out is worship. One of the standards of marriage Islam is to reinforce the wedding bond in order that it lasts forever.

¹¹ Linda Azizah, 'ANALISIS PERCERAIAN DALAM KOMPILASI HUKUM ISLAM', *AL-'ADALAH*, 10.4 (2012), 415-22.

¹³ Dahwadin Dahwadin and others, 'Hakikat Perceraian Berdasarkan Ketentuan Hukum Islam Di Indonesia', *YUDISIA : Jurnal Pemikiran Hukum Dan Hukum Islam*, 11.1 (2020), 87 <<https://doi.org/10.21043/yudisia.v11i1.3622>>.

Therefore, each attempt ought to be made to hold the own circle of relatives that has been nurtured.¹⁴

Meanwhile, if you look at Article 2 of the KHI, the philosophical foundation of marriage is in accordance with Islamic teachings without reducing the philosophical basis of marriage based on Pancasila as regulated in Article 1 of Law No.1 of 1974 (Marriage Act) in Indonesia . As explained in Article 1 of Law No. 1 of 1974, the philosophical foundation of national marriage is Pancasila by linking marriage based on the first precept, namely based on the *Ketuhanan Yang Maha Esa*.

This philosophical foundation is emphasized and expanded in Article 2 of the KHI which contains:

1. Marriage is simply obeying God's commandments;
2. Carrying out marriage is worship;
3. The marriage bond is *mitsaqan ghalidzan*.

Based on the above explanation, then we will enter into the enforcement that is reviewed based on islamic views grouped as follows:

Divorce According to General View

The regulation of divorce cases in Indonesia is generally stated in Law no. 1 year 1997 regarding the Marriage Law, Government Regulation no. 9 of 1975 the implementation of law no. 1 of 197 concerning Marriage (PP No. 9 of 1975). Divorce is an event that sometimes cannot be avoided by husband and wife. Divorce is one of the causes of the breaking up of marital ties, in addition to other causes, namely death and/or court decisions as regulated in Article 38 of the Marriage Law. Furthermore, Article 39 of the Marriage Law also explains that a divorce can occur before a court hearing only after the court concerned tries to reconcile the two parties and fails.¹⁵

As for divorce, there must be sufficient reason why husband and wife cannot live in harmony as husband and wife. Based on this legal perspective, it can be said that divorce certainly cannot just happen. This means that there must be a process and several legally valid reasons for divorce, besides that divorce can be carried out and decided in court if there are reasons, both from husband and wife.

Divorce According to Islamic View

For married couples who are Muslim, Divorce in Islam is permissible as for regarding divorce is subject to the applicable Islamic Law Compilation (KHI) based on Presidential Instruction no. 1 of 1991. Basically divorce can happen when all marriages become something "dangerous". It is explained that in the case of marriage, husband and wife have rights and obligations that must be fulfilled, if one party does not fulfill the rights and obligations as husband and wife, then one of the parties, both husband and wife, has the right to divorce or sue for divorce from his partner.¹⁶

¹⁴ Lina Kushidayati, 'Legal Reasoning Perempuan Dalam Perkara Lawsuit Cerai Di Pengadilan Agama Kudus Tahun 2014', *Yudisia*, 6.1 (2015), 141-59.

¹⁵ Baidhowi Baidhowi and others, 'ISTBAT OF MARRIAGE IMPLEMENTATION FOR MARRIAGE AFTER ENACTMENT OF LAW NO . 1 OF 1974', *Journal of Islamic Law Studies (JILS) Volume*, 2.1 (2019), 1-16.

¹⁶ Asriati, 'Pembaruan Hukum Islam Dalam Terapan Dan Perundang-Undangan Di Indonesia', *Jurnal Hukum Diktum*, 10.1 (2012), 23-39.

A husband who divorces his wife is called *talak*. On the other hand, wives who sue for divorce from their husbands by court are called *khulu'* (by giving a ransom) or *Fasak* (without ransom). Divorce and *khulu'* are the final path that can be taken if husband and wife cannot maintain household harmony.

Divorce listed in the Compilation of Islamic Law (KHI) can be ascertained based on Islamic law and fiqh law, both classical and according to local wisdom. A Muslim married couple, one of whom intends to divorce, must comply with the applicable Islamic Law Compilation (KHI) based on Presidential Instruction Number 1 of 1991 concerning the Dissemination of the Compilation of Islamic Law. Broadly speaking, the divorces regulated by KHI as the material law of the Religious Courts in Indonesia are *talak* divorce, *sued* divorce, and *khulu'*.¹⁷

The definition of a lawsuit is a civil matter that contains a dispute between 2 (two) or more parties that is submitted to the Chairman of the District Court where one party is the plaintiff to sue the other party as the defendant. The word *contentiosa* comes from Latin which means full of fighting spirit or polemic. That is why the settlement of cases that contain disputes is called *contentiosa* jurisdiction, which is the authority of the judiciary to examine cases relating to disputes between the disputing parties.¹⁸

The characteristics of the lawsuit are:

- a. Legal issues brought to court contain disputes (disputes, differences).
- b. There is a dispute between the parties, at least between 2 (two) parties.
- c. It is a party, with the composition of one party acting and acting as the plaintiff and the other party being the defendant.
- d. It cannot be done unilaterally (*ex-parte*), only the plaintiff or the defendant.
- e. The examination of the dispute must be carried out in a contradictory manner from the beginning of the trial until the decision is rendered, without prejudice to the ability to pronounce the decision without the presence of one of the parties.

There are 2 (two) types of lawsuits, namely oral claims and written claims. The legal basis for the lawsuit is regulated in Article 118 paragraph (1) *Herziene Inlandsch Reglement* ("HIR") in conjunction with Article 142 *Rectstreglement voor de Buitengewesten* ("RBg") for written claims and Article 120 HIR for oral claims. However, the priority is a written claim. The process of examining the lawsuit in court takes place in a contradictory manner, which gives the defendant the right and opportunity to refute the plaintiff's arguments and vice versa the plaintiff also has the right to fight the defendant's objection. In other words, the case examination takes place with a rebuttal process, both in the form of replicas and in the form of conclusions (conclusion). Exceptions to contradictoir examinations can be made through *verstek* or without rebuttal, if the party concerned does not attend the trial determined without

¹⁷ Lindha Pradhipti Oktarina, Mahendra Wijaya, and Argyo Demartoto, 'Pemaknaan Perkawinan (Studi Kasus Pada Perempuan Lajang Yang Bekerjadi Kecamatan Bulukerto Kabupaten Wonogiri)', *Jurnal Analisa Sosiologi*, 4.1 (2018) <<https://doi.org/10.20961/jas.v4i1.17412>>.

¹⁸ Novita Lestari, 'Problematika Hukum Perkawinan Di Indonesia', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan*, 4.1 (2018) <<https://doi.org/10.29300/mzn.v4i1.1009>>.

a valid reason, even though it has been legally and properly summoned by the bailiff. After the examination of the dispute between 2 (two) or more parties is resolved from the beginning to the end, the court will issue a decision on the lawsuit.

Lawsuit Divorce

In the case of marriage, the wife can ask the husband to divorce himself by way of litigation. Lawsuit divorce is a marital relationship. Since the wife filed a lawsuit with the religious court and the defendant (husband) agreed, the religious court approved the claim. Ahrum Hoerudin also added that the broad definition of divorce is a lawsuit filed by the plaintiff (wife) in the religious court, so the marital relationship between her and her husband is determined by the decision of the religious court. Applicable legal rules. The Gujarat divorce referred to in the Marriage Law and Government Regulation No. 9 of 1975 is a lawsuit filed by the husband or wife or their agent in a court whose jurisdiction covers the defendant's residence (Articles 40 and 20 of the UUP) PP 9 /1975 paragraph [1]).

If according to Article 132, paragraph 1, of the Islamic Law Collection, Lawsuit's divorce is basically filed by the wife or her agent to the religious court, the jurisdiction of the religious court covers the place of residence of the plaintiff, unless the wife leaves the common residence of the husband. license. If the defendant lives abroad, the president of the religious court shall notify the defendant of the lawsuit through the local representative of the Republic of Indonesia.¹⁹

Lawsuit's divorce is due to the reasons between husband and wife, and there are constant disputes and quarrels. There is no hope of reconciliation in the family. If the religious court is clear enough about the causes of disputes and quarrels, it can be accepted and heard from family members and those who are close to the husband and wife. people.

Talak Divorce

Definition of talak divorce according to Article 117 of the Compilation of Islamic Law (KHI) is the husband's pledge before the Religious Court which is one of the reasons for the dissolution of a marriage. Divorce is legally recognized if it is done or pronounced by the husband before the Religious Court. This is already stated in Article 129 of the KHI which says that a husband who is going to impose divorce on his wife submits an application both verbally and in writing to the Religious Court which is in charge of the wife's place of residence accompanied by reasons and requests that a trial be held for that purpose. So that if the utterance of the divorce vow is carried out outside the court, then the divorce is a wild divorce which is considered invalid and has no binding legal force.²⁰

Based on the Directory of Decisions of the Supreme Court of the Republic of Indonesia which is a copy of the Decision of the case Number 0609/Pdt.G/2019/PA.Kbm which is a divorce case filed by a woman named Widya Hayu Ningtiyas (name disguised as an effort to respect her identity). litigants) who is a wife who is 34 years old, is Muslim and has other identities mentioned in the lawsuit by granting power of attorney to the lawyer, hereinafter referred to as the first party to the plaintiff. In this case, the plaintiff is against her husband, who in this case is referred to as the defendant named Budi Handoko (name changed as an effort to respect the identity of the litigants) who is 45 years old, is Muslim and has other

²⁰ Yulia, *Hukum Acara Perdata* (Lhokseumawe: Unimal Press, 2018).

identities mentioned in the lawsuit. In the case that was submitted, the plaintiff was given the authority to write down the subject matter (*posita*) which became the pretext for suing the defendant. In his lawsuit, the plaintiff said that it was true that he had been married for approximately 12 years with two children. Previously, the plaintiff and the defendant were a married couple who lived in the plaintiff's parents' house for approximately 7 years. The starting point of the dispute that occurred between the plaintiff and the defendant was in 2018 under the pretext of an economic dispute. The plaintiff briefly explained that the defendant, who is a husband, did not fulfill his obligation to provide a living for his family, which consisted of the plaintiff and two children. The plaintiff also explained that it had followed up on the husband who did not provide support to the plaintiff and children so that in the future there would be changes which could improve the lives of the plaintiff's and defendant's families, but it was explained in the main case that his efforts were in vain.

In the trial, which was conducted at the Kebumen Religious Court, it had been carried out properly, the matter would be forwarded to the mediation room as an effort by the Kebumen Religious Court to reconcile the families of the plaintiff and the defendant, but it was still the plaintiff's decision to sever the marital relationship or divorce the defendant. Whereas in the second trial, the defendant was given the opportunity to answer the main points of the case proposed by the plaintiff. Whereas in his answer, the defendant confirmed that there was a marriage and two children in his family, so that they lived at the house of the plaintiff's parents for approximately 7 years. However, in his response, the defendant denied that the defendant, who was the head of the family, did not provide any living expenses for his family. The defendant explained that for the 7 years mentioned by the plaintiff who lived in the residence of the plaintiff's parents, it was true but with the position of the defendant who worked as an Indonesian worker in Malaysia and always provided a monthly income of Rp. 1,500,000 to Rp. 3,000,000. The defendant also did not justify the existence of a child in the care of the plaintiff, that in fact it was the defendant who took care of the two children after the defendant returned from Malaysia.

In the answer described by the defendant, that there were many excuses that did not justify the existence of the main case being sued by the plaintiff which in fact had no real truth and was actually experienced or carried out by the defendant on the lawsuit filed by the plaintiff. Until the answers that do not justify the claims filed by the plaintiffs until the replik is read by the attorney of the plaintiff before the court.

In this case, also do not forget to attach related witnesses given by the plaintiff as a reinforcement for the existence of the argument for divorce that was wanted by the plaintiff and the witnesses presented by the defendant that confirmed what was answered by the defendant on the defendant's desire to maintain his relationship with the defendant. plaintiff.

In the decision given by the Panel of Judges of the Kebumen Religious Court that what has been proposed by the plaintiff who is a wife in her lawsuit to the defendant who is a husband and based on the considerations of the Panel of Judges for the entire course of the case, then in this case the lawsuit from the Plaintiff is in reject. The reason the Panel of Judges rejected the lawsuit for divorce filed by the plaintiff was that many of the arguments and

evidence from the plaintiffs could not be proven true. So from the reason that the plaintiff could not prove the arguments of his claim to the plaintiff, the lawsuit in the divorce case 0609/Pdt.G/2019/PA.Kbm was rejected. In addition, the Panel of Judges considered and decided that the Defendant was more likely to be seen as a party capable of proving the arguments for his response which were the rebuttal of the claim by the plaintiff.

Solutions to Rejection of Lawsuits in Religious Courts

Based on the description that has been presented in the core part of the 'divorce lawsuit' problem experienced in case 0609/Pdt.G/2019/PA.Kbm, it is a reference as a lawsuit case as best it is done with the contents, posita, petitum and evidences. evidence that can strengthen the claim filed by the plaintiff. Based on the benchmarks on the lawsuit filed by the plaintiff in the case in this article, this article can be used as reading material regarding what are the reasons for the decision to be rejected, especially in divorce cases. Because as mentioned earlier the key to rejecting the decision lies in proof, if the plaintiff/applicant cannot prove the argument of his claim, the lawsuit/application will be rejected by the judge as in case 0609/Pdt.G/2019/PA.Kbm. Unable to prove the argument of the lawsuit can be caused by various things which may lie in the content of the lawsuit or the substance of the lawsuit and the evidence provided by the witnesses. Due to witnesses who were not accepted by the judge, evidence deemed insufficient by the judge, or other things that could happen in the field. In the case of making a lawsuit so as not to get rejection from the panel of judges in a religious court, that the need for the contents and cases given in the case file must be in accordance with the correlation between the posita and the petitum as well as the witnesses who are used as evidence for strengthening the existence of the lawsuit filed by the plaintiff.

Empirical Advice from the Kebumen Religious Court

In a lawsuit that does not or does not have certainty and clarity on the posita or lacks synchronization with the petitum in the divorce suit, the Kebumen Religious Court provides suggestions that the plaintiff can do as follows:

1. That the plaintiff who does not understand the law, then come to the Religious Court at the nearest domicile
2. Legal assistance will always be provided by the Religious Courts through POSBAKUM or Legal Aid Posts
3. Use reasonable reasons and in accordance with the Compilation of Islamic Law (KHI)

Conclusion

In the Compilation of Islamic Law (KHI) it is not regulated on the meaning of divorce but matters regarding divorce have been regulated in articles 113 to 148 of the Compilation of Islamic Law (KHI). By looking at the contents of these articles, it can be seen that the divorce procedure is not easy, because it must have strong reasons and these reasons must be strictly according to law. In case number 609/Pdt.G/2019/PA.Kbm where in this case there is a lawsuit filed by the wife in terms of 'divorce lawsuit', it is a plaintiff who takes action against a husband who in this context is a defendant. Whereas in a divorce case in the Religious Courts which is a lawsuit or divorce filed by the litigating parties, the Panel of Judges can refuse based on the considerations concluded by the panel of judges on matters that make the lawsuit or application can be rejected . The reasons for the rejection of a lawsuit and application are centered on the posita and petitum which are sometimes unrelated and the evidence is not strong. The solution that can be used in litigation must focus on the contents of the posita and

petitum so that they are synchronized with each other and the evidence made by witnesses or similar evidence is in line with the lawsuit filed.

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