

The Strength Proof Judgment in the Case Sue for Divorce in the Religious Court Klaten

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Abstract

A guess is an inference drawn by a law or judge from an event that can be observed to an event that cannot be generally observed. The issue discussed is the validity of presumptive evidence as a result of testimony in divorce cases. Evidence that supports allegations is regulated in Article 173 HIR, Article 310 Rbg, and Article 1915 of the Civil Code. This research is a descriptive normative legal study. The data used is secondary data consisting of primary legal materials and secondary legal materials. The data collection method used was document and reading material analysis, the research tool was identified as Decision number 0556/Pdt.G/2024/PA.Klt, the analysis method used was deductive syllogism. The strength of evidence in a statutory accusation is absolute, binding and decisive, while the strength of evidence in a judge's accusation is independent evidence. In giving a decision in a divorce case, the judge takes into account presumptive evidence based on testimony presented by the Plaintiff. The judge agreed to the plaintiff's request to divorce their marriage..

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1. Introduction

Ascertaining the truth of an incident in a dispute to a judge is the essence of the evidentiary process. The evidentiary process in trials is used to find the truth and determine the judge's decision, not just to find individual mistakes. The matters that must be proven in a civil case involve specific rights, events, and facts. In accordance with the provisions of Article 1865 of the Civil Code, a person must be able to prove the existence of a thing or event in an event.(Zulfikar and Rahman 2021)Civil procedural law has determined the types of evidence that can be used in court. In Article 1866 Burgelijk Wetboek, the Civil Code regulates that evidence includes:

- a. Written proof;
- b. Witness;
- c. Estimate;
- d. Confession; And
- e. Oath

During the trial at the Klaten Religious Court, there was a divorce suit case which used evidence in the form of letters and witnesses. The author found decision number 0556/Pdt.G/2024/PA.Klt, the reason the plaintiff sued for divorce was because there had been repeated disputes and quarrels (syiqoq) due to the presence of another dream woman (WIL). The plaintiff's application includes documents and two people who testified. One of the plaintiff's witnesses (Witness II) is the uncle of the plaintiff. Based on the main description of witness II's statement or testimony, he clarified that he had never witnessed a direct quarrel between the plaintiff and the defendant, but knew about the quarrel through the plaintiff's confession.(Sunge 2012)

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According to the definition, a witness is an individual who witnesses, hears, knows and directly experiences an event. With subjective provisions, witnesses need to be able to explain what they saw, heard and experienced themselves. Therefore, the plaintiff's witness II did not appear to explain directly using subjective requirements when explaining the reasons for providing testimony. In this case, the judge was of the opinion that the *de auditu* testimony was not used as indirect evidence, but as an assumption with rational considerations.(Sari and Yudowibowo 2016)With considerations from the panel of judges, including strong presumptive evidence, the plaintiff's request to divorce the defendant was approved. The main question that the author wants to analyze in this reflection paper is how strong the evidence for the allegations in Decision Number 0556/Pdt.G/2024/PA.Klt is.

2. Methods

This type of research is normative legal research or commonly known as normative legal research. According to Soerjano Soekanto, normative research is legal research carried out by examining secondary data or library materials consisting of primary legal materials, secondary legal materials and tertiary legal materials.

3. Results and Discussion

In a trial, if a statement about a right or event is denied by the opposing party, it must be proven to ensure its truth and validity. In his book "Civil Procedure Law for District Courts", Supomo explains that evidence has two meanings, namely a broad and a limited meaning. The broad meaning of evidence is to strengthen the judge's conclusions with valid evidentiary requirements. Limited meaning is only necessary if the defendant refutes the plaintiff's argument.(Ginting et al. 2023)If it is not refuted, there is no need to be tested. Undeniable facts do not require proof.

Sudikno Mertokusumo explained that the terminology proves to have three meanings, namely logical, conventional and juridical. Proving logically means providing absolute certainty, applies to everyone, and does not allow any contradictory arguments(Rifai, Paransi, and Maramis 2024). Proving traditionally not only provides absolute certainty, but also relative certainty and provides a sufficient basis for the judge to ascertain the truth of the events being presented at trial.(Rifai, Paransi, and Maramis 2024)

In a civil process, the judge has the obligation to examine whether the legal relationship that is the basis of the lawsuit actually occurred or not. It is important for the plaintiff to prove a legal relationship in order to win the case(Putu Riyani Kartika Sari and Luh Putu Geney Sri Kusuma Dewi 2020). If the plaintiff fails to prove the basics of his claim, his claim will be rejected. However, if successful, the lawsuit will be granted. Evidence does not have to be presented for all basic claims made, especially if those claims are not questioned or even fully agreed with by the opposing party(Sari and Yudowibowo 2016). The case examiner must provide evidence, whether as a plaintiff or defendant.

Even though the claim has been clearly recognized, most practitioners still require proof in divorce cases to comply with the hardship principle. Divorce, as explained in the general explanation of Law Number 1 of 1974 Article 4 letter e, aims to prevent false situations resulting

from the motive of an invalid and unlawful divorce agreement.(Through and Sel nd). The focus of proof is on evidence that shows certain rights and events in community life, which is often used as evidence in court in legal relationships between the parties involved.Evidence arrangements in civil cases are explained in HIR and Rbg, as well as book IV Burgerlijk Wetboek(Sari and Yudowibowo 2016). Valid evidence in civil proceedings is regulated in detail in Article 164 HIR, Article 283 Rbg, and Article 1866 of the Civil Code, including:

- a. Written proof;
- b. Witness;
- c. Confession;
- d. Estimate;
- e. Oath.

Apart from the evidence already mentioned, there are two other pieces of evidence used, namely:

1. Local inspections as regulated in Article 153 HIR or Article 180 R.Bg, and
2. Expert testimony as regulated in Article 154 HIR or Article 181 R.Bg.

The parties involved in the trial must be able to present evidence that has evidentiary value. This evidence has various forms and types that can provide information and explanations regarding the issues discussed in court. All parties involved in trials at the Religious Courts, including in divorce cases(Sari and Yudowibowo 2016). Even though it has been confirmed in Article 1 of Law Number 1 of 1974, that marriage is a physical and soul relationship between a man and a woman as life partners to form a happy and eternal family based on belief in the Almighty God. However, disputes, differences of opinion, and disputes in the household are inevitable(Zulfikar and Rahman 2021). Article 19 in the 1975 Government Regulation regulates the reasons for divorce, one of which is disharmony in the household. Disharmony is often the reason for couples who want to divorce because of various things such as differences in views and differences of opinion that are difficult to reconcile. Divorce can be processed in court after mediation efforts fail, provided that there must be strong reasons to prove disharmony between husband and wife.(Putu Riyani Kartika Sari and Luh Putu Geney Sri Kusuma Dewi 2020).

4. Conclusion

In the trial of civil case Number 0556/Pdt.G/2024/PA.Klt at the Klaten Religious Court, the evidentiary strength of allegations as evidence was based on Article 164 HIR, Article 283 Rbg, and Article 1866 of the Civil Code. Allegations are considered valid in divorce cases. In practice, evidence is usually used as a basis for determining a suspect.

Factors considered by the judge in making a decision. Estimates are divided into two, namely estimates based on law or statute and estimates based on the judge's view or facts. In case Number 0556/Pdt.G/2024/PA.Klt, the judge considered the judge's assumptions or facts as free evidence, while legal assumptions or laws were considered as perfect, binding and decisive evidence. When making a decision, a judge cannot only rely on presumptive evidence, but must be supported by other evidence in accordance with applicable law. If a court is only based on one assumption, then the evidence is considered legally very weak or incomplete.

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