

CASE STUDY OF CLAIM AGAINST VIOLENCE IN HOUSEHOLD IN RELIGION COURT OF CLASS I A BENGKULU

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ABSTRACT

This study aims to determine what factors cause one of the parties to commit domestic violence and how is the judge's consideration in completing the case for divorce due to domestic violence in the Class I A Bengkulu Religious Court. In this study the authors use a normative juridical approach, also called research on doctrinal law that is the law conceptualized as what is written in the legislation or law conceptualized as a rule or norm which is a benchmark of human behavior that is considered appropriate. In this study, what was sought was the decision of the Bengkulu Class Religion Court in deciding the case for divorce due to domestic violence. In this study the authors used a type of descriptive research, which is to provide as much detailed data as possible about human conditions or other symptoms. This descriptive method is intended to obtain a good, clear picture and can provide as much detailed data as possible about the object under study. In this case to describe the divorce due to domestic violence. The results of this study are expected to be used as a reference in conducting legal counseling in the city of Bengkulu to increase community legal awareness that domestic violence is contrary to applicable laws and regulations and as a reference material for the enrichment of civil law teaching materials in general and marriage law in general. especially.

Keywords : Divorce Lawsuit, Domestic Violence, Judge Considerations, Religious Courts.

A. Introduction

1. Background Problems

Marriage is a sacred thing for people who live it, the purpose of marriage is to form a harmonious family that can form a happy atmosphere towards the realization of calm, comfort for husband and wife and family members. Islam with all its perfection views marriage as an important event in human life, because Islam views marriage as a basic human need, is also a sacred ties or a sacred covenant between men and women. Besides that marriage is the best means to realize the affection of fellow human beings from it can be expected to preserve the historical process of human existence in life in this world which will eventually give birth to the family as a small unit as from life in society.¹

Marriage to form a happy family can not be separated from environmental and cultural conditions in fostering and maintaining relationships between husband and wife families. Without the unity of these goals the obstacles in family life can occur, which in

turn can become disputes and cracks in the family body.

In the current era of progress, more and more new problems are plaguing households, more and more challenges are faced so that not only are the various problems faced and even household needs are increasing as advances in science and technology. As a result, demands on every individual in the household to meet needs are increasingly clearly felt. Life needs that are not fulfilled will result in one main problem in the family, the longer the problem becomes taper so it can lead to divorce if there is no meaningful solution for married couples. The era of globalization is a strong supporter that influences people's behavior and the strength of information from the west through film or mass media influences the reasons for marriage and divorce. Such a culture has indirectly addressed the current attitude of the Indonesian people who view that a marriage is not a sacred thing. The impact of the economic crisis also helped trigger an increase in divorce. Starting with the condition of society that is increasingly burdened by the high price of needs, the number of cases of termination of employment by

¹ Djamal Latief, H. M SH, *Aneka Hukum Perceraian Di Indonesia*, Jakarta : Ghalia Indonesia.1982, Hal 12

many companies, a decrease in family income, increased living needs and family conflicts arise. Then this condition is exacerbated by the rise of the spectacle of divorce among artists and community leaders, Indonesian cultural patterns that are never separated from the guiding figure or the figure will increasingly assume that divorce is no longer a taboo thing that should be avoided.

Divorce is essentially a process whereby the marital relationship when there is no harmony in marriage. Regarding the definition of divorce the marriage law does not explicitly regulate, but only determines that divorce is only one reason for the termination of the marriage, in addition to other causes namely death and court decisions. Soebakti SH defines divorce is:

"Divorce is the abolition of marriage because of a judge's decision or the demand of one of the parties in the marriage".²

With the enactment of Law Number 1 of 1974 and the Compilation of Islamic Law, where the regulation is also used as positive law in Indonesia, divorce is given

strict and strict restrictions both on the conditions for divorce and the procedure for filing for divorce. This is explained by the provisions of Article 39 of Law No. 1 of 1974, namely:

1. "Divorce can only be conducted before a court hearing after the court has tried and failed to reconcile the two parties."

2. "To divorce must be sufficient reason that between husband and wife will not be able to live in harmony again as husband and wife."

3. "The procedure before a court hearing is regulated in its own rules."

The provisions of Article 115 of the Compilation of Islamic Law, namely:

"Divorce can only be done in front of the Religious Court after the Religious Court tries and fails to reconcile the two parties".

So from the above provisions it is clear that the marriage law in principle tightens the occurrence of divorce, which determines divorce can only be carried out before a court hearing, also must be accompanied by certain reasons for conducting divorce. The breaking up of the marriage can occur because of divorce or based on divorce lawsuits,

² Soebakti, *Pokok-Pokok Hukum Perdata*, Cet XX1: PT Inter Massa, 1987, hal. 247

from sharing these regulations, it can be seen that there are two types of divorce, namely divorce and divorce divorce. Divorce divorce divorce is only valid for those who are Muslim and submitted by the husband.

Divorce divorce is a special term used in the Religious Courts environment to distinguish those who file for divorce. In the case of divorce, the person who filed is the husband while the divorced party who filed is the wife. As mentioned in the Article 114 Compilation of Islamic Law that:

"Marriage termination due to divorce can occur due to divorce or based on divorce suit".

Divorce rates in Bengkulu City in recent years have always increased. Data compiled by BE from the Bengkulu 1A Class Religious Court, since 2013 divorce cases received by the Religious Court have continued to increase. In 2013, the Religious Court received 637 divorce cases that were filed by the applicant, both the applicant for divorce and divorce. Then in 2014, the number of divorce cases received by the Religious Court increased to 682 cases. Then in 2015, until November, divorce requests received

at the Religious Courts skyrocketed to 734 cases.³

In 2017 the number of divorces increased. Based on the annual report released by the Bengkulu IA Class Religious Court through the official website of the Bengkulu IA Class Religion Court, the number of cases handled was 867 cases, each covering divorce, divorce divorce, shared assets, polygamy permits and Islamic economics.

In connection with this background the author wishes to conduct research on divorce due to domestic violence in the city of Bengkulu, where lately there have been many divorce cases for this reason which often harm the wife's party due to the actions of her husband. Filing for divorce from a wife on the grounds of domestic violence is justified by the marriage law, which is regulated in Article 19 letter (d) Law No. 1 of 1974 Jo Article 116 letter (d) Compilation of Islamic Law and basically the Law Marriage law regulates and determines the reasons that can be used to file for divorce, namely:

³ <http://bengkuluekspress.com/angka-perceraian-meroket>.

1) One party commits adultery or becomes a drunkard, compactor, gambler and others who are difficult to cure.

2) One party leaves the other party for 2 (two) years in a row without a valid reason or for other reasons beyond his ability.

3) One party gets the party to get a prison sentence of 5 (five) years or a more severe sentence after the marriage takes place.

4) One party commits atrocities or severe persecution that endangers the other party.

5) One of the parties gets a disability or illness with the result of not being able to carry out obligations as a husband or wife.

6) Between husband and wife there are continual disputes and quarrels and there is no hope of living in harmony again in the household.

The author limits only regarding the cause caused by one party committed cruelty or severe persecution that endangers the other party. Marriage is sometimes not in accordance with the original purpose, lack of understanding and misunderstanding of each party regarding the roles, rights and obligations to make the marriage no

longer harmonious. This can trigger a constant fight, eventually one of the parties committed acts of violence, physical or psychological damage.

Victims of domestic violence are generally women or wives who incidentally have a weak physical compared to her husband. But many cases of domestic violence do not report their fate to the authorities, one of the reasons is the dependence of victims on the perpetrators both economically and socially.

2. Formulation of the Problem

Based on the description in the background above, the problems in this study are formulated as follows:

1. What factors cause one party to commit domestic violence so that the victim decides to go to court?
2. How is the Judge's Consideration in Resolving the Divorce Divorce Case Due to Domestic Violence in Class A A Bengkulu Religious Court?

B. Research Methods

In this research the author uses normative juridical approach, also called doctoral Law research which is the law conceptualized as what is written in legislation or law conceptualized as a rule

or norm which is the benchmark People who behave appropriately.⁴ In this study sought was the ruling of the class of religious court IA Bengkulu in deciding the case of divorce due to domestic violence.

In this research the authors use a type of descriptive research, namely to provide data that is likely to be about human condition or other symptoms.⁵ This method of Decryptory is intended to obtain a good, clear picture and can provide data on the settings of the objects that are researched. In this case to dictated the divorce due to domestic violence.

In the preparation of this research at the class of religious court IA Bengkulu, in consideration of the location that is easy to reach and as one of the perpetrators of judicial power for the people of the Islamic Religious Authority on certain matters as stipulated in LAW No. 50 year 2009 on religious justice.

C. Results and Discussion

1. Factors contributing factors to the divorce in the class I A religion Court of Bengkulu.

Basically, every family wants to build a happy and loving family both born and spiritually, in other words that every family really wants to build a harmonious and happy family that is often called the family of Sakinah, Mawaddah wa rahmah. It is in fact that not all families can walk smoothly in the sight of their lives, because in the family it is not fully able to feel happiness and love and care for each other, but there is a sense of discomfort, distress, or sadness and mutual fear and hate among others. It is indicated by still being encountered on a number of troubled households, even in various kinds of violence in households (KDRT). Domestic violence (KDRT) can be interpreted as acts of violence committed by a caregiver, parent or spouse. Domestic violence can be shown in a variety of forms, including: physical abuse, use of physical strength; Sexual violence, any forced sexual activity; Emotional violence, actions that include threats, criticism and dropping that occur continuously; and control to earn money and use it.

Based on law No. 23 of 2004 on PKDRT in article 1 point 1, mention that violence in households is any deed against a person especially women, which results in the onset of physical, sexual, psychological, and/or household abuse, including threats to perform acts, coercion or deprivation of independence against the

⁴ Amirudin Zainal Asikin, *Pengantar Metode Penelitian Hukum*, Jakarta: PT Rajagrafindo, 1995, hal. 38

⁵ Soerjono Soekanto, *Pengantar Penelitian Hukum*, Jakarta : UI Pres, 1998: hal. 58

law in the household. Similarly in article 2 paragraph 1 mentions that the scope of the household in this law includes (a) husband, wife, and child (including adopted children and stepchildren); (b) Persons who have a family relationship with the person referred to in the letter a due to the relationship of blood, marriage, grief, parenting, and custody, who reside in the household (in-laws, in law, in law and Besan); and/or (c) the person working to help the household and settle in the household (domestic workers).

Article 5 confirms that everyone is prohibited from committing domestic violence against people in their household, by:

- A. Physical violence;
- B. Psychic violence;
- C. Sexual violence; Or
- D. Household abandonment.

When compared between the forms of domestic Violence (KDRT) as stipulated in this article 5, we will not find all four forms of domestic violence as a contributing factor to the divorce in Bengkulu class I A religious court. The cause of divorce is due to:

- 1) Zina
- 2) Drunk
- 3) Madat
- 4) Gambling
- 5) leaving either party

- 6) Punished
- 7) Polygamy
- 8) KDRT
- 9) Disability
- 10) ongoing disputes and quarrels
- 11) Forced marriage
- 12) Apostate
- 13) Economy

Based on the 13 factors causing the divorce which is recorded in the courts of the religion of class I A Bengkulu with the provisions stipulated in article 5 of LAW No. 23 of 2004, there are three criteria of the thirteen cause factors that can be incorporated into Causes of divorce due to domestic violence (KDRT), namely:

- A. Leaving either party
- B. KDRT
- C. Continuous disputes and quarrels
- D. Economy

Leaving one of the parties, you can enter a category does not provide a living when leaving the household is a male party. Because in the ruling Shighat Taklik Talak as found in the Book of marriage has asserted as follows:

*I:..... Fulan..... Bin.....
 Fulan..... Pledged earnestly that
 I would have married my wife
 named:..... Fulanah..... Bint.....
 Fulan..... (Mu'asyarah bil Ma'ruf)
 according to Islamic teachings.
 To my wife, I declare the following:
 If I:*

1. *Leave my wife for 2 (two) consecutive years;*
2. *Do not give her a compulsory 3 (three) months;*
3. *Hurt my wife's body or physical;*
4. *Leaving (disregarded) my wife for 6 (six) months or so,*

And because of my deeds, my wife did not Ridho and filed a lawsuit against the religious court, so if the complaint was accepted by the court then my wife paid the money of Rp. 10.000,-(ten thousand Rupiah) as ' Iwadl (substitute) to me, so I am one of my talak.

Domestic Violence (KDRT) as the second reason referred to in the cause of the divorce was filed by the wife is domestic violence (KDRT) relating to physical violence conducted by the husband, including In this sexual assault because the husband has sex disorder, the husband will get a sex satisfaction against his wife when they have sex husband committed physical violence against his wife. Therefore, the discussion relating to the divorce lawsuit to the court of religion class I A Bengkulu, especially the divorce is more focused on physical violence (article 6), Psychic violence (article 7), Sexual violence (article 8) and abandonment in the home (article 9) ACT No. 23 of 2014, which will be further outlined in the following descriptions.

1. Physical violence

Physical violence is a deed that results in pain, illness or severe injuries (article 6). Physical violence can be manifested by behavior among them: slap, bite, hand-twist, stab, poke, burn, kick, threaten with an object or weapon, and kill. This behavior really makes children become traumatized in their lives, so they do not feel comfortable and safe.

Divorce due to physical violence, as seen in Table 6, mentions that the number of things received by the class I A religion Court of Bengkulu from 2016 to August 2018 amounted to 14 cases or 0.87 percent of the number of Cases of domestic VIOLENCE as much as 1602 cases. The least number of things entered based on the information from the clerk of the religious court class I A Bengkulu due to the process and requirements for filing a divorce due to physical violence need to have a hospital Visum. This visum needs to be taken care of in the first place, but the physical violence is sometimes long. The time span between physical violence and time to do visum to the hospital is long enough. Consequently to get a visum from the doctor that the plaintiff is experiencing difficulties, so they are looking for another alternative as a reason it filed a divorce such as leaving either party or the occurrence of continuous liability As the reason for filing a divorce lawsuit into the religious court.

2. Psychic Violence

Psychic violence is an act that results in fear, loss of self-confidence, loss of ability to act, a sense of helplessness, and/or a heavy psychic suffering in a person (article 7). The act of psychic violence can be demonstrated by intimidating and torturing behavior, giving violent threats, house-breaking, excessive care, threats to uncovering their child's care, separation, revile, and persistent humiliation.

Based on data obtained from research shows that psychic violence enters into the karetogi dispute and continuous improvement. The divorce rate due to psychic violence is large enough from 2016 to August 2018, which is as many as 1244 cases or 77.7 of cases, the number of things entered by as many as 1602 cases.

3. Sexual violence

Sexual violence is any act of sexual intercourse, coercion of sexual intercourse in an unnatural and/or undesirable manner, coercion of sexual intercourse with others for commercial purposes and/or a particular purpose. Sexual violence includes (Section 8): (a) the coercion of sexual intercourse committed against persons residing within the scope of the household; (b) The coercion of sexual intercourse against one in the sphere of his household with another person for

commercial purposes and/or a particular purpose.

Based on the research results of the problem of divorce due to sexual violence included in the category of KDRT. However, the category of domestic violence referred to by the Court shall be domestic or physical abuse. Therefore, this data was not obtained by researchers from 2016 to August 2018. Class I A of religion Court of Bengkulu conducts the registration of the article based on 13 factors causing the divorce, namely Zina, drunk, Madat, gambling, leaving one party, convicted, polygamy, domestic VIOLENCE, disability, disputes and quarrels continuously, forced marriage, apostate and economic

4. Household abandonment

The household abandonment is a person who calls people in the sphere of his household, but according to the law that applies to him or because of approval or agreement he is obliged to give life, care, or maintenance to the person. In addition, the abandonment also applies to any person who causes economic dependence by limiting and/or prohibiting the proper work inside or outside the house so that the victim is under the control of that person (Section 9). Household abandonment can be said by economic violence that can be indicated by behavior such as: refusal to obtain financial,

rejection to provide financial assistance, rejection of the feeding and basic needs, and control of the acquisition of health services, employment, and so on.

Based on the data obtained from the research shows that psychic violence entered in Karetogi household abandonment in the courts of religion class I A Bengkulu can be grouped into two factors namely the factor left one party and economic factors. The factor of leaving one party amounted to 344 cases or 18, 1 percent, while the economic factor amounted to 284 cases or 14.9 percent of the 1902 things received from 2016 to August 2018.

2. Judge's consideration in resolving divorce due to domestic violence

In article 65 LAW No. 50 year 2009, it is confirmed that the judges in the religious court shall be obliged to reconcile both parties before the proceedings or during the proceedings. However, peace must be done on a mutual agreement between the parties and do not cause harm from either party, because the purpose is to the benefit of both parties and families (children) in social life. Therefore in an attempt to reconcile no one of the parties is defeated by the other party. This reconciling effort is done in the mediation process. Mediation is governed by the regulation of the Supreme Court No. 1 of 2016 on the mediation procedure in court.

If mediation successfully reaches the agreement, the parties with the help of the Mediator shall formulate a written agreement in the Peace agreement signed by the parties and the Mediator. The parties through the Mediator can apply for a peace agreement to the judge of the case to be strengthened in the Peace Act.

However, if this attempt fails, then the next step in the religious court is to forward the application or the claim to divorce by answering the answer and proof of evidence.

When a married couple eventually chooses to make peace or separation in the "peace process", judges are important to present the family and children who have made it possible from the sides of the age and the maturity of thinking to bear testimony of the household events that occur, so that the judge is not only guided by the parties, because the significance of the meaning of this decision is not only for the parties

The fact also illustrates that divorce through the divorce process is also due to the breeding in the household after the events as a cause of occurrence. The husband had known the fact of his affair and chose to leave the house with his will, so that the original abandonment was merely brightly lit, and the husband chose to hang his status until finally the wife chose to sue the status of his marriage.

This expects the role of an active judge to facilitate the dismantling of hidden situations and conditions since the beginning of the trial, because the fact that the husband or the defendant evades the trial or even chooses not to attend at all.

Cases of domestic VIOLENCE in the judiciary of religion is in fact a difficult case to be reconciled. Generally victims (usually wives) have made various attempts to take peace before bringing his case to court, even sacrificing himself.

The assembly in receiving a divorce lawsuit cannot impose so that the husband and wife should both refer and make peace. Because when forced it will be feared the same thing over and over again. So in its verdict about divorce, especially because of disputes and quarrels and domestic VIOLENCE, can be seen about the judgment of judges in its verdict.

The author will describe the ruling of the Bengkulu religious court, so it will be seen the legal consideration of the judges in deciding the divorce matters relating to the KDRT or quarrels and disputes. According to the ruling on religious Court No. 0489/Pdt. G/2018/PA. Bn who examines and prosecute certain matters at the first level in the trial of the Tribunal has dropped the verdict in the case of divorce, the judge decides in legal consideration namely:

-Considering, that the intent and purpose of the plaintiff's lawsuit as outlined above (frequent disputes and quarrels caused: the defendant often hit the plaintiff; Defendant every time the storm with the plaintiff always complained to the defendant's parents so that defendant's parents joined the plaintiff; The defendant's illegitimate stout almost stabs a plaintiff by using a knife, even nearly injuring the plaintiff's child with the defendant; Defendant is no longer to support the plaintiff and the child since the separation so that it lasts for 1 year 11 this month; The defendant broke Shighat Taklik number 2, number 3, and number 4, which reads as follows: The number two (2) is: Or I did not give him a mandatory living for three months; The number three (3) is: Or I hurt my wife's body/physical; The number four (4) is: Or I let (disregarded) my wife six months old; That the problems of the plaintiff and defendant households have been sought peace by the family parties both parties but not successful; That plaintiff has determined to divorce from the defendant because to build a happy home is unlikely to materialize)

-Considering, that the Assembly of the judges in the Court has attempted to advise the plaintiff to be patient awaiting the arrival of the defendant and then return

to the pillars with the defendant, but the effort did not succeed;

-Considering, that on the day the trial has been determined the defendant never came to the face or sent another person as his deputy even though the defendant had been called appropriately and the No-show was not caused by a legitimate barrier to the law, therefore, the defendant/absence of defendant to use his rights in front of the conference according to the provisions, such thing should be interpreted as a defendant's recognition against the evidence that Asked by the plaintiff secretly, but to avoid major lies or plays in marriage, the plaintiff still has to prove all the evidence of his guidhood;

-Weighing, that the reason for plaintiff filed for divorce against defendant, in fact because the plaintiff's household and defendant has always been a dispute and quarrel, and currently between the plaintiff and defendant have parted for more than 1 (one) Year 11 (eleven) months, and as long as the defendant has never paid the plaintiff again, as well as during the split the defendant has never given a mandatory living to the plaintiff;

-Weighing, that to strengthen the evidence Gugataannyapengsued has filed evidence of a photocopy is coded (P) and two witnesses who gave the information under the oath;

-Considering, that the proof tool (P) has

been sealed sufficiently in the post office, so it has been in accordance with the intent of article 2 paragraph (1) (letter) A and paragraph (3) of law No. 13 of 1985 concerning stamp duty. Article 1 (letter) A and F and Article 2 paragraph (1) of the government Regulation Number 24 year 2000 concerning Amendment Terif stamp duty, then such evidence should be declared valid and therefore formically acceptable as a tool of evidence;

-Considering, that the proof tool (P) is an authentic deed because it is made by the competent officer, then under the provisions of Article 285 [R.Bg](#) (article 1870 of civil Law) the value of proof of proving power of the instrument is perfect and binding, thereby the evidence can be considered in resolving the matter;

-Considering that aquo concerning divorce will apply special event law, so that the Tribunal shall listen to the statement of family witness or close person of the parties as referred to article 76 paragraph (1) of Law No. 7 of 1989 which has been amended by Law No. 3 year 2006, as well as the Second Amendment with Act No. 50 of 2009 Jo. Article 22 paragraph (2) government Regulation Number 9 year 1975 Jo. Article 134 of the compilation of Islamic law to learn more deeply the disputes and quarrels between the plaintiff and the defendant and to know the extent of the peace efforts that the

family has traveled in resolving the problems occurring in the plaintiff's household and defendant;

-Considering that the plaintiff's witnesses are deemed capable and there is no formyl defect as a witness as well as a witness of the family and people close to the plaintiff and not the person forbidden to be heard as a witness in the case divorce on the grounds of quarrel and disputes continuously as referred to article 76 paragraph (1) of Law No. 7 of 1989 which has been amended by Law No. 3 of 2006 and the Second Amendment with law number 50 year 2009 Jo. Article 22 paragraph (2) government Regulation Number 9 year 1975, above the oath has given a description in front of the hearings, as well as the information conveyed by the witnesses have a clear source of knowledge, about the events experienced, heard, seen by himself by the witnesses and related to the evidence of the plaintiff's claim therefore the testimony of the witnesses is acceptable as a valid instrument of evidence in this matter, and can also be considered in resolving this

-Considering, that the description of the two witnesses filed by the plaintiff turned out to be mutually compatible, thereby strengthening all that has been predetermined by the plaintiff;

-Considering, that to confirm the plaintiff's statement stating that the

defendant is currently unknown in his address throughout the territory of Indonesia, the plaintiff has delivered a certificate from the head of the plantation district of the Sultanate of Ratu Samban, the number: 474.2/14/1019/I/2018 dated 02 February 2018 as the evidence (P. 2), whose contents state that the defendant is currently completely undisclosed, therefore for the completion of this matter was taken in accordance with the provisions Article 27 government Regulation number 9 year 1975;

-Considering that this is a matter of divorce between an Indonesian citizen and an Islamic marriage, as in which the plaintiff's lawsuit is strengthened by the evidence (P), then under the provisions of Article 49 paragraph (1) of Law No. 7 of 1989 on religious Justice, which has been amended by Law No. 3 of 2006 and Second Amendment to Law No. 50 year 2009, this matter is an absolute authority of the religious court;

-Considering, that based on the plaintiff's lawsuit that the plaintiff is domiciled on Jl. Adam Malik Gang Masjid Ar-Rahi No. 48 Rt. 03Rw. 01 Village of Fence of Dewa, kecamatanwidth of the city of Bengkulu, thus in accordance with the provisions of Article 73 paragraph (1) of law No. 7 of 1989 on the judiciary of religion which has been amended by Law No. 3 of 2006 and the Second Amendment

to Law No. 50 of the year 2009, then this includes the task field and the relative authority of the Bengkulu religious court;

-Considering, that based on the plaintiff's lawsuit that is strengthened by the evidence tool (P), it is evident that plaintiff and defendant are wives of legitimate and undivorced spouses, therefore they are of high quality as parties in this matter;

-Considering, that based on the plaintiff's lawsuit that was strengthened by the evidence (P) that shortly after the Aqad marriage was the defendant, there was to say a Taklik sighat of the Talak;

-Considering, that after being linked between the plaintiff's lawsuit with the proofs and the witnesses filed by the plaintiff, the Tribunal judges have found the facts fixed in the proceeding as follows;

- A. That plaintiff and defendant is a legitimate wife's husband;
- B. The claimant's household and defendant has been endowed with 1 (one) child, who is currently the child under the plaintiff;
- C. That between plaintiff and defendant has never been divorced;
- D. That shortly after the defendant was married, there was a saying sighat of Taklik Talak;

E. That the plaintiff's household and defendant were initially in the beginning and peaceful, but lately the plaintiff's household and defendant began to dry out disputes and quarrels;

F. That this time between the plaintiff and the defendant has parted places to stay for approximately 2 (two) years;

G. That during the split the defendant no longer cares for the defendant again;

H. That as long as the defendant has never given a mandatory living to plaintiff;

I. That the plaintiff was determined to divorce with the defendant;

-Considering, that based on the fact remains as the above, the Tribunal judges judge that the plaintiff's household and defendant have actually broken down especially if it is seen that between the plaintiff and the defendant has parted places to live for More or less 2 (two) years in a row, and so long as the defendant did not consider the plaintiff and never provide a mandatory living to plaintiff and for the defendant's deed was determined by the plaintiff to divorce with the defendant , thus then the foundations and purposes of marriage as which are affirmed in article 1 of Law No. 1 of year

1974, Jo. Article 2 and 3 of the composition of the Islamic law and the Qur'an Ar-Rum Letter verse 21 that is to form the family of Sakinah, Mawaddah, Warohmah can not materialize anymore;

-Considering, based on the above it proved that defendant has violated the title of Taklik Talak that was spoken shortly after the Aqad Nikah first major sighat Taklik Talak number (1), (2) and (4);

-Considering, that based on these considerations above, the plaintiff's lawsuit has insufficient evidence and reasoned law, and has fulfilled the intent of article 39 paragraph 2 of Law No. 1 year 1974 on marriage, Article 116 Letter (g) compilation Islamic law and Article 149 R.Bg., therefore the plaintiff's lawsuit must be granted with Verstek and by dropping the one khul'i defendant to the plaintiff with Iwadl Rp. 10,000,-(ten thousand Rupiahs);

-Considering, that pursuant to Article 84 Act No. 7 of 1989 on the religious court that has been amended by Law No. 3 of 2006 and the Second Amendment with Act No. 50 year 2009, then to the clerk of the religious Court of Bengkulu Ordered to send a copy of the ruling that has remained legal force to the Office of the Wedding Registrar of the Uusan Agama subdistrict, the city width of Bengkulu, to be recorded in the list provided for it;

-Considering, that the matter is entered into the field of marriage then pursuant to article 89 paragraph (1) of Law No. 7 of 1989 concerning the judicial Justice which has been amended by Law No. 3 of 2006 and Act No. 50 of the Second Amendment of Law No. 7 of 1989, the costs incurred in this matter shall be charged to the plaintiff;

-Given the provisions of the prevailing laws and regulations and Islamic laws concerned;

-PROSECUTE

1. Stating the defendant who has been formally called and appropriate to face the trial, is absent;
2. Grant the plaintiff's lawsuit with Verstek;
3. Set the fall of one khul'i defendant (Roni Tomi bin Ardansyah) against plaintiff (Reka Susanti binti Munir Rumdan) with iwadh amounting to Rp. 10,000.00 (Ten thousand Rupiahs);
4. To instruct the Registrar of the Religious Court of Bengkulu to send a copy of this ruling after the legal force remains to the wedding registrar of Uusan Agama provided to it;
5. Apply to the plaintiff to pay the cost of the matter of Rp.

316,000.00 (Three hundred sixteen thousand Rupiahs);

According to the judgment of the religious court judge, it appears that the judge through his legal consideration received a divorce lawsuit because based on evidence there has been a DOMESTIC violence in the form of disputes and quarrels Culminating in the beating experienced by the plaintiff, but also the defendant no longer provide the plaintiff. If it is associated with LAW No. 23 of 2004 on the Elimination of Domestic violence (KDRT), the ongoing disputes and quarrels that lead to the beatings experienced by the plaintiff is a physical violence form resulting in pain, illness, or severe injuries to the plaintiff. While the defendant who does not give a living anymore for the plaintiff is a domestic research in the form of a household when according to the law applicable to the defendant or because the approval or agreement he shall give life, care, or maintenance to the plaintiff. So the foundations and purposes of marriage as where affirmed in article 1 Act No. 1 year 1974, Jo. Chapters 2 and 3 of the composition of the Islamic law and the Qur'an Ar-Rum Letter verse 21 is to form the family of Sakinah, Mawaddah, Warohmah has no longer materialized.

D. Closing

1. Conclusion

A. Factors that cause one of the parties to commit domestic violence so that the victim do a divorce to the court that is due to continuous disputes and quarrels, economic factors, so that the husband finally Leave the wife. Domestic Violence (KDRT) in the cause of divorce is filed by the wife because of domestic violence (KDRT) related to physical violence conducted by the husband, including sexual violence, violence and household abandonment.

B. Based on the decision to be examined by the author, the religious court judge is seen that the judge through his legal consideration receives a divorce lawsuit due to the mediation efforts made by the judges failure and under proof There has been a DOMESTIC violence in the form of disputes and quarrels that lead to the beating experienced by the plaintiff, but also the defendant no longer provide the plaintiff. Which is the physical and domestic abuse of the household as referred to in the LAW No 23 year 2004 on the elimination of

violence in households (KDRT), so that the foundations and purposes of marriage as stated in article 1 Law No. 1 year 1974, Jo. Chapters 2 and 3 of the composition of the Islamic law and the Qur'an Ar-Rum Letter verse 21 is to form the family of Sakinah, Mawaddah, Warohmah has no longer materialized.

2. Suggestion

A. A better understanding of the legal awareness of the elimination of domestic violence in the community needs to be improved, especially in relation to physical, psychic, sexual, and household abuse. So that with the increasing understanding of society will the elimination of KDRT is expected when living in the family environment, husband and wife respect each other and live the marriage with a sense of responsibility so that the Sakinah, Mawaddah and Warahmah can Manifest.

B. Religious courts as a container in the settlement of marital disablement because divorce is expected to maximize the mediation efforts for spouses of husbands and wives who are divorced, so that when spouses

and wives will divorce they can Refer again.

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