



Analysis of Divorce Decision on Legal Responsibility and Divorce Procedure in Decision No. 251 / Pdt.G / 2025 / PN Mdn

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ABSTRACT

This study aims to analyze the legal considerations of judges in Decision No. 251 / Pdt.G / 2025 / PN Mdn which is a divorce case decided by the Medan District Court in 2025. Using a normative juridical approach, this study examines the suitability of divorce procedures with applicable legal provisions, as well as analyzing the legal consequences of the judgment against the parties. The findings showed that the court had carried out procedures in accordance with the code of civil procedure, including mediation efforts and summons of the parties. This decision is important as a precedent in assessing the effectiveness of domestic dispute resolution mechanisms in the General Court.

INTRODUCTION

Marriage as a social and legal institution plays an important role in the life of society. It is not only an inborn relationship between a man and a woman, but also a legal event that gives birth to rights and obligations for the parties, both to the spouse and to the children born in the marriage. In the Indonesian legal system, marriage is regulated specifically through Law No. 1 of 1974 on marriage which aims to create a happy and eternal family based on the Supreme Godhead.

Nevertheless, the realities of domestic life do not always go as expected. Not infrequently, marital relationships have conflicts that lead to divorce. In the context of national law, divorce is a last resort (*ultimum remedium*) if all peace efforts are unsuccessful. Article 39 paragraph (1) of Law No. 1 of 1974 expressly states that divorce can only be done in front of a court hearing and after the court in question has tried and failed to reconcile the two parties. Divorce has significant legal implications, both in terms of the validity of the procedure, proving the reasons for divorce, and its legal consequences, including the determination of child custody, the division of joint property, and the fulfillment of maintenance obligations. Therefore, any divorce verdict should be seen not solely as a decision to terminate the marriage bond, but also as an instrument of legal protection of vulnerable parties, in particular children.

Verdict No. 251 / Pdt.G / 2025 / PN Mdn is one example of a District Court decision in a divorce case that reflects the complexity of the dynamics of family law. This case is brought by a wife against her husband on the grounds that there have been constant quarrels and disputes, which according to the provisions of Article 19 letter (f) of government regulation no. 9 of 1975 can be used as the basis for a divorce. In this case, the plaintiff not only demanded a divorce, but also applied for custody of the child and the provision of post-divorce maintenance. An analysis of the verdict is important in order to find out how the judge applies Material and formal law in divorce cases, as well as how the legal responsibility of the parties after the verdict is passed. An interesting aspect to be examined is how the consideration of the judge in assessing the evidence submitted, the effectiveness of mediation in resolving family disputes, and how the protection of children as the most affected party from the divorce of their parents.

In addition, it is also important to assess whether the decision is in line with the principles of Justice, expediency, and legal certainty. This study not only

aims to examine the juridical aspects of the decision, but also to contribute to the development of civil law, especially family law in Indonesia. In the midst of increasing divorce rates in various regions, including Medan City, strengthening the family justice legal system is a very relevant and strategic issue.

Thus, this paper aims to analyze in depth the legal procedures and responsibilities of the parties in Decision No. 251 / Pdt.G / 2025 / PN Mdn, with the hope of providing a more comprehensive understanding of judicial practice in resolving divorce cases, as well as contributing recommendations towards more equitable and responsive law enforcement to the needs of the community.

METHOD

This study uses normative juridical approach, which is a method of legal research that focuses on the analysis of positive legal norms in force, in the form of laws, regulations, and jurisprudence. This approach is used to examine the principles, theories, and legal norms relating to divorce, the legal responsibility of the parties, as well as the authority and consideration of judges in deciding divorce cases as reflected in Decision No. 251 / Pdt.G / 2025 / PN Mdn. In addition, to support the analysis of the content and context of the decision, this study also uses a limited empirical juridical approach, which aims to see the implementation of these legal norms in practice. This approach is useful for understanding how courts carry out legal procedures in divorce cases and how judges interpret and apply relevant legal provisions in their decisions. This empirical Data is obtained from trial documentation and brief interviews with legal practitioners, such as advocates and clerks, in order to obtain a factual and actual picture. Data sources in this study are divided into two, namely primary data and secondary data. Primary Data obtained directly from the Medan District Court Decision Document No. 251 / Pdt.G / 2025 / PN Mdn, which became the main object of analysis. This document is analyzed in depth in order to identify the legal structure, the facts revealed at the trial, as well as the juridical considerations of the judge in passing the verdict. While secondary data were obtained from relevant laws and regulations, such as Law No. 1 of 1974 on marriage, Government Regulation No. 9 of 1975 on the implementation of the Marriage Law, and supporting legal literature, including scientific journals, civil law textbooks, and the doctrine of experts. Data collection techniques are carried out by library research, namely the collection of legal materials by studying various legal literature, court documents, and legislation.

Furthermore, the collected data is analyzed qualitatively, namely by describing, classifying, and interpreting the contents of the data source systematically to obtain descriptive-analytical conclusions. Through this method, the researcher seeks to fully describe how the legal process of divorce takes place in court, how legal responsibility is established in a decision, and how the principles of justice and legal protection are applied in family civil justice practice in Indonesia

RESULTS AND DISCUSSION

A. Legal procedure in divorce decision

Legal procedures in divorce cases in Indonesia are strictly regulated in Law No. 1 of 1974 on marriage and Government Regulation No. 9 of 1975 on the implementation of the Marriage Act. Divorce can only be done through the court process after first sought peace between husband and wife. It is intended to uphold the principle of monogamy and household integrity as mandated by Article 1 and Article 39 paragraph (1) of Law No. 1 of 1974.

In the No. 251 / Pdt.G / 2025 / PN Mdn, the divorce process begins with the filing of a divorce lawsuit by the wife (plaintiff) to the Medan District Court. The filing of this lawsuit is done by submitting a lawsuit letter containing the identities of the parties, the chronology of events, and the legal reasons that are the basis for the divorce lawsuit. In her lawsuit, the plaintiff stated that between herself and the defendant (husband) there had been constant quarrels and disagreements, as a result of which it was no longer possible to live in harmony in the household. This reason is in accordance with the provisions of Article 19 letter (f) PP No. 9 of 1975.

After the lawsuit is registered, the court sets the day of the first hearing and summons the parties accordingly. At the initial stage of the trial, the court is obliged to make mediation efforts, in accordance with Supreme Court Regulation (PERMA) No. 1 of 2016 on mediation procedures in court. In this case, the panel of judges has appointed a certified mediator and given the parties a maximum of 30 working days to reach an amicable agreement. However, the mediation process was declared a failure because there was no meeting point between the plaintiff and defendant regarding the continuation of their household.

Further, the matter proceeds to the stage of examination of the subject matter. In this stage, the plaintiff submits evidence in the form of a letter (marriage certificate, family card, and conversation recording), and presents two witnesses who provide information about disputes that occur in the plaintiff's

and defendant's households. During the trial, the plaintiff confirmed that the defendant often left the house without news, resorted to verbal violence, and did not provide any external means of subsistence for a sufficiently long period of time. Meanwhile, the defendant did not file a substantial refutation of the arguments of the lawsuit, and did not even appear in some hearings without a valid reason. The defendant's absence strengthened the judge's conviction that there was no will on the part of the husband to maintain the household. In the code of civil procedure, this circumstance can be assessed as not refuting or tacit acceptance of the postulates of the lawsuit (fictitious positive).

After the proof stage is completed, the panel of judges enters the deliberation stage to pass a verdict. In its ruling, the tribunal stated that the plaintiff's lawsuit was granted, declared the marriage between the plaintiff and the defendant to be broken due to divorce, and granted custody of the plaintiff's child with the obligation to the defendant to provide maintenance to the child for a certain amount each month.

There is no dispute about the common property in this case so the assembly did not give consideration to the division. From the procedure, it appears that the court has carried out legal proceedings in accordance with the stages of civil procedure in general, which include registration of cases, summons of the parties, mediation, examination, proof, and reading of the verdict. This procedure reflects the principle of due process of law in the settlement of civil disputes, including divorce. It is important to ensure that the termination of the legal relationship between husband and wife is carried out legally, orderly, and based on the principle of Justice.

Thus, the ruling No. 251 / Pdt.G / 2025 / PN Mdn is not only an example of the application of formal and material law in divorce cases, but also shows that the judiciary plays a role as a guardian of social justice in the context of family law, especially in ensuring the rights of children and women after divorce.

B. Legal Considerations

The judge's consideration is a very essential part of a decision, because it reflects how the judge assesses the facts, applies the law, and balances the principles of justice in the case he examines. In Decision No. 251 / Pdt.G / 2025 / PN Mdn, the panel of judges gave a fairly comprehensive consideration, both in terms of formalities and legal materials, before arriving at the verdict. The first consideration under review by the tribunal is the absolute and

relative authority of the court. The council affirmed that the Medan District Court has absolute authority to judge this case because it is classified as a civil case in general jurisdiction and not the jurisdiction of the Religious Court. In addition, relatively speaking, this court is also authorized because the defendant's residence is within the jurisdiction of the Medan District Court. This is in accordance with the provisions of Article 118 HIR regarding relative competence in civil suits.

Furthermore, the Assembly considers procedural aspects, particularly regarding mediation efforts. The council noted that mediation has been carried out as required by regulation of the Supreme Court (PERMA) No. 1 of 2016. However, the mediation process was declared unsuccessful because there was no agreement between the parties. The failure of this mediation paved the way for the judge to proceed with the case at the point of examination of the subject matter. In the material aspect, the judge considered the arguments of the plaintiff's lawsuit that there had been constant disputes and quarrels that caused the household to be disharmonious and difficult to reunite. To support this proposition, the plaintiff presented proof of the letter, such as a marriage certificate and a certificate from the head of the neighborhood, as well as presenting witnesses who corroborated the existence of acts of neglect and verbal violence by the defendant.

Another important consideration is regarding the presence of the defendant. The defendant several times did not appear at the hearing without a valid reason. The absence is considered uncooperative and can be understood as a form of implicit justification for the arguments proposed by the plaintiff.

The judge referred to the *audi et alteram partem* principle that even if one of the parties is not present, the court is still obliged to objectively examine and assess the evidence. Regarding child custody, the panel of judges considers the best interests of the child (the best interests of the child). Considering that the child is still a minor and has been in the care of the plaintiff, and there are no objections from the defendant, the Assembly grants the right to maintain the child to the mother. This is in line with Article 41 letter (a) of Law No. 1 of 1974 and the judicial practice that has developed. In terms of child maintenance, the judge considered that even if the defendant was absent and did not actively defend himself, the responsibility for the child remained inherent as a consequence of the status as a biological father. Therefore, the tribunal ordered the defendant to provide a certain amount of money

each month for the child's living and educational needs.

Finally, since there are no claims regarding the common property, the judge does not give special consideration to the division of property. But the judge still reminded in his consideration that the parties can still file a separate lawsuit on the matter at a later date if there are objections. Overall, the consideration of the panel of judges in this decision shows that there is a balanced application of law between normative and humanitarian aspects. The judge not only puts forward written rules, but also takes into account the factual circumstances that the parties are experiencing. This consideration is evidence that the court in a divorce case is not only in charge of breaking the legal relationship, but also of ensuring that the basic rights of children and women are protected.

C. Post-Verdict Legal Liability

The judge in his ruling stated that the right to custody of the child falls to the plaintiff (wife), considering that the child in question is a minor and during the course of the lawsuit, is in the care and direct supervision of the mother. This determination is in accordance with the principle of the best interest of the child as stipulated in Article 41 letter (A) of Law No. 1 of 1974 concerning marriage and is also in line with the principles of the Convention on the Rights of the Child, which has been ratified through Presidential Decree No. 36 of 1990. Thus, post-judgment, the plaintiff has a legal responsibility to care for, Educate and guide the child. However, this responsibility is not exclusive, since the defendant (father) still has the right to meet and establish an emotional connection with his child. It is important to maintain psychological balance and growth of the child even though his parents have separated.

The panel of judges also determined that the defendant was obliged to provide his child with a certain amount of maintenance every month until the child came of age. This provision is a form of uninterrupted financial responsibility due to divorce, as stipulated in Article 41 letter (b) of Law No. 1 of 1974. The responsibility of providing for the child does not depend on the existence of a marital relationship, but on the status of biological parents. Fulfillment of this income includes the basic needs of children such as food, education, health, and other necessities of life that are feasible in accordance with the economic ability of the father. If in the course of its execution the defendant does not perform this obligation voluntarily, then the plaintiff has the right

to apply for execution to the court or use other legal remedies to collect the obligation.

Although this ruling does not discuss the division of joint property, legally the parties still have the right to demand the division of gono-gini property in a separate lawsuit. This is provided for in Article 37 of the Marriage Law, which states that as a result of divorce, property acquired during marriage is divided in half, unless otherwise provided in the marriage agreement. In addition, post-divorce legal responsibilities can also include administrative aspects, such as recording the divorce decision to the population and Civil Registration Office so that the legal status of each party is officially updated in the population document, in accordance with Article 35 paragraph (2) PP No. 9 of 1975.

Overall, legal responsibility after a divorce decision does not end with the separation of husband and wife, but rather opens a new chapter in the implementation of legal obligations towards children and the fulfillment of rights arising during marriage. Therefore, the effectiveness of the implementation of court decisions is an important indicator of the success of the family civil justice system in protecting and enforcing justice for all parties involved.

CONCLUSION

Verdict No. 251 / Pdt.G / 2025 / PN Mdn shows that the legal procedure for divorce in Indonesia has been running in accordance with applicable regulations, by emphasizing the principle of justice and protection of children. The judge decides on the basis of strong evidence and decides on legal liability proportionately. This study shows the importance of a complete process of proof and the need for post-divorce responsibility for the sake of Family Law Justice.

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