



Legal Case Linking Divorce Proceedings to Development of Schizophrenia: Court's Ruling Number 675/Pd.G/2021.Pa.Pn

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Abstract

Schizophrenia is classified as a profound manifestation of an aberrant condition. This study investigates a wife who sought a divorce in the Painan Religious Court. While the Quran grants males the authority to initiate divorce, conflict and violence arose in this household as a result of the husband's schizophrenia. Consequently, the wife initiated divorce proceedings in the Religious Court. The study methodology utilized is a comprehensive examination of existing literature. The primary data source consists of the court verdict obtained from the Painan Religious Court, but supplementary material is obtained from books, journals, and legal references. In Decision Number 675/Pdt.G/2021/Pa. Pn, it was determined that the woman initiated divorce proceedings in the Painan Religious Court as a result of persistent violence and ongoing conflicts arising from her husband's schizophrenia.

Keywords: Schizophrenia; Judge's Decision; Divorce Lawsuit

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Introduction

Schizophrenia remains a prevalent health issue within the field of mental health in Indonesia. Schizophrenia is a psychiatric condition marked by cognitive disturbances and diminished affective reactions. Schizophrenia is a psychiatric illness characterized by impaired emotional regulation. Schizophrenia, often known as a severe mental condition, leads to significant impairments in an individual's personal, social, occupational, and physical functioning.¹

Typical symptoms of schizophrenia encompass hallucinations (perceiving things that are not real) in the form of auditory, visual, or tactile sensations, delusions (holding false beliefs or suspicions that are not shared by others in the person's culture), exhibiting abnormal behaviors like aimless wandering or erratic actions, engaging in self-directed conversations or laughter, displaying peculiar appearances, neglecting personal grooming or appearing disheveled, demonstrating irregular speech patterns characterized by incoherent or unrelated words, and experiencing emotional disturbances marked by indifference or a disruption in the connection between emotions and observable cues such as facial expressions or body language.²

The family functions as the social environment in which individuals can achieve happiness. The family consists of a husband and wife as its members. The marital connection frequently faces various obstacles and challenges, which might be metaphorically compared to thorny thorns. The constraints usually arise from the individuals involved, including the husband and wife. These limits may include limited understanding, discord, frustration with trivial issues, and unease when both parties try to maintain their viewpoints. That has the potential to create a division or conflict inside the household. Every married couple desires their marriage to be enduring. At times, the domestic sphere may experience disharmony, leading to the consideration of divorce.

Not all marriages can achieve the desired objective; in certain circumstances, divorce becomes the final recourse to terminate a marital union. According to Islamic beliefs, divorce is considered valid when it is verbally spoken by the husband to the wife, regardless of whether he has given it careful and thoughtful contemplation. This information is derived from the historical hadith of Abu Daud, Tirmizi, and Ibn Majah:

ثَلَاثٌ جِدْهُنَّ جِدٌّ وَهَزْلُهُنَّ جِدٌّ: النِّكَاحُ وَالطَّلَاقُ وَالرَّجْعَةُ

Divorce is formally acknowledged as a valid means to terminate a marital union in accordance with Sharia principles.³

In a narrative involving Ibnu' Abbas⁴, it is recounted that the spouse of Tsabit bin Qais approached the Prophet and expressed, "O Prophet, I have no grievances regarding the conduct and convictions of Tsabit bin Qais, but I am apprehensive about severing ties with Islam." Subsequently, the Prophet inquired, "Are you willing to relinquish the garden that he bestowed upon you?" The wife responded affirmatively, saying, "Indeed, O Prophet." He instructed: "Claim ownership of the garden and detach yourself from it." (This hadith is

¹ Julkifli Halid, Melkian Naharia, dan Jofie H Mandang, "Studi Tentang Makna Hidup Istri Sebagai Caregiver Bagi Suami Penderita Skizofrenia di Kota Ternate Maluku Utara," *Psikopedia* 3, no. 4 (2022): 290, <https://doi.org/2774-6836>.

² Triandini Paramita dan Setyani Alfinuha et al., "Dinamika Pasien Dengan Gangguan Skizofrenia," *Jurnal Psikologi* 17, no. 1 (March 18, 2021): 12, <https://ejournal.up45.ac.id/index.php/psikologi/article/view/824>.

³ Zein, *Problematika Hukum Keluarga Islam Kontemporer Analisis Yurisprudensi Dengan Pendekatan Ushuliyah*. In *Problematika Hukum Keluarga Islam Kontemporer* (Jakarta: Kencana, 2004), 48.

⁴ M Baidan, *Metode Penafsiran Al-Qur'an* (Jakarta: Pustaka Pelajar, 2001), 10.

attributed to al-Bukhari).⁵ The Prophet said,⁶ "Whoever asks for divorce from her husband without a reason, the smell of paradise is forbidden to him." (Abu Dawud, At-Tirmidzi, and Ibn Majah preached this hadith).⁷

In Indonesia, divorce must be conducted through legal proceedings in the Court, as stated in Article 39, Paragraph 1 of Act No. 1 of 1974 on Marriage. This article specifies that the divorce process can only be initiated through a court hearing after the Court's attempt to mediate and resolve the issues between the parties has been unsuccessful. The divorce process commences following the unsuccessful mediation attempt by the judge to achieve reconciliation between the two parties. The process of filing for divorce in the religious Court must adhere to the prescribed procedures set by the institution. If the husband initiates the request, the legal process is called divorce. Conversely, when the woman initiates legal proceedings, it is called an active divorce case.

The wife lacks the authority to divorce her husband unilaterally. Therefore, she must initiate a divorce proceeding in which both the plaintiff (the wife) and the defendant (the husband) appear before a judge who holds the power to decide the fate of the marriage. Within the Islamic faith, the term *khulu'* refers to the act of divorce initiated by the wife.⁸ *Khulu'* is a term that signifies releasing or relinquishing, originating from the word *khala'a*, which pertains explicitly to removing clothing. It pertains to the notion that women are guardians of men and vice versa.

The principles of divorce are established by the Act No. 1 of 1974 on marriage. Article 39, paragraph (2), specifically addresses the grounds for divorce. One reason is that one of the parties may have a physical disability, disease, mental disorder, or chronic stress that hinders their ability to fulfill the duties of a spouse.⁹

The Government Ordinance No. 9 of 1975, which implements the Law No. 1 of 1974 on marriage, specifies several reasons for divorce, including 1) One party engages in actions that contravene moral principles, such as engaging in adultery, excessive drinking, prostitution, and other forms of behavior that are challenging to rectify. 2) One party repeatedly abandons their spouse for two consecutive years without proper authorization or justifiable cause or due to circumstances beyond their control. 3) One party is subject to a 5-year sentence or a more severe penalty upon marriage. 4) One party has engaged in acts of cruelty that cause injury to the partner. 5) One partner experiences a physical disability that hinders their capacity to fulfill their duties as a spouse. 6) The husband and wife have been engaged in ongoing conflicts and arguments within the household, with no prospect of resolving their differences. 7) A husband breaches the marital vows (or terminates the marriage) that were made. 8) A transgression that results in religious discord among a family. Nevertheless, the grounds for a wife to initiate a divorce claim in the Compilation of the Islamic Law are relatively similar. These include: 1) the husband is physically or mentally incapacitated or possessing qualities that hinder the marital relationship; 2) the husband failing to provide a reasonable livelihood for the wife; 3) the husband being incarcerated; 4) the husband being uncontactable or having disappeared (*going*). 5) The spouse engages in actions that endanger

⁵ HR. Bukhari No. 5276, n.d.

⁶ Zein, *Problematika Hukum Keluarga Islam Kontemporer Analisis Yurisprudensi Dengan Pendekatan Ushuliyah*. In *Problematika Hukum Keluarga Islam Kontemporer*, 50.

⁷ HR. Abu Daud No. 2226, Tirmidzi No. 1187 Dan Ibnu Majah No. 2055, n.d.

⁸ I Rais, "Tingginya Angka Cerai Gugat (Khulu') Di Indonesia: Analisis Kritis Terhadap Penyebab Dan Alternatif Solusi Mengatasinya," *Al-'Adalah* 12, no. 1 (2014): 191–204, <https://doi.org/10.24042/adalah.v12i1.183>.

⁹ Muhammad Indra Munandar, "Gugatan Cerai Istri Terhadap Suami Yang Mengidap Penyakit Berbahaya (Studi Analisis Terhadap Putusan Pengadilan Agama Tulungagung No 2846/Pdt.G/2021/PA.TA)," *HAKAM, Jurnal Kajian Hukum Islam Dan Hukum Ekonomi Islam* 8, no. 2 (2021): 3.

the wife's safety. These factors enable a wife to initiate a divorce case in a religious court, and these points align with those outlined in the Islamic Law Compilation.

In the instance of a divorce complaint presented to the Painan Religious Court, the plaintiff is a wife whose husband has schizophrenia. The judge's legal assessment in granting the divorce judgment for the claimant seems to be grounded on the stipulations outlined in Government Regulation No. 9 of 1975, namely Article 19 letters b and f. However, it was accepted throughout the trial that the defendant had diabetes, which impaired the functioning of his critical organs and consequently rendered him unable to fulfill the essential marital obligations. The grounds specified in Article 39 (2) (e) of the Explanation of the Marriage Act No. 1 of 1974 are deemed suitable for initiating a divorce.

In Decision No. 190/Pdt.G/2019/PA. Cmi Dhafir Muhammad's research highlights that a potential cause for divorce is the presence of a physical condition or sickness that hinders the affected party from fulfilling their marital responsibilities. Within a legal framework, opting for a divorce entails several specific legal ramifications. Under these circumstances, the judge has ruled in favor of the plaintiff and ordered a *ba'in sughbro* divorce against the defendant. The judge's ruling demonstrates a thorough consideration and application of relevant rules and regulations for divorce cases. It also ensures that both parties' rights and obligations are respected and considers the potential impact of the decision on them.¹⁰

Ardiansyah did an additional study on divorce cases resulting from verbal abuse. The study's findings are presented in judgment number 077/Pdt.G/2011/PA. Srl elucidates the decision to end the marriage owing to verbal abuse within the marital partnership. The wife initiated the divorce proceedings based on her husband's frequent and unexplained absences from home. In addition, there are regular disagreements in their daily lives. Spouses, when experiencing anger, frequently employ abrasive language against their wives, resulting in emotional distress and suffering. Hence, the judge ruled favor of granting the divorce at the trial, where only the wife was present, as the husband was absent. In Islamic law, *kehulu'* refers to the permission for divorce, when the wife can offer a ransom, known as *i'wadh*, to the husband. Furthermore, if the husband is proven to exhibit ill-mannered behavior by using words that inflict emotional distress upon the woman, and if this marriage has the potential to be harmful (*madharat*), then it is advisable to pursue the divorce of *kehulu'* or divorce action.¹¹

Amigar conducted a study on divorce litigation when termination of employment is a factor. The findings indicate that divorce claims made by wives against their husbands solely based on the husband's termination of employment are not regarded as a valid reason for divorce. The absence of any mention in the Compilation of Islamic Law section 116 and Government Regulation No. 9 of 1975 on the implementation of Act No. 1 of 1974 on Marriage section 19 regarding the termination of a husband's employment as a valid reason for divorce is the cause of this situation. However, the termination of the husband's employment can be seen as a significant cause of friction and ongoing conflicts in the marriage.¹²

The study will focus on divorce claims filed by wives with husbands diagnosed with schizophrenia, as specified in Judgment No. 675/Pdt.G/2021/PA.Pn, taking into consideration prior research findings. The judge contemplated resolving the issue by taking

¹⁰ Muhammad Dhafir and Tri Lisiani Prihatinah, "Purpose of a Claim Because Husband Suffers (Juridical Review of the Decision of the Cimahi Religious Court Number 190 / Pdt.G / 2019 / PA.Cmi)," SLR 52, no. 3 (2019): 52–53.

¹¹ Ardiyansyah, "Analisis Hukum Islam Terhadap Cerai Gugat Akibat Kekerasan Verbal Dalam Rumah Tangga (Studi Putusan Nomor 077/Pdt.G/2011/PA.Srl)" 33, no. 1 (2022).

¹² A Amigar, "Cerai Gugat Akibat Suami Terkena PHK (Analisis Putusan Pengadilan Agama Jakarta Selatan Perkara Nomor 770/Pdt.G/2010/PA JS)," 2011, <http://www.ainfo.inia.uy/digital/bitstream/item/7130/1/LUZARDO-BUIATRIA-2017.pdf>.

into account the mental or psychiatric condition of the husband. This state has resulted in a lack of stability in the marital relationship, preventing the attainment of peace, harmony, and happiness essential for establishing a successful family unit. Nevertheless, the objective of marriage, which is to establish a contented and enduring family unit in alignment with religious principles, cannot be achieved under these circumstances. Hence, the judge ultimately ruled in favor of the petitioner and granted acceptance of the divorce petition in strict adherence to the prevailing legislation.

The author employs the Library Research strategy as the methodology in this study. A library study strategy is a method of gathering data that comprehensively examines diverse sources, including books, literature, notes, and reports relevant to the topic under investigation.¹³ Within this framework, scholars will concentrate on written materials, including the verdicts of the judge of the Court of Religion Painan, the Quran, and the exegesis of the Quran, alongside relevant papers and journals. Following that, the researchers will employ the *mandhul*/thematic analysis technique in this research methodology. This technique will analyze and elucidate its significance based on the comprehension and explication of the *mufasirs* who have interpreted it.¹⁴

As explained above, the author employs deductive and comparative methodologies in this work. A deductive approach is a systematic strategy in which a writer begins by introducing and elaborating a basic argument to arrive at a more particular and conclusive statement. Conversely, a comparative method entails examining and juxtaposing several perspectives or ideas to bolster the presented argument. Within this setting, the author will articulate counterarguments to the overarching thesis, formulating more precise deductions by juxtaposing them with alternative perspectives.

Result and Discussion

Skizofrenia

Schizophrenia is a pathological condition characterized by the occurrence of diverse delusions and hallucinations in the affected individual.¹⁵ In general, schizophrenia is a mental disorder in which the sufferer has difficulty distinguishing between reality and the imaginative world, which is based on the presence of a *waham*. *Waham* is an irrational belief that lacks correspondence with reality and persists without logical modification. This belief stems from the impression of an individual who has experienced a loss of control.¹⁶

Four factors influencing the likelihood of schizophrenia recurrence include patient adherence to treatment, caregiver involvement, and family support. While regular therapy might decrease the likelihood of recurrence, prolonged use of antipsychotic medications can result in extrapyramidal adverse effects, including involuntary movements and sleepiness. Aside from compliance with therapy, familial awareness also plays a crucial role in preventing recurring disease. Family information has a direct impact on family conduct and the way people with schizophrenia are evaluated, either positively or negatively.¹⁷

¹³ Moh Nazir, *Metode Penelitian*, 2003.

¹⁴ Mestika Zed, *Metode Kepenelitian Kepustakaan*, 1st ed. (Jakarta: Yayasan Obor Indonesia, 2011).

¹⁵ Risty Yulinda Pradipta, "Bentuk Dukungan Keluarga Kepada Caregiver Sebagai Upaya Pencegahan Kekambuhan Pasien Skizofrenia Paranoid," *Psikoborneo: Jurnal Ilmiah Psikologi* 7, no. 1 (2019): 129–38, <https://doi.org/10.30872/psikoborneo.v7i1.4715>.

¹⁶ Rizal Dawwas and Agus Budi Santoso, "Tinjauan Yuridis Penetapan Pengadilan Terhadap Permohonan Pengampunan Orang Pengidap Gangguan Mental (Skizofrenia Paranoid) (Penetapan Perkara Nomor 50/Pdt.P/2021/PN.Pwr)," *Eksaminasi: Jurnal Hukum* 2, no. 2 (June 5, 2023): 115–22, <https://jurnal.umpwr.ac.id/index.php/eksaminasi/article/view/3216>.

¹⁷ Paramita dan Setyani Alfinuha et al., "Dinamika Pasien Dengan Gangguan Skizofrenia."

Schizophrenia not only affects the individual experiencing it but also has adverse consequences on the well-being of their family. Nevertheless, the family continues to be the primary caregiver for the schizophrenic individual, providing the closest support and assuming the role of the primary nurse. As a result, families with members who have schizophrenia must confront the harsh reality that their loved ones are afflicted with profound mental illnesses, leading to significant repercussions. The task is arduous, mainly due to the responsibility of tending to family members afflicted with the mental ailment.

Caring for patients with schizophrenia requires caregivers to possess self-adaptation, mental resilience, and bravery.¹⁸ Being the spouse of a husband who has schizophrenia poses significant challenges, particularly for the caregiver, who assumes dual roles and carries substantial duties. Being both a spouse and a caretaker for a husband with schizophrenia presents significant challenges.¹⁹ Wives have numerous challenges, including stress, hopelessness, unease, and sorrow. Nevertheless, the crucial aspect is our ability to perceive the problem as a valuable opportunity for personal growth and development. The difficulty might be interpreted as an integral aspect of the self-development process, leading to the enhancement and the attainment of a more meaningful life objective.

Concepts of Marriage and Divorce

Marriage is seen as a divine blessing bestowed by Allah *Subhanahu Wa Ta'ala*. God highlights that marriage is one of the blessings He has bestowed on the apostles and those who are scared. Indeed, we have dispatched emissaries before your arrival and granted them spouses and progeny (Q.S. Ar-Ra'd: 38). God has given wives and offspring as a gift to the apostles and individuals close to Him. Marriage has many benefits, especially those following the principles of Shariah.²⁰ The Prophet Muhammad *Shallallahu alaihi wasallam* advised: "O young men, those who possess the capability to enter into marriage should indeed do so." Undoubtedly, marriage is considered to be of lesser value, although marriage provides a greater level of protection against engaging in prostitution. The objective of the Shariah is to guide Muslims in avoiding temptations that may cause them to engage in actions that are banned by their religion. Marriage allows individuals to exercise self-control over their gaze, maintain their integrity, and satisfy their sexual desires following the standards established by Allah *Subhanahu wa Ta'ala*.

In the absence of marriage, society may encounter a range of social issues, including the proliferation of sexually transmitted illnesses such as syphilis, HIV, Hepatitis B, and other similar infections. Thus, within Islam, Marriage is advised as a means to uphold morality and social welfare while safeguarding individuals from adverse consequences.

One of the aims of Marriage in Islam is to acquire *dzurriyat shalibah*, which refers to virtuous and righteous offspring. This aligns with the self-proclaimed Hadith of Abu Hurairah *Radhiyaallahu'anhu*: "Upon a man's demise, all of his endeavors shall come to an end, except for three elements: the physical remains of his hand, the wisdom of virtuousness, and a pious offspring who offers prayers on his behalf." This hadith conveys that their actions end upon a person's death, except for a few acts that continue to generate rewards. One of these is having righteous offspring (*dzurriyah shalibah*) who pray for their parents. Marriage serves the dual purpose of establishing a family unit and guaranteeing the perpetuation of charitable acts through the existence of children who offer prayers for their parents and carry on with

¹⁸ Halid, Naharia, dan Mandang, "Studi Tentang Makna Hidup Istri Sebagai Caregiver Bagi Suami Penderita Skizofrenia di Kota Ternate Maluku Utara."

¹⁹ A. K. Sholahuddin, "Disparitas Putusan Tentang Perilaku Homoseksual Sebagai Alasan Cerai Gugat (Studi Putusan No. 1319/Pdt. G/2015/Pa. Js Dan No. 3868," Repository.Uinjkt.Ac.Id, no. Issue 1319 (2021).

²⁰ D Ibnu Amin, "Kekerasan Fisik Dalam Rumah Tangga Perspektif Hukum Islam," *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum* 20, no. 1 (2022).

charitable endeavors. This objective also signifies the significance of imparting knowledge to upcoming generations, enabling them to develop into productive, respectful, and honorable individuals. It encompasses spiritual, moral, and social dimensions, intending to cultivate generations that possess the capacity to enhance society and the collective well-being of individuals.²¹

Allah *Subhanahu Wa Ta'ala* also refers to the marriage covenant as "*Mitsaqan Ghalidza*," signifying a robust and unbreakable connection between the husband and wife. Hence, marriage is seen as an exceedingly sanctified and significant institution and should not be perceived as a mere frivolous pastime or rivalry. Marriage is a divine blessing bestowed by Allah *Subhanahu Wa Ta'ala* that should be protected and cherished. Occasionally, within the context of marriage, the harmonious bond and affection shared by the husband and wife may encounter disturbances. Issues such as disputes, contradictions, and divergences may emerge within partnerships. Occasionally, this circumstance can escalate to a juncture where divorce becomes the sole viable resolution. Opting to sustain the marriage under such circumstances carries the potential for numerous adverse ramifications. During challenging circumstances such as this, there comes a point when the institution of marriage ceases to offer advantages and tranquility for both parties involved. In certain circumstances, opting for a divorce may be a more prudent action to mitigate additional harm. A persistently discordant and unhappy marriage can adversely affect all individuals involved, including any children present. Hence, contemplating the termination of a marital union might be a prudent course of action when it ceases to yield advantages and tranquility.²²

According to the collection of Islamic law, marriages can be terminated through death, divorce, or by a court's ruling. The act of a husband ending his marriage with his wife is referred to as divorce. However, when the divorce is initiated through a legal action, particularly by the wife, it is known as divorce in Court.²³

Role of a Judge in Making a Legal Decision

The institution of marriage is held in high regard and occupies a prestigious position in Islamic law and Indonesian national legislation. The regulations about Marriage in Indonesia are dictated by Act No. 1 of 1974 on Marriage and Government Regulation No. 9 of 1975, which oversees its execution. Islamic law, as outlined in Presidential Instruction No. 1 of 1991, applies to Muslim residents as a guiding principle.

Indeed, marriage does not guarantee perpetual happiness and familial harmony. Divorce is typically considered a final recourse to dissolve a marriage, as evidenced by the ruling of the Cimahi Religious Court with case number 190/Pdt.G/2019/PA. Cmi, where divorce was granted due to the husband's illness. The writing of Act No. 1 of 1974 on marriage elucidates the legal principles that regulate marriage, including a principle that contributes to the intricacy of the divorce procedure. The researchers have examined the case and found that the reasons for the divorce are outlined in Act No. 1 of 1974 and Jo Government Regulation No. 9 of 1975, in Article 19 subparagraphs b and f. The presence of compelling evidence further supports the occurrence of divorce.

A marriage that fails to uphold the responsibilities and duties of both spouses, leading to separation, will encounter challenges in establishing a family characterized by joy, love, and

²¹ Dhafir dan Prihatinah, "Purpose of a Claim Because Husband Suffers (Juridical Review of the Decision of the Cimahi Religious Court Number 190 / Pdt.G / 2019 / PA.Cmi)."

²² I. N. N Sa'diah, "Implementasi Syarat Cacat Badan Atau Penyakit Sebagai Dasar Perceraian Di Pengadilan Agama Sidoarjo," Diglib Fakultas Hukum Universitas Narotama, no. 1 (2013): 1–24, http://karyailmiah.narotama.ac.id/files/IMPLEMENTASI_SYARAT_CACAT_BADAN_ATAU_PENYAKIT_SEBAGAI_DASAR_PERCERAIAN_DI_PENGADILAN_AGAMA_SIDOARJA.pdf.

²³ "Putusan Hakim Nomor 675/Pdt.G/2021/PA.Pn," 2021.

affection. Hence, maintaining a marital relationship in such a manner is deemed an unjust action and a breach of the norm of justice. This perspective is further corroborated by the Islamic jurists in the work titled "*Madariyah As-sunain fii Aththalaq*," Volume I, page 83. In the adjudication of cases, the Assembly of Judges has embraced the perspective that divorce is permissible in Islam when the household is deemed to be in a delicate state, when attempts to reconcile and promote peace are no longer effective, and when the marital bond has lost its significance. Under such circumstances, entering into a marriage would be perceived as coercing either the husband or the wife into a challenging and protracted position, which goes against the principles of fairness.

When a judge conducts an investigation and trial of a matter, the objective is to render a ruling that is equitable, legally sound, and advantageous. The primary essence of a judgment is legal deliberation. The legal factors encompass the examination, reasoning, viewpoints, or legal determinations formulated by the panel of judges handling the case. Within these legal considerations, a thorough examination is conducted, adhering to the principles of law, to assess various factors. These factors include determining if the evidence presented by the plaintiff and defendant satisfies the necessary formal and substantive criteria, evaluating which party's evidence meets the minimum threshold of proof, and assessing the extent of each party's ability to provide evidence.

The Judge's Deliberation in Decision No. 675/Pdt.G/2021/PA.Pn

During the resolution of case No. 675/Pdt.G/2021/PA.Pn, several pertinent laws were applicable. Article 49a of Law No. 7 of 1998 on Religious Justice, as amended by Act No. 3 of 2006, clearly specifies that the Religious Court has complete authority over disputes concerning marriage. In addition, during the analysis process, the judge will impartially and rationally evaluate arguments and evidence presented by both parties. In this instance, the party that can substantiate the grounds of the lawsuit or the defense in line with the terms of the relevant law would be given priority. In the case of a divorce application, the petitioner must present substantiated and pertinent evidence to support their reasons for seeking a divorce. At the same time, the opposing party must give evidence to counter the admissibility of those reasons.

The judge's assembly will assess the facts, reasons, and grounds presented by both parties involved in the disagreement. After carefully reviewing the arguments and evidence presented, the judge will construct his legal assessment of this case's established and unestablished facts. The legal inferences derived from the findings of this research will serve as the foundation for the formulation of the judgment's wording. Within this framework, the judge will explicitly elucidate in the verdict whether the assertion or defense has been substantiated under the relevant criterion of evidence. The outcomes of the analysis and implementation of this legislation will be disclosed within the context of the verdict, serving as the legal foundation for resolving this issue.

A decision that lacks a complete and meticulous explanation and fails to analyze facts adequately may be regarded as lacking sufficient legal scrutiny or be legally insufficient. (lack of motivation). This statement contradicts the provisions stated in Article 178 (1) of the HIR, Article 189 of the RBG, and Article 14 (2) of Law No. 48 of 2009 on the judiciary's authority. Consequently, considering the explanation above, the judges' assembly must undertake crucial actions in the decision-making process. Primarily, they must deliver an all-encompassing examination, compelling reasoning, logical perspectives, and appropriate legal determinations. The decision must also encompass the rationales and justifications that underpin the conclusion. The decision must explicitly cite specific provisions in the pertinent legislative regulations or unwritten sources of law that serve as the foundation for the

evaluation. Each judge plays an equitable role in navigating the three crucial stages required for precise and accurate decision-making.

When deciding on this situation, the judge considers all the applicable legal norms and relevant principles of Sharia. The judge presided over the trial by issuing a formal summons and corresponding with the defendant to appear at the hearing, but the accused was absent. Consequently, the judge chooses to approve the claim presented by the plaintiff without any reservations. Consequently, a judge ruled in favor of granting a divorce to the plaintiff, who was the victim, against the perpetrator in this particular case. The judge has instructed the Panitera of the Religious Court of Painan to transmit an official copy of the final and legally binding ruling to the Marriage Registrar Officer at the Office of Religious Affairs of the Coastal Ranah District, South Coast District.

During the decision process, the judge considers various criteria, including tangible evidence and witnesses' testimony during the trial. Furthermore, the Court also invoked the relevant legislation requirements and adhered to Islamic jurisprudence's tenets. Within this framework, the Court also takes into account the presence of schizophrenia, a mental disorder characterized by instability, lack of harmony, and dissatisfaction within the intended marital union. When deciding on a divorce, the Court examines cases presented by the plaintiff. It seeks to ascertain the veracity of the issue at hand, namely whether one of the spouses has schizophrenia. Consequently, the absence of tranquility, concord, and joy prevails in establishing a household. Hence, establishing a contented and enduring family, as delineated in the comprehensive tenets of theology, is unattainable.

The judge relies on the legal provisions stated in Article 116 (e) and (f), as well as Article 19 (e) and (f), in conjunction with Article 22 paragraph (2) of Government Regulation No. 9 of 1975 as the legal framework for addressing this divorce case. The guidelines stipulate that courts may entertain such litigation provided they comprehend the reasons underlying discord within the household. Additionally, it is conducted considering perspectives from families and persons who have a significant connection to the involved spouses.

The judge in case No. 675/Pdt.G/2021/PA.Pn. has made a correct decision based on the provided explanations. This is carried out in compliance with the provisions of the relevant legislation, specifically Article 39 paragraph (1) of Act No. 1 of 1974 in conjunction with Article 82 of Law No. 7 of 1989, as amended by Act No. 3 of 2006 and Act No. 50 of 2009. The judgment considered Article 31 of Government Regulation No. 9 of 1975 and Article 143 (1) of the Islamic Law Compilation. The judge has attempted to achieve an amicable resolution by recommending that the petitioner seek a settlement and mend cordial relations with the esteemed party. Despite efforts to mediate, the endeavors have been futile. The judge has made adequate legal considerations and followed the applicable legal procedure in this matter, as evidenced by referencing relevant articles and statutes.

Judgment Analysis of Case No. 675/Pdt.G/2021/PA.Pn

Based on the reasoning presented in the ruling, the judge concluded that the defendant was not present, as stated in Article 149 (1) R. Bg, and demonstrated the ongoing conflict between the plaintiff and the defendant. Hence, the divorce grounds presented by the plaintiff align with the stipulations outlined in Article 19 letter (f) of Government Regulation No. 9 of 1975 and Article 116 letter (f) of the Compilation of Islamic Law. Therefore, the plaintiff's claim can be considered to have valid and legitimate reasons, in line with Article 39 (2) of Act No. 1 of 1974, and does not violate any laws. Based on this decision, the judge approved the petition filed by the plaintiff for petition number 1 and 2.

Upon acknowledging the claims submitted in petition number 1 and 2, and taking into account that this is the initial divorce between the plaintiff and the defendant, by Article 119

paragraph 2 letter c of the Compilation of Islamic Law, the prescribed form of divorce for the claimant is *talak one ba'in sughra*.

According to Article 1149 (1) R.Bg, if the author's analysis, based on unwritten sources, which are used to make judgments or decisions, is not presented in Court, it can be interpreted as an indication that the defendant does not plan to protect their rights or support their interests in the civil trial. Consequently, all assertions and claims made by the plaintiff in the complaint are believed to be truthful, and a claim made by the claimant is also deemed to conform with the law. Hence, the Court will review the plaintiff's petition on the condition that it is founded on rational and well-supported legal reasoning.

In the ruling of a case, the judge of the Religious Court of Painan will consider the following factors as causes for divorce: moral factors such as moral crisis and jealousy; abandonment of obligations due to forced marriage, economic issues, and one party being irresponsible; Marriage of minors; incidence of persecution; one party being punished; one party having biological defects; continuous conflict due to political factors, third party disturbance, and disharmony.

Based on the reasons above, the plaintiff has formally requested the president of the Painan Religious Court to issue the following verdict: to approve the petitioner's request; to grant permission for the plaintiff to declare their divorce against the defendant in the Painan Religious Court; to impose the costs of the case following the relevant laws.

The judge ruled that the plaintiff's arguments regarding the grounds for divorce fell under the grounds specified in Article 19 letter (f) of Government Regulation No. 9 of 1975, in conjunction with Article 116 letter (e) of the Compilation of Islamic Law. To bolster the rationale of the claim, the plaintiff introduced evidence in the form of a letter (P.1 and P.2) and summoned two witnesses. The judge deems the evidence presented by the claimant, namely photocopies of the Citizens' Mark card and a valid photocopy of the authentic act, labeled as letters P.1 and P.2, to be admissible in Court. They meet the formal criteria outlined in Article 3, paragraph (1) of Law No. 10 Year 2020. Furthermore, the evidence has acquired an official signature, satisfying the formal prerequisite and being deemed genuine evidence in the trial.

Moreover, the judge determined that the material was pertinent and directly connected to the plaintiff's allegations. This document details the plaintiff's and defendant's identities and their place of abode within the jurisdiction of Painan's religious authority. According to Article 285 R.Bg, Article 2 paragraphs (1) and (2) of Law No. 1 of 1974, and Article 7 paragraph (1) of the Compilation of Islamic Law, the judge confirmed that the plaintiff and the defendant are still legally married since April 17, 2014.

Following the plaintiff's grounds for divorce, as stated in Article 19 letter (f) of Government Regulation No. 9 of 1975, and based on Article 116 letter (F) of the Compilation of Islamic Law in Indonesia, the judge is required to hear testimony from witnesses who have a familial or close relationship with both the claimant and the defendant, as stipulated in Article 22 paragraph 2 of Government Ordinance No. 9 of 1975 and Article 138 of the Islamic Compilation of Law.

The judge received the testimony of two witnesses who shared a familial connection with the plaintiff. The initial witness was his cousin, while the subsequent one was his brother. According to the judge's decision, both individuals have been officially recognized as witnesses, following the guidelines outlined in Articles 171-172 R.Bg and Article 22 (2) of Government Regulation No. 9 Year 1975. Furthermore, the testimonies of both witnesses have been provided following the administration of oaths following the provisions of Article 175 R. Bg.

Regarding the underlying reasons for the conflict and disagreement between the plaintiff and the defendant, the testimony provided by the two witnesses for the plaintiff merely consists of secondhand information they have heard from the opposing side. Thus, in this particular situation, the judge adheres to the directives outlined in the RI Supreme Court Jurisprudence No. 308/Sip/1959, published on November 11, 1959. According to the guideline, while a remark based on hearsay (*testimonium de audit*) is not regarded as direct evidence, it can be used as a foundation for forming inferences backed up by other evidence.

Upon reviewing the evidence provided by the plaintiff, the judge determined that these facts aligned with the stipulations outlined in Article 19 letter (f) of Government Regulation No. 9 of 1975 and Article 116 letter (F) of the Islamic Law Compilation of 1991. These findings suggest a persistent struggle between husbands and wives, with little foreseeable possibility of improving their marital connection. Given the circumstances, the judge contends that both the petitioner's and the defendant's houses have reached a state of marital breakdown and are highly challenging to maintain.

This case pertains to a divorce matter believed to have substantial ramifications in uncovering the objective truth. To bolster the judge's confidence in the plaintiff's claims, it is necessary to reference the Supreme Court of RI's decision No. Kma/032/SK/IV/2006 of April 4, 2006, provides administrative and technical guidelines for religious justice. The judge contends that the plaintiff must present compelling evidence to substantiate the arguments made in their claim.

To substantiate the assertions made in his claim, the Appellant has submitted two letters (P.1 and P.2) and provided two witnesses as evidence. The reason for this is the divorce reasons presented by the Applicant, which pertain to the rules outlined in Article 19 letter (f) of Government Regulation No. 9 of 1975 and Article 116 letter (F) of the Compilation of Islamic Law in Indonesia. Thus, in compliance with the stipulations outlined in Article 22 (2) of Government Regulation No. 9 of 1975 and Article 138 of the Compilation of Islamic Law, the judge is required to listen to the statements of witnesses who have a familial or intimate connection with the involved husband and wife.

The judge concurs with the perspective articulated in the RI Supreme Court Jurisprudence No. 136/K/AG/1997 of February 26, 1998, asserting that the physical separation of residences is evidence of protracted disagreement and disputes. In this matter, the judge determines that considering this perspective, the fact that the Applicant and the Defendant have lived apart for a significant duration aligns with the interpretation established in legal precedents.

Considering the current circumstances in the petitioner's household, the intended objective of marriage is no longer being realized. It is aligned with the "*a contrario*" reading of Article 1 of Act No. 1 of 1974 and Article 3 of the Compilation of Islamic Law (Inpres Nomor 1 Tahun 1991). This notion is corroborated by the Quran, which asserts that marriage is intended to foster harmony and intimacy between spouses and to cultivate affection between them. Nevertheless, given the present conditions, these objectives are no longer accomplished as anticipated.

The judge ruled in favor of the plaintiff's case due to the frequent and intense conflicts between the plaintiff and the defendant. This decision is based on the provisions outlined in Government Regulation No. 9 of 1975, in conjunction with Article 116 letter (f) of the 1991 Islamic Law Compilation. According to these regulations, if a husband and wife persistently conflict without any prospect of reaching an agreement, their households can be irreparably broken. Therefore, the judge concludes that the marriage between the claimant and the defendant is already irreparably damaged and cannot continue.

Given the circumstances, the intended purpose of the marriage between the plaintiff and the defendant has not been achieved within the context of their domestic relationship. This conclusion is based on the interpretation of "*a contrario*" of Article 1 of Act No. 1 of 1975 and Article 3 of the Compilation of Islamic Law (Inpres Nomor 1 Tahun 1974). The concept of marriage is reinforced in the Qur'an, specifically in Ar-Rum verse 21, where it is stated that marriage was established to foster feelings of tenderness and tranquility between husbands and wives and to cultivate love and fondness between them. Nevertheless, given the present circumstances, attaining these objectives as initially anticipated is no longer feasible.

Conclusion

Being the spouse of a husband who has schizophrenia poses significant challenges, particularly for the caregiver, who assumes dual roles and carries substantial duties. The judge's ruling in Case No. 675.Pdt.G/2021/PA.Pn is guided by Article 13 (2) of Law No. 48 of 2009 on the Power of the Judiciary. The judges' decision in case No. 675/Pdt.G/2021/Pn. is deemed valid as it is based on the provisions of Article 39 (1) of Act No. 1 of 1974, in conjunction with Article 82 of Law No. 7 of 1989, as amended by Act No. 3 of 2006 and Law No. 50 of 2009.

The decision also considers the stipulations outlined in Article 31 of Government Regulations No. 9 of 1975 and Article 143 (1) of the Islamic Law Compilation. Following these stipulations, the judge has endeavored to resolve the case by cautioning the plaintiff to exercise patience and attempt to reconcile with the defendant.

Nevertheless, this endeavor was unsuccessful. The judgment analysis in case No. 675/Pdt.G/2021/PA.Pn indicates that the author concurs with the decision. This is because the Chamber of Judges has cited the RI Supreme Court Jurisprudence No. 136/K/AG/1997, dated February 26, 1998, which asserts that the division of residences is a sign of an ongoing conflict. In this case, the judge contends that the Applicant and the Defendant living apart for a significant duration aligns with the interpretation of legal precedent.

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