



## Effectiveness of Divorce Settlement Through a Circuit Court at the Bangko Religious Court

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**Abstract:** Desmarita MHK. 1622619 "Effectiveness of Divorce Settlement Through a Circuit Court at the Bangko Religious Court". The Bangko Religious Court has carried out in the form of circuit court activities from 2012 until now. The purpose of carrying out this circuit court is to provide an convenience in service so that all matters are easy and light for the community in order to seek legal protection and justice to realize a simple, fast, precise and cost-free judicial process. As well as increasing legal awareness for the community, and making it easier for people who have divorce cases that occur in some remote and difficult to reach areas in a short time. With the implementation of this Circuit Court system, the public can take advantage of this Circuit Court, in order to speed up and facilitate and save costs during the litigation process. While the main problems in this study are (1) How is the implementation of the settlement of divorce cases through a mobile court conducted by the Bangko Religious Court, (2) What are the factors that are always an obstacle and supporter in the divorce case settlement process mobile trial at the Bangko Religious Court, (3) How is the solution to the implementation of the mobile court in the settlement of divorce cases to the development of the divorce rate that occurred at the Bangko Religious Court. The research approach method used in the process and implementation of this research is an "empirical descriptive" approach, which describes problems based on the results of research in the field. From this research, the writer concludes that: (1) The implementation of the Circular Session has been running effectively and has had a very positive impact on the poor or the lower middle class (justice for the poor). Judging from the close distance between the places where the round-trip meeting is being carried out, the place where the parties involved are staying, which makes the transportation costs for the parties involved more expensive and can save time. If the case has not been completed while the funds have run out, the next trial will be held at the Bangko Religious Court. While the supporting factors are very numerous, one of which is the cohesiveness of the judges and the support from where the circuit court is held. (3) Conducting socialization to the community regarding the importance of legal certainty in marriage and divorce because it has a very large impact on the community regarding parties in marriage and child status, as well as conducting circuit courts in more remote districts. The mobile court in the settlement of divorce cases at the Bangko Religious Court does not have

any implications for the increase in the divorce rate at the Bangko Religious Court as seen from the ups and downs of divorce cases resolved through circuit courts.

**Keywords:** Effectiveness, Case Settlement and Circuit Court

## INTRODUCTION

As a creature created by Allah SWT, every human being always lives in pairs between husband and wife, through legal marriage bonds according to Islamic teachings. Then through the marriage will develop into a family with the birth of sons and daughters and develop into a group of families, become members of society and so on. Therefore, marriage which is continued with a household life that is *sakinah mawaddah warohmah*, makes human dignity from all moral and noble actions, and avoids all evil and disgraceful acts and actions, which consequently can degrade human dignity in the eyes of Allah SWT.

Furthermore, that in marriage the goal is not just to have children or offspring, but more than that is to educate children and foster a more perfect life in the eyes of Allah, making pious and pious offspring that is everyone's hope. There is no doubt that pious and pious children must be realized through a process of Islamic religious education that is more appropriate for the future of these children.

Marriage or marriage is the *sunatullah* of His servants. By marriage God wants them to steer the ark of their domestic life. With marriage there is a sense of responsibility of a husband to his wife, to provide physical and spiritual support, and conversely the wife has a responsibility to her husband to provide services to her husband, take care of her household and children while at home. According to Muhammad Hasbi Ash-Siddiqy, it is obligatory for a person to provide for the people who are usually given a living such as his wife, father, child who is still small (until not old). Meanwhile, the wife's income is level (limited) with the level of *syara'*, that is, it is limited by *syara'* itself.

Therefore, many children today's religious education is ignored and seconded, because of the wrong teaching they receive. Thus, as parents, we must provide education to our children. Therefore, marriage is a noble effort and goal in domestic life driven by husband and wife. In accordance with the word of God in the letter Ar-Rum verse 21 which reads:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

Meaning: And among the signs of His power is that He created for you wives of your own kind, so that you tend to and feel at ease with them, and He created between you love and compassion. Verily in that there are indeed signs for a people who think (Q.S Arrum: 21).

Based on the verse above, marriage by everyone wants a marriage that is safe, peaceful, happy and made into a *sakinah, mawaddah* and *rahmah* household, loving each other, respecting each other, understanding each other, helping each other and only death will separate the two. That is the hope of all those who will and have carried out the marriage.

But on the other hand, that which is called mate and death, it is only God who knows, as husband and wife here is always trying and only doing what has become the obligation of each husband and wife. Then in domestic life which is driven by a husband and wife, of course not everything goes smoothly, there are pebbles that can hinder the course of a marriage, over time the pebbles are getting sharper and bigger and cause conflict between the two, sometimes sometimes work problems, economic problems, principles of life, problems with third parties, parents and in-laws and many other problems. Because the problem is getting bigger and hotter, then eventually leading to separation or divorce this is the best way,

if it is maintained it will increase the problem and cannot be repaired, the only best way is divorce.

Mechanisms and rules that the Indonesian people in determining the divorce process, because there is already a forum from each religion in Indonesia, so there are no obstacles and problems in resolving a divorce case.

In a narration Ad-Dailami also narrated from Muqatil bin Sulaiman from Amr bin Shuaib from his father from his grandfather from the Prophet SAW as the hadith reads:

مَا أَحَلَّ اللَّهُ حَلَالًا أَحَبَّ إِلَيْهِ مِنَ النِّكَاحِ، وَلَا أَحَلَّ حَلَالًا أَكْرَهَ إِلَيْهِ مِنَ الطَّلَاقِ

Meaning: "There is nothing that Allah has made lawful that He loves more than wedding. And there is nothing that Allah has permitted that He hates more than divorce (H.R. Bukhari)

Furthermore, in this case the existence of the Religious Courts in carrying out their duties as Judicial Institutions has an equivalent level with other institutions because it has parallels with other Courts, this is one of the institutions of the Religious Courts which is expected to provide satisfaction for the community to seek a sense of justice. This is as confirmed in Article 2 of Law Number 50 of 2009 concerning the second amendment to Law Number 7 of 1989 concerning the Religious Courts, which states that the Religious Courts are one of the executor of judicial power for the people of justice seekers who are Muslim, especially regarding cases As referred to in this law, this is the existence and role of the Religious Courts themselves.

Thus, the Religious Courts are institutions that carry out the process for Muslim communities who want to seek justice based on Islamic religious law to Muslims who are carried out in the Religious Courts and the High Religious Courts. As a judicial institution, where the process and implementation of the search for justice, the role and existence of the Religious Courts in its simple form is in the form of tahkim, which means that this religious court institution as an institution to process disputes, disputes, problems between Muslims carried out by religious experts, and has existed in Indonesian society for a long time, namely since Islam came to Indonesia, this is actually the purpose of establishing the Islamic Religious Courts institution when the Minister of Religion at that time, Munawir Sazali, MA, persistently fought for its formation and establishment.

The Bangko Religious Court is located in the district capital and its jurisdiction covers the entire area of Merangin Regency, and several villages in Merangin Regency are still remote. With the existence of the Bangko Religious Court office located in the district capital which is far from where they live and the people who have litigants domiciled, as justice seekers who are in remote areas to visit them, considering the community's difficulties because the places and distances they have to travel are very far and difficult, Then the costs that must be needed by the community are very large, just imagine if the trial process is repeated, not to mention the natural conditions such as the rainy season, flood season, this also greatly affects the difficulties and obstacles experienced by the people who have litigation." Other than that we must keep in mind that the "principle" of kinship cannot be replaced with the "principle" of justice, because there will be no genuine justice without being in a family atmosphere (ukhuwah wathoniah). the strong will determine what is fair to the weak.

Because a sense of justice in society is very important, men and women and husbands and wives must take care of each other in their domestic life, so that no one is hurt. The Bangko Religious Court has carried out in the form of circuit court activities from 2012 and until now. The purpose of carrying out this activity is to facilitate all affairs and make it

easier for the community to seek legal protection and justice and also to realize a simple, fast and low-cost judicial process.

As well as increasing legal awareness for the community of Islamic law, as well as making it easier for people who have divorce cases that occur in some remote and difficult to reach areas in a short time. With the implementation of this Mobile Court system, the public can take advantage of this Mobile Court, in order to speed up and facilitate and save costs during the litigation process.

With the circuit court, legal and justice services are closer to justice-seeking communities in remote areas. Since the issuance of SEMA Number 10 of 2010, the Bangko Religious Court has continued to conduct circuit courts every year. Which in 2019 out of 430 divorce cases there were 76 divorce cases which went through circuit courts, 30 divorce cases and 46 lawsuits divorced. Meanwhile, in 2020, out of 407 divorce cases, 64 divorce cases went through circuit courts, 14 divorced divorces and 50 divorced cases.

Although there has been a circuit court since 2012, there are still many people who do not understand the benefits of resolving divorce cases through a circuit court, which makes them not interested in participating in this circuit court process, so there are still many people who are divorced under their hands. The settlement of underhand divorce cases like this is very contrary to what is explained in the Compilation of Islamic Law (KHI) article 17, namely "Talak is the husband's vow before a trial in the Religious Court which is one of the reasons for the breakup of a marriage."

Furthermore, the factors that influence people to choose shortcuts in the settlement of divorce cases are the weak level of education and the community's economy.

There are several factors that prevent people from participating in a mobile court hearing at the Bangko Religious Court, in which the mechanism for carrying out a mobile trial at the Bangko Religious Court is the same as the trial held at the Bangko Religious Court building, only the venue for the trial is different, so the benefits of this circuit court The community has not felt so maximally, especially regarding the cost of the case where the radius of the summons of the parties by the substitute bailiff is still calculated from the Bangko Religious Court to the residence of the litigating parties, and for case registration the parties continue to register their cases at the Bangko Religious Court Building.

Meanwhile, in the Decree of the Deputy Chief Justice of the Indonesian Supreme Court for Environmental Affairs of the Religious Courts Number: 01/SK/TUADA-AG/1/2013 concerning Guidelines for Circuit Courts within the Religious Courts, it is stated that the radius of summons by the substitute bailiff is calculated from the place of the mobile court to the residence of the parties. justice seekers, who are determined by the decision of the Head of the Court, as well as the way in which case registration is mentioned for areas that do not allow case registration to be carried out in court, case registration can be carried out to officers who are already at the location where the circuit court will be held, before the circuit court held.

The efforts of the Bangko Religious Court to provide optimal services to the community in managing divorce cases have been practicing mobile courts since 2012 until now. The aim is to provide convenience in legal services and protection and a fairness to realize a simple, fast, precise judicial process and without incurring large costs. At the same time providing legal awareness for people who are faced with divorce cases, especially remote areas and difficult to reach in a short time. However, many people still practice underhand divorce, making it difficult for the government to identify and record the number of divorce cases that occurred in Merangin Regency.

Based on the identification and background of the problem above, the authors feel interested in conducting a study and research on the problems of implementing the circuit court with various obstacles in the field encountered in the circuit court process, so the

authors raise it into writing a thesis entitled "Effectiveness of Case Settlement. Divorce Through a Circuit Court at the Bangko Religious Court"

Based on the problems and background above, the formulations in this study include:

1. How is the implementation of the settlement of divorce cases through a circuit court by the Bangko Religious Court
2. What is the legal basis in the process of resolving divorce cases through a circuit court at the Bangko Religious Court?
3. How is the solution to the implementation of the mobile court in the settlement of divorce cases to the dynamics of the divorce rate at the Bangko Religious Court.

## LITERATURE REVIEW

1. The effectiveness referred to in this study is settlement of cases that are relevant to law enforcement. The effectiveness of the law highlights how a regulation that is formed can achieve the desired goal. The theory of legal effectiveness according to Soerjono Soekanto is that whether or not a law is effective is determined by 5 (five) factors, namely: law, law enforcement, facilities or facilities, society and culture.

The purposes of the 5 indicators of legal effectiveness are:

- a) The legal factor itself (law) How the law has a positive impact, in this case the law is used as a guide to achieve the goal so that it is effective. It means that the legal norms governing circuit courts are effective if these norms serve as guidelines capable of becoming a complete and clear operational basis for the implementation of circuit courts so that the objectives of the circuit courts will be effective.
- b) Law enforcement factors. The meaning is the parties. In this case in the Religious Courts, law enforcers are judges, so that in order for the law to run effectively, judges must be able to carry out their roles as mandated by Article 5 paragraph (1) of Law Number 48 of 2009 concerning judicial power that judges are obliged to explore, follow, and understand legal values and a sense of justice that live in society.
- c) Factors or facilities that support law enforcement include adequate equipment, sufficient finances and so on. In this case the facilities or facilities in the implementation of the circuit court according to Perma No. 10 of 2010 includes a court room that fulfills the decorum of the court room in order to maintain the dignity of the court (Article 11 paragraph 3) and the budget for the implementation of the circuit court (Article 13).
- d) Community Factors means the environment in which the law applies or is applied. In this case, it concerns the public's opinions on existing legal norms. That is regarding the opinions of justice seekers who attend circuit courts that affect the effectiveness of the implementation of circuit courts.
- e) Cultural factors as a result of work, creativity and taste that are based on human initiative in social life, which affect behavior that determines the rules regarding what must be done and prohibited. These indicators are closely related to each other because they are the essence of law enforcement. These indicators are neutral, so the positive and negative impacts lie in the content of the indicators.

In accordance with some of the opinions and views above, the writer can conclude that what is meant by effectiveness is a relationship through a certain process, measured and structured with the achievement of planned goals and objectives.



## 2. Divorce

Divorce according to language means "separation or separation" which the root word is "divorce". Meanwhile, in the sense of the term or syara 'that divorce is a term to release the bonds of a marriage or marriage. The term is a lafadz that has been used during the jahiliyah period which is then used by syara'. Divorce according to the language is "Talak" which means to divorce or let go. Meanwhile, according to syara 'is breaking the legal marriage, either immediately or in the future by the husband by saying certain words or other ways that replace the position of these words.

According to Abdul Manan, what is meant by divorce is the termination of marriage between husband and wife because there is no harmony in the household or other reasons, such as the infertility of the wife or husband and after peace efforts have been made by involving the families of both parties.

Factors in the occurrence of divorce. Because the divorce that is carried out between husband and wife is nothing but the existence of supporting factors, so that there is a divorce or separation between husband and wife. In this case, according to Said Fuad. In his book entitled "Marriage and Divorce Law" emphasizes that there are several factors in the occurrence of divorce in a family that has carried out marriage bonds so far, also caused by various factors including: Infidelity, Lack of Communication, Economics, Unwilling to Give in, Intervention of Parents, Differences in Principles, Decline and Lack of Romanticism Between Husband and Wife, Conflicts Due to Roles in the Household, Sexuality Issues.

## 3. Duties and Functions of the Court

Based on Law Number 3 of 2006. Law Number 50 of 2009 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts, the Religious Courts have the duty and authority to examine, decide, and resolve cases at the first level between persons who are Muslim in the fields of: Marriage; Inheritance; Will; Grants; Waqf; Zakat; Infaq; Shadaqoh; and Islamic Economics.

## 4. Ircuit Court

Mobile court hearings are court hearings that are conducted outside the court, for example hearings held in sub-districts and so on. The Circular Letter of the Supreme Court Number 10 of 2010 in Article 1 paragraph 8 states, "a circuit court is a hearing that is held regularly (periodically) or at any time by a court in a place that is within its jurisdiction but outside the domicile of the court". The basic principle is simple, fast, and low cost.

The implementation of the circuit court in SEMA Number 10 of 2010 is further regulated in Article 11-12 which reads as follows: In Article 11, namely:

- a) The mobile trial is held in a location far from the Religious Court Office or in a location that makes it difficult for justice seekers in terms of costs, transportation and process if the trial is held at the Religious Court Office;
- b) A circuit court may be held at a government office. See (Article 15 paragraph 2). Such as the District Office, District KUA Office, Village Office, or other buildings;
- c) The mobile courtroom is endeavored to fulfill the decorum of the courtroom in order to maintain the dignity of the court

Article 12, namely:

- 1) A circuit court may be held by at least one panel of judges;
- 2) The circuit court may be attended by the Mediator Judge and other Religious Court officials and staff as needed.

Cases that can be submitted through a circuit court include:

- 1) Itsbat of marriage: ratification/disability of marriages for marriages that are not registered with the KUA;

- 2) Divorce: a divorce lawsuit filed by the wife;
- 3) Divorce talak: application for divorce filed by the husband;
- 4) Merger of itsbat case and litigation/talak divorce if the marriage is not registered and will file for divorce;
- 5) Custody of children: Lawsuits or applications for custody of minors;
- 6) Determination of heirs: Applications to determine legal heirs.

Mobile hearings are held in representative places at the locations where the hearings are held, including at the village hall, sub-district office, KUA office, or public facilities that are easily accessible by people who live far from the court office. The court announces the time, place and cost of the circuit court through the media announcement at the court and at the location where the circuit court will be held. The administrative requirements that need to be completed to file a case at a circuit court are: A letter of claim or application; Completeness of the required documents in accordance with the case submitted.

## 5. Legal Basis for the Circuit Court

The Supreme Court of the Republic of Indonesia in 2010 issued a Supreme Court Circular No. 10 of 2010 concerning Guidelines for Legal Aid Providers. The Circular Letter of the Supreme Court (SEMA) contains guidelines for providing legal assistance within the religious courts, precisely in Appendix B, which contains two parts, the first is the section regarding the service of prodeo cases and the second section regarding the implementation of circuit courts.

The Deputy Chief Justice of the Supreme Court for Environmental Affairs of the Religious Courts and the Secretary of the Supreme Court of the Republic of Indonesia issued a decision letter regarding the instructions for implementing SEMA No. 10 of 2010 the decree numbered 04/TUADA/AAG/II/2011 and 020/SEK/SK/H2011 which is in CHAPTER III regulates the implementation of mobile courts.<sup>44</sup> Furthermore, in 2013 the Deputy Chairperson of the Environmental Affairs of the Religious Courts issued guidelines for mobile courts within the religious courts numbered 01/SK/TUADAAG/I/2013 which fully regulates the implementation of circuit courts, starting from legal basis, understanding, preparation of circuit court, implementation of circuit court, costs of conducting circuit court, coordination and reporting of circuit court.

The Supreme Court of the Republic of Indonesia in 2014 issued a regulation, namely the Regulation of the Supreme Court (PERMA) of the Republic of Indonesia No. 1 of 2014 concerning Guidelines for Providing Legal Services for Poor People in court. In this Regulation of the Supreme Court (PERMA), some of its contents discuss the circuit court. With the existence of legal assistance based on PERMA, it is certainly easier for people who want to litigate in court. The Supreme Court of the Republic of Indonesia and the courts under it provide the widest possible access to the public to seek justice, including access to justice for the underprivileged. Then to provide the widest possible access to the poor, Article 28 D paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment. before the law. It is the duty of the state to provide legal and justice services to everyone.

## RESEARCH METHOD

### Type of Research

The type of research that the author uses in this study is "qualitative descriptive", where qualitative research, the author describes the problems that occur in the field, then the author describes it in the form of discussion, namely the problem under study, namely the

implementation of the Circular Session at the Bangko Religious Court in resolving cases relating to divorce issues.

This social situation that occurs in Merangin Regency is located in the Jambi Province. The data taken is data on the implementation of the circuit court trial in 2019.

### **Data and Types Sources**

The subjects and sources that will be taken are through several respondents including:

- a. Chairman of the Bangko Religious Court
- b. Bangko Religious Court Judge
- c. Registrar of the Bangko Religious Court
- d. Employees
- e. Society litigation

The object of this research is the implementation of the Circuit Court at the Bangko Religious Court. The sources of data in this study are: Primary data are judges, clerks or other officers in charge of the implementation of the circuit court, which are the main data in the study to obtain a true picture and information and Secondary Data or Supporting and complementary data in this research are, where by using the supporting laws and regulations, as well as books related to the subject matter in this Thesis.

### **Data Collection Technique**

To be able to make a conclusion, a series of supporting data is needed. Usually the research instruments used in research or empirical studies consist of in-depth interviews, the use of questionnaires and observations or field surveys. In general, there are three instrument requirements or criteria that must be met. that is:

#### **1) Interview**

The use of interview data in this study is where the author conducts a direct dialogue with the respondents in this study, in order to examine and obtain data relating to the implementation of the circuit court that took place in Merangin Regency by the Bangko Religious Court.

There are several questions that the author conveys to the respondents, including those relating to:

- a) How in the implementation of the settlement of divorce cases through a circuit court conducted by the Bangko Religious Court.
- b) What are the factors that have always been an obstacle and support in the process of resolving divorce cases through a circuit court at the Bangko Religious Court.
- c) How is the solution to the implementation of the mobile court in the settlement of cases on the development of the divorce rate that occurred at the Bangko Religious Court.

#### **2) Documentation**

The use through documentation is, where the data are sourced from archives, images, and the results of records in the Bangko Religious Court environment. The documents that the author explores in this research are:

- a) The Development of the Number of Divorce Cases in the Legal Area of the Bangko Religious Court.
- b) How many times does the Bangko Religious Court conduct circuit courts in 1 (one) month.
- c) How many cases come in and how many cases are resolved in each month.
- d) How many cases are resolved in one day through the mobile court.

#### **3) Observation**

Observation of a phenomenon situation is determined by not asking questions but by replacing. Types of observational research are direct, non-participant observation.



Through the observations in this study, is there any direct observation to the Bangko Religious Court in the actual situation and circumstances. Observation through court activities around the court. This method is used to obtain data on the Effectiveness of Settlement of Divorce Cases through a Circuit Court at the Bangko Religious Court. The data observed in this study are:

- a) The condition of the bangko religious court
- b) Level of service to the community
- c) The level of cleanliness of the office environment
- d) The friendliness of the employees in PA Bangko
- e) Speed and timeliness in dealing
- f) The level of community satisfaction with the performance of PA Bangko.

### **Data Analysis Techniques**

Based on the data and information obtained in the field, the authors take the next step, namely by analyzing data, both primary data and secondary data. After the field data is collected, then the data and information are analyzed and then carried out using data analysis techniques as follows:

#### **a. Domain Analysis**

In the implementation of domain analysis, which is usually carried out to obtain an overview, namely an understanding of the problems that are general and relatively comprehensive about what includes a focus on the problem being studied. From this understanding, it can be seen that the use of the domain method in analyzing the data and problems that have been studied, has not yet gone in depth, but only provides an understanding and description as well as the main problem, only analyzed in general and is still open.

#### **b. Taxonomy Analysis**

While the taxonomic analysis in this study is to conduct an overall analysis of the data that has been collected. In this analysis, which is a further step and domain analysis, the results of the domain analysis are described in more detail and more focused, so that it appears in detail what is related to the domains or called which areas will be carried out the analysis. Meanwhile, according to Sugiyono, taxonomic analysis is an analysis of the overall data collected based on a predetermined domain. By analyzing more specific problems. So that in its implementation it can be used as a conclusion to the discussion presented based on the results of the study.

#### **c. Componental Analysis**

Componental analysis is a continuation of taxonomic analysis that looks for differences or contrasts, this data is searched by conducting observations, interviews, and document studies. By using this component, the author draws conclusions and interview data that are general or domain, so that they become a unified whole and perfect.

#### **d. Cultural Theme Analysis**

The next step is that the author conducts a cultural theme analysis system, where in the implementation of the cultural theme is where the author conducts a comprehensive data-data search. It can be emphasized that this analysis of cultural themes summarizes based on the analysis of domains, taxonomies, and components that are continuously developed, so that finally a conclusion can be drawn in the analysis of the research.

### **Data Trustworthiness Test**

In accordance with what has been tested for reliability, the authors use the term triangulation, where through the use of triangulation it is defined as a data collection technique that combines various data collection techniques and existing data sources,

meaning that each data is connected to each other so that there is relevance. one data to another.

There are four kinds of triangulation, namely by using sources, methods, investigators and theories. This can be achieved by:

1. Overall, the data compares the observational data with the interview data obtained in the field during the research.
2. Overall the data compares what people say in public with what is said in private, namely to find conformity so that there are no data that contradict each other.
3. Overall the data compares what people say about the research situation with what is said over time, meaning that there is no change in the results of the initial data acquisition with subsequent interrelated data.
4. Overall the data compares the situation and perspective of a person with various opinions and views of people such as ordinary people, middle or high educated people, rich people, the government, meaning that all the data obtained essentially have similarities and there are no differences.
5. Because all the data, when it was obtained in the field, and so on, the analysis was carried out without errors and shortcomings.

## **RESULTS AND DISCUSSION**

### **Implementation of the Settlement of Divorce Cases Through a Circuit Court Conducted by the Bangko Religious Court.**

If there is a case that has not been completed, while the DIPA funding assistance for the implementation of the circuit court has run out so that there will be no more circuit court, then at that time the next trial will be held at the Bangko Religious Court building.

The officers in this circuit court shall consist of at least one panel of judges (three judges), a substitute clerk and an administrative officer. In certain cases the circuit court includes a mediator judge, a responsible official and a substitute bailiff.

Before the trial there are several stages that must be passed by the prospective Plaintiff / Petitioner at the Bangko Religious Court. The stages are as follows:

- a) Consultation; The plaintiff/applicant conducts consultation on the aims and objectives of the Bangko Religious Court. The Bangko Religious Court provides assistance with information on what must be prepared before submitting an application, including: Copy of Identity Card (KTP), Photo Copy of Marriage Book, Photo Copy of Family Card (KK)
- b) Case Submission; The filing of the Case for the Circuit Court at the Bangko Religious Court or the registration of the case at the circuit court at the Bangko Religious Court is basically the same as the registration of the case at the ordinary trial, except that the parties can choose the venue of the trial whether to continue the trial at the Bangko Religious Court Office or to settle it at the Bangko Religious Court. the place where the circuit court is held.

Based on the author's observations, according to what the author met in the field, that the settlement of cases through the mobile court at the Bangko Religious Court has been effective and appropriate, which is the process of carrying out a mobile court or trial outside the Bangko Religious Court building in a place that has been determined by the case settlement process at the Religious Court.

The circuit court for divorce cases is intended to remember that the emergence of various problems in the jurisdiction of the Regency-level Religious Courts, such as the development of divorce and under-handed marriages, is due to the wider area and the difficulty of transportation for remote areas to the court domiciled, so that people are reluctant to submit their disputes to court with various considerations such as the difficulty of access or the high cost of fees.

So people use the facilities even though they are considered violating the existing regulations. The principle of justice is the desire of all people in all levels of society, without any classification. Embodiment and justice can be achieved when all the elements involved can play a role in accordance with their respective functions. Between laws and regulations, implementation and users can play a role in accordance with their respective functions and can be carried out as well as possible.

Based on the results of the author's observations in several sub-districts that the average poor and legal lay people consider the Religious Courts to be something very scary, so that the views of the community become the main obstacle. In addition, in terms of financial access related to court fees and transportation costs to come to court, they are also reasons for not doing so. Poor people who generally lack knowledge because they are far from access think that settlement of cases through the courts tends to be rigid, formal and procedural.

The Bangko Religious Court is one of the Religious Courts that follows the policies made by the Supreme Court to try to explore, follow, and understand the legal values that live and grow in society and provide legal conveniences. The examination was carried out in the village where it was indicated that there were people who found it difficult to access the court as a circuit court.

Although it is not a light case, According to the Head of the Bangko Religious Court, the environmental conditions for the community who are too far away to access the Court are the reason for the handling of divorce cases in the circuit court.

Based on the results of observations and interviews, the circuit court held by the Bangko Religious Court has been effective. This can be seen from the distance between the parties and the location of the circuit court, which is located in the Renah Pamenang area and its surroundings. According to Dahkir (the clerk of the Bangko Religious Court), the Bangko Religious Court chose the Renah Pamenang sub-district as the circuit court area considering that the area can cover 13 (thirteen) surrounding areas, which is approximately two to twenty kilometers from the Renah Pemenang sub-district, Lokal Tabir. . Local South and Margo Tabir. While the distance from the village to the Bangko Religious Court office can be up to 80 - 120 Km, or it can take 3 to 4 hours of travel. As for other areas, such as the Bangko Region, Manau River, Muara Renah Pembrap and other areas with a distance of 30 to 40 km from the religious court. The distance from these sub-districts to the Bangko District Court is 2 to 3 hours.

This shows that the Bangko Religious Court has so far been successful in providing easy transportation and travel time for justice prosecutors, who should have traveled 60 to 100 km or the equivalent of 3 to 4 hours, with the voyaging court the distance is only 10 to 20 km. or it can be compared to a 1 to 2 hour journey, which means it is more efficient.

### **Factors that are Inhibitors and Supporters in the iProcess iResolve iDivorce Cases Through Ciroving Triang Bangko Religious Court.**

#### **a. Inhibiting Factor**

The implementation of the circuit court carried out by the Bangko religious court, of course, there are some obstacles. According to the Registrar of the Bangko Religious Court, until now there has been no such fatal inhibiting factor that is important for the parties to divorce having completed the requirements and pillars of the divorce itself, it's just that with the limited DIPA budget for the implementation of this circuit court which causes if there is a case that has not been completed when the circuit trial while the budget has run out, then the next trial will be held at the Bangko Religious Court Building.

With the obstacles that occurred in the implementation of this circuit court, the legal apparatus was extraordinary in overcoming the obstacles that occurred in the field, the Panel of Judges patiently waited for the presence of the parties and even the Panel of

Judges also helped the community in understanding the law, so that the public knew the preparation and good conduct of the trial.

The following is a list of Financial Assistance for the implementation of the circuit court at the Bangko Religious Court and the progress of the implementation of the circuit court from 2016-2020:

**Table 1. Bangko Religious Court and the progress of the implementation of the circuit court from 2016-2020**

Year	Case			Budget Dipa	Court place		
	Divorce	Sue	Amount				
2016	18	33	51	Rp.50.000.000	Tabir selatan	Pamenang Selatan	
2017	18	33	51	Rp.50.000.000	Tabir selatan	Pamenang Selatan	
2018	20	67	87	Rp.50.000.000	Pamenang barat Margo Tabir		
2019	30	46	76	Rp.55.000.000	Pamenang barat Margo Tabir		
2020	14	50	64	Rp.55.000.000	Pamenang barat Margo Tabir		

## b. Supporting Factor

Based on the interviews and observations of the authors above, it can be concluded that until now the implementation of this circuit court is still running smoothly, due to the large number of supports from various parties, and the many good expectations from the community for the activities of this Circuit Court, so this activity can be continued into the following year.

**Solutions Implementation of Ciroving Sessions in Divorce Case Resolution regarding the development of the divorce rate that occurred in the iBangko Religious Courts One of the Religious Courts that has ever conducted a circuit trial is the Bangko Religious Court.**

The implementation of the circuit court at the Bangko Religious Court in accordance with the provisions of the legislation and guidelines as stipulated in the SEMA Index No. 10 of 2010. For Justice Seekers who have obstacles to get to the Religious Courts because of the long distance and expensive transportation costs. So the presence of a circuit court of the Bangko Religious Court is expected to increase legal awareness for the community. This can be seen from the ups and downs in the number of cases resolved through circuit courts.

Based on the development of the implementation of the circuit court in the Bangko Religious Court Legal Area, it can be seen data from 2016 - 2020, in the following table:

**Table 2. Development of Cases in the Circuit Court Bangko Religious Court 2016-2020**

Year	Case			Budget Dipa	Count Place	
					village	Districts
2016	18	33	51	Rp. 50.000.000	Muara Delang Bukit Bungkul	Tabir selatan Pamenanhg selatan
2017	18	33	51	Rp. 50.000.000	Muara Delang Bukit Bungkul	Tabir selatan Pamenanhg selatan
2018	20	67	87	Rp. 50.000.000	Mampun Baru Sumber Agung	Pamenang Barat Margo Tabir
2019	30	46	76	Rp. 55.000.000	Mampun Baru Sumber Agung	Pamenang Barat Margo Tabir
2020	14	50	64	Rp. 55.000.000	Mampun Baru Sumber Agung	Pamenang Barat Margo Tabir

If the marriage is carried out under the hands in the sense of not having a marriage book, it will greatly affect the certainty and rights in the household. Underhand marriages are marriages that are carried out according to sharia law, but are not carried out in the presence of a Marriage Registrar (PPN) as an official government official and or are not registered at the Office of Religious Affairs, so they do not obtain a marriage certificate as the only formal legal evidence.

For the current condition, marriage registration is seen as something very urgent, because it involves many interests. Marriage is not only a bond between the bride and groom, but is the union of two large families, each of which has the rights and interests of marriage.

It should be understood that the obligation to register marriages is a new and official form of the Prophet Muhammad's order to declare marriage even by slaughtering a goat. Marriage registration by the marriage registrar at the KUA is something very important and can even be included in the mandatory category.

Marriage registration becomes an important thing, especially if there is a husband and wife dispute, then the wife married to siri does not have the legal power to ask for her rights because there are no documents that prove that she is the wife of so and so. Maintaining the rights of the wife and children is an obligation, and one way to keep this obligation carried out is by registering the marriage at the KUA. Something that will make the obligation to be carried out perfectly then it becomes mandatory as well, so the registration of marriage at the KUA is mandatory in order to protect the rights of this wife and child.

The parties do not get legal marital status, and cannot be registered with the Civil Registry, for example the parties cannot make a Family Card (KK). Thus, entering into a legal marriage contains a very large advantage, an extraordinary value in the life of the individual. After all, if marriage is not clearly regulated by laws and regulations and is not registered, it is even used for personal gain and to the detriment of other groups, especially spouses and children.

Based on the development of the implementation of the circuit court in the Bangko Religious Court Legal Area, it can be seen data from 2016 - 2020, in the following table:

**Table 3. Progress of Case Pada Civil Conference Session Bangko Religious Court Year 2016 – 2020**

Year	Case			Court Place	
	Divorce	Sue	Amount	Village	Districts
2016	18	33	51	Muara Delang Bukit Bungkul	Tabir Selatan Pamenang Selatan
2017	18	33	51	Muara Delang Bukit Bungkul	Tabir Selatan Pamenang Selatan
2018	20	67	87	Mampun Baru Sumber Agung	Pamenang Barat Margo Tabir
2019	30	46	76	Mampun Baru Sumber Agung	Pamenang Barat Margo Tabir
2020	14	50	64	Mampun Baru Sumber Agung	Mampun Baru Sumber Agung

Based on the table above, it can be emphasized that the circuit court conducted by the Bangko Religious Court from 2016 to 2020 has only been carried out in four places, namely: South Tabir District, South Pamenang District, West Pamenang District and Margo Tabir District.

## CONCLUSION

Based on the results of related research on the effectiveness of the settlement of divorce cases through mobile courts at the Bangko religious court, the authors can draw several conclusions, including:



1. The circuit trial conducted by the Bangko Religious Court has been running effectively and has been running properly. The circuit court was effective in terms of providing easy transportation and travel time for the litigants. But if the cost of the case is the same as the trial conducted at the Bangko Religious Court, because the radius of summoning the parties is still calculated from the Bangko Religious Court to the residence of the litigants.
2. The inhibiting factor is not so fatal in the implementation of the circuit court of the Bangko Religious Court. However, sometimes it is constrained by weather, mileage and infrastructure that is still under construction and there are cases that must be continued at the Bangko Religious Court office due to the limited Fund Assistance for the circuit court. Factors supporting the implementation of the Bangko Religious Court mobile trial, namely the excellent service provided by the mobile trial implementation team, both the panel of judges, clerks and other officers, good cooperation between the Bangko Religious Court and the Village Head and staff at the location of the mobile court.
3. Conducting socialization to the community about the importance of legal certainty in marriage and divorce because it greatly impacts the community regarding rights in marriage and the status of children, as well as conducting circuit courts in different and more remote sub-districts. The implementation of a round of hearings at the Bangko Religious Court is expected to increase legal awareness for the community.

## REFERENCES

- Al-Hamdani, Minutes of Marriage (Islamic Marriage Law), Jakarta: Amani Library, 2002)
- Abdul Rahman Ghazali, Fiqh Munakahat, Jakarta: Kencana Prenada Group, 2010.
- Ariel Sharon Sumenge, Analysis of the Effectiveness and Efficiency of Budget Execution for the Regional Development Planning Agency of South Minahasa, EMBA Journal, Vol I, 3 September 2013
- Basiq Djalil, Religious Courts in Indonesia, Jakarta: Kencana Publisher, 2nd Edition, 2006
- Cik Hasan Bisri, Religious Courts and Power Allocation in Indonesia, in the Journal of the pulpit of the Law of Actualization of Islamic Law, No. 34 yrs. VII 1997, al-hikmah & Ditbinbapera Islam, Jakarta, 2018
- Erfaniah Zuhriah, Religious Courts in Indonesia, Jakarta: Malang Press Publisher, 2008
- Hadayaningrat, Principles of Management Organization, Jakarta: Pustaka Karya Publisher, 2009
- Iskandar, Educational and Social Research Methodology, Jakarta: Publisher Rinka Cipta 2006
- Jirre Victori Monopoli, The Role of Organizational Communication in Shaping Employee Work Effectiveness Cv Magnum Sign And Print Advertising Samarinda, Journal of Communication Science, Samarinda, 2014
- Kamal Mukhtar, Principles of Islamic Law on Marriage, Jakarta, Star Moon, 2014
- Khoiruddin Nasution, Marriage Law 1, ed. Revised, Yogyakarta: ACAdemia + TAZZAFA, 2005
- Lexy J. Moloeng, Qualitative Research Methodology, Bandung: Rosda Karya Youth, 2001
- The Supreme Court of the Republic of Indonesia, Guidelines for Circuit Courts in the Religious Courts, Jakarta: Pustaka Karya, 2013
- Muhammad Thalib, Sakinah Family Management, Yogyakarta: Pro-U Publisher II, 2007.
- Muhammad Syaifuddin et al, Divorce Law, Jakarta: Sinar Graphic Publishers, 2013
- M. Yahya Harahap, Position of Authority and Procedure of the Religious Courts, Jakarta: Sinar Graphic, 2001
- Bangko Religious Court, Bangko Religious Court Annual Report 2015, Bangko: 2015.
- Perma No. 1 of 2014, Guidelines for Providing Legal Services for Poor People in Courts. Jakarta, 2005.

- Roihan A Rasyid, Procedural Law of Religious Courts, Jakarta: Rajawali Press Publisher, 1992
- Slamet Abidin and Aminuddin, Fiqh Munakahat 2. Bandung: Faithful Library, 2009 Decree of the Deputy Chief of the Supreme Court of the Republic of Indonesia for Environmental Affairs of the Religious Courts No. 01/SK/TUADA-AG/I/2013 concerning Guidelines for Circuit Courts in Religious Courts.
- Sayuti Thalib, Indonesian Family Law, Jakarta: UI Press Publisher 2nd Edition, 2008
- Sugiyono, Quantitative, Qualitative and R&D Research Methods, Bandung: Alfabeta Publishers, 2013
- Said Fuad, Divorce According to Islamic Law, Jakarta: Publisher Pustaka al-Husna, 2009
- Sedarmayanti, Human Resources and Work Productivity, Jakarta: Pustaka Publisher, 2001
- Subekti, Marriage Law, Jakarta: Publisher of the Second Printed Literacy Development, 2008
- Suharsimi Arikunto, Research Procedure A Practical Approach, Jakarta: Rineka Cipta, 2010
- Translation Team, Al-Qur'an and its Translation, Jakarta: Ministry of Religion RI, 2006
- Law No. 14 of 1970 concerning the Basic Provisions of Judicial Power
- Law Number 1 of 1974 concerning Marriage, Jakarta: Pustaka Karya, 2028.