

Legal And Psychological Implications Of Divorce Refusal: A Case Study Of Decision No. 880/Pdt.G/2023/Pa. Tmg Based On Sema No. 1 Of 2022

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Abstract

This study analyses divorce denial's legal and psychological implications in case No. 880/Pdt.G/2023/PA.Tmg, based on the Supreme Court Circular (SEMA) No. 1 of 2022. The denial was due to the unmet requirement of a six-month separation period, despite evidence of continuous conflict and the husband's criminal behavior. The research examines whether the court considered the psychological aspects of both parties and how SEMA No. 1 of 2022 was applied. Methods This research uses a qualitative approach with case studies that analyze legal documents and court decisions related to the application of SEMA No. 1 of 2022 in divorce rejection cases; the findings highlight the need for legal flexibility to accommodate emotional and cultural factors in divorce cases, suggesting possible policy revisions to support affected individuals better.

Keywords: Divorce Denial; Legal Implications; Psychological Impact; SEMA No. 1 Of 2022; Case Study.

Abstrak

Penelitian ini menganalisis implikasi hukum dan psikologis dari penolakan cerai dalam kasus No. 880/Pdt.G/2023/PA.Tmg, berdasarkan Surat Edaran Mahkamah Agung (SEMA) No. 1 Tahun 2022. Penolakan cerai ini terjadi karena tidak terpenuhinya syarat pemisahan selama enam bulan, meskipun terdapat bukti konflik terus menerus dan keterlibatan suami dalam tindak pidana. Tujuan penelitian ini adalah untuk mengkaji apakah pengadilan mempertimbangkan aspek psikologis bagi kedua belah pihak dan bagaimana penerapan SEMA No. 1 Tahun 2022 dalam kasus ini. Metode Penelitian ini menggunakan pendekatan kualitatif dengan studi kasus yang menganalisis dokumen hukum dan putusan pengadilan terkait penerapan SEMA No. 1 Tahun 2022 dalam kasus penolakan cerai. Hasil penelitian menunjukkan perlunya fleksibilitas hukum untuk mengakomodasi faktor emosional dan budaya dalam kasus perceraian, serta menyarankan revisi kebijakan untuk mendukung individu yang terdampak.

Kata Kunci: Penolakan Cerai; Implikasi Hukum; Dampak Psikologis; SEMA No. 1 Tahun 2022; Studi Kasus.

INTRODUCTION

In case No. 880/Pdt.G/2023/PA. The TMG's decision based on the Supreme Court Circular Letter (SEMA) No. 1 of 2022 clearly illustrates how religious courts handle divorce refusal cases. Refusal to divorce in Indonesia's legal system often has complex implications, both legal and psychological.¹ Jurisprudence is essential in Indonesia's legal system, influencing law enforcement and interpretation in cases such as divorce rejection. In addition, inter-agency coordination and a holistic approach to law enforcement are essential to ensure consistency and fairness in Indonesia's legal system.²

From the point of view of religious law, the importance of harmonizing laws with applicable laws and regulations is emphasized.³ In addition, the position of Islamic law in Indonesia's legal system is relevant to how religious courts handle divorce rejection cases.⁴

Several aspects of divorce rejection in Indonesia's legal system must be deeply understood. First, jurisprudence is an essential foundation for understanding divorce rejection, where previous legal decisions can guide the handling of divorce cases. In addition, coordination between institutions is vital in addressing this issue, where synergy between related institutions is needed to achieve adequate resolution.⁵

The influence of the Continental European legal system also plays a role in forming Indonesia's legal system, so a deep understanding of

¹ Holili Holili, M. Yunus, and Winarto Winarto, "Kedudukan Yurisprudensi Sebagai Sumber Hukum Di Indonesia Sebagai Penganut Sistem Civil Law," *COMSERVA: Jurnal Penelitian Dan Pengabdian Masyarakat* 3, no. 09 (January 23, 2024): 3718–26, <https://doi.org/10.59141/comserva.v3i09.1140>.

² Miftahul Murachim Budy Kushadianto and Marsudi Dedi Putra, "Implikasi Hierarki Hukum Dalam Pembentukan Undang-Undang: Pengaruhnya Terhadap Penafsiran Dan Penegakan Hukum," *Syntax Idea* 6, no. 3 (April 5, 2024): 1476–84, <https://doi.org/10.46799/syntax-idea.v6i3.3133>.

³ Aden Rosadi, "Dinamika Dan Sistem Hukum Penyelenggaraan Peradilan Agama Di Indonesia," *Al-Ahkam* 15, no. 1 (June 30, 2019): 20, <https://doi.org/10.37035/ajh.v15i1.2024>.

⁴ Watni Marpaung, "DISKURUS KOMPILASI HUKUM ISLAM (KHI) DALAM SISTEM HUKUM INDONESIA," *Al-Usrah: Jurnal Al Ahwal As Syakhshiyah* 11, no. 1 (June 26, 2023), <https://doi.org/10.30821/al-usrah.v11i1.16472>.

⁵ Riesti Triyanti, Khairul Amri, and Husain Latuconsina, "Perspektif Kebijakan Dan Peran Penting Riset Dalam Pengelolaan Sumber Daya Perikanan Laut Berkelanjutan," in *Pengelolaan Sumber Daya Perikanan Laut Berkelanjutan* (Penerbit BRIN, 2023), <https://doi.org/10.55981/brin.908.c819>.

this can provide broader insights into divorce rejection.⁶ The principle of *the living law* is also an important factor, where the law must adapt to the development of society and applicable values.⁷ Harmonization of rules is also crucial. All existing regulations must be in line and not contradict each other.⁸

Finally, the position of Islamic law in Indonesia's national legal system also plays a vital role in the context of divorce rejection. Islamic law in Indonesia is an integral part of national legal life, and a deep understanding of this can provide a more comprehensive perspective on divorce rejection.⁹ The background of this research is the high number of divorce rejection cases in Indonesia, which are often not only rooted in differences of opinion between couples but also related to legal, cultural, and religious aspects of society.¹⁰ This is important because it has a direct impact on the mental well-being of the individuals involved, especially those who file for divorce but are rejected by the court.

In the context of the need for a deeper understanding of the psychological impact of divorce, research on divorce and its impact on individuals, especially children, has become particularly relevant. Studies show that parental divorce can hurt the psychological health of adolescents.¹¹ Children who have experienced parental divorce are also

⁶ Novi Eka Saputri and Eny Kusdarini, "KONTRIBUSI SISTEM HUKUM EROPA KONTINENTAL TERHADAP PEMBANGUNAN SISTEM HUKUM NASIONAL DI INDONESIA," *Masalah-Masalah Hukum* 50, no. 4 (October 30, 2021): 363–72, <https://doi.org/10.14710/mmh.50.4.2021.363-372>.

⁷ Arfa'i Arfa'i, Bahder Johan Nasution, and Febrian Febrian, "Aktualisasi Pancasila Sebagai Sumber Hukum Dalam Pembentukan Undang-Undang," *Undang: Jurnal Hukum* 3, no. 2 (December 1, 2020): 377–407, <https://doi.org/10.22437/ujh.3.2.377-407>.

⁸ Indah Sari, "SYARAT-SYARAT PENANAMAN MODAL ASING (PMA) DI INDONESIA MENURUT UNDANG-UNDANG NOMOR 25 TAHUN 2007 TENTANG PENANAMAN MODAL," *Jurnal Ilmiah Hukum Dirgantara* 10, no. 2 (March 1, 2020), <https://doi.org/10.35968/jh.v10i2.462>.

⁹ Marpaung, "DISKURUS KOMPILASI HUKUM ISLAM (KHI) DALAM SISTEM HUKUM INDONESIA." *Al-Usrah : Jurnal Al Ahwal As Syakhshiyah* 11, no. 1 (June 26, 2023). <https://doi.org/10.30821/al-usrah.v11i1.16472>

¹⁰ M. H. A. Pakarti, D. Farid, S. M. Utama, O. Syuhada, and H. Hendriana, "Asas Keadilan sebagai Salah Satu Landasan Hakim dalam Memutuskan Putusan Perceraian," *Al-Ahwal Al-Syakhshiyah: Jurnal Hukum Keluarga dan Peradilan Islam* 4, no. 2 (2023): 101–16. <https://doi.org/10.15575/as.v4i2.25998>

¹¹ Ida Untari, Kanissa Puspa Dhini Putri, and Muhammad Hafiduddin, "Dampak Perceraian Orang Tua Terhadap Kesehatan Psikologis Remaja," *Profesi (Profesional Islam): Media Publikasi Penelitian* 15, no. 2 (April 21, 2018): 106, <https://doi.org/10.26576/profesi.272>.

prone to psychosocial disorders and affected learning achievement.¹² In addition, divorce can also affect the emotional intelligence of adolescents through family communication patterns.¹³

In addition, the study also highlights the psychological impact on early adult individuals who experience parental divorce, which can affect their ability to establish relationships and complete early adult developmental tasks.¹⁴ In addition, research also shows that there is a psychological impact on wives who experience early marriage, which requires a deep understanding of the problems faced by them.¹⁵

In the context of the rejection of polygamy by career women, the study highlights the impact of such rejection on the personality of the child at home.¹⁶ This suggests that factors such as the decision to reject polygamy can have complex implications for the individuals involved, including psychological impacts on children.

Thus, through a deep understanding of the psychological impact of divorce and other related aspects such as polygamy's rejection, family communication patterns, and adolescent emotional intelligence, this research can provide valuable insights into efforts to understand and overcome the psychological consequences of these situations.

This study will examine whether the court's decision has considered the psychological aspects for both parties and how the provisions of SEMA No. 1 of 2022 are applied in this case. The issue raised is how religious courts consider the reasons for refusing divorce

¹² Harry Ferdinand Mone, "Dampak Perceraian Orang Tua Terhadap Perkembangan Psikososial Dan Prestasi Belajar," *Harmoni Sosial: Jurnal Pendidikan IPS* 6, no. 2 (September 14, 2019): 155–63, <https://doi.org/10.21831/hsjpi.v6i2.20873>.

¹³ Pandu Indriani and Wiwin Hendriani, "Pengaruh Pola Komunikasi Keluarga Terhadap Kecerdasan Emosional Remaja Pada Keluarga Single Parent Akibat Perceraian," *Buletin Riset Psikologi Dan Kesehatan Mental (BRPKM)* 2, no. 1 (May 24, 2022): 512–18, <https://doi.org/10.20473/brpkm.v2i1.34607>.

¹⁴ Habibatul Ainina and Primatia Yogi Wulandari, "Dampak Psikologis Terkait Relasi Individu Dewasa Awal Yang Mengalami Perceraian Orang Tua," *Buletin Riset Psikologi Dan Kesehatan Mental (BRPKM)* 3, no. 1 (September 20, 2023): 25–31, <https://doi.org/10.20473/brpkm.v3i1.46965>.

¹⁵ Noor Azlyn Ririn, Muhammad Arsyad, and Ratna Supiyah, "DAMPAK PSIKOSOSIAL PADA ISTRI AKIBAT PERNIKAHAN DINI (Studi Di Desa Awiu Kecamatan Aere Kabupaten Kolaka Timur)," *Welvaart : Jurnal Ilmu Kesejahteraan Sosial* 4, no. 2 (January 1, 2024), <https://doi.org/10.52423/welvaart.v4i2.43372>.

¹⁶ Nada Izzatun Nisa and Muhammad Nurul Fahmi, "The Influence of Career Women's Rejection of Polygamy on Children's Personality (Case Studi in Batu Aji District, Batam City)," *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 10, no. 1 (June 30, 2023): 97–111, <https://doi.org/10.24252/al-qadau.v10i1.37931>.

and its impact on the individuals involved. Alternative solutions proposed include psychological assistance for the party who is denied divorce and a revision of legal policies related to divorce refusal. This study aims to provide new insights that can be a reference for policymakers and legal practitioners in handling similar cases and provide recommendations that can reduce the negative impact of divorce rejection.

RESEARCH METHODS

This study uses a qualitative approach with case studies to analyze divorce rejection's legal and psychological implications, especially in Decision No. 880/Pdt.G/2023/PA. TMG based on SEMA No. 1 of 2022. Secondary data in legal documents, court decisions, and SEMA are analyzed to assess the application of the law and related jurisprudence. The analysis of the court decision was carried out concerning SEMA No. 1 of 2022 to understand how the law is applied in the context of divorce rejection. The analysis results are presented as in-depth research reports, providing insights into divorce rejection's legal and psychological impact and recommendations for policymakers and legal practitioners.

RESULTS AND DISCUSSION

Case Chronology

On August 4, 2023, the Plaintiff filed a divorce lawsuit at the Temanggung Religious Court with registration number 880/Pdt.G/PA.Tmg. The lawsuit was filed based on disputes and quarrels that continued to occur in the Plaintiff's and Defendant's household. The plaintiff claimed that their relationship was no longer harmonious and that there was no hope of achieving a family that was *sakinah, mawaddah, and warahmah*. In his lawsuit, Plaintiff said that Defendant did not provide adequate maintenance, so Plaintiff had to work to meet the needs of the family. In addition, Defendant is considered to be less attentive and often disagrees with Plaintiff in resolving domestic matters, which triggers more conflicts. The situation was further aggravated by the actions of the Defendant who was involved in the crime of theft.¹⁷

However, in his decision, the judge rejected the Plaintiff's divorce lawsuit. This decision is based on the Supreme Court Circular Letter (SEMA) No. 1 of 2022, which stipulates that the reasons for continuous disputes and quarrels as the basis for divorce must be supported by evidence that the couple has been separated from residence for at least six months. In this case, the Plaintiff and the Defendant have only been

¹⁷“Putusan 880/Pdt.G/2023/PA. Tmg” (2023).

separated for three months, so the lawsuit is considered ineligible. In addition, the judge also did not consider the results of the mediation that had been carried out.

This ruling raises controversy regarding the fairness and suitability of the written law compared to the actual situation faced by the Plaintiff. It raises concerns about adequate legal protection for the parties involved in the divorce case. This encourages the author to examine further the basis of the judge's consideration in rejecting the divorce lawsuit and its implications for the understanding and application of the law in the context of divorce in Indonesia.¹⁸

The plaintiff filed a divorce lawsuit at the Temanggung Religious Court, revealing the postulation that the Defendant could not provide a living, lacked attention, and always had different views on solving the problem. Currently, the Defendant is undergoing the Prosecutor's detention for being involved in a theft case. The plaintiffs felt that their household could no longer be maintained, considering that her husband did not make a financial contribution and had committed acts that damaged family harmony. This condition made the Plaintiff feel pressured and uncomfortable about continuing the marriage.¹⁹

However, in Decision Number 880/Pdt.G/2023/PA. Tmg, the court decided to dismiss the divorce lawsuit filed by the Plaintiff. The main reason for this refusal is that the separation conditions for six months have yet to be fulfilled as stipulated in SEMA No. 1 of 2022. The Court held that the Plaintiff and the Defendant, on the grounds of disputes and quarrels, were continuous or had been separated for six months. The Tribunal considered the separation between the Plaintiff and the Defendant, who had only been separated for three months. Therefore, the lawsuit was rejected, and the results of the mediation were not considered.²⁰

In the legal considerations taken, the court emphasizes the fulfillment of formal procedures more than considering the emotional and psychological state of the plaintiff as the plaintiff. Although the Plaintiff felt that their marriage was no longer viable and filed for divorce for his good, the court considered that the absence of physical separation for six months was a significant barrier factor in this divorce process.

¹⁸ Putusan 880/Pdt.G/2023/PA.Tmg.

¹⁹ Putusan 880/Pdt.G/2023/PA.Tmg.

²⁰ Putusan 880/Pdt.G/2023/PA.Tmg.

This decision has raised controversy, especially in terms of fairness and empathy for the plaintiffs' conditions facing difficult situations. Many have questioned whether such formal provisions should take precedence over individual psychological and well-being considerations, especially in cases where one party is in prison and unable to fulfill their obligations as a husband. This case highlights the importance of policy revisions or more flexible interpretations of the law to handle similar situations in the future.

Normative Aspects in Divorce Law Enforcement

Jurisprudence and normative aspects play essential roles in enforcing divorce law. Although persuasive and non-binding, jurisprudence allows judges to decide based on discretion and justice.²¹ Research combining normative and conceptual aspects provides an in-depth analysis of the legal phenomenon being studied.²² Jurisprudence is considered an essential law source in Indonesia's civil law tradition.²³

Jurisprudence in the civil law tradition is essential in guiding judges in handling similar cases. Although jurisprudence is not legally binding, its existence helps create consistency in applying the law and guides interpreting it. Jurisprudence in the civil law system tends to be persuasive rather than binding, so judges can choose to follow it.²⁴

In Indonesia, law is the primary source of law in the civil law legal system, but jurisprudence still provides strong legal references and

²¹ Holili, Yunus, and Winarto, "Kedudukan Yurisprudensi Sebagai Sumber Hukum Di Indonesia Sebagai Penganut Sistem Civil Law." *COMSERVA: Jurnal Penelitian Dan Pengabdian Masyarakat* 3, no. 09 (January 23, 2024): 3718–26. <https://doi.org/10.59141/comserva.v3i09.1140>.

²² Briant Rizqullah Irawan Al Machrus and Prasetyowati Endang, "Implikasi Hukum Terkait Tukar Jabatan Antara Sekutu Komanditer Dengan Sekutu Komplementer Dalam Commanditaire Venootschap," *Future Academia: The Journal of Multidisciplinary Research on Scientific and Advanced* 2, no. 3 (June 25, 2024): 183–91, <https://doi.org/10.61579/future.v2i3.134>.

²³ Enrico Simanjuntak, "Peran Yurisprudensi Dalam Sistem Hukum Di Indonesia," *Jurnal Konstitusi* 16, no. 1 (April 1, 2019): 83, <https://doi.org/10.31078/jk1615>.

²⁴ Holili, Yunus, and Winarto, "Kedudukan Yurisprudensi Sebagai Sumber Hukum Di Indonesia Sebagai Penganut Sistem Civil Law."

arguments.²⁵ Although Indonesia is not bound by jurisprudence, its use can add value to law enforcement.²⁶

Bridging expectations for the ideal law with the reality of existing law enforcement presents challenges. This shows the need for readiness regarding legal regulations, law enforcement, and the community to run a fair legal system.²⁷ In addition, in situations where written law is insufficient or inconsistent with the problem faced in a case, judges are allowed to seek and find the law from other sources, such as jurisprudence.²⁸

By comparing similar cases, judges can identify relevant factors, understand the legal considerations applied, and explain the reasons behind the decision.²⁹ This shows the importance of references to jurisprudence in assisting judges in deciding a case.

In conclusion, jurisprudence plays an essential role in the civil law legal system, even though it is not legally binding. Using jurisprudence can provide direction, consistency, and strong arguments in law enforcement and assist judges in interpreting laws and deciding similar cases.

The normative aspect of enforcing divorce also includes understanding positive law and applying appropriate legal policies. Normative law research often uses secondary data to study the laws it

²⁵ Rizky Maulana Nugraha, Aris Machmud, and Fokky Fuad, "Akibat Hukum Terhadap Aset Milik Pihak Ketiga Yang Dijaminkan Kepada Kreditur Dalam Kepailitan," *Binamulia Hukum* 12, no. 1 (August 30, 2023): 191–99, <https://doi.org/10.37893/jbh.v12i1.504>.

²⁶ Oly Viana Agustine, "Keberlakuan Yurisprudensi Pada Kewenangan Pengujian Undang-Undang Dalam Putusan Mahkamah Konstitusi," *Jurnal Konstitusi* 15, no. 3 (November 19, 2018): 642, <https://doi.org/10.31078/jk1539>.

²⁷ Puteri Hikmawati, "Peniadaan Pidana Penjara Bagi Pelaku Lansia Dalam Pembaruan Hukum Pidana, Dapatkah Keadilan Restoratif Tercapai? (Elimination of Imprisonment for Elderly Criminal Offenders in Criminal Law Reform, Can Restorative Justice Be Achieved?)," *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 11, no. 1 (June 23, 2020), <https://doi.org/10.22212/jnh.v11i1.1583>.

²⁸ Yogi Diansyah, Wahyu Donri Tinambunan, and Kharisma Gemilang, "Penerapan Pidana Penjara Minimal Khusus Terhadap Pelaku Tindak Pidana Peredaran Narkotika," *Jurnal Bedah Hukum* 7, no. 2 (October 31, 2023): 213–27, <https://doi.org/10.36596/jbh.v7i2.1010>.

²⁹ Frengky Desiroto, "Analisis Pendekatan Perbandingan Dengan Yurisprudensi Dalam Putusan Narkotika (Studi Putusan Pengadilan Negeri Jakarta Pusat Nomor 372/Pid.Sus/2022/Pn. JKT Pst)," *Comserva Jurnal Penelitian Dan Pengabdian Masyarakat*, 2024, <https://doi.org/10.59141/comserva.v3i10.1187>.

raises.³⁰ In addition, normative law is a relevant type of research in this context, with an approach that analyses legislation, concepts, and documents.³¹

The enforcement of divorce laws is theoretical and must be realized in concrete actions that lead to the maintenance of order and justice.³² The community also actively optimizes legal functions, including divorce law enforcement.³³ In this case, divorce law enforcement requires clarity of regulations and effective law enforcement.³⁴

Several references can make a significant contribution to the analysis of court decisions, the application of SEMA No. 1 of 2022, and relevant jurisprudence. The study can include exploring legal principles, values, and norms and comparing different regulations to find consistency and synchronisation.³⁵ In addition, in judicial proceedings,

³⁰ Fitria Noviaturn Rizki and Zainal Arifin, "PEMERKOSAAN DALAM RUMAH TANGGA (MARITAL RAPE) PERBANDINGAN HUKUM POSITIF INDONESIA, TIMUR TENGAH, DAN FIKIH," *BIDAYAH: STUDI ILMU-ILMU KEISLAMAN*, December 8, 2023, 239–57, <https://doi.org/10.47498/bidayah.v14i2.2210>.

³¹ Miftaful Murachim Budy Kushadianto and Putra, "Implikasi Hierarki Hukum Dalam Pembentukan Undang-Undang: Pengaruhnya Terhadap Penafsiran Dan Penegakan Hukum." *Syntax Idea* 6, no. 3 (April 5, 2024): 1476–84. <https://doi.org/10.46799/syntax-idea.v6i3.3133>.

³² Yohanes Alexandro Diliyanto Tanur, Tatok Sudjiarto, and Armunanto Hutahaean, "Penegakan Hukum Lalu Lintas Melalui E-Tilang Dalam Meningkatkan Kesadaran Hukum Berlalu Lintas Studi Kasus Kepolisian Negara Republik Indonesia Resor Badung Bali," *Syntax Idea* 6, no. 5 (May 27, 2024): 2106–18, <https://doi.org/10.46799/syntax-idea.v6i5.3255>.

³³ Tri Arso, "Persoalan Disfungsi Asas Resiprokalitas Dalam Hubungan Perikatan Di PDAM Tobelo," *Jurnal Analisis Hukum* 6, no. 1 (April 25, 2023): 48–57, <https://doi.org/10.38043/jah.v6i1.4177>.

³⁴ Muhammad Ashraf, Agnes Harvelian, and Tantri Kartika, "Regulasi Dan Penegakan Hukum Lingkungan Dalam Menangani Kebakaran Hutan Berdasarkan Undang-Undang Nomor 32 Tahun 2009," *HUMANIORUM* 1, no. 4 (January 17, 2024): 99–104, <https://doi.org/10.37010/hmr.v1i4.28>.

³⁵ Achmad Zuhdi and Ari Ade Kamula, "Legitimasi Hukum Asing Sebagai Pertimbangan Putusan Oleh Mahkamah Konstitusi: Perbandingan Antara Indonesia Dan Afrika Selatan," *Yurispruden: Jurnal Fakultas Hukum Universitas Islam Malang* 7, no. 2 (June 20, 2024): 272–96, <https://doi.org/10.33474/yur.v7i2.21634>.

judges often refer to jurisprudence, a set of previous court decisions, as the basis for making appropriate decisions.³⁶

Research that combines normative juridical methods with comparative, legislative, and historical approaches can provide in-depth insights into how law is applied in court decisions.³⁷ The comparative analysis also confirms that efficiency, transparency, and institutional collaboration are critical to the success of corruption eradication, which is relevant in applying the law in the courts.³⁸

In addition, research that analyses court decisions related to the protection of children as victims of sexual violence can also provide an essential perspective in the context of legal analysis.³⁹ Conceptual and case approaches to research related to legal concepts can also provide a deep understanding of how to resolve a legal problem in court decisions.⁴⁰

Thus, through the synthesis of various relevant references, it can be concluded that the analysis of court decisions, the application of SEMA No. 1 of 2022, and relevant jurisprudence requires a deep understanding of legal principles, comparisons with previous cases, and consistency in the application of law to achieve justice in court decisions.

In SEMA No. 1 of 2022, regarding the 6-month separation as a condition for filing for divorce, jurisprudence can support court decisions by analyzing similar cases to understand relevant legal

³⁶ Desirotto, “Analisis Pendekatan Perbandingan Dengan Yurisprudensi Dalam Putusan Narkotika (Studi Putusan Pengadilan Negeri Jakarta Pusat Nomor 372/Pid.Sus/2022/Pn. JKT Pst).”

³⁷ Oki Giri Pamungkas, Andriana Kusumawati, and Aisha Mutiara Safitri, “Komparasi Hukum Pidana Korupsi: Studi Perbandingan Hukum Pidana Korupsi Di Indonesia Dan Singapura,” *HUMANIORUM* 1, no. 4 (January 18, 2024): 105–9, <https://doi.org/10.37010/hmr.v1i4.30>.

³⁸ Faizzah Wardatul Ummah and Emy Rosnawati, “Analisis Yuridis Putusan Pengadilan Negeri Padang Pariaman Nomor 18/Pid.Sus-Anak/2018/Pn Pmn Tentang Perlindungan Hukum Terhadap Anak Sebagai Korban Tindak Pidana Kekerasan Seksual,” *Web of Scientist International Scientific Research Journal* 3, no. 1 (October 3, 2023), <https://doi.org/10.47134/webofscientist.v3i1.15>.

³⁹ Ronny and Dian Adriawan Dg. Tawang, “Kajian Konsep ‘Antargolongan’ Dalam Pasal 28 Ayat (2) Undang-Undang Informasi Dan Transaksi Elektronik,” *Amnesti: Jurnal Hukum* 5, no. 2 (August 3, 2023): 247–57, <https://doi.org/10.37729/amnesti.v5i2.3083>.

⁴⁰ Ardlini Eta Pithaloka and Kholis Roisah, “Pembatalan Dan Penghapusan Merek Dagang Karena Ada Persamaan Pada Pokoknya,” *Notarius* 16, no. 2 (August 31, 2023): 907–15, <https://doi.org/10.14710/nts.v16i2.41566>.

considerations.⁴¹ However, it should be noted that there is a potential for inconsistency in applying the law, such as dysfunction of the principle of reciprocity in the relationship of engagement that can affect the balance of rights and obligations.⁴² Therefore, paying attention to regulations that reflect welfare and fairness for all parties involved is essential.⁴³

The Psychological Impact of Divorce Rejection

The psychological impact of divorce can have significant consequences, especially for the party filing for divorce. Individuals who go through divorce can experience a variety of emotional reactions, ranging from sadness to disappointment. This situation can also have an impact on their mental health, triggering stress, anxiety, and even depression.⁴⁴ In addition, divorce can also affect family dynamics in the family context, especially if children are involved. Children involved in divorce situations often experience significant emotional and psychological distress.⁴⁵

In dealing with the psychological impact of divorce, it is essential to pay attention to the mental health aspects of the individuals involved. Psychological support and counseling can help individuals cope with the stress and anxiety that arise as a result of divorce situations.⁴⁶ In addition,

⁴¹ Desiroto, "Analisis Pendekatan Perbandingan Dengan Yurisprudensi Dalam Putusan Narkotika (Studi Putusan Pengadilan Negeri Jakarta Pusat Nomor 372/Pid.Sus/2022/Pn. JKT Pst)."

⁴² Arso, "Persoalan Disfungsi Asas Resiprokalitas Dalam Hubungan Perikatan Di PDAM Tobelo." *Jurnal Analisis Hukum* 6, no. 1 (April 25, 2023): 48–57. <https://doi.org/10.38043/jah.v6i1.4177>

⁴³ Hermansyah Hermansyah, "Interpretasi Asas Mempersulit Perceraian Dalam Perspektif Hukum Islam," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (April 4, 2024): 1110–21, <https://doi.org/10.47467/as.v6i1.6307>.

⁴⁴ Kharisma Dwi Handayani, "MASALAH KESEHATAN MENTAL DI TENGAH PANDEMI COVID-19: PENINGKATAN MASALAH GANGGUAN KECEMASAN DAN CARA PENANGANANNYA," *Contagion: Scientific Periodical Journal of Public Health and Coastal Health* 4, no. 1 (July 23, 2022): 56, <https://doi.org/10.30829/contagion.v4i1.10844>.

⁴⁵ Nila Zaimatus Septiana, "Dampak Penggunaan Media Sosial Terhadap Kesehatan Mental Dan Kesejahteraan Sosial Remaja Dimasa Pandemi Covid-19," *Nusantara of Research : Jurnal Hasil-Hasil Penelitian Universitas Nusantara PGRI Kediri* 8, no. 1 (April 30, 2021): 1–13, <https://doi.org/10.29407/nor.v8i1.15632>.

⁴⁶ Handayani, "MASALAH KESEHATAN MENTAL DI TENGAH PANDEMI COVID-19: PENINGKATAN MASALAH GANGGUAN KECEMASAN DAN CARA PENANGANANNYA." *Contagion: Scientific Periodical Journal of Public Health and Coastal Health* 4, no. 1 (July 23, 2022): 56. <https://doi.org/10.30829/contagion.v4i1.10844>

involving families and children in the recovery process is essential in creating a supportive environment for all parties involved.⁴⁷

With a deep understanding of the psychological impact of divorce, efforts can be made to provide appropriate support for the individual experiencing the situation, as well as to maintain the well-being of the family as a whole. Emotional support and family intervention programs designed to improve communication and relationships between family members can also play an essential role in minimizing the negative impact of divorce. Through a holistic and empathy-based approach, it is hoped that the psychological well-being of individuals and family stability can be maintained despite the challenges of divorce.

The rejection of a divorce petition by the court can cause significant psychological repercussions for the individual filing for divorce. When divorce is considered the only solution to the problem at hand, this rejection can lead to deep feelings of frustration, despair, and disappointment. In this context, the individual may experience more severe symptoms of anxiety and depression, which are common responses to situations that are considered irreversible.⁴⁸

Furthermore, the emotional distress faced by individuals who are forced to remain in unwanted relationships can trigger feelings of loss of control and powerlessness. This can worsen overall psychological well-being, with individuals involved in domestic conflicts often having difficulty regulating their emotions.⁴⁹ Research shows that problems in the regulation of emotions can lead to the use of maladaptive strategies in responding to negative emotions, which can further worsen the mental state of the individual.⁵⁰

⁴⁷ Septiana, "Dampak Penggunaan Media Sosial Terhadap Kesehatan Mental Dan Kesejahteraan Sosial Remaja Dimasa Pandemi Covid-19." *Nusantara of Research : Jurnal Hasil-Hasil Penelitian Universitas Nusantara PGRI Kediri* 8, no. 1 (April 30, 2021): 1–13. <https://doi.org/10.29407/nor.v8i1.15632>

⁴⁸ Gert Martin Hald et al., "Randomized Controlled Trial Study of the Effects of an Online Divorce Platform on Anxiety, Depression, and Somatization.," *Journal of Family Psychology* 34, no. 6 (September 2020): 740–51, <https://doi.org/10.1037/fam0000635>.

⁴⁹ Monavar Ghazanfari Shabankare et al., "The Relationship of Mindfulness and Difficulties in Emotion Regulation with Emotional Divorce through Sexual Satisfaction among Married University Students in Ahvaz, Iran," *Journal of Shahrekord University of Medical Sciences* 23, no. 1 (March 30, 2021): 7–13, <https://doi.org/10.34172/jsms.2021.02>.

⁵⁰ Chenyu Zhan et al., "Association between Parents' Relationship, Emotion-Regulation Strategies, and Psychotic-like Experiences in Adolescents," *Children* 9, no. 6 (May 31, 2022): 815, <https://doi.org/10.3390/children9060815>.

Although the court's rejection of a divorce is aimed at maintaining the integrity of the family, it can have complex legal and psychological consequences for the parties involved. Exploring alternatives to divorce, such as counseling or mediation, can be a more constructive approach to resolving domestic conflicts while minimizing the negative impact on the psychological well-being of individuals and families.

In the context of the rejection of divorce lawsuits, culture, religious values, Indigenous peoples' roles, and traditional rights significantly influence decision-making. Spiritual values are often the moral basis for individuals to consider divorce, with some religions emphasizing fidelity in marriage and the importance of maintaining family unity. This can influence a person's decision to reject a divorce lawsuit due to vital moral and spiritual considerations.⁵¹

In addition, indigenous peoples also play an essential role in the context of divorce rejection in Indonesia. Indigenous peoples often have different value systems and norms from the prevailing positive law. Sometimes, they can mediate divorce conflicts and seek to maintain family unity through their customs and traditions.⁵² Thus, in the context of rejection of divorce lawsuits, culture, religious values, the role of indigenous peoples, and traditional rights play a significant role in shaping individual views and decisions regarding divorce.

In addition, the role of communities and religious institutions must be addressed. They can serve as a source of support and provide appropriate direction based on prevailing religious or customary teachings. Indigenous peoples, for example, often have conflict resolution mechanisms that can help couples reconcile or reach mutually beneficial agreements. This approach helps address psychological problems and strengthens social and community bonds.

Divorce can have a significant psychological impact on the individuals involved, both in the short and long term. Symptoms such as depression, anxiety, and stress often appear as a consequence of divorce. This impact is felt not only by young couples but also strongly by older couples. For parents, divorce can exacerbate feelings of loss, uncertainty,

⁵¹ Made Widiadnyana Wardiha, "ANALISIS KOMPARATIF PERAN ADAT DAN KEPERCAYAAN DALAM PENINGKATAN KUALITAS LINGKUNGAN PERMUKIMAN BERKACA PADA ADAT YANG ADA DI PERMUKIMAN TRADISIONAL," *Jurnal Presipitasi : Media Komunikasi Dan Pengembangan Teknik Lingkungan* 15, no. 2 (September 1, 2018): 114, <https://doi.org/10.14710/presipitasi.v15i2.114-121>.

⁵² Wardiha.

and loneliness, given that age is more susceptible to significant changes in life. Additionally, for those who have children, additional psychological stress can arise from concerns about the impact of divorce on children and parenthood after divorce.

Studies by Vassi, Veltsista, & Bakoula Rahmandani highlight that stressful situations such as peer rejection or family stress can cause long-term psychological impacts.⁵³ Apart from that, divorce can also trigger feelings of fear, feelings of helplessness, depression, and even thoughts of suicide, as stated in Nadiya's research..⁵⁴

CONCLUSION

Decision Number 880/Pdt.G/2023/PA. Tmg rejected the divorce lawsuit because the six-month separation requirements were not met according to SEMA No. 1 of 2022, even though there was evidence of a dispute and the husband was involved in a criminal act. This decision sparked controversy about justice for the Plaintiff, who faced a difficult situation, including the husband's indifference to alimony. The analysis emphasizes the need for legal flexibility considering emotional conditions, cultural values, religion, and customs. Legal evaluation and revision are needed to respond more to individual needs and substantive justice. Further research is recommended to understand the psychological impact of divorce rejection, support the welfare of all parties, and improve legal practices to be more humane in handling divorce cases in Indonesia. This holistic approach can help create a fairer and more inclusive legal system.

⁵³ Amalia Rahmandani, "Pemaafan Dan Aspek Kognitif Dari Stres Pada Mahasiswi Jurusan Kebidanan Tingkat Dua," *Jurnal Psikologi Undip* 14, no. 2 (October 1, 2015), <https://doi.org/10.14710/jpu.14.2.118-128>.

⁵⁴ Nadya Ridha Rachmatunisa and Amalia Rahmandani, "APAKAH AKU MASIH MEMILIKI HARAPAN? STUDI KUALITATIF FENOMENOLOGI PENGALAMAN IBU KORBAN KDRT HINGGA MEMUTUSKAN BERCERAI," *Jurnal EMPATI* 13, no. 1 (July 26, 2023): 63–69, <https://doi.org/10.14710/empati.2024.27699>.

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