

ABSTRACT

Divorce is a legal act. One of the legal consequences of divorce is joint property. Regulations regarding joint property are regulated in the Civil Law Book, Law Number 1 of 1974 concerning Marriage, and the Compilation of Islamic Law. In resolving joint property disputes in court, the judge must decide in accordance with existing regulations. This research aims to determine the basis of the judge's ratio decidendi in deciding a joint property case resulting from divorce, and also to determine the legal consequences for the parties if decision No. 612/Pdt.G/2020/PA.Sgm has been issued

This research uses qualitative research methods and a normative juridical approach, a legal approach that considers law as a normative system structure. Data collection in this research was carried out from secondary data sources such as statutory regulations, scientific journals, and legal books relating to joint assets resulting from divorce based on the decision in case No. 612/Pdt.G/2020/PA.Sgm

Based on the results of the research, the decision is No. 612/Pdt.G/2020/PA.Sgm which has been issued by the panel of judges has been oriented towards three elements in law enforcement, namely legal certainty, expediency and justice. In this decision the judge looked not only at positive law but also took into account the religious law of both parties. If the decision is complied with, it will have legal consequences for the parties, including the plaintiff, defendant and third parties. The result is that both parties divide the assets in half for both parties or are divided equally by both parties. This is in accordance with article 97 of the Compilation of Islamic Law. Then the third party (the plaintiff's parents) must agree that the assets are joint marital assets and the third party will not receive a share in the distribution of these assets.

Keywords: Marriage; divorce; Joint Assets; Judge's considerations