

RATIO DECIDENDI ANALYSIS IN THE SETTLEMENT OF MARITAL PROPERTY DISPUTES: IMPLICATIONS FOR LEGAL PRACTICE IN INDONESIA

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Abstract

Marital property disputes are complex issues that require a clear and fair legal basis in their resolution. This research aims to analyze the application of ratio decidendi in the decision on marital property disputes, its implications for legal practice, and a comparison of its application in various cases. The research uses normative legal methods with statutory, conceptual, and philosophical approaches, and analyzes related court decisions. The results showed that ratio decidendi plays a central role in ensuring substantive justice, legal certainty, and benefits for the parties. However, there are inconsistencies in its application caused by variations in judges' interpretations and the socio-cultural context. This shortcoming calls for the strengthening of legal precedents and interpretation guidelines to improve the consistency and quality of decisions. This research contributes to the development of an understanding of the importance of ratio decidendi as a tool to create a legal system that is more adaptive and responsive to the dynamics of society.

Keywords: Ratio decidendi; marriage property dispute; marriage dispute decision.

1. Introduction

Marital property disputes are one of the issues that often arise in the civil law system in Indonesia. Although it has been regulated in Law Number 1 Year 1974 concerning Marriage, its implementation in concrete cases often raises legal complexities. In this context, the ratio decidendi, or the legal basis underlying the judge's decision, plays an important role. However, differences in interpretation and application of the ratio decidendi by judges often lead to inconsistencies in decisions. This creates a gap between the principles of justice expected by the law and the reality of legal practice in the field.

This issue is important because of its effect on public confidence in the judicial system and legal certainty in matrimonial property dispute cases. Substantial differences in the interpretation of the ratio decidendi can lead to doubts over the substantive justice produced in court decisions (Zain, 2024, p. 64). Ratio decidendi serves not only as a legal justification, but also as a reflection of the values of justice that live in society

(Ni'am, 2024, p. 230).

Indonesian marriage law regulates the relationship between a man and a woman starting from the marriage contract until the end of the marriage due to death, divorce, or other causes. Law No. 1/1974 on Marriage provides a legal basis that serves as a guide for Indonesia's diverse communities. Article 1 of the law states that «marriage is a physical and mental bond between a man and a woman as husband and wife with the aim of forming a happy and lasting family (household) based on the Almighty God.» However, reality shows that forming a happy and lasting family is not easy. Many marriages end due to various challenges, one of which is the issue of marital property.

The dissolution of marriage, as stipulated in Article 38 of Law Number 1 Year 1974, can occur due to death, divorce, or by court decision. After divorce, the issue of joint property often becomes a complex issue. Article 35 of the same law states that «property acquired during marriage becomes joint property,» while inherited property and property acquired as gifts or inheritance remain under the control of each party. Data shows a significant increase in the number of divorce cases, which has a direct impact on the rise of marital property disputes. According to the Central Bureau of Statistics (BPS), the number of divorce cases in Indonesia reached 516,334 in 2022, an increase of 15.31% from the previous year which recorded 447,743 cases (Afifah, 2024). This increase indicates that on average there are around 1,400 divorce cases every day (Efendi, 2023).

Marital property disputes are often a central post-divorce issue, given the complexity of dividing assets acquired during marriage. Resolution of these disputes can be done through the mediation process in the Religious Courts. However, the success rate of mediation in joint property cases is still relatively low. Data shows that in 2018, only 6.2% of cases were successfully mediated, and this figure decreased to 5.5% in 2019 (Syafei & Djazimah, 2021, p. 871). In addition, in 2022, out of 1,462 joint property cases mediated in all Religious Courts in Indonesia, only 384 cases reached an amicable agreement (Prasetyo, 2024).

In the context of resolving marital property disputes, the ratio decidendi, namely the reason or legal basis on which the judge's decision is based, plays an important role in ensuring the fairness and consistency of the decision. Proper and correct legal considerations, as stipulated in Article 178 paragraph (1) of the HIR and Article 53 paragraph (2) of Law Number 48 of 2009, are essential in rendering a fair decision (Fadilah, 2019, p. 112). However, in practice, the consistent application of ratio decidendi is still a challenge, given the variety of legal interpretations by judges.

This phenomenon also reveals that the existence of ratio decidendi not only serves as a tool to ensure justice, but also to provide legal precedents that can be followed by judges in similar cases. In several cases of marital property disputes, it was found that judges often did not provide sufficiently in-depth legal considerations regarding the division of joint property. For example, the lack of clear legal argumentation often makes the decision difficult to accept by the parties. This situation suggests the need for an in-depth evaluation of how the ratio decidendi can be formulated more systematically to reflect substantive justice (Salmah, 2024, p. 120).

In the Indonesian legal system, which adheres to the principle of legal certainty, every judge's decision must be based on positive law and rational considerations (Wati, 2018, p. 13). However, in practice, various factors can affect the consistency of the application of the ratio decidendi, including the judge's level of understanding of relevant legal principles, social pressures, and local political dynamics. This raises an important question: to what extent can the ratio decidendi reflect the principles of universal justice in diverse social contexts?

Furthermore, this research will also pay particular attention to the social impact of decisions that are deemed unfair. When judges fail to provide legal considerations that reflect justice, the consequences are not only felt by the parties to the dispute, but also by the wider community who lose trust in the judicial system. It is important to

underline that public trust in the judiciary is an important element in maintaining social and political stability in Indonesia.

In addition, the role of ratio decidendi cannot be separated from the function of jurisprudence in developing law. In many countries, such as the Netherlands and the UK, the ratio decidendi has been a key cornerstone in building a reliable legal tradition (Mangunsong (Penyunting), 2021, p. 71). In the Indonesian context, it is important to ensure that the ratio decidendi does not only refer to the written law, but also considers broader principles of justice, including the protection of vulnerable groups such as women and children in marital property disputes.

Therefore, this study aims to identify the patterns of ratio decidendi used in decisions on marital property disputes and examine their consistency in creating justice for the parties. By conducting an in-depth analysis of various court decisions, this research is expected to make a significant contribution in developing family law in Indonesia, especially in improving substantive justice in judges' decisions.

Ultimately, it is important to integrate the principles of justice, legal certainty and expediency in the preparation of the ratio decidendi. It is hoped that this research will not only help improve the quality of court decisions, but also strengthen the legitimacy of the legal system in the eyes of society. In other words, the ratio decidendi must be seen as a dynamic element that continues to evolve in line with the changing legal needs of society.

Therefore, this research is important to analyze how ratio decidendi is applied in decisions on marital property disputes in Indonesia, as well as its implications for legal practice. By understanding the pattern and consistency of ratio decidendi application, it is important to integrate the principles of justice, legal certainty and expediency in the preparation of ratio decidendi. This will not only help improve the quality of court decisions, but also strengthen the legitimacy of the legal system in the eyes of society. In other words, the ratio decidendi must be seen as a dynamic element that continues to evolve in line with the changing legal needs of society.

2. Material and Methods

This research uses normative legal research methods, an approach that focuses on the study of applicable legal norms. According to Peter Mahmud Marzuki in his book *Introduction to Legal Science*, normative legal research is not only limited to analyzing positive law, but also includes evaluating the suitability of legal norms with basic legal principles such as justice and legal certainty (Marzuki, 2016a, p. 57). This method aims to find the truth of coherence, namely whether legal norms support the underlying principles. Then, this normative legal research uses several approaches to analyze data and integrate theories of justice and legal certainty into relevant legal studies.

The statute approach is used to analyze the legal norms contained in the relevant laws and regulations. This approach aims to understand how legal norms are formulated in written regulations and how they provide the basis for legal implementation in the context of justice and legal certainty (Rochim, 2015, p. 78). This analysis includes evaluating the suitability of legal regulations with the values that form the basis for their formation, such as justice and legal certainty, as well as their relevance in creating legal stability for society.

The conceptual approach focuses on exploring the theory of justice according to Thomas Hobbes and the theory of legal certainty according to Gustav Radbruch. This approach helps to evaluate whether the analyzed legal norms are in accordance with the ideal principles of justice and legal certainty (Herlina, 2024, p. 55). Hobbes' theory emphasizes the importance of covenant or agreement in creating justice, while Radbruch emphasizes that legal certainty must be balanced with justice and legal expediency. This approach provides a clear framework for assessing the application of legal norms to these fundamental principles.

The philosophical approach is used to evaluate the basic legal values applied in the analyzed legal norms (Anwar et al., 2024, p. 240). This approach allows an assessment of whether the applied law has reflected the values of substantive justice and legal certainty which are the main objectives of the legal system. This philosophical approach is also useful to identify potential gaps between the applicable legal norms and their application in the broader social context, thus helping to produce a more comprehensive legal analysis.

These three approaches complement each other in building a systematic analytical framework, resulting in a deep understanding of how legal norms not only fulfill formal rules, but also reflect fundamental principles of justice and legal certainty. With the integration of this approach, the research is able to provide a holistic evaluation of the legal norms being analyzed. With this approach, the research seeks to reveal how existing legal rules and norms reflect the principles of substantive justice and legal certainty (Marzuki, 2016b, p. 119).

This method is relevant as it allows the research to evaluate the compatibility of the applicable legal norms with theories of justice and legal certainty. In the context of normative law, this research aims to ensure that the law is not only applied procedurally but also reflects the values that underlie its formation. Conceptual and philosophical approaches provide an analytical foundation for assessing substantive justice and legal certainty in Indonesia's legal system.

In this study, the theory of justice and the theory of legal certainty are used as a conceptual basis to analyze the application of *ratio decidendi* in decisions on marital property disputes. The theory of justice provides guidance to evaluate whether the decision made by the judge has fulfilled the principle of substantive justice, which means considering the rights of the parties to the dispute and the balance of their interests. This concept is important to assess whether the decision not only complies with formal legal rules, but also reflects the ethical values prevailing in society.

Meanwhile, legal certainty theory is used to assess consistency in the application of the *ratio decidendi*. This theory helps identify whether decisions in similar cases have followed the same pattern, thereby creating legal stability and a sense of security for the community. By integrating these two theories, this research aims to provide a thorough analysis of how the *ratio decidendi* can fulfill the need for justice and legal certainty in the context of marital property disputes.

Justice is a fundamental concept in law enforcement, although it is subjective and abstract. According to W.J.S. Poerwodarminto, fair means «not one-sided, there should be no arbitrariness and impartiality» (Pandit, 2016, p. 14). Thomas Hobbes stated that an action is said to be fair if it is based on an agreed agreement (Nasution, 2017, p. 217). In the legal context, justice is often identified with compliance with the applicable law. However, substantive justice demands more than just formal compliance; it demands treatment that is compatible with individual rights and the well-being of society.

In the settlement of marital property disputes, the application of the theory of justice is crucial. Judges are required to not only apply the law textually but also consider aspects of substantive justice for the parties involved. This is in line with the view that the law must achieve the progress and happiness of society, so that actions that support and maintain the happiness of society can be considered fair (Utami & Dalimunthe, 2023, p. 437). The importance of legal certainty and justice in the settlement of joint property disputes, that the dualism between legal certainty and justice must be revealed and applied in court decisions to achieve substantive justice (Farid & Sururie, 2024, p. 205).

In addition, the concept of justice in marital property disputes is based on legal pluralism. He emphasized that in the context of resolving marital property disputes, the justice sought is substantive justice. The progressive legal paradigm that is more concerned with substantial justice than procedural is considered appropriate for realizing a just law (Yunanto, 2012, p. 329).

Thus, the theory of justice in this context requires judges to consider not only formal legal aspects but also substantive justice values that live in society. This is important so that the resulting decision is not only legally valid but also perceived as fair by the parties involved.

In legal theory, legal certainty is a very important element to create justice and stability in society. According to Peter Mahmud Marzuki, legal certainty has two main definitions. First, legal certainty is the existence of general rules so that individuals know what actions can or cannot be done. Second, legal certainty provides legal security for individuals from government arbitrariness. With the existence of general rules, individuals can know what the state can impose or do to them (Marzuki, 2008, p. 158).

Furthermore, Gustav Radbruch stated that legal certainty has two dimensions: legal certainty by law and legal certainty in law (Radbruch, 1950, p. 18). Legal certainty by law gives a duty to the law to ensure justice and legal benefits. Meanwhile, legal certainty in law is achieved if the law is as much as possible set forth in the law (Pujirahayu, 1991, p. 85).

In the context of ratio decidendi, the theory of legal certainty is very relevant because this principle demands consistency in the application of the law, especially in similar cases. This consistency includes the use of the same legal arguments in cases with similar facts so as to provide a sense of security to the public that the law is applied equally and fairly.

In the settlement of marital property disputes, the theory of legal certainty serves as a guide to analyze how the ratio decidendi is used by judges in making decisions. Legal certainty allows the parties to the dispute to know their rights and obligations in accordance with the applicable rules. For example, in the decision of case number 631 K/Pdt/2017, the application of ratio decidendi is not only intended to fulfill substantive justice, but also to provide legal certainty for the parties to the dispute.

Furthermore, the application of legal certainty theory also helps to ensure that decisions made by judges do not contradict applicable legal principles. This is important to avoid discriminatory or inconsistent decisions, which can reduce the legitimacy of the law in the eyes of society. As such, this theory provides a strong analytical foundation for understanding the role of ratio decidendi in establishing clear and consistent legal precedents.

3. Results and Discussion

3.1. Ratio Decidendi analysis in decisions on marital property disputes

Ratio Decidendi in decisions on marital property disputes is a crucial aspect in understanding how judges apply legal principles to achieve justice and legal certainty. Ratio decidendi is the basis or legal reasoning on which a judge's decision is based, reflecting the legal interpretation of the relevant facts in a case. In the context of marital property disputes, this analysis helps identify how judges interpret and apply legal rules related to the division of joint property after divorce.

In the context of marital property disputes, the ratio decidendi is the core of the legal considerations used by judges to reach a fair decision and in accordance with legal norms. Ratio decidendi is a logical basis that not only explains the legal reasoning behind a decision but can also be a reference for other courts in similar cases. Ratio decidendi serves as a guideline to ensure that legal principles are applied consistently and accountably. This is relevant in the Indonesian legal system which prioritizes legal certainty and justice in every court decision (Dewi, 2016, p. 41).

In practice, judges in cases of marital property disputes often consider three main principles, namely justice, legal certainty and expediency. The principle of justice ensures that the division of joint property is done proportionally based on each party's contribution during the marriage. Legal certainty is necessary so that the parties understand their rights and obligations after the divorce, which in turn prevents further disputes. The

principle of expediency emphasizes that the decision must provide optimal results for the welfare of the parties, especially in terms of joint property management.

As an illustration, in the decision of the Tigaraksa Religious Court Number 0728/Pdt.G/2016/PA.Tgrs, the judge applied these three principles in deciding the division of joint property in a polygamous marriage. The judge considered each party's contribution, both in material and non-material terms, as well as economic and social needs after the divorce. The decision shows how ratio decidendi is used to achieve substantive justice while maintaining legal certainty. Such an approach reflects the importance of considering practical aspects in the application of legal principles (Humairah, 2024, p. 52).

The application of ratio decidendi in decisions on marital property disputes has significant implications for legal practice. First, a clear ratio decidendi can strengthen legal precedent, thus providing guidance for judges in similar cases in the future. This is important in the Indonesian legal system which does not recognize the principle of binding precedent, but still recognizes the value of jurisprudence as a secondary source of law. Secondly, a consistent ratio decidendi can increase public trust in the judicial system, as the resulting decisions reflect justice and legal certainty (Shidarta, 2019).

However, the application of ratio decidendi also faces challenges, one of which is the variation in legal interpretation by judges. Different understandings of legal norms can lead to inconsistencies in court decisions, which in turn can lead to legal uncertainty. In addition, in some cases, existing legal rules may not be specific enough to address the complexity of the case at hand. This requires judges to use discretion and moral judgment in setting the ratio decidendi. Non-legal factors, such as social or political pressures, can also influence a judge's judgment, making it important to maintain judicial independence in every decision.

Overall, the analysis of ratio decidendi in marital property dispute decisions provides important insights into how the principles of justice, legal certainty and expediency are applied in judicial practice. By identifying patterns and challenges in the application of ratio decidendi, this research seeks to improve the consistency and quality of court decisions, which will ultimately strengthen the legitimacy of law in Indonesia.

3.2. Ratio Decidendi implications for legal practice in marital property disputes

The application of ratio decidendi in decisions on marital property disputes has significant implications for legal practice, especially in ensuring justice and legal certainty for the parties involved. Ratio decidendi, as the legal reasoning underlying the judge's decision, serves as a logical foundation that can be a reference for other courts in the future. Ratio decidendi plays an important role in revealing the meaning of a legal decision, taking into account the facts and laws faced in court (Maulidya et al., 2023, p. 213).

In the context of marital property disputes, clear and consistent legal considerations in the ratio decidendi can increase public confidence in the judicial system. Conversely, inconsistency in the ratio decidendi can lead to legal uncertainty and a sense of injustice. Research published in the Law Journal emphasizes that a strong ratio decidendi helps in the development and consistency of the legal system (Farid & Sururie, 2024, p. 202).

For example, in a grant annulment case, the judge considered the relevant articles in the Compilation of Sharia Economic Law to ensure legal certainty and justice for the parties. In Semarang Religious Court Decision Number 597/Pdt.G/2021/PA.Mrs., the judge rejected the plaintiff's claim based on articles 692, 693, and 694 of the Compilation of Sharia Economic Law, which states that grants that occur without any engineering cannot be canceled (Sumantri et al., 2022, p. 894).

Another implication of the application of ratio decidendi in marital property disputes is the creation of legal precedents that can be used as a reference in similar cases. This is important to maintain the consistency of decisions and provide legal

certainty for the community. However, it should be noted that each case has unique characteristics, so judges must be wise in applying the ratio decidendi that is relevant to the context of the case at hand.

In addition, the correct application of ratio decidendi can encourage the development of the law through new interpretations and interpretations that are more relevant to the dynamics of society. In this case, the judge acts as an agent of change who can adapt the law to the needs and values that develop in society. However, judges must also be careful not to deviate from the basic principles of applicable law. Challenges in the application of ratio decidendi include variations in legal interpretation by judges, which can lead to inconsistencies in court decisions. In addition, limited regulations that are not specific enough to address the complexity of the case at hand require judges to use discretion and moral judgment in determining the ratio decidendi. Non-legal factors, such as social or political pressure, can also influence judges' reasoning, making it important to maintain judicial independence in every decision.

Overall, the application of ratio decidendi in marital property dispute decisions has a far-reaching impact on legal practice. By understanding and applying the ratio decidendi appropriately, judges can ensure that their decisions reflect justice, legal certainty, and benefit for the parties involved, as well as contribute to the development of a consistent and reliable legal system.

Marriages reveal differences in judges' interpretation of the law that are influenced by various factors, including the socio-cultural context, the specific facts of each case, and individual judges' understanding of legal principles. These differences can lead to variations in court decisions, which in turn affect consistency and legal certainty in the judicial system. As an illustration, in Supreme Court Decision Number 51K/AG/1999, there is an analysis of the determination of ratio decidendi in the context of the division of marital property in a mixed marriage divorce. This study shows that despite the unification of marriage law through Law Number 1 Year 1974, the interpretation and application of the law in concrete cases can vary (Malau, 2021, p. 93).

Differences in legal interpretation by judges in cases of marital property disputes can be caused by several factors. Firstly, the socio-cultural background of judges may influence their perspective on the concept of justice and property division. Second, the specific facts of each case, such as the duration of the marriage, the economic contribution of each party, and the presence of children, may influence the judges' considerations in determining the ratio decidendi. Third, individual judges' understanding of legal principles and existing precedents may lead to differences in the application of the law. A comparative analysis of court decisions in matrimonial property dispute cases is important to identify patterns and inconsistencies in decisions. This can be used to improve the quality and consistency of future decisions, as well as ensuring that legal principles are applied fairly and consistently. Thus, public trust in the judicial system can be enhanced, and legal certainty can be maintained.

In addition, comparative analysis can also help in understanding how laws develop and adapt to social change. In the Indonesian context, where there is a diversity of cultures and value systems, it is important to ensure that the law can accommodate these differences without compromising the principles of justice and legal certainty. Therefore, a comparative study of the ratio decidendi in cases of marital property disputes can provide valuable insights for the development of laws that are more responsive to the needs of society.

Overall, a comparison of the application of ratio decidendi in matrimonial property dispute cases is an important endeavor in ensuring that the judicial system functions effectively and fairly. By understanding the factors that influence differences in legal interpretation by judges, steps can be taken to improve the consistency and quality of court decisions, which will ultimately strengthen legitimacy and trust in the legal system.

3.3. Shortcomings in the Consistent Application of Ratio Decidendi and the urgency of its rectification

One significant shortcoming in the application of ratio decidendi in marital property disputes is the lack of consistency between court decisions. Variations in interpretation by judges of the same legal norms often lead to legal uncertainty. This is not only detrimental to the parties to the dispute, but also reduces public confidence in the judicial system. For example, cases with similar facts may result in different verdicts due to different emphasis on the principles of justice, legal certainty, or expediency. Such inconsistencies indicate a gap in the application of legal precedent in Indonesia, despite the importance of jurisprudence as guidance.

The urgency to remedy this deficiency is high, given that consistency is a key element in creating a fair and reliable legal system. Inconsistency not only exacerbates legal uncertainty, but also increases the risk of practices being perceived as discriminatory or unfair. In the long run, this can undermine the legitimacy of the judicial system, which is supposed to be the guardian of justice and legal certainty.

To address this shortcoming, a more systematic approach to building strong legal precedents is needed. This can be done through strengthening training for judges to understand legal principles in depth and uniformly, as well as developing more structured jurisprudential guidelines. In addition, high courts need to be more active in providing interpretative guidance for similar cases to create harmony in the application of the law.

Increased consistency in the application of ratio decidendi will not only strengthen public confidence in the legal system, but also ensure that the principles of justice and legal certainty can be applied equally. This is important to maintain social stability and provide equal legal protection for all parties.

The analysis of the entire discussion confirms the importance of the ratio decidendi in ensuring justice, legal certainty, and expediency in the decision on marital property disputes. As the core of judges' legal reasoning, ratio decidendi not only connects legal norms with facts, but also provides moral and logical guidance in every decision. The study shows that its application requires a balance between strict legal principles and the need for substantive justice in accordance with the facts of each case.

Consistent application of ratio decidendi strengthens public confidence in the judicial system. Logical and relevant legal reasoning not only increases the legitimacy of the decision, but also provides legal certainty for the parties to the dispute. However, the lack of consistency in the application of ratio decidendi is one of the main challenges. Different interpretations by judges and the influence of socio-cultural factors often lead to variations in decisions for similar cases. This uncertainty has the potential to undermine confidence in the legal system and create a sense of injustice.

The urgency of improving consistency in the application of ratio decidendi cannot be ignored. The lack of uniformity in decisions calls for a more structured strengthening of legal precedents and the use of clearer interpretative guidelines by higher courts. Measures such as continuous training for judges and the issuance of uniform jurisprudential guidelines are solutions to this challenge. By doing so, the legal system can provide more equitable justice and greater legal certainty.

Overall, the ratio decidendi is an important pillar in the development of a responsive and adaptive justice system. By addressing shortcomings in its consistency, the legal system will not only maintain social stability, but also create stronger trust in the judiciary as the guardian of justice and legal certainty. This improvement is a strategic step towards creating a more credible and equitable justice system.

4. Conclusions

This research confirms that ratio decidendi is an important element in the decision

on marital property disputes, which is not only the basis for judges' legal considerations but also a tool to ensure justice, legal certainty, and expediency. From the analysis conducted, it was found that the application of ratio decidendi is often influenced by the socio-cultural context, the specific facts of each case, as well as individual judges' understanding of legal principles. Although legal unification has been sought through Law No. 1/1974, judicial practice shows that there are variations in the interpretation and application of the law that have the potential to cause inconsistencies. The answer to this research problem reveals that ratio decidendi has a central role in creating substantive justice, but the lack of consistency in its application is an obstacle in ensuring legal certainty. A comparative analysis of cases shows the need for more structured legal precedents and clear interpretative guidelines to strengthen the legal system. As such, this research contributes to understanding the importance of ratio decidendi as a tool to develop a more responsive and adaptive legal system.

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