

## ABSTRACT

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***IMPLEMENTATION OF NEBIS IN IDEM PRINCIPLE IN DIVORCE CASES IN ISLAMIC COURT BASED OF THE DIGNIFIED JUSTICE THEORY (CASE STUDY NUMBER 281/Pdt.G/2021/PA.Mpr)***

(xiii + 132 pages)

*The principle of nebis in idem is a fundamental term in the legal field under which a person cannot be subject to punishment on the same offense, act, or facts. Dated to this very day, two different perspectives on whether the application of the principle applies to divorce cases, knowing that the matter falls under the special civil law. Some judges believe that the nebis in idem principle does not apply within such scope, while others seem to not hold it within the same light. As a consequence, this ensues a nonconformity within one verdict to another of a similar case. It is important for a judge to have both knowledge and wisdom, and to bestow apply such grueling principle to a case in which not only concerns one party but two parties that have vowed to together spiritually require great responsibility. Such was the unfortunate fate as told by Decision Number 281/Pdt.G/2021/PA. Mpr as a victim of this nonconformity, where justice, as the fundamental value of law itself, is not served as it should have been. In the light of this complication, research reveals that the pertaining court decision is not aligned with Issuance of Supreme Court Number 3 of 2002 and does not weigh other important references, such as Supreme Court Jurisprudence Number 110 K/AG/1002. Though Indonesia does not adopt the principle of binding precedent, judges are encouraged to be thorough with their judgment in the name of the Dignified Justice Theory. As a consequence, Decision Number 281/Pdt.G/2021/PA. Mpr failed to serve justice to the parties involved as creatures of God's creation as to how the theory has ruled.*

*Keywords: Divorce, Nebis In Idem, Dignified Justice Theory*