

ABSTRACT

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Legal Protection for The Plaintiff (Ex-Husband/Foreigners) Against Breach of Contract Caused by The Defendant (Ex-Wife/Indonesian Citizens) (Study Case No.1184/Pdt.G/2020/PN. Dps)

Mixed marriages often occur in Indonesia. However, Indonesia's openness to such marriages has led to various issues, such as divorce. Divorce often results in disputes over child custody and disputes over assets. The decision concerns the plaintiff as a former husband and a foreigner, and the defendant as a former wife and an Indonesian citizen. Following their divorce, both parties had agreed on child custody and made a contract regarding a business they had established together. However, the defendant violated the contract that causing losses to the plaintiff. Therefore, this study aims to provide legal protection for the plaintiff against breach of contract caused by the defendant in study case No. 1184/Pdt.G/2020/PN.Dps., and how the Judge's analyze the Plaintiff's Claims. The author uses normative empirical research in a systematic approach to law and types of primary data through case study No. 1184/Pdt.G/2020/PN.Dps., and interviews, and secondary data through literature studies on primary, secondary, and tertiary legal materials, and the author uses subjective qualitative data analysis techniques. The results of this study show that the plaintiff has received legal protection, and the judges have ruled on decision No. 1184/Pdt.G/2020/PN.Dps in accordance with the applicable regulations. However, the content of the plaintiff's claim is ambiguous, as the plaintiff seeks the judge to declare the contract valid and sues the defendant for torts. Therefore, it is necessary to involve legal experts in drafting contract or agreements to prevent violations by the parties involved.

Reference: 41 (1847 - 2024)

Keywords: Contract, Breach of contract, Legal Protection