

## **ABSTRACT**

The granting of a divorce pledge permit accompanied by the obligation towards the husband through a verdict that has legal force will continue to abort if the husband doesn't state the divorce pledge within 6 (six) months from the stipulation of the divorce pledge trial. The aborted verdict brought an impact or legal effect on the lawsuit of the wife's reconvention which had been granted by the panel of the judges became null and void, too.

This research aimed to determine and analyze the existing norms whether it is provide the proper protection for the wife whose reconcile lawsuit is aborted due to the reluctant of the husband in stating the divorce pledge and looking for the legal protection forms that the Court provided for the wife.

The type of this research is normative research using the method of statute approach and conceptual along with primary legal material in the form of norms relating to women's protection and the secondary legal material in the form of the result of the previous research. The data obtained through interviews with a wife whose lawsuit was aborted due to the reluctant of her husband in stating the divorce pledge. Then, it was analyzed using the theory of protection and legal certainty therewith applying the principles of *similia similibus* law and *res judicata pro veritate habetur* along the principle of *simple, fast and low cost* hoping that can give the recommendations which can be implemented to solve the legal issued discussed in this research.

The result of this study indicates that there is no norms which provide the legal protection for wives whose claim of reconciliation has aborted due to theirhusband's reluctant in stating the divorce pledge. The court can provide the legal protection in the form of providing facilities in administration and procedural law for wives who want to re-submit her reconvention fitted with the principle of simple law, fast and low cost. The Supreme Court needs to create a new norms in the forms of Circular od Regulations of the Supreme Court or changes the existing regulation namely *Perma No. 3 Tahun 2017 Tentang Pedoman Mengadili Perkara Perempuan Berhadapan Dengan Hukum* by adding provisions/articles that make it easy for wife who will re-submit her reconciliation lawsuit both in terms of administrations, examination and legal remedies.

*Keywords:* *legal protection, wife, reconvention, aborted, divorce pledge.*

## KATA PENGANTAR

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Penelitian ini berlatar belakang dari fenomena makin meningkatnya kasus gugatan rekonsensi istri yang menjadi gugur akibat keengganan suami mengucapkan ikrar talak, sehingga menimbulkan problematika hukum baru yang berkaitan dengan perlindungan hukum terhadap istri. Urgensi penelitian ini untuk mengetahui dan menganalisis norma perlindungan hukum terhadap perempuan dan mencari bentuk perlindungan hukum yang dapat diberikan kepada istri.

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