

## Analysis of Jurisdiction Effectiveness in Conducting Ghaib Calls Through Mass Media in Kraksaan Religious Court

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### ABSTRACT

This study discusses the effectiveness of bailiffs in making summons from the occult through the mass media at the Kraksaan Religious Court. Then the sub-topic of the discussion is the occult summons process carried out by the Kraksaan Religious Court and the efforts made by the court to optimize the occult summons. The purpose of this study is to find out the implementation of occult summons through the mass media and their effectiveness at the Kraksaan Religious Court. This research was conducted at the Kraksaan Religious Court using a descriptive qualitative research type. Data acquisition is taken from primary and secondary data. The data acquisition method is by means of interviews and taking from data concerning magical summons. In the process of summoning ghoib cases, the use of mass media such as newspapers, bulletin boards, and radio broadcasts is no longer effective at this time. So that it is necessary to update the regulations or suggestions from the author regarding this matter, because they are no longer in accordance with social conditions in the digitalization era, there is a need to renew the conventional method of summoning the occult.

**Keywords:** Effectiveness, Bailiffs, Ghaib Calls, Mass Media

### ABSTRAK

Penelitian ini membahas tentang Efektivitas Jurusita dalam Melakukan Panggilan Ghoib Melalui Media Massa Di Pengadilan Agama Kraksaan. Kemudian yang menjadi sub pokok pembahasan yaitu proses Panggilan gaib yang dilkaukan oleh Pengadilan Agama Kraksaan serta upaya yang dilakukan pengadilan untuk mengoptimalisasikan panggilan gaib. Adapun tujuan penelitian ini yaitu mengetahui pelaksanaan panggilan gaib melalui media massa dan efektivitasannya di Pengadilan Agama Kraksaan. Penelitian ini dilaksanakan di Pengadilan Agama Kraksaan dengan menggunakan jenis penelitian kualitatif deskriptif. Perolehan data diambil dari data primer dan skunder. Metode perolehan datanya dengan cara wawancara serta mengambil dari data-data yang menyangkut tentang panggilan gaib. Dalam proses pemanggilan perkara ghoib, penggunaan media massa seperti surat kabar, papan pengumuman, maupun siaran radio sudah tidak efektif lagi untuk dilakukan saat ini. Sehingga rekomendasi atau saran dari penulis mengenai hal ini perlu dilakukan pemutakhiran peraturan, karena sudah tidak sesuai lagi dengan keadaan sosial di era digitalisasi, perlunya pembaharuan cara konvensional dalam pemanggilan ghoib.

**Kata Kunci:** Efektivitas, Jurusita, Panggilan Ghaib, Media Massa

## INTRODUCTION

Indonesia is a unitary state with legal sovereignty, meaning that the Indonesian state holds full confidence that the highest authority over the state is exercised on the basis of law. Indonesian state law is based on the 1945 Constitution and has the Pancasila ideology. Justice, duty and constitutional recognition are important in the effort to create security, peace, and to see the life of the family, society, nation and patriotism. So that law enforcement agencies are needed, one of which is the Religious Courts. The aim is to help solve the problems of Indonesian Muslims in terms of grants, wills, inheritance, infaq, zakat, marriage, waqf, shadaqah, and sharia economics based on Islamic law. (Wardiyah, 2019)

Adam (2020) argues that, marriage is formalizing the bond of two people (man and woman) with a sacred promise bonding ceremony based on religious norms, social norms and legal norms. (Adam, 2020) In social life there are interests of one person conflicting with others, so that disputes often occur. Likewise, in family life there are often differences of opinion that cause disputes/disputes between husbands and wives which ultimately choose to divorce. (Luthfi, 2017) The divorce rate in Probolinggo throughout 2022 has reached 292 cases. The data is predicted to continue to grow until the end of the year.

Islam explains that divorce is the last resort that is usually taken in household relations when there are problems that do not find a solution or a bright spot. This is regulated in Law no. 1 Article 38 (b) of 1974 concerning Marriage, which explains that the end of a marriage can occur due to divorce, death, and court decisions (Nur, D. U. H. et al, 2022).

The Religious Courts have regulated divorce procedures from the beginning to the end. The initial stage is the administrative process, this is done before entering the trial process by registering the lawsuit. The next stage is the Determination of the Panel of Judges (PMH) aimed at Determining the Day of the Session (PHS). Then a summons is made by the judge by appointing a bailiff. In article 388 HIR related summons or commonly called *relaas* is an authentic deed signed by the bailiff/substitute bailiff. (Ryan, Cooper and Tauer, 2013) bailiff is one of the legal officials who are given the responsibility to help smooth the trial process.

*Relaas* summons is given to two parties, namely the plaintiff and the defendant, the aim is to notify the day, date and time to appear before the trial in court. Therefore, the presence of all parties will speed up the course of the trial and facilitate the judge's decision on the case. In fact, the plaintiff's ignorance regarding address information, the defendant's place of residence resulted in the summons not working properly. The plaintiff's ignorance does not mean that the defendant does not need to be summoned to court, so the summons of the occult is carried out through the mass media, this could be radio, newspapers, and others.

Calling via radio is an option because it is the most efficient compared to other mass media. In line with the research conducted by Hermin Setiyowati in the *Sakina Journal of UIN Malang* with the title "Effectiveness of Using Radio as a Media for Calls of the Unseen in the Lamongan Religious Court", his research discussed the effectiveness of using radio as an alternative means of calling people whose place of residence is unknown. So he concluded that the attendance ratio which was less than the absence ratio in radio summons was still considered effective in presenting parties whose whereabouts were difficult to find (Setiyowati, 2017).

Similarly, another study which is also in accordance with this research was conducted by Jamaluddin T in the *Al-Adalah Journal* entitled "Effectiveness of Ghoib

Summons Against Divorce Cases in Religious Courts (Case Study in Class 1 A Watampone Religious Courts)". In his research, he discusses the process and strategy of summoning the occult via radiogram (Suara Daya Indah Bone radio) conducted at the Watampone Religious Court. Apart from radio, calling on the occult at Watampone PA is also done through a bulletin board, by attaching a summons message to the board. In this article, Jamaluddin concludes that the strategy of summoning the occult is less effective when viewed from the data at Watampone PA which states that most of the parties summoned via radiogram did not attend the summons during the trial. Not only that, the media used in summoning the occult is considered to lack aspects of effective communication and the majority of modern society currently uses more social media with internet facilities (Jamaluddin, 2018).

According to some of the research that the author obtained before, there are several updates that the author will examine in his research. The purpose of this study is that researchers want to see how effective bailiffs are in carrying out ghoib summons through the current mass media while still looking from the perspective of procedural law principles. It is hoped that this research will be able to provide broad knowledge and insight to readers with the research title "Analysis of the Effectiveness of Bailiffs in Making Unseen Summons Through Mass Media at the Kraksaan Religious Court".

## RESEARCH METHODS

This research method uses normative juridical research, namely research that goes directly to the field and sees how effective bailiffs make ghoib summons through the mass media. The presence of researchers in this study is very important, researchers as instruments that can directly interact with the informants.

The approach that researchers use is a qualitative descriptive approach. This method describes or describes descriptive qualitative data. This type of qualitative descriptive approach is used to analyze an event, phenomenon, or social situation.

The research area is the Kraksaan Religious Court, Probolinggo Regency. This research data collection technique is divided into two, namely primary data which is done through observation and interviews. And secondary data obtained by studying the theories, concepts, legal principles and various documents related to this research. The data analysis techniques were carried out by researchers by collecting data, condensing data, presenting data, and drawing conclusions (Miles et al, 2014).

## RESULTS AND DISCUSSION

### Divorce Figures at the Kraksaan Religious Court, Probolinggo Regency

Divorce is the breaking of the relationship between husband and wife which is decided by religion (talaq) or law as a result of which there is no interest, trust, and compatibility between the two anymore, causing disputes in the household (Untari, Putri and Hafiduddin, 2018). The divorce consists of several types, namely death divorce, talaq divorce, contested divorce, up to divorce by a judge as a third party known as fasakh (Hasanah, 2020).

In 2019 the Ministry of Religion explained that there were 520,435 divorce cases in Indonesia. From the amount of data available, it can be concluded that the largest contributor to divorce data is Java (Rizky, 2020). Quoted from the Central Bureau of Statistics of the Republic of Indonesia Prosecutor's Office, stated that the number of divorces each year increased by 50 percent. East Java Province in 2020 there were 6,011 divorce cases (Nurhalisa, 2021). Based on the results of observations made by the Kraksaan Religious Court, data on types of divorce cases were obtained in the last 10

years. From this data, there were 29,617 cases registered, 29,718 cases decided, and 30,238 cases uploaded on the website of the Kraksaan Religious Court. The following is a graph of divorce data in the last 10 years recorded at the Kraksaan Religious Court.

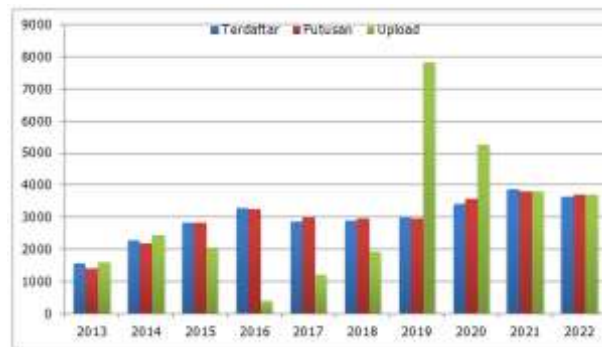


Figure 1. Graph of Divorce Data for the Last 10 Years Recorded at PA Kraksaan

From the graph of divorce data above, it can be concluded that the majority of divorces occur from various aspects, among which the most universal aspect is the economy. Based on interviews with informant 1, it was said that the economy was the main factor in household disharmony, some due to acts of domestic violence (domestic violence), infidelity, and there were some things that could indeed be resolved by deliberation. At the beginning of 2023, there were 499 divorce cases registered at the Kraksaan Religious Court.

From the results of the divorce data obtained, a spike in divorce cases occurred from 2020 to 2022. Where the husband and wife who filed a lawsuit were young couples aged 17-22 years. In 2020 as many as 98.9% of divorce cases were recorded at the Kraksaan Religious Court, of which 34.55% were talak divorces and 65.45% contested divorces. In 2021 there will be as much as 98.93% with 36.14% talak divorce and 63.86% contested divorce. Whereas in 2022 there are 98.39% of divorce cases, of which 66.05% are the type of contested divorce and 33.95% are the type of talak divorce. As for the Kraksaan Religious Court, the majority of cases that are often filed are divorce cases, with an average percentage of 60% each year. Below are divorce cases in the category of divorce divorce and divorce contested in the last 3 years received by the Kraksaan Religious Court.

Table 1. Divorce cases in the categories of Divorce and Claim Divorce in the last 3 years received by PA Kraksaan

Year	Total	Cerai Talak	Cerai Gugat
2020	2.333	806	1.527
2021	2.407	870	1.537
2022	2.639	896	1.743
<b>Jumlah</b>	<b>7.379</b>	<b>2.572</b>	<b>4.807</b>

### Ghaib Calls Through Mass Media

The trigger for the emergence of many occult cases is due to the separate locations of the plaintiff's and defendant's residences, such as the defendant choosing to change his residence to overseas areas, for example, the country of Singapore. Settlement of occult cases using occult summons, these summons are intended for occult parties or parties whose addresses are not clearly detected. Magical cases are easy matters at affordable costs. Based on PP. No. 9 of 1975 article (27) states that

summons from the occult can be notified through one or several mass media. More details PP. No. 9 of 1975 article (27) as follows:

- 1) In the event that the defendant is in the condition referred to in Article 20 paragraph (2), namely; in the event that the place of residence of the defendant is unclear or cannot be known or does not have a permanent place of residence, the application for divorce shall be made at the court where the plaintiff resides. So the summons is carried out by posting the case on a notice board near the court and announcing it in one or several newspapers or other mass media that has been determined by the court.
- 2) Notifications through newspapers or mass media as referred to in paragraph (1) are made 2 (two) times with an interval of one month between the first and second notifications.
- 3) The extension of time between the final summons as referred to in paragraph (2) and the trial is set for at least 3 (three) months.
- 4) In the event that the summons as referred to in paragraph (2) has been summoned against the defendant or his legal adviser is still unable to attend, then the lawsuit can be accepted without the presence of the defendant, unless the lawsuit is baseless or without rights.

As stipulated in article 1 Rv and article 121 paragraph (1) HIR regarding the relaa of summons for the first occult case contains: (Hamami, 2004)

- a) The names of the plaintiff and the defendant to be summoned
- b) The date, time and place where the trial will be held
- c) To present the relevant witnesses at trial
- d) Bring all the documents needed and will be used
- e) The affirmative may use a letter to respond to a lawsuit

Not only that, so that the summons fulfills the formal requirements, in article 1 Rv and article 121 paragraph (2) HIR Article 121 paragraph (2) HIR requires a bailiff to: (Hamami, 2004)

- a) Attach a summons with a copy of the lawsuit
- b) A copy of the lawsuit is considered as the original lawsuit

Based on the instructions given by the Registrar, it is quite difficult to obtain data on occult cases. This is because the data on ghoib divorce cases where the defendant and plaintiff are not seen individually are not small, so the process of recording one by one ghoib divorce case takes a long time. Because of this, only data were taken for 2021 and 2022. Data on occult cases, especially at the Kraksaan Religious Court, can be seen in Table 2 below.

**Table 2. Data on Ghoib Divorce Cases at the Kraksaan Religious Court**

Month	Year	
	2021	2022
January	24	17
February	17	11
March	16	22
April	13	11
May	17	15
June	19	5
July	20	9
August	8	13
September	4	6
October	11	8
November	3	16
December	9	17

Month	Year	
	2021	2022
<b>Total</b>	<b>161</b>	<b>140</b>

Table 2 above shows that from 2021 to 2022 there will be 301 occult cases at the Kraksaan Religious Court, where in 2021 there will be 161 occult cases, and in 2022 there will be 140 occult cases. The occult divorce rate in the last two years is quite high. The clerk said that there were two main triggering factors behind the many cases of the occult at the Kraksaan Religious Court, namely: (1) husband and wife who were divorced and were in different areas (rantauan), and (2) costs were relatively cheaper and affordable.

The mechanism for summoning ghoib at the Kraksaan Religious Court is regulated in Law Number 1 of 1974 and PP Regulations. No. 9 of 1975 article (27) is as follows:

- 1) Divorce and divorce cases that have been registered at the Registrar's Office at the Kraksaan Religious Court will be determined by the Assembly. The Chairperson of the Assembly then determines the Determination of Session Days (PHS) which will be determined by the Chairperson of the Kraksaan Religious Court.
- 2) The bailiff or substitute bailiff then summons the parties to prepare to attend the trial at the Kraksaan Religious Court at the time determined in accordance with the Determination of Session Days (PHS). If there is an occult case, the bailiff is ordered to summon the occult case party via radio broadcast, and the relaas of the summons to the occult case is also posted on the information board at the Kraksaan Religious Court and also posted on the information board in the Probolinggo Regent's Office.
- 3) The procedure for summoning the occult is carried out twice, namely, the grace period between the first and second summons is 1 (one) month and the grace period between the second summons and the day of the trial is 3 (three) months, so the total is 4 (four) month.
- 4) If the defendant or respondent is not present until the decision letter is read out, then the case will be reviewed again and resolved with the Verstek procedure.

### **The Effectiveness of Ghost Calls Through Mass Media**

Calling through the mass media certainly has its own advantages and disadvantages. As for some of the characteristics of the mass media, namely:

- 1) Publicity, which means disseminating to the general public (public).
- 2) Universality, meaning conveying messages that are general in nature regarding all aspects of life, events that occur in various places, and concerning the public interest. This is because the target audience is a lot of people.
- 3) Periodicity, meaning the grouping of content characteristics that are published periodically, for example daily, weekly, or several hours per day.
- 4) Continuity, meaning continuously and continuously based on the publication schedule period.
- 5) Actuality, meaning that the contents of the mass media are always new topics, such as information/reports on the latest events, new tips or tricks, and so on. This actuality also means the speed of the mass media in conveying information to the public.

Based on the results of interviews with informant 2, he stated that he had never met a defendant or respondent who came directly to court from the first time he carried out his duties at the Kraksaan Religious Court in handling occult cases. In addition, resource person 3, who is a clerk, said that while serving as assistant clerk in court, he only met the defendant or the respondent who came directly to court 1-2 times. On the other hand, resource person 4 as an Alternate Registrar said that he had never met the defendant in an occult case who came directly to court.

An interview was also conducted with the bailiff at the Kraksaan Religious Court (Interviewee 5), it was said that summoning occult cases via radio broadcasts and posting summons on the notice board was fairly easy. However, not all of the summons reached the occult defendants, this was because only some people were still listening to radio broadcasts and there was a lack of interest in reading the news on the bulletin boards. Source 6 who is also a bailiff added that only 3.5% of the defendants in occult cases came to court until the case was finished and 96.5% of summons did not reach the occult defendants.

The conclusion from the results of the interviews above with several court clerks, namely a defendant or respondent in an occult case who had been summoned via radio broadcasts (mass media) or through information boards at the Kraksaan Religious Court and the Probolinggo Regent's Office, the majority did not come to the trial. There were also several factors causing the defendants/respondents to attend, namely: first, calls/phone calls from parents/relatives who live in Probolinggo Regency; second, hearing from radio broadcasts (mass media) and third, getting information from the surrounding community.

Meanwhile, summoning the defendant/respondent from occult through radio broadcasts is considered less effective. Judging from the current developments, the rapid advancement of technology has resulted in a decrease in the attractiveness of summons through the mass media. This is due to the lack of public interest in reading news through newspapers, bulletin boards, and listening to the radio. The current era of digitalization is able to divert people's attention from the mass media.

## CONCLUSION

In the process of summoning ghoib cases, the use of mass media such as newspapers, bulletin boards, and radio broadcasts is no longer effective at this time. So that the author's suggestion regarding this matter needs to be updated with regulations, because they are no longer in accordance with social conditions in the digitalization era, there is a need to renew the conventional method of summoning the occult.

Based on the results of observations made by the Kraksaan Religious Court, data on types of divorce cases were obtained in the last 10 years. From this data, there were 29,617 cases registered, 29,718 cases decided, and 30,238 cases uploaded on the website of the Kraksaan Religious Court. The following is a graph of divorce data in the last 10 years recorded at the Kraksaan Religious Court.

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Then in the case of calling the defendant/respondent occult through radio broadcasts it is considered less effective. Judging from the current developments, the

rapid advancement of technology has resulted in a decrease in the attractiveness of summons through the mass media. This is due to the lack of public interest in reading news through newspapers, bulletin boards, and listening to the radio. The current era of digitalization is able to divert people's attention from the mass media.

The renewal of ghoib summons can use radiograms, and requires new innovations that are in accordance with the current era which is rife with internet media, namely social media such as Instagram, Facebook, WhatsApp, or other social media. The three media are media with the most users and can be accessed in remote or remote areas. In supporting the effectiveness of subpoenas through the mass media, the role of law enforcement officials is indispensable. A bailiff and assistant bailiff also have an important role in carrying out their duties at the Kraksaan Religious Court, namely being able to carry out their duties in accordance with applicable regulations and with a sense of responsibility.

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