

The Change of Adultery Accusation to Continuous Dispute in The Gorontalo Religious Court, Indonesia

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Abstract

This paper was to analyze the judge decision on divorce due to Li'an that is transferred to continuous disputes occurs and to analyze how the judge transfers Li'an divorce decision to an ordinary divorce decision. This paper selected Gorontalo because in 2008 to 2021, there are high divorce cases (60-70%). The research subject was divided into three, namely couples who are married between 5-10 years, couples who are married for more than 10 years and judges who decides on the divorce. This research showed that there was a change in the accusations of adultery in continuous disputes in the Gorontalo City Religious Court and the absence of government efforts to prevent this case. This paper suggested a substantial redefinition of the wife who should be protected as early as possible. As a result of the judge's decision that made changes to accusations of adultery, the discrepancy continued to cause the wife to be a victim in everyday life. However, this study still has several limitations, such as the lack of informants especially husband and wife with evidence and the in-depth observations and interviews have not been covered in all districts and cities in Gorontalo Province.

Keyword: adultery accusation, continuous dispute, religious court

1. Introduction

Divorce has been widely researched but not in the context of divorce due to Li'an's decision. The previous studies are more focused on the case of litigation, ordinary divorce with a decision on the reasons for the continuous dispute caused by; parental quarrels, infidelity, economic factors, sexual violence, negligence of husband and wife in their respective rights and not fulfilled the obligations. (Fahrani, 2020) looks at the analysis of the divorce decision, while (Nikmatun, 2020) looks at the judge considerations in deciding divorce cases.

Law No. 1 of 1974 Article 32 concerning Marriage. Jo. Article 19 PP No. 9 of 1975 concerning the explanation of the implementation of the Marriage Law No. 1 of 1974. In conjunction with Article 116 of the Compilation of Islamic Law. This Marriage Law is a material law of the Religious Courts for Muslims whose existence must be obeyed and applied as a form of protection for married life. This law will have no effect and will not have any power without being pursued as an applied law in the form of formal legislation. Therefore, in order to have influence and power in its application, the normative law (law in the books) is changed or transferred to positive law (law in action). Only by turning it into law in action or into a statutory regulation, its implementation has strong coercive power.

The legal contradictions as referred to in the description can be exemplified through the case of divorce handed down by husband to his wife outside the court. Based on normative law, the divorce of a husband to his wife indicates that the relationship between husband and wife is broken. However, from a positive legal perspective it is not recognized. It means that the husband-and-wife relationship has not been broken or both cannot be said to be divorced. This is because the husband's act of giving divorce to his wife was done outside the court. Meanwhile, in a positive legal perspective, a divorce will only be considered valid if the decision is made in court. This issue is very complex in Indonesia that it cannot be ruled out in understanding the phenomenon of divorce, research that has not received much attention.

This paper was purposed to analyze the judge decision on divorce due to Li'an being transferred to disputes continues to occur, and how the judge transfers the decision of Li'an's divorce to an ordinary divorce decision? The answers to the questions above will be discussed in this paper. First, how is the data on adultery cases in the Religious Courts (resulting in divorce) second, how is the transfer of adultery cases to disputes, third, how is the interpretation of the law in the transfer. We argue that in a decision there is a decision that is not in accordance with legal certainty that has an impact on husbands accusing their adultery wife.

2.Literature Review

2.1 Adultery

Article 284 of the Criminal Code for adultery is the intercourse of man and woman who have marital ties with a woman or a man, not a wife or husband (Nisa', 2020). Therefore, the sexual relationship cannot be categorized as adultery (Askandar, 2021). Similar to the Western meaning, adultery is voluntary intercourse with people who are bound by marriage. The adulteress already has a marital relationship with another person (Huda, 2015). On the other hand, adultery is also interpreted as sexual intercourse or intercourse outside the marriage bond (Amalia, 2018). In this case, people who do not have a marriage bond with anyone, have sexual relations. So that they view the adultery as a taboo act and violates moral values (Adrosin et al., 2014). Thus, adultery is a sexual relationship carried out by women and men with marriage or without marriage.

Adultery is a violation listed in the law (Junaidi & Imansyah, 2018;Manna et al., 2017). Islamic law distinguishes adultery into two types, namely, muhsan and gairu muhsan (Ririn Isna Magfiroh & Az Zafi, 2020). Muhzan adultery is committed by women and men who are married. Meanwhile, gairu muhsan adultery is committed by unmarried women and men (Putra Rozi, 2019). In Islamic law, the perpetrator of adultery, either muhsan or gairu muhsan, can be subject to different punishment (Syamsul Huda, 2015). It is different with customary law which does not separate violations of law in the scope of criminal and civil, so it is decided based on deliberation and consensus (Wijayanto & Wulandari, 2020). The factors are shaking

the balance of society, violating the honor of kinship groups, disturbing the sanctity and destroying the order of life (Ishaq, 2018). Thus, the law regarding adultery is regulated in the state legal system, religious law, and customary law.

2.2 Law Interpretation

Interpretation is knowledge about reality with theoretical content, not purely objective and neutral (Bilous & Liutikov, 2021). In this case, the interpretation is also a hypothesis correctly accepted until falsified. Like the law, legal interpretation is a process of determining the contents of the rule of law as precisely as possible (Pinheiro, 2020). Interpretation aims to reveal the meaning, significance, and intent of the existing law. It is interpreted as a means to represent the law dealing with legal cases (Weruin et al., 2016). In this case, legal interpretation is carried out by considering all relevant principles with facts and data. Not only that, legal interpretation takes into account the needs of the legal community itself (Sulistiyono et al., 2017). On the other hand, legal reality is reduced to mere literalities of norms, which give rise to principles in legal interpretation. Law is then understood not exclusively as an application, rule and determination of practical cases in abstract and general norms. However, as an inspired action based on the principle of guaranteeing the law rationality (Salcedo et al., 2021).

2.3 Family Dispute

Relationships are formed by systems, rules, and family structures (Qu, 2019). The family as a structural, functional and transactional unit presents different relationships based on the characteristics of these relationships (Martínez-Pampliega et al., 2021). The ability to reflect on flexibility and adaptation within the family institution allows disputes to be minimized or even increased (Susylawati, 2019). Disputes in the family are seen as part of the intricacies, this is based on various topics and issues, and time spent together, so that disputes become normative and unavoidable (Henry et al., 2020). Thus, family disputes are the result of disharmony where the will, rights and obligations of the couple are not harmoniously intertwined (Irnanda Lucky Ajisaputri, 2021). Thus, family disputes occur because of oppositional behavior or disharmony between family members (Kumalasari et al., 2018).

3. Research Process and Data Management

3.1. Selection of Research Location

Gorontalo is one of the areas with high divorce rate and evenly distributed throughout the region. Based on UNICEF and BPS reports, in the year of 2008 to 2021, it shows the high divorce case as many as 60-70%, . The selection of this location is because Gorontalo is one of the nine traditional regions in Indonesia that strengthens the reason for studying the relationship between custom and religion with the divorce phenomenon in the indigenous people of Gorontalo.

3.2. Research Informants

Divorce becomes a key subject in this study for 3 considerations: (1) the group of married couples whose average marriage age is 5 -10 years of household is the largest category in divorce events in the city of Gorontalo; (2) married couples whose marriage age is above 10 years, face various problems and challenges that are more severe in every stage of the household and post-wedding, from preparation, marriage process, post-wedding to childbearing. The selection of the informant category also considers the representation of the economic, educational, social, and cultural backgrounds of each partner. (3) The judge who decides on the divorce. In this way, it is expected that a comprehensive description of divorce in Gorontalo city will be obtained.

3.3. Observation and Interview

Field observations were carried out during the period of late 2019 to early 2022 to visit the Religious Courts in the Gorontalo city. Divorced married couples got an overview of their life situation, whether they were remarried or widowed. At the same time, a series of interviews were conducted on the couple of biological parents as well as the husband and wife of the divorced couple. The interview was intended to obtain socio-cultural explanations regarding the practice of divorce in society from various perspectives. The interview was also intended to obtain the socio-cultural context that was assumed to be an important basis for the validity of the divorce practice in terms of diverting adultery cases into continuous fight.

3.4. Data processing and interpretation

The analysis and interpretation of primary data (the results of interviews with informants and direct observations) and secondary data (data from the Gorontalo City Religious Courts and the Gorontalo Central Statistics Agency) were carried out through the following stages. (a) Identification and classification of data. Identification was carried out to sort out the results of interviews in order to get statements that are directly related to the event of husband-and-wife divorce and the factors that cause it. Data identification was also carried out to obtain data related to statistics on the number of divorce events. In addition, this stage is also useful for testing the validity and reliability of the data through data triangulation; (b) Presentation of data. Data were presented through narrative descriptions of information from interviews, observations, and secondary data processing. The data related with the research variables (number of divorce events, process and causes of husband-and-wife divorce events are presented in order to obtain a comprehensive picture to draw conclusions and provide research recommendations); and (3) Drawing conclusions. Conclusions were drawn by interpreting each symptom obtained from the results of data analysis that was then explained briefly and clearly in order to answer research questions about changes in accusations of adultery in continuous disputes at the Gorontalo City Religious Court.

4. Results

4.1 Data on adultery cases in the Religious Courts that causes the divorce

Violation of adultery cases as a reason of divorce in the Religious Courts can be carried out by the husband or wife and the settlement or examination between must be different.

First, the case of the wife filing the divorce due to her husband committed adultery can be seen in the document (decision No.75 Pdt.G/2008/PA.Lbt), the husband and wife experience a marital fracture, the wife files a divorce suit to the religious court on the grounds of cause The rift in the household is caused by her husband having an affair with another woman, the solution is by means of ordinary divorce. Second, the husband who filed the divorce on the grounds that his wife had committed adultery can be seen in the decision document No.204/Pdt.G/2008/PA.Gtl. The reason why the husband filed the divorce suit was because his wife had relationship with another man and even had a relationship with his sister. In this case, the applicable procedural law can be carried out by the ordinary divorce procedural law or by the li'an method (the li'an procedural law is contained in articles 87 and 88 of the Religious Courts Law).

Peraturan penyelesaian li'an hanya diperuntukkan pada perkara cerai talak (suami sebagai pemohon perceraian) dan bukan pada cerai gugat (istri sebagai penggugat perceraian), apabila istri mengajukan perceraian dengan alasan suami menuduh istri berzina maka

penyelesaiannya dengan cara hukum acara cerai gugat biasa dan tidak dapat diselesaikan dengan pasal zina/li'an (*Putusan No.247/Pdt.G/2009/PA.Gtl*) dimana istri mengajukan gugatan dengan alasan dia dituduh oleh suaminya telah melakukan perselingkuhan dengan laki-laki tetangganya, dan dia menolak atas tuduhan tersebut. Penyelesaiannya diputus dengan cerai gugat biasa dan bukan li'an. Dengan demikian laporan dokumen putusan perceraian di atas menunjukkan adanya kasus zina di pengadilan Agama. Akan tetapi terhadap kasus-kasus tersebut diberlakukan hukum cerai biasa yakni talak dan cerai gugat. Seperti terlihat pada Table dibawah ini :

Li'an settlement regulations are only intended for talak divorce cases (husband as divorce applicant) and not for litigation (wife as divorce plaintiff), if the wife files for divorce on the grounds that the husband accuses his wife of adultery, the settlement will be by way of ordinary divorce proceedings and not can be resolved by the zina/li'an article (*Putusan No.247/Pdt.G/2009/PA.Gtl*) where the wife files a lawsuit on the grounds that she is accused by her husband of having an affair with her neighbor's man, and she refuses the accusation. . The settlement is decided by ordinary divorce and not li'an. Thus, the report on the divorce decision document above shows that there are cases of adultery in the Religious Courts. However, in these cases, the usual law of divorce is applied, namely talak and litigation. As shown in the table below:

Table 1. *Data on Divorce Cases in Gorontalo City for the Last 3 (three) Years.*

No	Year	Divorce
1	2019	666
2	2020	554
	2021	627

Berdasarkan data yang diperoleh dari Kantor Pengadilan Agama Kota Gorontalo terdapat total 1847kasus perceraian cerai gugat di Kota Gorontalo hingga bulan Desember 2021 (Table 1) Tingginya angka perceraian di Kota Gorontalo Gorontalo disebabkan oleh kasus perselingkuhan mencapai 70 % dari total kasus yang ada.

Based on data obtained from the Gorontalo City Religious Court Office, there were a total of 1847 divorced divorce cases in Gorontalo City until December 2021 (Table 1). The high divorce rate in Gorontalo City, Gorontalo, was caused by infidelity cases reaching 70% of the total cases.

From the results of observations and interviews, it is known that the official figures listed in the religious court institutions related to adultery cases were not found because all cases were transferred to continuous disputes. One of the religious court officials said that cases of adultery also often occurred but were not decided li'an but were transferred to cases of continuous quarrels. This statement is in line with one of the informants below;

“My case is divorced because my husband accused me of adultery. Every time we fight, because every time I leave the house, I'm bound to be suspicious of other men, so I can't take it anymore and choose a divorce. But by the court I decided to divorce because of constant fighting. (IM. Gorontalo City).

It is assumed that divorce cases due to adultery/zina reach 200 cases every year, then the divorce rate in the city of Gorontalo reaches hundreds of which decisions are transferred to case decisions continuously. According to informants, this area is one of the areas with the highest divorce rate compared to other areas in Gorontalo Province.

"Divorce is due to infidelity. The verdict of adultery charges was transferred to continuous quarrels. (IT, Judge PA)

The results of interview with PA is in line with cases found in Gorontalo Religious Court.

4.2. Diversion of adultery cases to disputes

Divorce due to adultery is a very universal case in court. Divorce cases due to adultery only in the Religious Court are still rare. The accusation of adultery was not made into a case of zina li'an divorce but an ordinary divorce. The transfer of adultery cases to disputes in divorce cases in the Religious Court is caused by several things;

First, the party who filed the petition did not argue that the cause of the divorce was adultery but used the terms cheating, playing love, having sex with other men. This incident does not have a law so that the judge uses this reason as the cause of continuous disputes. This is in accordance with Decision Number: 243/Pdt.G/2007/PA. LBT:

" There were constant bickering and quarrels due to the respondent's attitude (wife) often leaving the house and having a love relationship (having an affair/deviating/leaning) with another man. The respondent has left the appellant for ten months and since then the appellant and respondent have been separated".(

Second, the appellant is not directly based on adultery, but is accumulated with continuous disputes resulting in a rift in married life. As stated in Decision Number: 247/Pdt.G/2009/PA. LBT, the wife filed the case on the grounds that: "Disputes and quarrels were caused by the respondent not being able to properly meet household needs, the respondent accused the appellant of having an affair with a neighbor. Respondents often insult and say rude".

The judge has qualified, confirmed, and constituted (provided legal considerations) on the facts of the legal events of the case, that:

"The marriage between the appellant and the respondent has really broken and their relationship has been broken, because there are frequent fights and quarrels caused by the respondent not paying attention to household needs, and the respondent also accuses the appellant of having a love relationship with a neighbor, so that the situation is like this, both parties On the other hand, it is difficult to expect to get back together in a household. Considering, whereas the claim from the appellant has been proven to be in accordance with the provisions of Article 19 Letter (f) Government Regulation Number: 9 of 1975 in conjunction with article 116 letter (f) of the Compilation of Islamic Law, therefore the claim of the appellant should be granted; and divorce from the respondent to the appellant."

The judge applies to events or facts that are special, namely the affair will lead to a dispute. Thus, the legal considerations are based on Article 19 (f) of Government Regulation Number 9 of 1975 jo. Article 116 (f) Compilation of Islamic Law on reasons for divorce.

Third, judges in dealing with adultery must refer to the procedural provisions as formulated in article 54 of the Religious Courts Law no. 7/1989 as well as in cases of talak divorce for adultery must refer to the provisions in articles 87-88 UUPA No. 7/1989 besides that judges also base on positive procedural law applicable in the general court environment, while the cases submitted cannot be brought to trial by law.

Fourth, The evidentiary system in examining adultery cases, especially in adultery cases, has been specifically regulated in articles 87-89 of the UUPA that the party applying for divorce on the charge of adultery must present a witness, while in practice in the religious court the process of proving it, the appellant cannot present witnesses. This resulted in the judge diverting the case to a dispute case as in the case of divorce and divorce and not in the case of adultery li'an.

Judging from the legal events, as in the examples of the decisions above that the main cause of the dispute is that the husband has an affair with another woman, causing the marriage to be disharmonious.

4.3 Legal interpretation in diversion

It is undeniable that the interpretation of the law of adultery in divorce cases had been transferred to divorce case and ordinary divorce disputes, this is because:

First, the general term used to say someone commits adultery is having an affair with another man or another woman. The use of this term raises the question, "whether cheating is an act of adultery" as the concept of adultery in Article 19 letter (a) of Government Regulation Number 9 of 1975 BAL. Jo Article 116 letter (a) KHI.

The legal event as described also occurred in the transfer of the law of li'an adultery at the Gorontalo Religious Court. In other words, in the Gorontalo Religious Court, there was a transfer of the law of li'an adultery. The interpretation arises because the divorce case with accusations of the wife committing adultery only bases the argument on infidelity. Meanwhile, infidelity cannot be said as an act of adultery or sexual intercourse. Therefore, the judge shifted it to other reasons, such as there had been continuous quarrels and disputes.

Second, divorce on the grounds of adultery in religious courts is often accumulated for other reasons and the reasons for adultery are only used as factors behind the occurrence of disputes and quarrels. For example, disputes occur because one party commits adultery, then the reasons are coupled with continuous disputes.

. Third, proving the case of adultery greatly influences the legal interpretation of adultery to a dispute. The judge in establishing the reason for adultery requires the recognition of the opposing party. If the accused is the wife and the wife admits it, the confession is considered perfect evidence by the judge. Evidence of this recognition is regulated in Article 311 RBg which reads; "Confessions made before a judge are complete evidence, both against those who presented it personally or through a special power of attorney". Furthermore, the confession is used as a judge's consideration to interpret the law of adultery as a reason for divorce. On the other hand, if there is no acknowledgment from the opposing party, the judge does not dare to justify the adultery, and instead tries to divert it, and tries to prove that there are other reasons that led to the dispute.

Fourth, the dualism of the legal system adopted by the religious court causes the interpretation of the law of adultery to be diverted into continuous disputes. In handling adultery cases, the religious court adheres to two legal systems, namely the Islamic legal system and the conventional legal system. The Islamic legal system is Q.S al-Nur (24), while the conventional legal system is Law No. 7/1987 Articles 87-88 or the provisions regulated in HIR or RBg. The existence of these two different legal systems causes judges to be in a dilemma, especially when judges are faced with different legal provisions.

Under these conditions, the judge must be brave to take a stand. In terms of taking a stand, judges are required to be more professional. Judges must be able to solve every problem posed by the Muslim community, including li'an cases. If the judge determines the case of adultery by way of li'an, the proof refers to Law No.7/1987 articles 87 and 88. If the appellant is unable to present four witnesses to see directly the act, ex officio, because of his position, the judge has the right to suggest to the husband to go through the process of resolving cases with li'an. However, in practice, judges tend to divert it to other facts, especially the fact that there are constant disputes that result in disharmony in marriage. The judge's attitude of shifting the reason for adultery to another reason can be justified from the point of view of procedural law, namely if one argument of the lawsuit turns out to be difficult to prove in front of the trial, based on a subsidiary claim or ex aequo et bono (for justice and goodness): (Ranuhandoko; 2003), the judge may grant it for other reasons.

4. Discussion

The procedural law explains that if the reason submitted by the wife in the divorce lawsuit contains allegations that her husband has committed adultery, the procedural law in letter (a); If the husband applies for divorce on the accusation of adultery, the procedure can be enforced in two ways.

First, if the accusation can be proven or admitted by the wife, the procedural law in letter (a) applies. Second, if the husband cannot prove the accusation and the wife does not admit her husband accusation, the li'an procedural law as contained in Articles 87 and 88 of the LoGA can be applied. However, if the divorce case is based on the husband accusation that the wife committed adultery, then the husband cannot prove the accusation, and the wife does not admit the accusation, what procedural law should the court apply? This question is asked because in this case there is no law that regulates it, in this case the judge carries out legal construction (*Argumentum o contrario*) by applying the opposite law, namely the ordinary divorce procedural law. Because the application of the li'an procedure of Articles 87 and 88 in the UUPA is only intended for divorce cases namely the husband accuses his wife of adultery; the wife does not admit the charge; husband can't prove it. On the other hand, in the case of litigation for divorce with the same reasons as the li'an case, namely the husband accusing his wife of adultery, the judge applies the opposite law, namely the ordinary divorce procedural law.

Second, the proof of the adultery reason, the system of evidence in examining the case had been specifically regulated in Articles 87 and 88 of the UUPA. In this article, the evidence system must present four witnesses, the evidence that the husband must submit to prove the argument to comply with the provisions of Article 168-172 HIR or Article 306-309 RBg. In the provisions of the article it is stipulated that the minimum limit for testimony was 2 people, so there was no need to take four witnesses. Article 126 of the Compilation of Islamic Law (KHI) states that "li'an occurs because the husband accuses his wife of committing adultery and/or denying the child that is in the womb or who has been born to his wife, while the wife rejects the accusation and denies it." Based on this case, the judge ex officio can order the husband to take the li'an oath in accordance with the procedures set in the Qur'an Surah An-Nur verses 6 and 7.

. The li'an case based on the Qur'an Surah An-Nur verses 6-10 is a case based on the flagrante delicto, namely the proof of an act of adultery that is accused of someone, and the proof is in the form of witness evidence. If the testimony is valuable as the evidence, the

witnesses concerned must actually watch the adultery committed by the person. The witness must find and catch a pair of men and women having sex or catching a coup in flagrante delicto. On the other hand, if a person cannot give the witness, the settlement of the adultery case will be carried out with the li'an procedure, the proof refers to the li'an event. In this regard, if the applicant in terms of proof cannot present four witnesses who have seen firsthand the adultery committed by his wife, ex officio, the husband can take the path in the form of li'an.

Third, the accumulation of divorce reason submitted by the prosecutor. The divorce filing shows that the cases of adultery are not found, generally the arguments for adultery are accumulated for other reasons that leads to fight in the household. It compounds the judges to enforce adultery laws who deny and do not acknowledge the accusation that there had been adultery, the judge focuses attention on the other arguments as reasons for the divorce petition, rather than ordering to prove the truth of the argument for adultery. On the other hand, if there is no acknowledgment from the opposing party, the judge does not justify the adultery, and tries to divert it, and tries to prove that there are other reasons that led to the dispute. Likewise, to the opposing side

To confirm the reason for adultery, the judge needs the confession of the opposing party. If the wife is accused of adultery and the wife admits it, the confession is considered perfect evidence by the judge. Furthermore, the confession is used as a reason for divorce.

Fourth, the use of the adultery term by the party who filed the divorce in the religious court. The terms used in filing a lawsuit by the parties are the terms cheating, cheating, cheating, playing in love, having sex with other men where the term is different from the term adultery itself, the concept of adultery in the criminal code of law article 284 that sexual relations are carried out by people who is married to another person, while the other party who is not married does not mean adultery, and in the concept of Islamic law adultery includes all sexual intercourse committed outside a legal marriage that is carried out by married and unmarried men and women, both those who are bound and not bound in a legal marriage (Manan, 2007)

5. Conclusion

Change in accusations of adultery to continuous disputes in the Religious Courts occurred in Gorontalo city even though religion, custom, and Islamic law were prohibited. Apart from the divorced husband and wife, they do not understand the rules of Islamic law, the change in the accusation of adultery is a continuous dispute in people life. Some people still believe that the accusation of infidelity does not include accusations of adultery. However, the changes in accusations of adultery disputes continue to increase. The wife becomes the object of a series of discourses and practices in the community as the effort to maintain the honor of the family and community.

This paper recommends a substantial redefinition of the wife who should receive protection as early as possible. As a result of the judge decision that made changes to accusations of adultery, the dispute continued to cause the wife to become a victim in everyday life. The wife does not get full rights according to Islamic law. When the wives accused of adultery by their husbands and finally divorced with the verdict of continuous disputes, in the future these wives will receive the consequences of living as a family in a depressed condition because it is considered that it is alleged by their husbands that is not proven. So that in the future, when this wife proposes, she will experience the problems such as trauma, etc., and the wife must also be responsible for her life choices.

To overcome various problems of divorce due to accusations of adultery, the government should prepare pre-marital counseling, not only that, the government needs to implement the mentoring program for wives who are being sued due to the accusations of adultery that are transferred to continuous disputes, especially for those with low education. The presence of the government is also needed in implementing preventive measures by implementing innovative programs that may help harmony in households that are vulnerable to divorce. It is necessary because the preventive steps taken are still in the form of appeals and are mostly carried out by community leaders and religious leaders and religious judges

This research showed that there was a change in the accusations of adultery in continuous disputes in the Gorontalo City Religious Court and the absence of government efforts to prevent these cases. However, this study has several limitations among others: the lack of informants especially husband and wife with the evidence, and the in-depth observations and interviews that had not been covered in all districts and cities in Gorontalo Province. This research was also still in the form of analysis and description of the phenomena occurred so that further studies need to involve deeper cultural and sociological aspects in order to find the best solution of divorce problem due to accusations of adultery in the context of the Gorontalo community.

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