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Evidentiary Strength of Quarrel Through Whatsapp Application in Divorce Cases in Court

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ABSTRACT

This paper aims to analyze the value of evidence of quarrels through the whatsapp application in divorce proceedings in court. This research is normative research with a statutory approach. Types and sources of legal materials are primary legal materials, secondary legal materials, and tertiary legal materials. The results of the research that quarrels carried out through the WhatsApp application can be submitted as evidence at trial, however, the value of evidence is not perfect and binding so that other evidence is needed to prove disputes and quarrels that occur continuously as a cause of divorce.

1. Introduction

The rapid development of technology in the field of telecommunications aims to facilitate communication, especially for married couples who each have activities outside the home and rarely communicate directly. Maulida Khairunnisa in her previous research said that electronic devices are valid and can be used as evidence such as photos, screenshots, video/audio recordings.[1] Mohammad Zakky

[1] Maulida Khairunnisa, *Keabsahan Alat Bukti Elektronik Dalam Perkara Cerai Gugat di Pengadilan Agama Depok* (Bachelor's thesis, Fakultas Syariah dan Hukum UIN Syarif HIdayatullah Jakarta).

Mubarok revealed that the validity of electronic evidence in the perspective of positive law and Islamic law can be used, however, it is necessary to conduct a forensic test first in order to avoid the misuse of falsified electronic evidence.[2] One of the applications that can be used is through Whatsapp, but it is not uncommon for the purpose to shift, no longer making it easier to communicate but a medium for quarreling between husband and wife, so that the purpose of marriage to form a lasting and happy (family) based on the Almighty God is not realized.

The cause of the disputes and quarrels is the conflict that triggers disputes and quarrels between husband and wife continuously until it leads to divorce because there is no hope of living in harmony again in the household, because there is no comfort and peace.[3] According to Muhyidin, the causes of domestic disputes include jealousy, perfectionism, dissatisfaction, children, infidelity, sex.[4] Another factor is the economy, economic factors are the cause of disputes and quarrels because the economy is very important for the continuity of the household, as the head of the household, a husband is responsible for providing for the family. If the husband is not responsible, then disputes occur continuously.[5] Harper and Michael suggest that families with financial distress can lose a sense of belonging and closeness between spouses.[6]

Continuous disputes and quarrels based on the provisions governing marriage are one of the causes of divorce and to conduct a divorce, then as a state of law divorce must be done in court. According to Budi Susil, if someone chooses to divorce, it means that they must be ready to deal with the court, because the process of filing a valid divorce complaint according to the law can only be pursued through the court. This aims to realize legal certainty and legal protection for the parties.[7]

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[2] Mubarok, M. Z. *Bukti Elektronik Sebagai Alasan Perceraian Dalam Perspektif Hukum Islam Dan Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik (Studi Analisis Putusan Nomor 1528/Pdt. G/2017/PA. JT)* (Bachelor's thesis, Fakultas Syariah dan Hukum Universitas Islam Negeri Syarif Hidayatullah Jakarta).

[3] Maria Rosalina, "Perceraian Sebagai Penyebab Putus Perkawinan". *Jurnal Hukum Al-Hikmah: Media Komunikasi dan Informasi Hukum dan Masyarakat*, 2 no. 2 (2021), 191-195. https://doi.org/10.30743/jhah.v2i2.3830

[4] Abd Jalil, "Nusyuz Penyelesain Konflik Keluarga Dalam Hukum Islam (Teori Dan Praktinya Di Indonesia)". *JURISY: Jurnal Ilmiah Syariah*, 1 no. 2 (2021), 15–32. https://doi.org/10.37348/jurisy.v1i2.135

[5] Dewi Khurin'In, Miftahul Muta'alimin, Akmal Maulana, & Musyafa'ah, N. L, "Perceraian akibat Perselisihan dan Pertengkaran perspektif Hukum Islam." *Ma'mal*: *Jurnal Laboratorium Syariah dan Hukum*, 3 no. 1 (2022), 18–37. https://doi.org/10.15642/mal.v3i1.114

[6] Mazro'atus Sa'adah, *Pergeseran Penyebab Perceraian dalam Masyarakat Urban (Vol. 1)*. (Lamongan: Academia Publication, 2022), 13.

[7] Husnul Yaqin, *Keabsahan Perceraian Yang Dilakukan Dengan Pesan Melalui Media Telepon* (Doctoral dissertation, UNIVERSITAS 17 AGUSTUS 1945, 2019).

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In the divorce process in court, one of the stages that must be passed is proof. The provisions of civil procedural law applicable in Indonesia basically adhere to a formal system of evidence based on formal evidence submitted by the parties in litigation to the court, and only seek formal truth.[8] Formal truth is truth based on what is stated or argued by the parties before the court, so that judges are not free in determining formal truth but are bound by what is stated by the parties Even though the evidentiary system in civil procedure law adheres to a formal evidentiary system, judges in the evidentiary process must still seek the true truth, because judges are bound by the principle that decisions must be accompanied by reasons. The reasons underlying the decision are of course obtained by the judge, one of which is based on an assessment of the evidence submitted. Through the evidence submitted, legal uncertainty and arbitrariness can be minimized. The means of evidence referred to based on the provisions of Articles 164 HIR, 284 Rbg, 1866 BW include letters, witnesses, testimony, confessions and oaths, as well as other evidence outside these provisions are local inspection and expert testimony.[9]

These provisions do not yet regulate evidence carried out through electronic media, one of which is WhatsApp, but judges in examining, trying and deciding a case are bound by the principle of ius curia novit so that judges cannot reject a case on the grounds that there is no law. So far, electronic evidence is based on the provisions of Article 5 Paragraph (1) of Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions which stipulates that electronic information and / or electronic documents and / or their printouts are valid legal evidence, then in paragraph 2 emphasizes that the provisions of paragraph (1) are an expansion of valid evidence in accordance with applicable procedural law in Indonesia. Even though it has been stated that it is an extension of valid evidence based on the provisions of procedural law, it does not regulate the evidential value of electronic evidence, therefore this paper discusses how the value of the evidentiary power of evidence of quarrels via WhatsApp which can lead to multiple interpretations in the process of proof in court in divorce cases.

[8] Muhammad Syaifuddin, Sri Turatmiyah, & Annalisa Yahanan. *Hukum perceraian*. (Malang: Sinar Grafika, 2022), 26.

[9] Eman Sulaiman, Nur Arifudin, & Lily Triyana, "Kekuatan Hukum Digital Signature Sebagai Alat Bukti Yang Sah Di Tinjau Dari Hukum Acara Perdata", *Risalah hukum* 16 no 2 (2020): 95-105. https://doi.org/10.30872/risalah.v16i2.207

2. Legal Material and Methods

This paper is a normative type with a statutory approach and conceptual approach (Conceptual Approach) with data supported by empirical data. Types and sources of legal materials are primary legal materials, secondary legal materials and tertiary legal materials. The search for legal materials uses the literature study method to search for legal materials, including regulations governing evidence, journals, and other literature books. The collected materials were then inventoried and identified and systematized all existing legal materials and then analyzed descriptively qualitatively.

3. Results and Discussion

A. Evidence in Civil Cases

Evidentiary is the most important part of the trial process. R. Subekti states that proof is an attempt to convince the judge of the truth of the arguments or arguments put forward in a dispute.[10] In the proof stage there are 2 (two) elements that play an important role, namely [11]: First, the elements of evidence. The parties in the evidentiary stage must use evidence that is valid according to the law of evidence and may not use evidence that is not regulated in the legislation. In the provisions of Article 184 HIR, 284 Rbg, 1866 BW, it has been regulated that the evidence that can be submitted to proof in court for civil cases includes written evidence, letters, testimony, confessions and oaths.[12] In addition to this evidence, other evidence that is not regulated in these provisions, namely Local Examination (Descente) is regulated in the provisions of Article 153 HIR and Expertise which is regulated in the provisions of Article 154 HIR. Paton argues that evidence can be oral, documentary or material.[13] Oral evidence is words spoken by a person in court, namely testimony, while documentary evidence is letters, while material evidence is other physical goods other than documents called demonstrative evidence. Second, the Rules of Evidence. That the evidence regulated in the legislation is considered as valid evidence and can be used as evidence at trial, this is because the legislation regulates how to make, use and strength of evidence as evidence.

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[10] Dewa Gde Rudy & I Dewa Ayu Dwi Mayasari, "Keabsahan Alat Bukti Surat Dalam Hukum Acara Perdata Melalui Persidangan Secara Elektronik". *Jurnal Pendidikan Kewarganegaraan Undiksha*, 9 no 1 (2021): 167-174. https://doi.org/10.23887/jpku.v9i1.31440

[11] Dewi Asimah, "To Overcome the Constraints Of Proof In The Application Of Electronic Evidence". *Jurnal Hukum Peratun* 3 no. 2 (2020): 97–110. https://doi.org/10.25216/peratun.322020.97-110

[12] Khoirul Abror. *Hukum perkawinan dan Perceraian*. (Yogyakarta: Ladang Kata, 2020), 161.

[13] Mohammad Kamil Ardiansyah, "Pembaruan hukum oleh Mahkamah Agung dalam mengisi kekosongan hukum acara perdata di Indonesia". *Jurnal Ilmiah Kebijakan Hukum*, 14 no. 2 (2020): 361-384. http://dx.doi.org/10.30641/kebijakan.2020.V14.361-384

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The obligation to prove something lies with the one who argues. This has been expressly stated in the provisions of Article 1865 BW that everyone who argues that he has a right or in order to assert his own rights or refute the rights of others, pointing to an event, is required to prove the existence of the right or event. Evidence is not only carried out by the plaintiff, but if the defendant submits a counter argument, then he is also burdened to prove his counter argument, in this case the opportunity to prove the argument is the plaintiff which is then followed by the defendant.[14] In assessing evidence, the judge is based on 3 theories:

a. Free evidentiary theory, this theory does not want any provisions that bind the judge, so that the assessment of evidence as far as possible is left to him.
b. Negative evidentiary theory, according to this theory there must be binding provisions that are negative in nature. This provision must limit the prohibition to the judge to do something related to evidence. So the judge is prohibited with the exception of.
c. Positive evidentiary theory, this theory requires an order to the judge, in addition to the prohibition. In this case the judge is obliged but on condition.[15]

The evidentiary strength of each piece of evidence is different from one another, because some of the evidence is binding on the judge and some are not binding on the judge but are left entirely to the authority of the judge.[16] According to Achmad Ali, there are 5 (five) types of evidentiary power of evidence:

a. Perfect evidentiary power is the power of proof that can provide sufficient certainty to the judge, does not need to be proven or complemented by other evidence unless there is proof of resistance (*tegenbewijs*) or vice versa.

[14] Enan Sugiarto, "Implikasi Putusan Mahkamah Konstitusi Nomor 20/PUU-XIV/2016 Terhadap Informasi Elektronik Dan/Atau Dokumen Elektronik Dan/Atau Hasil Cetaknya Sebagai Alat Bukti Dalam Perkara Perdata". *Rechtidee*, 11 no. 2 (2106): 182-199.

[15] Melinda Putri Kumala, "Kajian Yuridis Asas Pembalikan Beban Pembuktian Dan Asas Actori Incubit Probatio". *AL YASINI: Jurnal Keislaman, Sosial, Hukum Dan Pendidikan*, 6 no. 2 (2021): 271-271.

[16] Enju Juanda, "Kekuatan Alat Bukti dalam Perkara Perdata Menurut Hukum Positif Indonesia", *Jurnal Ilmiah Galuh Justisi*, 4 no. 1 (2016): 27-46. http://dx.doi.org/10.25157/jigj.v4i1.409

b. The strength of weak evidence or incomplete evidence is that it does not provide sufficient certainty, so that judges do not give legal consequences only on the basis of weak evidence.
c. The strength of partial evidence is evidence that is partially recognized by the opposing party. In this case the opposing party recognizes part of the evidence and denies the other part.
d. Decisive evidentiary power is the power of proof that is not possible to prove from the opposing party at all.
e. The evidentiary power of resistance is the strength of evidence that can paralyze the evidence of the opposing party.[17]

The strength of evidence in civil cases, namely:[18]

a. Written evidence, regulated in the provisions of Articles 138, 165, 167 HIR, Stbl 1867 Number 29. Written evidence or letters are anything that contains reading signs that are intended to pour out the contents of a person's heart or mind and are used as evidence. This evidence is divided into letters that are deeds and other letters that are deeds, all of which have different evidentiary powers. A letter that is an authentic deed has perfect and binding evidentiary power, but the perfect and binding evidentiary power can change if opposing evidence is submitted against it that is able to change the existence of the authentic deed concerned, while a letter that is a deed under the hand can be perfect and binding as long as the contents and signatures are recognized by the parties. For other letters that are not deeds, the evidentiary power is left to the discretion of the judge.
b. Testimony, regulated in Articles 139-152, 158-172 HIR (Articles 165-179 Rbg) and 1902-1912 Bw. Testimony is certainty given to the judge in court about the disputed event by means of oral and personal notification by a person who is not one of the parties to the case, who is summoned in court. The evidentiary value of witness testimony is free, which is concluded based on the provisions of Article 1908 BW, Article 172 HIR. The meaning of free is that the information contained in the testimony given by witnesses in court is considered imperfect and non-binding and the judge is not obliged to be bound to accept or reject the truth. Thus the judge is fully free to accept or reject the truth in accordance with the principles of the law of evidence.

[17] I Wayan Wardiman Dinata & I Nyoman Bagiastra, "Cara Mengajukan Gugatan Dan Perubahan Gugatan Dalam Praktek Peradilan Hukum Acara Perdata", *Kertha Negara: Journal Ilmu Hukum*, 5 no. 2 (2017): 1-6.

[18] M. Yahya *Harahap, Hukum acara perdata: tentang gugatan, persidangan, penyitaan, pembuktian, dan putusan pengadilan*. (Jakarta: Sinar Grafika, 2017), 628.

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c. Presumption, regulated in Article 172 HIR, 310 Rbg, 1915-1922 BW. Presumptions are conclusions that the law or judge draws from an event that is clearly evident towards another event that is not yet clear in reality. Based on the provisions of Article 1915 BW there are 2 (two) presumptions, namely those based on the Law (Presumptiones Juris) and those which are conclusions drawn by the judge (Presumptiones Facti). The value of the evidentiary power based on the Law is perfect, binding, and compelling but this evidentiary value only applies to statutory presumptions that cannot be refuted while statutory presumptions that can be refuted, the value of the evidentiary power is not absolute because it can be refuted by opposing evidence. Meanwhile, suspicion that is not based on law based on the provisions of Article 1922 BW, the value of its evidentiary power is left to the discretion of the judge. so the judge is free to accept or reject the truth contained in the presumption.
d. Recognition, regulated in Articles 174-176 HIR, 311-313 Rbg, 1923-1928 BW. Recognition is divided into three, namely pure recognition, recognition with qualifications, and recognition with clauses. The value of pure and unanimous evidentiary power is perfect, binding and decisive while the value of the evidentiary power of claused recognition is free, imperfect, and not binding, even only qualified as preliminary evidence.
e. Oath, regulated in Articles 155-158, 177 HIR, 182-185, 314 Rbg, 1929-1945 BW. There are 3 (three) types of oaths as evidence, namely supplementary oaths (suppletoir), decisive oaths (decicoir), assessment oaths (aestimator, schattingseed). The value of the evidentiary power of the deciding oath is perfect, binding, and compelling. Based on the provisions of Article 177 HIR, other evidence cannot be requested to corroborate the truth that the party swearing it. Its abolition is only possible based on a criminal verdict that has been legally binding aas the crime of perjury. Unlike the case with additional oaths, based on the provisions of Article 1941 BW, the application of additional oaths as evidence is dependent on the condition that if the claim or denial is not proven perfectly and if the claim or denial is also not completely proven, therefore additional oath evidence cannot stand alone and can only be enforced on preliminary evidence. The value of its evidentiary power is perfect and still allows opposing evidence.
f. Local examination or descente, regulated in the provisions of Article 153 HIR. Local examination is an examination of the case by the judge

because of its adjudication which is carried out outside the building or place of the court, so that the judge by seeing for himself obtains a picture or information that gives certainty about the events in dispute. The strength of the evidence is left to the discretion of the judge.

g. Expert testimony or expertise, regulated in the provisions of Article 154 HIR, 181 Rbg, 215 Rv. Expert testimony is an objective third party testimony and aims to assist the judge in the examination to increase the judge's own knowledge. The value of its evidentiary power cannot stand alone, its place and position only serves to add or strengthen or clarify the case issues.

B. The Value of Evidence of WhatsApp Quarrels in Court Divorce Cases

Divorce is an event of official separation between husband and wife and they are determined not to carry out their duties and obligations as husband and wife. Subekti argues that divorce is the abolition of marriage by a judge's decision or the demands of one of the parties to the marriage. To carry out a divorce, you must fulfill the provisions of Article 39 of Law No.1 of 1974 including:

a. Divorce can only be carried out before a court session after the court concerned has tried and failed to reconcile the two parties;
b. There must be sufficient grounds for divorce that the two spouses cannot live together as husband and wife;
c. The procedure for divorce before a court session is regulated in the aforementioned laws and regulations.[19]

Based on the provisions of Article 39 Paragraph (2) of Law No.1 of 1974 to divorce there must be sufficient reason, that the husband and wife cannot live together as husband and wife. Furthermore, Article 116 of the Compilation of Islamic Law stipulates that divorce can occur for reasons:

a. One of the parties commits adultery or becomes a drunkard, junkie, gambler and so on which is difficult to cure;
b. One party leaves the other party for 2 (two) consecutive years without the other party's permission and without valid reasons or for other reasons beyond his/her control;
c. One of the parties gets a prison sentence of 5 (five) years or a heavier sentence after the marriage takes place;
d. One of the parties commits cruelty or serious maltreatment that endangers the other party;

[19] Freddy Manurung, "Konseling Perceraian dan Pernikahan Kembali". *JURFILTEO SUNUS (Jurnal Filsafat Teologia)* 9 No. 1 (2021): 31-42.

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e. One of the parties suffers from a physical disability or illness with the result that he/she is unable to fulfill his/her obligations as husband and wife;
f. There is continuous dispute and quarrel between husband and wife and there is no expectation that they will live in harmony again in the household;
g. The husband violates the *taklik talak*;
h. Perali Change of religion or apostasy that causes disharmony in the household.

Quarrels that continue to occur, one of which is carried out through the whatsapp application media, can be submitted as evidence at trial by presenting printed evidence, and including electronic documents. What is meant by electronic documents based on these provisions is any electronic information that is made, forwarded, sent received or stored in analog, digital, electromagnetic, optical, or similar forms that can be seen, displayed, and or heard through a computer or electronic system including but not limited to writing, sound, images, maps, photo designs, and the like letters, signs, numbers, access codes, symbols, or perforations that have meaning or meaning or can be understood by people who are able to understand them. In line with these provisions, Efa Laela Fakhirah suggests evidence that can be categorized as electronic evidence including photos and recordings, printouts from facsimile machines, microfilms, emails / electronic letters, video teleconferences, electronic signatures.[20]

The position of electronic evidence is assessed by the panel of judges based on the fulfillment of the formal and material requirements of the electronic evidence. The material requirements for electronic evidence are regulated in Article 5 paragraph (3) of the ITE Law, namely Electronic Information and Documents are declared valid if they use Electronic Systems in accordance with the provisions stipulated in the ITE Law. The electronic system referred to based on the provisions of Article 1 Point (5) of Law No. 19 of 2016 is a series of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce, transmit, and / or disseminate electronic information. The formal requirements for electronic evidence are regulated in Article 5 paragraph (4) and Article 43 of the ITE Law, namely:

[20] Trio Yusandy, "Kedudukan dan Kekuatan Pembuktian Alat Bukti Elektronik dalam Hukum Acara Perdata Indonesia". *Jurnal Serambi Akademica*, 7 no. 5 (2019): 645-656. https://doi.org/10.32672/jsa.v7i5.1522

a. The information or electronic document does not apply to:
   - A letter that according to the law must be made in written form;
   - Letters and documents that according to the law must be made in the form of notarial deeds or deeds made by deed-making officials.
b. Searches or seizures of Electronic Systems must be carried out with the permission of the chief justice of the local district court.
c. Search or seizure and still maintain the interests of public services.

The Law on Electronic Information and Transactions itself requires minimum requirements so that digital evidence can be used as evidence in court as follows:

a. Can retrieve electronic information and/or electronic documents intact in accordance with the retention period stipulated by laws and regulations;
b. Can protect the availability, integrity, authenticity, confidentiality and accessibility of electronic information in the implementation of the electronic system;
c. Can operate in accordance with procedures or instructions in the implementation of the electronic system;
d. Equipped with procedures or instructions that are announced with language, information or symbols that can be understood by the parties concerned with the implementation of the electronic system; and
e. Have an ongoing mechanism to maintain the novelty, clarity and accountability of the procedures or instructions.[21]

In the trial process, the use of electronic documents as evidence must meet the following criteria:

a. Permitted by law to be used as evidence;
b. Reability, the evidence can be trusted for its validity;
c. Necessity, which is evidence that is needed to prove a fact;
d. Relevance, namely the evidence submitted has relevance to the facts to be proven.[22]

[21] Dewi Asimah, "To Overcome the Constraints of Proof In The Application Of Electronic Evidence". *Jurnal Hukum Peratun* 3 no. 2 (2020): 97–110. https://doi.org/10.25216/peratun.322020.97-110

[22] Heniyatun, Bambang Tjatur Iswanto & Puji Sulistyaningsih, "Kajian Yuridis Pembuktian dengan Informasi Elektronik dalam Penyelesaian Perkara Perdata di Pengadilan". *Varia Justicia*, 14 no. 1 (2018): 30-39. https://doi.org/10.31603/variajusticia.v14i1.2047

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Taking into account this, in relation to quarrels through the whatsapp application in the form of private conversations, the reliability criterion is still difficult to prove because the contents of whats app conversations are vulnerable to being changed, falsified, or even made by people who are not actually the parties authorized to make them but as if they were the actual parties.[23] In addition, there are no rules in the provisions of procedural law that explicitly regulate electronic evidence. According to the author, if the printout of an argument through the whats app application is considered an extension of written evidence, then the printout is included as evidence of a letter that is not a deed and is equated with a photocopy. Photocopies of letters that cannot be matched with the original letter will first be formally accepted in court, namely by legalization by the court clerk (photocopies of letters will be formally accepted and sealed (*nazegeling*). Photocopies that match the original will be accepted as evidence if they are consistent with or corroborated by other evidence.[24] This also applies to printouts of arguments via the WhatsApp application. The printout must still be adjusted to the original, but what distinguishes it from a photocopy is the authenticity of the conversation which is still questionable. Therefore, evidence of quarrels through the whatsapp application can be considered as:

a. Preliminary evidence, electronic evidence becomes preliminary evidence when the electronic evidence meets the formal requirements of the material requirements, so that the electronic evidence cannot stand alone;
b. Presumptive evidence, electronic evidence has the status of being presumptive evidence if the electronic evidence has fulfilled the formal and material requirements of evidence and has become preliminary evidence, then the judge feels that the preliminary evidence can be considered correct, so that it becomes presumptive evidence;
c. Evidence of recognition, the recognition referred to is the recognition of the opposing party regarding the authentication of the electronic evidence, aka there is no need to do digital forensics if the opposing party recognizes the truth of the electronic evidence, it is worth

[23] Dewi Asimah, "To Overcome the Constraints of Proof In The Application Of Electronic Evidence". *Jurnal Hukum Peratun* 3 no. 2 (2020): 97–110. https://doi.org/10.25216/peratun.322020.97-110

[24] Devina Puspita Sari, "Kekuatan pembuktian fotokopi surat yang tidak dapat dicocokkan dengan aslinya dalam perkara perdata". *Undang: Jurnal Hukum* 2 no. 2 (2019): 323-352. https://doi.org/10.22437/ujh.2.2.323-352

considering the existence or corroboration of the opposing party's recognition;

d. Waived or not considered, if electronic evidence is not admitted by the opposing party, it must be excluded as evidence.[25]

Based on this, the quarrel through the WhatsApp application, the strength of the evidence is not perfect so that it cannot stand alone in fulfilling the minimum limit of proof, therefore it must be assisted by other evidence, besides that the judge can use electronic evidence as evidence of presumptions (judge's presumption), or to assess the evidence is supported by listening to expert testimony (expert witness). Judges in this case can also make legal discoveries by way of analogy or legal interpretation of electronic evidence so that it can be used as evidence at trial as well as evidence regulated in civil procedural law.

4. Conclusion

Provisions related to electronic evidence in principle have been expressly regulated in statutory provisions, but if submitted in court, especially in divorce cases, the judge may not refuse on the grounds that there is no law because the judge is considered to know the law (ius curia novit), but the strength of the evidence is not perfect, binding and decisive so that other evidence is needed to strengthen the reasons for the divorce. Evidence of the quarrel will be multi-interpreted and make it difficult for judges to hear cases, so judges need a definite reference in accepting evidence of whatsapp quarrels as perfect evidence.

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[25] Petty Febrian & M. Saleh, "Penerapan UU ITE Dalam Menilai Kedudukan Dan Keabsahan Pembuktian Elektronik Pada Perkara Perdata". *Jurnal Hukum dan Kenotariatan*, 5 no. 4 (2021): 541-549.

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