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THE STRENGTH OF PHOTOCOPY EVIDENCE OF AUTHENTIC DEEDS IN JOINT PROPERTY DISPUTES

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Abstract

Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy family. In practice, not all marriages go according to plan, so divorce is a legal solution recognized by the state. Divorce not only affects the relationship between husband and wife but also causes disputes regarding the division of marital property. Marital property is joint property obtained during marriage and must be divided fairly after divorce. The legal process in court submits authentic evidence that has an important role in proving ownership of the division of marital property. Authentic evidence has higher legal force than other evidence so that it can provide legal certainty for the disputing parties. In addition, inconsistencies in evidence can cause a court decision to be detrimental to one of the parties because the evidence must ensure the validity of legal documents. As in dispute Number 1176 / Pdt.G / 2021 / PA.Lmj, the plaintiff submitted imitation authentic evidence in the trial process. This research method uses a normative legal research type using a case approach, a conceptual approach, and a statutory approach with a study of primary and secondary legal materials. The conclusion of this analysis is that the fake deed shown by the plaintiff does not have perfect evidentiary power because it is considered not attached to the deed itself, whereas in the Ratio legis as a reason for considering the judge's decision regarding the strength of authentic evidence, this fake can help the judge to make a fair decision based on the actual facts and provide legal certainty regarding the validity of the deed that is the object of the dispute.

Keywords : Power, Proof, Photocopy

INTRODUCTION

Article 1 of the Republic of Indonesia Law No. 1 of 1974 concerning Marriage is explained as a physical and spiritual bond between a man and a woman as husband and wife whose aim is to build a happy and eternal family (household) based on the One Almighty God. Marriage not only involves legal aspects but also social, economic, and psychological aspects that affect the lives of married couples.

Considering the present time, the government sets a minimum age limit for men and women entering early marriage due to the many negative impacts of child marriage. It is hoped that this marriage age limit can reduce the occurrence of child marriage. However, this marriage law still allows for deviations from the minimum age requirement through marriage dispensation (Ratnaningsih, 2021).

Various factors such as disharmony in the household due to differences of opinion and conflicts, especially psychological ones resulting from early marriage, infidelity that destroys trust in the relationship, economic problems usually involving the inability to meet needs or differences in managing finances, and domestic violence can lead to divorce. One example is the National Commission on Violence Against Women (Komnas Perempuan), which has recorded a high number of cases of violence against women over the past 16 years. This serves as a special note regarding the efforts of various parties to provide protection for women (Naimah, 2015).

Divorce, according to Article 38 of Law No. 1 of 1974, is the termination of the marital bond between husband and wife by a court decision, provided there are sufficient reasons indicating that the husband and wife can no longer live harmoniously as a happy household. Divorce has broad implications, including the division of joint property, child custody, and alimony obligations. Understanding the legal and social aspects of marriage to divorce is expected to provide a broader insight into the importance of clear regulations in maintaining justice and legal certainty for couples facing problems in their households.

Joint property, often referred to as "gono-gini," is property acquired during the marriage and becomes the object of dispute in divorce. Articles 35 to 37 of the Marriage Law No. 1 of 1974 stipulate that property acquired during the marriage becomes joint property unless otherwise specified in a prenuptial agreement. The division of "gono-gini" property often raises debate, especially regarding the contributions of each party in acquiring the property and the rights attached to the spouses after divorce.

One crucial aspect in determining ownership rights in the division of "gono-gini" property is evidence. According to Article 1866 of the Civil Code (KUHPerdata), admissible evidence in court includes written evidence (authentic deeds), witnesses, confessions, and judicial presumptions. Authentic deeds, according to Article 1868 of the Civil Code, are defined as "deeds made in the form prescribed by law, by or before a competent public official for that purpose, in the place where the deed is made," such as ownership certificates and notarial deeds, which have higher legal force compared to other evidence, thus providing legal certainty for the disputing parties. Meanwhile, counterfeit authentic deeds, as objects of dispute, are documents that mimic the form and content of genuine authentic deeds but are not actually legally made by a competent official and/or contain false or untrue information.

Ratio Legis in this context is a legal principle that refers to the intent or purpose behind a law or regulation. In a legal context, ratio legis refers to the reasons or objectives behind the adoption of a regulation or law. Legis Ratio in this context is a legal principle that refers to the intent or purpose behind a law or regulation. In a legal context, a law that has been passed by a legislative body or other element of government is a legal principle (Anas, Alfa, and Kahari 2021). This refers to the underlying intention that motivates lawmakers to create a specific law. The basis for a judge's decision regarding the strength of evidence in its ratio legis serves as a normative foundation that helps the judge assess and decide a case

based on the evidence presented by the parties without exceeding the boundaries set by legal rules.

This research aims to examine the strength of counterfeit authentic evidence in a joint property dispute verdict, a case study at the Lumajang Religious Court Number: 1176/Pdt.G/2021/PA.Lmj. The issue arises regarding the counterfeit authentic evidence submitted by the plaintiff, which consists of photocopies of photocopies, indicating the absence of the original deed, whereas the probative force depends on the original deed. The ratio legis as the basis for the decision in disputes concerning counterfeit authentic evidence assists the judge in making a fair decision based on the actual facts and provides legal certainty regarding the validity of the deed that is the object of the dispute, through proof of its material truthfulness in the trial process. The problem that arises is related to the evidentiary process that has been submitted by the plaintiff, namely showing evidence in the form of photocopied documents that have been photocopied again with the intention of not having the original deed, while the strength of the evidence depends on the original deed and the ratio legis as the basis for the decision in the dispute regarding this photocopied evidence helps the judge to make a fair decision based on the actual facts and provides legal certainty regarding the validity of the deed that is the object of the dispute with evidence that has been confirmed as materially true in the trial process.

RESEARCH METHODS

This research was conducted using normative legal methods. Descriptive and analytical in nature, this type of law studies the strength of evidence and the legal ratio of evidence submitted by the plaintiff in proving civil evidence in a joint property dispute trial in case decision Number 1176/Pdt.G/2021/PA.Lmj. Furthermore, regarding the problem-solving approach in applying the legislative approach, the case approach, and the conceptual approach. The legislative approach is said to be an approach carried out by reviewing all laws and regulations related to the legal problem being handled (Yani 2018). The case approach studies an incident, situation, event, or so-called social phenomenon with the aim of revealing the unique characteristics contained in the case being studied (Ilhami et al. 2024). Meanwhile, the conceptual approach is a systematic approach to organizing learning experiences to achieve specific learning objectives and serves as a guide for instructional designers and teachers in planning and implementing activities (Siregar 2021).

The focus of this research is to examine the probative force of non-original authentic deeds in disputes over the ownership of joint property based on applicable legal provisions, as well as to understand the purpose and benefits of the ratio legis of the judge's reasoning in deciding this dispute. The legal sources examined in this research are:

1. Primary Legal Sources
   Primary legal sources are binding legal materials in the form of statutory regulations. The primary legal sources in this research are derived from the Civil Code (Kitab Undang-Undang Hukum Perdata), the Marriage Law Number 1 of 1974, the Regulations on Civil Procedure (HIR/RBg), and the Compilation of Islamic Law (Kompilasi Hukum Islam).
2. Secondary Legal Sources
   These are materials that provide explanations regarding primary legal sources, such as draft laws, research findings or opinions of legal experts, and legal books including legal essays (skripsi), theses, and dissertations, as well as legal journals relevant to the legal issues to be researched (Juanda, 1998). Materials that provide explanations regarding primary legal materials, such as draft laws, research results or opinions of legal experts and legal books including theses, dissertations and legal journals that are relevant to the legal problems to be researched.

RESULT AND DISCUSSION

The Strength of Evidence Presented by the Plaintiff in the Joint Property Dispute Case Number 1176/Pdt.G/2021/PA.Lmj.

Evidence ("bewijsmiddel") is something in the form and type that can assist in providing information and explanations about a case issue to aid the judge's assessment in court (Hararap, 2017). The strength of evidence in civil cases according to positive Indonesian law states that the strength of each piece of evidence varies, for example, authentic deeds, confessions, and decisive oaths constitute perfect proof, while the probative force of witness testimony and presumptions falls under the judge's authority (Umsb, 2016). Evidence (bewijsmiddle) is anything that can strengthen legal certainty for parties in a civil case (Umsb 2016). The strength of evidence in civil cases according to Indonesian positive law, states that the strength of each piece of evidence varies from one to another, for example authentic deeds, confessions and oaths, while the strength of witnesses and allegations is the authority of the judge (Umsb 2016). In proving civil cases, Article 1866 of the Civil Code (KUH Perdata) or Article 164 of the Civil Procedure Code (RIB/HIR) has regulated the types of evidence in civil procedural law, namely:

1. Letter

A letter is a form of evidence in the form of a written document that can be used to prove a legal event. In court, documentary evidence is used to substantiate claims. The judge will assess the strength of the documentary evidence based on the validity of the document, its consistency with other evidence, and the judge's belief in the facts presented by the parties to the case. Documentary evidence is divided into several types, including (FJP Law Offices, 2020):

a. Authentic Deed

A deed made by or before an authorized official, such as a notary or government official. This deed has perfect evidentiary power.

b. Underhand Deed

A deed made without involving an official, but still has legal force if recognized by the party who signed it.

c. Ordinary Mail

A written document that does not fall into the category of deed, but can be used as evidence in court.

d. Electronic Evidence

Digital or electronic documents that can be used as evidence, such as emails or electronic messages.

Testimony from someone who is knowledgeable about a legal event. The testimony must be given orally in court and is only valid if the witness provides testimony based on direct experience, not just opinion or conjecture. The judge does not consider the witness's evidentiary power to be complete. A lawsuit must be rejected if the plaintiff, in defending their case, only presents one witness without any other evidence. In civil procedural law, the following are some types of witness evidence that are commonly used:

a. Factual Witness
   A witness who provides testimony based on direct experience of the disputed event.
b. Expert Witness
   witness who has specialized expertise in a particular field and provides an opinion based on that expertise.
c. Verbal Witness
   A witness who provides oral testimony in court.
d. Written Witness
   Testimony provided in the form of a written document, such as a written statement or

affidavit.

e. Indirect Witness
A witness who provides testimony based on information obtained from others, not from direct experience.

The testimony of one witness alone is not sufficient to prove a case. The principle of Unus Testis Nullus Testis states that one witness alone is not sufficient, so more than one witness or other evidence is needed to strengthen the evidence.

2. Presumption
A conclusion drawn from a known event to another event that has not been proven. The strength of this presumptive evidence depends on its consistency with other evidence and the judge's conviction. Based on Article 1915 of the Civil Code (KUHPer), allegations are divided into two main types:
a. Estimates according to law
Allegations that are strictly regulated in statutory regulations. An example is an estimate regarding ownership of goods based on physical control of the goods.
a. Allegations that are not based on law
The estimates made by the judge are based on the facts presented in the trial. Judges use logic and experience to deduce facts from the available evidence.

3. Confession
A statement from someone admitting a fact or event that can be used as evidence in a trial. Confession has quite strong legal force, especially if it is made before a judge at trial.

4. Oath
A statement made officially by giving testimony to God or something that is considered sacred to confirm the truth or sincerity of something. This oath of proof has significant evidentiary power because this belief has been tested statistically. If the oath is carried out correctly and according to procedures, it can become decisive evidence in a case. In civil procedural law, an oath is one of the pieces of evidence used to strengthen or establish a fact in a trial. According to the Civil Code (KUHPer), there are several types of oaths:
a. Decisoir Eed
An oath ordered by one party to the opposing party to determine the decision of the dispute. If the party swearing the oath takes it, the case is considered settled.
b. Supplementary Oath (Suppletoir Eed)
An oath ordered by the judge to strengthen the evidence already presented in the case.
c. Appraiser Oath (Aestimatoire Eed)
An oath used to determine the amount of compensation or the value of the goods being sued for in a civil case. (blue added)

For example, if the photocopied evidence submitted by the plaintiff during the trial does not meet the minimum standard of proof, it can be considered weak and insufficient to support the claim. Civil law regarding evidence has several important principles that form the basis of the judicial process. These principles include (Askarial 2018):

1. The Principle of Audi Et Alteram Partem (Principle of Hearing Both Sides). This principle ensures equal procedural rights for all parties involved in a case. Based on this principle, a judge cannot issue a ruling before giving both parties the opportunity to be heard. The judge must be fair in allocating the burden of proof to the litigants so that both sides have an equal chance of winning the case.
2. The Principle of Ius Curia Novit (The Court Knows the Law): The judge is always presumed to know the law applicable to every case they adjudicate. The judge cannot refuse to examine and decide a case on grounds that there is no legal basis. Based on this principle, the law knows itself, meaning a judge may not refuse to examine a case before deciding it on the grounds that there is no legal basis. In connection with this case, the judge in his decision only granted part of the plaintiff's demands because in the pro-

cess of providing evidence, the plaintiff was unable to show original evidence and only in the form of photocopies. This is seen from the legal basis, namely in Article 1888 of the Civil Code.Asas Nemo Testis Indoneus in Propria Causa (No One Can Be a Witness in Their Own Case): Based on this principle, neither the plaintiff nor the defendant can act as a witness in their own dispute.

3. Asas Ne Ultra Petita (The Judge Cannot Grant More Than What is Claimed): The judge can only grant relief that is in accordance with what is demanded. The judge is prohibited from granting more than what is claimed. Therefore, in matters of proof, the judge cannot prove more than what the plaintiff has claimed.
4. Asas Nemo Plus Juris Transferre Potest Quam Ipse Habet (No One Can Transfer More Rights Than They Possess): This principle determines that no one can transfer more rights than they themselves hold.
5. Asas Negativa Non Sunt Probanda (Negative Facts Need Not Be Proven): Something negative cannot be proven. A negative fact is one that uses the word "NOT." For example, "not being in Surabaya," "not damaging the fence," "not owing money to X," and so on. However, negative facts can be proven indirectly.
6. Asas Actori Incumbit Probatio (The Burden of Proof Lies with the Claimant): This principle relates to the burden of proof. It means that whoever asserts a right or denies the existence of another person's right must prove it. This implies that if the evidence presented by the plaintiff and the defendant is equally strong, the judge may impose the burden of proof on either party.
7. Asas yang Paling Sedikit Dirugikan (The Principle of Least Harm): The judge must impose the burden of proof on the party who would suffer the least harm if required to prove their case. This principle is often linked to the Asas Negativa Non Sunt Probanda. Thus, the party considered to suffer the most harm if required to prove their case is the one who has to prove a negative fact.
8. Asas Bezitter Yang Beritikad Baik (The Possessor in Good Faith): Good faith is always presumed to exist in every person who possesses an object, and anyone who alleges bad faith on the part of the possessor must prove it (Article 533 of the Civil Code).
9. Asas Yang Tidak Biasa Harus Membuktikan (The Unusual Must Be Proven): Whoever asserts something unusual must prove that unusual thing.
10. Asas De Gustibus Non-Est Disputandum (There is No Disputing About Tastes): This principle, although seemingly strange in law, means that matters of taste cannot be disputed.

In civil law, evidence also includes authentic deeds, electronic evidence, and material evidence that can be used to support claims in a case. Authentic deeds have the power of free proof, meaning their assessment is left to the judge's discretion. Based on the aforementioned, authentic deeds have three types of probative force (Brahmana and Pembuktian 2012):

1. Formal Probative Force
   Formal proof guarantees the truth and certainty of the deed's date, the authenticity of the signatures in the deed, the identity of the people present, and the place where the deed was made, without prejudice to counter-evidence. Formal or authentic proof is complete proof where the probative force of official deeds and the deeds of the parties is the same. This means that the statements of the officials in both categories of deeds and the statements of the parties in the deed have formal probative force and apply to everyone.
2. Material Probative Force
   This is the certainty that the parties not only appeared before and explained matters to the notary but also proved that they had acted as stated in the substance of the deed.
3. External Probative Force
   This is the ability of a deed to prove itself as an authentic deed. It means that a deed that

meets the requirements and form of an authentic deed is valid and considered original until proven otherwise by the opposing party. Article 1875 of the Civil Code states that external probative force does not exist in privately signed deeds, whereas authentic deeds prove their own validity. The external probative force of an authentic deed is complete proof that applies to everyone and is not limited to the parties involved as evidence.

Regarding the case researched by the author, where the plaintiff submitted a photocopy of a photocopy, the author's analysis, viewed from Article 1888 of the Civil Code, already provides regulations regarding copies/photocopies of a letter/document, namely: "The probative force of written evidence lies in the original deed. If the original deed exists, then copies and summaries are only credible to the extent that the copies and summaries correspond to the original, the production of which can always be ordered." And other evidence explained above is not fully met, consisting only of documentary evidence. However, the judge in civil cases has the freedom to assess evidence based on the principle of freedom of proof and the judge's conviction.

The Supreme Court has also provided clarification on photocopies of letters/documents as evidence, with the following legal principle: "Photocopies of evidence that were never submitted or for which the original document never existed must be disregarded as documentary evidence." (Supreme Court Decision No.: 3609 K/Pdt/1985). In accordance with the opinion of the Supreme Court, a photocopy of a letter/document for which the original cannot be shown cannot be considered documentary evidence according to Civil Procedure Law (Vide: Article 1888 of the Civil Code). Several theories that can assist the judge in court and consider the weight of evidence submitted in the evidentiary process, as put forward by legal experts regarding evidence, are as follows (Asadullah, Al, and Handoko 2023):

1. R. Subekti argues that proving means convincing the Judge of the truth of the arguments or arguments put forward in a dispute.
2. Prof. Dr. Eddy O.S. Hiariej concludes that evidence according to positive law leads to a process of providing lawful information in an investigation regarding facts that are more or less as they are.
3. Martiman Prodjohamidjojo states that the basis of rational consideration (reasoning) and the judge cannot be bound by the evidence stipulated by law; thus, the judge can use other evidence outside the provisions of the legislation.

The strength of the evidence presented by the plaintiff plays a crucial role in proving their claim before the judge. However, if the evidence consists of documents that lack the original deed, its evidentiary strength is weakened and may be questioned in court. However, there are several ways the plaintiff can strengthen evidence that lacks the original deed, as follows (Achmad Ali, 2023):

1. Presenting witnesses
   A witness who knows the contents and whereabouts of the original document can testify in support of the plaintiff's claim.
2. Using legal presumptions
   If there is other evidence supporting the existence of the original document, the judge can consider legal presumptions to assess the validity of the claim. However, in this case, the plaintiff did not provide any supporting evidence to strengthen the evidence, which was deemed very weak.
3. Submitting additional evidence
   Other evidence such as correspondence, financial transactions, or related documents can help strengthen the plaintiff's claim.When the plaintiff also cannot show the original document of the photocopy and does not present witnesses as a form of evidence that

could provide information to the judge that there was indeed a private agreement made by the parties whose names are listed in the photocopy of the agreement, and this is not corroborated by the opinions of legal experts, then the evidence is considered to have no legal force. The argument regarding this has also been affirmed by the Supreme Court in its Decision No.: 112 K/Pdt/Pdt/1996, dated September 17, 1998, which has the following legal principle: "A photocopy of a letter without the original letter/document and without being corroborated by witness testimony and other evidence cannot be used as valid evidence in Civil Court proceedings.

Thus, the author's analysis in this dispute regarding the probative force in the civil case can evolve and maneuver. For example, viewed from several theories of legal force, if the existence of a photocopy of a private agreement is acknowledged and not denied by the opposing party, this can certainly be qualified as an admission before the judge, which is perfect proof (Vide: Article 176 HIR), or whether there is a presumption (conclusion) drawn by the judge (Vide: Article 173 HIR) from the evidence submitted by the parties and the facts revealed in the trial. However, in this evidentiary process, if the opposing party denies and can provide strong and authentic evidence in their response during the trial, then the plaintiff's evidence is not accepted by the judge because it has no legal force. Therefore, the Judge rightly grants the claim only in part.

Ratio Legis as the Basis for the Judge's Consideration of the Strength of Evidence Submitted by the Plaintiff in the Lumajang Religious Court Decision Number 1176/Pdt.G/2021/PA.Lmj.

Ratio legis is a legal principle that refers to the intent or purpose behind a law or regulation. In a legal context, ratio legis refers to the reasons or objectives behind the adoption of a regulation or law. Reprehensible acts are acts considered to violate prevailing moral, ethical, or legal values (Brahmana and Pembuktian 2012). This concept is used to understand the purpose and logic behind a legal provision so that it can be applied more accurately in legal practice. In a legal context, ratio legis is often examined to ensure that a rule not only applies formally but also has relevance and benefits for society. Several main objectives of evidentiary rules as the basis for the judge's consideration of the strength of evidence include (Asadullah, Al, and Handoko 2023):

1. Ensuring Material Truth: The judge must ensure that the decision taken reflects the actual facts based on the evidence submitted.
2. Providing Legal Certainty: Evidentiary rules assist the judge in assessing and determining the strength of evidence so that the resulting decision has a strong legal basis.
3. Protecting the Rights of the Parties: With evidentiary rules, each party in the trial has an equal opportunity to present evidence supporting their claims.
4. Preventing Abuse of Legal Process: Evidentiary rules ensure that only valid and relevant evidence can be used in court, thereby avoiding manipulation or abuse of the law.
5. Assisting the Judge in Evaluating Evidence: The judge uses evidentiary rules as guidelines in assessing the strength and validity of the evidence submitted by the parties.

Furthermore, in civil cases concerning ownership rights or proof in joint property disputes, ratio legis is used to assess whether an authentic piece of evidence that does not have the original deed can still be accepted in court. In practice, judges often consider the context of document creation, its relevance to other evidence, and the principle of fairness in assessing the probative force of a piece of evidence. Fairness in evidence ensures that all parties have an equal opportunity to present evidence and refute opposing claims. The principle of fairness in civil law evidence includes (Damanik and Lubis 2024):

1. External Probative Force
   This concept refers to the ability of a piece of evidence to prove its existence externally,

i.e., outside the parties involved in an agreement or dispute. In the context of an authentic deed, external probative force means that the document has validity recognized by third parties and can be used as valid evidence in court. Conversely, if a document only has internal probative force, its validity only applies to the parties involved in the agreement and is not binding on other parties.

2. Formal Probative Force
   This is a probative force based on the truth or falsity of the statements signed in the deed, that the signatory of the deed explained what is stated in the deed.
3. Material Probative Force
   This is a probative force based on the truth or falsity of the content of the statements signed in the deed, that the legal event stated in the deed actually occurred, thus providing certainty about the substance of the deed.

The concept of justice has several opinions, including Aristotle's, which distinguishes two types of justice: distributive justice and commutative justice. Distributive justice is defined as justice that gives each person their due. This means that justice does not demand an equal share for everyone. The emphasis here is not on equality but rather on equivalence. Distributive justice relates to the relationship between society (especially the state) and certain individuals or within the realm of public law. Commutative justice is justice that gives each person an exactly equal share or the same amount without taking into account their services. Hans Kelsen himself argued that pure legal theory is incompetent to answer the question of whether a particular law is just or not, and what the most important elements of justice are. This is because separating the concept of law from the notion of justice is no easy task. Justice is also subjective, because the happiness sought is not for each individual, but rather the greatest possible happiness for the majority (Ii and Disparity 2020).

In the joint property dispute number 1176/Pdt.G/2021/PA.Lmj, the ratio legis to determine whether an authentic piece of evidence that does not have the original deed can still be used as a basis for the decision or not. However, during the trial process, the evidence was rejected by the defendant in the answer to the claim, thus its probative force decreased, and the burden of proof became more flexible.

According to the principle of justice, the evidentiary process must be fair and equal for all parties, ensuring that the evidence presented is convincing and sufficient to reach a just decision. Fairness in evidence ensures that all parties have an equal opportunity to present evidence and refute the opponent's claims. The principles of justice in civil law evidence include (Anam & Partners, 2013):

1. Seeking and Realizing Formal Truth: In civil cases, the judge seeks truth based on the facts presented by the parties.
2. Passive Role of the Judge: The judge only assesses the facts presented without conducting active investigations as in criminal cases.
3. Decision Based on Evidence: The judge must base the decision on the evidence submitted by the parties.
4. Audi et Alteram Partem: The principle that every party in a dispute must be given an equal opportunity to present evidence and arguments.
5. Equality Before the Law: All parties in a civil case must be treated equally before the law.

By applying these principles, civil law strives to achieve justice in the judicial process, ensuring that decisions are based on objective facts and a fair process. The principle of legal certainty means that the evidence presented must be adequate, convincing, and legally proven so that the judge can make a fair decision based on objective facts. Legal certainty in this context ensures that court decisions are based on clear and unambiguous facts, thereby

creating justice and trust in the judicial system. The principles of legal certainty in civil law evidence include (Naimah 2015):

1. Validity of Evidence: Only evidence that is legally valid can be used in court.
2. Consistency of Court Decisions: Courts must apply the same standards of proof in similar cases.
3. Predictability of Law: Parties must be able to predict the outcome of a case based on applicable legal rules.

The author's opinion regarding Ratio legis in the context of legal evidence serves as a basis for the judge in assessing the validity and strength of evidence, including counterfeit evidence, to ensure that the evidence submitted still meets the principles of justice and legal certainty. If a counterfeit piece of evidence can provide relevant and reliable information, the judge can consider it in the judicial process. However, the evidence must be tested based on applicable legal provisions, such as the validity of its source, its relevance to the case, and its conformity with the principles of evidence. Thus, ratio legis plays a role in maintaining a balance between legal certainty and flexibility in evidence, so that the judge can make a fair decision based on the available evidence.

CONCLUSIONS

The validity of photocopy evidence in joint property disputes, according to Court Decision No. 1176/Pdt.G/2021/PA.Lmj, plays a crucial role in determining the rights of each party. However, its evidentiary value depends on the judge's judgment and applicable legal provisions. Several judicial decisions have established independent evidentiary force and often cannot stand alone without supporting evidence. Judges consider the validity, relevance, and relationship of photocopy evidence to the legal facts in the case.

Ratio legis is a legal principle that refers to the intent or purpose behind a law or regulation. In the context of legal evidence, ratio legis becomes the basis for the judge in assessing the validity and strength of evidence, including counterfeit evidence. The judge considers ratio legis to ensure that the submitted evidence still meets the principles of justice and legal certainty. If a piece of counterfeit evidence can provide relevant and reliable information, the judge may consider it in the judicial process. Thus, ratio legis plays a role in maintaining a balance between legal certainty and flexibility in evidence, so that the judge can make a fair decision based on the available evidence. The author suggests that the evidence should be tested based on applicable legal provisions, such as the validity of its source, its relevance to the case, and its conformity with the principles of evidence.

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