

## ABSTRACT

Judge's ruling in a divorce lawsuit, there is a divorce granted, some are refusing divorce. In a decision that refused divorce, the marriage the husband and wife remain otherwise intact. If then the final and binding decision, while the couple still want a divorce so that they return filed for divorce. How courts behave in such circumstances ? if it does not violate the principle of *ne bis in idem* in the practice of civil law ?

In this thesis the author focuses on the discussion of divorce cases in the district courts. By using conceptual approach, statute approach and case approach, the author describes how the characteristics of a new lawsuit in a divorce case that has pre-existing binding decision. Also discussed what is the *ratio legis* of the characteristics principle of *ne bis in idem* does not apply in the divorce cases. Purpose of the author is the reader can understand what the characteristics of the principle of *ne bis in idem* does not apply in the divorce cases.

Through the discussion in this thesis, it is expected of legal practitioners, especially judges can understand the characteristics that distinguish between *ne bis in idem* principle in the case of divorce with the principle of *ne bis in idem* in other civil cases.

Keywords: divorce, the principle of *ne bis in idem* in the divorce.