

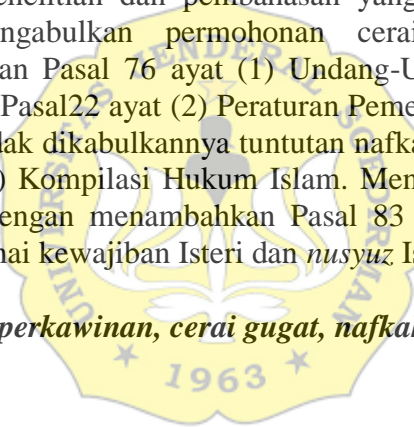
ABSTRAK

Perceraian dalam Pasal 38 Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan yaitu putusnya hubungan suami isteri yang mengakibatkan berakhirnya hubungan keluarga (rumah tangga) antara suami-isteri tersebut. Menurut pemohonnya, dalam hukum Islam perceraian yang dilakukan oleh seorang isteri kepada suami disebut dengan cerai gugat dan dilakukan di Pengadilan Agama. Salah satu kasusnya ada dalam Putusan Pengadilan Agama Cimahi Nomor 3660/Pdt.G/2018/PA.Cmi, dengan petitum yang diminta isteri antara lain talak satu *ba'in sugra* dan nafkah *mut'ah* sebuah RUKO kepada suami.

Rumusan masalah dalam penelitian ini, adalah bagaimana dasar pertimbangan hukum hakim dalam mengabulkan cerai gugat dan menolak tuntutan nafkah *mut'ah* pada Putusan Nomor 3660/Pdt.G/2018/PA.Cmi. Metode penelitian yang digunakan berupa pendekatan yuridis normatif, spesifikasi penelitian deskriptif analisis, metode pengumpulan data studi kepustakaan (*library research*) dengan inventarisasi data, metode analisis normatif kualitatif.

Berdasarkan hasil penelitian dan pembahasan yang telah disimpulkan, bahwa majelis hakim mengabulkan permohonan cerai gugat tersebut dengan terpenuhinya ketentuan Pasal 76 ayat (1) Undang-Undang Nomor 7 Tahun 1989 dan perubahannya ke Pasal 22 ayat (2) Peraturan Pemerintah Nomor 9 Tahun 1989 juga menolak atau tidak dikabulkannya tuntutan nafkah *mut'ah* berdasarkan Pasal 158 huruf (a) dan (b) Kompilasi Hukum Islam. Menurut peneliti, majelis hakim dapat memperkuat dengan menambahkan Pasal 83 dan 84 ayat (1) Kompilasi Hukum Islam mengenai kewajiban Isteri dan *nusyuz* Isteri.

Kata kunci : perkawinan, cerai gugat, nafkah



ABSTRACT

Divorce in Article 38 of Law Number 1 of 1974 concerning Marriage is the termination of a husband and wife relationship which results in the end of the family relationship (household) between the husband and wife. According to the petitioner, in Islamic law, a divorce carried out by a wife to her husband is called a sued divorce and is carried out in the Religious Courts. One of the cases is in the Decision of the Cimahi Religious Court Number 3660/Pdt.G/2018/PA.Cmi, with the petition requested, including divorce of one ba'in sugra and mut'ah maintenance of a RUKO to the husband.

The formulation of the problem in this study, is how the judge's legal considerations in granting a divorce claim and rejecting the demand for mut'ah living in Decision Number 3660/Pdt.G/2018/PA.Cmi. The research method used is a normative juridical approach, descriptive analysis research specifications, library research data collection methods (library research) with data inventory, qualitative normative analysis methods.

Based on the results of research and discussion, it was concluded that the panel of judges granted the petition for divorce on the basis the fulfillment of the provisions of Article 76 paragraph (1) of Law Number 7 of 1989 and changes jo Article 22 paragraph (2) Governmen Regulation Number 9 of 1989, also rejected or did not grant the demand for mut'ah living based on Article 158 letters (a) and (b) the Compilation of Islamic Law. According to the researcher, the panel of judges can add Article 83 and 84 paragraph (1) of the Compilation of Islamic Law regarding the obligations of the wife and the wife's nusyuz.

Keywords: marriage, divorce, living

