

IZIN POLIGAMI YANG DITOLAK
(Tinjauan Yuridis Terhadap Putusan Pengadilan Agama Bantul
Nomor 535/Pdt.G/2021/PA.Btl)

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ABSTRAK

Pasal 3 ayat (1) Undang-Undang Nomor 1 Tahun 1974 menyebutkan bahwa Perkawinan di Indonesia menganut asas monogami. Pasal 3 ayat (2) Undang-Undang Nomor 1 Tahun 1974 sebagai pengecualian asas monogami bahwa dalam keadaan tertentu apabila memenuhi ketentuan perundang-undangan memungkinkan seorang suami melakukan poligami (monogami terbuka).

Peneliti mengangkat rumusan masalah mengenai bagaimana pertimbangan Hakim dalam menolak permohonan izin poligami dalam Putusan Pengadilan Agama Bantul Nomor: 535/Pdt.G/2021/PA.Btl. Metode penelitian yang digunakan yuridis normatif, spesifikasi penelitian menggunakan deskriptif analitis, sumber data yang digunakan adalah data sekunder, metode pengumpulan data dengan inventarisasi data, dan metode analisis dengan menggunakan normatif kualitatif.

Berdasarkan hasil penelitian, disimpulkan bahwa Hakim Pengadilan Agama Bantul berwenang mengadili perkara dengan Nomor: 535/Pdt.G/2021/PA.Btl berdasarkan Pasal 49 Undang-Undang Nomor 3 Tahun 2006 jo Undang-Undang Nomor 50 Tahun 2009 Tentang Peradilan Agama. Hakim dalam menolak perkara permohonan izin poligami mendasarkan pada tidak terpenuhinya alasan alternatif berpoligami menurut Pasal 4 ayat (2) Undang-Undang Nomor 1 Tahun 1974 Tentang Alasan Alternatif Poligami. Menurut peneliti, putusan Hakim yang menyatakan menolak permohonan izin poligami ditambahkan dengan Peraturan Mahkamah Agung Nomor 3 Tahun 2017 Tentang Pedoman Mengadili Perkara Perempuan Berhadapan Dengan Hukum.

Kata Kunci: Izin Poligami, Ditolak, Pengadilan Agama

DENIED POLYGAMY PERMIT

(Juridical Review of the Bantul Religious Court Ruling Number:

535/Pdt.G/2021/PA.Btl)

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ABSTRACT

Article 3 paragraph (1) of Law Nomor 1 of 1974 states that marriage in Indonesia adheres to the principle of monogamy. Article 3 paragraph (2) of Law Nomor 1 of 1974 as an exception to the principle of monogamy that in certain circumstances if it meets the provisions of the legislation allows a husband to do polygamy (open monogamy).

Researchers raised the formulation of the problem of how the Judge's consideration in rejecting the application for polygamy permit in the Bantul Religious Court Decision Number: 535 / Pdt.G / 2021 / PA. Btl. Research methods used normative juridical, research specifications using analytical descriptive, the data sources used are secondary data, data collection methods with data inventory, and analytical methods using qualitative normative.

Based on the results of the study, it was concluded that the Bantul Religious Court Judge was authorized to try cases with Number: 535 / Pdt.G / 2021 / PA. Btl based on Article 49 of Law Nomor 3 of 2006 jo Law Nomor 50 of 2009 concerning Religious Justice. The judge in rejecting the case of application for polygamy permits based on the unfulfilling of alternative reasons for polygamy according to Article 4 paragraph (2) of Law Nomor 1 of 1974 concerning Alternative Reasons for Polygamy. According to the researcher, the Judge's ruling that he rejected the application for polygamy permit was added to Supreme Court Regulation Nomor 3 of 2017 concerning Guidelines for Adjudicating Cases of Women Facing the Law.

Keywords: Polygamy Permit, Denied, Religious Court