

**PERSELISIHAN AKIBAT TIDAK ADANYA KETURUNAN SEBAGAI
ALASAN PERCERAIAN**

(Tinjauan Yuridis Terhadap Putusan Pengadilan Agama Situbondo

Nomor:1254/Pdt.G/2021/PA.Sit)

**Oleh :
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ABSTRAK

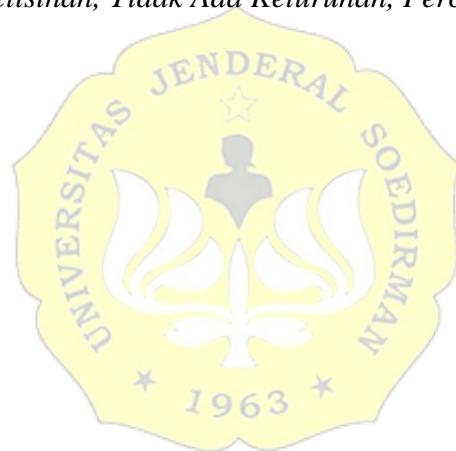
Perkawinan dalam Pasal 1 Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan tertulis “Perkawinan adalah ikatan lahir batin antara seorang pria dan seorang wanita sebagai suami istri dengan tujuan membentuk keluarga atau rumah tangga yang bahagia dan kekal berdasarkan Ketuhanan Yang Maha Esa”, namun dalam berumah tangga akan banyak masalah yang membuat suatu perkawinan berujung pada perceraian. Salah satu alasannya ialah kemandulan yang berujung pada pertengkar dan tidak bisa didamaikan, perkara inilah yang terjadi pada Putusan Pengadilan Agama Situbondo Nomor:1254/Pdt.G/2021/PA.Sit.

Mendaras pada latar belakang di atas, penulis mengambil rumusan masalah mengenai bagaimana pertimbangan hukum hakim dalam mengabulkan Perceraian akibat tidak adanya keturunan terhadap Putusan Pengadilan Agama Situbondo Nomor:1254/Pdt.G/2021/PA.Sit serta bagaimana akibat hukum perceraian pada Putusan Pengadilan Agama Situbondo Nomor:1254/Pdt.G/2021/PA.Sit. Metode yang digunakan pada penelitian ini adalah yuridis normatif, spesifikasi penelitian deskriptif analitis, Jenis dan Sumber Data menggunakan Data Sekunder (Bahan Hukum Primer, Bahan Hukum Sekunder dan Bahan Hukum Tersier), Metode Pengumpulan Data dengan cara Studi Pustaka (Library Research), data disajikan secara Teks Naratif (Uraian-uraian Secara Sistematis, Logis dan Rasional) dan Metode Analisis Data menggunakan Normatif Kualitatif.

Berdasarkan hasil penelitian pertimbangan hukum hakim dalam mengabulkan cerai gugat dalam putusan Nomor:1254/Pdt.G/2021/PA.Sit Hakim hanya berdasar pada Pasal 39 ayat (2) Undang-Undang Nomor 1 Tahun 1974 Tentang adanya

cukup alasan saat pasangan suami istri akan bercerai dan mengambil putusan berdasarkan Pasal 19 huruf (f) Peraturan Pemerintah Nomor 9 Tahun 1974 tentang peraturan pelaksanaan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan Jo Pasal 116 Huruf F Kompilasi Hukum Islam. Menurut peneliti, Majelis Hakim menambahkan ketentuan Pasal Pasal 33 Undang-Undang Nomor 1 Tahun 1974 jo Pasal 77 ayat (1) dan ayat (2) Kompilasi Hukum Islam. Akibat cerai gugat pada Putusan Pengadilan Agama Situbondo Nomor:1254/Pdt.G/2021/PA.Sit karena pasangan suami istri tidak ada anak, maka akibat hukumnya ialah hilangnya status perkawinan dan kewajiban antara bekas suami dan bekas istri, serta adanya pembagian harta bersama yang hukumnya dapat dipilih sendiri oleh bekas suami istri, akan menggunakan hukum Islam atau hukum adat.

Kata Kunci : Perselisihan, Tidak Ada Keturunan, Perceraian.



DISPUTES DUE TO THE ABSENCE OF OFFSPRING AS A REASON FOR DIVORCE

**(Juridical Review of the Situbondo Religious Court Number:1254/Pdt.G/2021/
PA.Sit)**

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ABSTRACT

Marriage in Article 1 of Law Number 1 of 1974 concerning Marriage is written "Marriage is an inner birth bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on the One True Godhead", but in a household there will be many problems that make a marriage lead to divorce. One of the reasons is infertility which leads to quarrels and cannot be reconciled, this is what happened in the Situbondo Religious Court Decision Number: 1254 / Pdt.G / 2021 / PA. Sit.

Based on the background above, the author takes the formulation of the problem regarding how the judge's legal considerations in granting divorce due to the absence of offspring against the Situbondo Religious Court Decision Number: 1254 / Pdt.G / 2021 / PA. Sit and how the legal consequences of divorce in the Situbondo Religious Court Decision Number: 1254 / Pdt.G / 2021 / PA. Sit. The methods used in this study are normative juridical, analytical descriptive research specifications, Types and Sources of Data using Secondary Data (Primary Legal Materials, Secondary Legal Materials and Tertiary Legal Materials), Data Collection Methods by means of Library Research, data presented in Narrative Text (Systematic, Logical and Rational Descriptions) and Data Analysis Methods using Qualitative Normative.

Based on the results of the research on the judge's legal considerations in granting divorce, it was stated in the judgment Number: 1254 / Pdt.G / 2021 / PA. Sit. Judge only based on Article 39 paragraph (2) of Law Number 1 of 1974 concerning the existence of sufficient reasons when a married couple will divorce

and take a decision based on Article 19 letter (f) of Government Regulation Number 9 of 1974 concerning the implementing regulations of Law Number 1 of 1974 concerning Marriage Jo Article 116 Letter F of the Compilation of Islamic Law. According to the researcher, the Panel of Judges added the provisions of Article 33 of Law Number 1 of 1974 jo Article 77 paragraph (1) and paragraph (2) of the Compilation of Islamic Law. As a result of the divorce, it was sued in the Situbondo Religious Court Decision Number: 1254/Pdt.G/2021/PA.Sit. Since the married couple has no children, the legal consequence is the loss of marital status and obligations between the former husband and the former wife, as well as the division of common property whose law can be chosen by the former husband and wife, using Islamic law or customary law.

Keywords : Disputes, No Offspring, Divorce.

