

ABSTRAK

Tujuan perkawinan baik menurut Undang-Undang Nomor 1 Tahun 1974 maupun menurut Kompilasi Hukum Islam pada kenyataannya sulit untuk dicapai, seperti yang terjadi pada putusan Pengadilan Agama Purbalingga Nomor: 0338/Pdt.G/2018/PA.Pbg tentang gugat cerai karena suami melanggar Taklik Talak.

Permasalahan dalam penelitian ini adalah bagaimana pertimbangan Hukum Hakim dalam mengabulkan gugat cerai karena suami melanggar taklik talak pada putusan Pengadilan Agama Purbalingga Nomor: 0338/Pdt.G/2018/PA.Pbg. Metode penelitian yang digunakan dalam penelitian ini adalah pendekatan yuridis normatif, spesifikasi penelitian preskriptif analitis, metode pengumpulan data studi kepustakaan dengan inventarisasi, metode analisis data normatif kualitatif.

Hasil penelitian menunjukkan bahwa pertimbangan hukum hakim dalam memutuskan perkara tersebut hanya berdasarkan pada Pasal 19 huruf (b) Peraturan Pemerintah Nomor 9 Tahun 1975 Tentang Pelaksanaan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan jo Pasal 116 huruf (b) Kompilasi Hukum Islam. Menurut peneliti sebaiknya Hakim menambahkan Pasal 33 dan 34 ayat (1) Undang-Undang Nomor 1 Tahun 1974 serta Pasal 116 huruf (g) angka 1,2,dan 4 Kompilasi Hukum Islam (KHI) tentang sighat taklik talak.

Kata kunci : *Perceraian, Melanggar Taklik Talak*

ABSTRACT

The purpose of marriage both according to Law Number 1 of 1974 and according to the Compilation of Islamic Law is in fact difficult to achieve, as happened in the decision of the Purbalingga Religious Court Number: 0338/Pdt.G/2018/PA.Pbg about divorce suit because of husband violated the conditions of divorcement.

The problem in this research is how the Judges' Legal considerations in granting divorce due to husband violating the conditions of divorcement in the decision of Purbalingga Religious Court Number: 0338/Pdt.G/2018/PA.Pbg. The research method used in this research is a normative juridical approach, research specification is analytical prescriptive, data collection method is by library research with inventory, data analysis method is qualitative normative.

The results showed that the judges' legal considerations in deciding the case were only based on Article 19 letter (b) of Government Regulation Number 9 of 1975 concerning Implementation of Law Number 1 of 1974 concerning Marriage in conjunction with Article 116 letter (b) of Compilation of Islamic Law. According to the author, the Judge should add Article 33 and 34 paragraph (1) of Law Number 1 of 1974 and Article 116 letter (g) of numbers 1,2 and 4 of the Compilation of Islamic Law (CIL) concerning the expression of conditions of divorcement.

Keywords : *Divorcement, Violated the Conditions of Divorcement*