

PEMBATALAN PERKAWINAN KARENA ISTERI GANGGUAN JIWA

**(Tinjauan Yuridis Terhadap Putusan Pengadilan Agama Sukoharjo Nomor
541/Pdt.G/2018/PA.Skh.)**

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ABSTRAK

Pasal 2 ayat (1) Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan menyatakan bahwa, perkawinan sah bilamana dilakukan menurut hukum masing-masing agamanya dan kepercayaannya itu, begitu juga suatu perkawinan dikatakan sah apabila memenuhi syarat materil yakni yang terdapat di dalam peraturan perundang-undangan, akibat hukumnya apabila syarat materil tidak dapat terpenuhi maka perkawinan tersebut dapat dilakukan pembatalan perkawinan.

Rumusan masalah dalam penelitian ini adalah bagaimana pertimbangan hukum hakim dalam mengabulkan pembatalan perkawinan karena isteri gangguan jiwa terhadap putusan Pengadilan Agama Sukoharjo Nomor 541/Pdt.G/2018/PA.Skh. Metode penelitian yang digunakan adalah yuridis normatif, spesifikasi penelitian preskriptif analitis, pengumpulan data studi kepustakaan dengan inventarisasi, dan analisis data normatif kualitatif.

Hasil penelitian menunjukkan bahwa pertimbangan hukum hakim dalam mengabulkan perkara tersebut hanya berdasarkan Pasal 27 ayat (2) Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan jo Pasal 72 ayat (2) KHI, menurut peneliti kurang lengkap sebaiknya dilengkapi dengan Pasal 6 ayat (1) jo Pasal 16 ayat (1) dan mengesampingkan ketentuan Pasal 27 ayat (2) Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan.

Kata kunci : *Pembatalan Perkawinan, Isteri Gangguan Jiwa*

CANCELLATION OF MARRIAGE DUE TO SOUL DISORDER

(Review of juridical against Sukoharjo religious court ruling Number 541/Pdt.

G/2018/PA. Skh.)

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ABSTRACT

Article 2 paragraph (1) of Law No. 1 of 1974 on marriage states that, marriage is valid when done according to the laws of each of its religion and its beliefs, so is a marriage is said to be valid if they qualify That is contained in the legislation, due to the law if the condition of the material can not be fulfilled then the marriage can be done cancellation of marriage.

The problem formulation in this research is the consideration of the legal considerations of judges in granting annulment of marriage due to the wife of mental disorders against the decision of the religious court of Sukoharjo number 541/PDT. G/2018/PA. Skh. Research methods used is a normative juridical, the specification of analytical prescriptive research, the collection of data on literature studies with inventory, and the analysis of qualitative normative data.

The results showed that the consideration of the legal judge in granting the matter is only under article 27 paragraph (2) of Law No. 1 of 1974 concerning marriage Jo Article 72 paragraph (2) KHI, according to the complete researcher should be equipped With article 6 paragraph (1) Jo Article 16 paragraph (1) and waive provisions of article 27 paragraph (2) of Law No. 1 of 1974 concerning marriage.

Keywords: annulment of marriage, wife of mental disorders.