

**DIKABULKANNYA WALI ADHAL KARENA KONFLIK KELUARGA
(Studi Putusan Pengadilan Agama Pemalang Nomor
0709/Pdt.P/2023/PA.Pml)**

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ABSTRAK

Pernikahan dilaksanakan berdasarkan rukun dan syarat yang diatur dalam UU Perkawinan dan Kompilasi Hukum Islam. Rukun dalam perkawinan ada 5 (lima) yaitu calon suami, calon isteri, wali, 2 (dua) orang saksi, ijab dan qobul. Pada penelitian ini terdapat wali Pemohon yang enggan menikahkan Pemohon dengan Calon Suami Pemohon karena menolak rujuk antara Pemohon dengan Calon Suami Pemohon. Peneliti berfokus pada rumusan masalah mengenai bagaimana pertimbangan hukum hakim serta akibat hukumnya dalam menetapkan wali *adhal* karena konflik keluarga pada penetapan Pengadilan Agama Kabupaten Pemalang Nomor 0709/Pdt.P/2023/PA.Pml. Metode penelitian yang digunakan yuridis normatif, spesifikasi penelitian menggunakan preskriptif analitis, sumber data yang digunakan adalah data sekunder, metode pengumpulan data dengan studi kepustakaan dan metode analisis menggunakan normatif kualitatif. Berdasarkan hasil penelitian disimpulkan bahwa majelis hakim berwenang mengadili perkara ini berdasar Pasal 49 Undang-Undang Nomor 3 Tahun 2006 jo Undang-Undang No. 50 Tahun 2009 Tentang Peradilan Agama. Majelis hakim dalam penetapannya mengabulkan permohonan wali *adhal* mendasarkan terpenuhinya alasan wali *adhal* yaitu Calon Suami Pemohon telah meminang Pemohon, adanya penolakan dari wali Pemohon dan Pengadilan Agama telah memanggil wali Pemohon yang tertera pada Pasal 2 ayat (1) dan ayat (2) Peraturan Menteri Agama Nomor 2 tahun 1987 dan Hadits Nabi SAW. Akibat hukum dikabulkannya wali *adhal* adalah berpindahnya wali nikah dari wali nasab kepada wali hakim, terpenuhinya syarat untuk melangsungkan perkawinan dengan menggunakan wali hakim dan pernikahan yang dilakukan dengan wali hakim baik di mata agama maupun hukum dianggap sah.

Kata kunci: Wali Adhal, Rujuk, Perkawinan.

THE GRANTING OF WALI ADHAL DUE TO FAMILY CONFLICTS
(Study of the Decision of the Pemalang Religious Court Number
0709/Pdt.P/2023/PA.Pml)

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ABSTRACT

Marriage is carried out based on the pillars and conditions stipulated in the Marriage Law and the Compilation of Islamic Law. There are 5 (five) pillars in marriage, namely the prospective husband, prospective wife, guardian, 2 (two) witnesses, ijab and qobul. In this study there was a guardian of the Applicant who was reluctant to marry the Applicant and the Applicant's Prospective Husband because he refused to reconcile the Applicant and the Applicant's Prospective Husband. The researcher focuses on the formulation of the problem of how the basis of the judge's legal reasoning in determining wali adhal due to family conflict in the determination of the Pemalang Regency Religious Court Number 0709/Pdt.P/2023/PA.Pml. The research method used is normative juridical, the research specification uses prescriptive analytical, the data source used uses secondary data sources, the data collection method uses literature study and the analysis method uses normative qualitative. Based on the results of the research, it is concluded that the panel of judges has the authority to hear this case based on Article 49 of Law Number 3 of 2006 jo Law No. 50 of 2009 concerning Religious Courts. The panel of judges in their decision granted the petition for wali adhal based on the fulfillment of the reasons for wali adhal, namely the prospective husband of the applicant has proposed to the applicant, the refusal of the applicant's guardian and the Religious Court has summoned the applicant's guardian as stated in Article 2 paragraph (1) and paragraph (2) of Regulation of the Minister of Religious Affairs Number 2 of 1987 and the Hadith of the Prophet SAW. The legal effect of the granting of wali adhal is the transfer of the marriage guardian from the nasab guardian to the judge's guardian, the fulfillment of the conditions for conducting a marriage using a judge's guardian and the marriage performed with a judge's guardian both in the eyes of religion and law is considered valid.

Keywords: Wali Adhal, Reconciliation, Marriage.