

ABSTRAK

Nisa Nur Laili Azizah, 126102212185, Pertimbangan Hakim Pada Putusan Cerai Gugat Karena Ketidakmampuan Suami Dalam Pemenuhan Nafkah Lahiriah Di Pengadilan Agama Kabupaten Malang (Analisis Putusan Pengadilan Agama Kabupaten Malang Nomor 3498/Pdt.G/2024/PA.Kab.Mlg), Program Studi Hukum Keluarga Islam, UIN Sayyid Ali Rahmatullah Tulungagung, 2024, Pembimbing Dr. H. Asmawi, M.Ag.

Kata Kunci: Pertimbangan Hakim, Cerai Gugat, Nafkah.

Pengadilan Agama Kabupaten Malang Nomor 3498/Pdt.G/2024/PA.Kab.Mlg terkait kasus perceraian yang diajukan oleh suami yang tidak mampu menghidupi istrinya berlatar belakang hal tersebut. Karena masalah ini, keluarganya akhirnya sering mengalami pertengkaran dan pertengkaran, yang membuat sang istri tidak puas dengan tindakan suaminya. Ia kemudian mengajukan perkara ke Pengadilan Agama Kabupaten Malang. Dimana peraturan KHI dan peraturan perundang-undangan tidak mengatur alasan pengajuan cerai dengan alasan suami tidak mampu memberikan nafkah. Jadi, bagaimana pengadilan mempertimbangkan fakta bahwa seorang suami yang tidak dapat melakukan tugas utamanya untuk menyediakan dan memenuhi kebutuhan istri dan anak-anaknya ketika membuat keputusan perceraian dimana suami, sebagai kepala rumah tangga, bertanggung jawab atas istri dan anak-anak.

Rumusan Masalah adalah: 1). Apa Penyebab Terjadinya Perkara cerai Gugat yang ada dalam Putusan PA Kab.Malang Nomor 3498/Pdt.G/2024/PA.Kab.Mlg? yang kedua yakni 2). Apa Pertimbangan Hakim dalam memutus perkara cerai gugat karena ketidakmampuan suami dalam pemenuhan nafkah lahiriah (Putusan PA Kab.Mlg Nomor 3498/Pdt.G/PA.Kab.Mlg)?

Metode penelitian yang digunakan adalah metode kualitatif dan jenis penelitian lapangan. Teknik pengumpulan data berupa observasi, wawancara mendalam dan dokumentasi. Teknik analisis data: kondensasi data, penyajian data, dan penarikan kesimpulan. Pengecekan keabsahan data menggunakan triangulasi.

Hasil penelitian, ketidakmampuan suami untuk menghidupi keluarganya menjadi penyebab utama gugatan perceraian di Putusan PA Kabupaten Malang Nomor 3498/Pdt.G/2024/PA.Kab.Mlg. Menurut Pasal 116 huruf (f) Kompilasi Hukum Islam, yang menyatakan bahwa salah satu alasan pengajuan cerai adalah adanya perselisihan dan pertengkaran yang sedang berlangsung antara suami dan istri dan bahwa tidak ada lagi harapan untuk bergaul kembali untuk membangun rumah tangga, hakim di Pengadilan Agama Kabupaten Malang mempertimbangkan ketidakmampuan suami untuk memenuhi nafkah lahiriah dengan mengeluarkan Putusan Nomor 3498/Pdt.G/2024/PA.Kab.Mlg.

ABSTRACT

Nisa Nur Laili Azizah, 126102212185, Judge's Considerations on Divorce Decision Due to Husband's Inability to Fulfill Physical Support in Malang Regency Religious Court (Analysis of Malang Regency Religious Court Decision Number 3498/Pdt.G/2024/PA.Kab.Mlg), Department of Law Islamic Family, UIN Sayyid Ali Rahmatullah Tulungagung, 2024, Supervisor Dr. H. Asmawi, M.Ag.

Keywords: Judge's Consideration, Divorce Lawsuit, Maintenance.

Malang Regency Religious Court Number 3498/Pdt.G/2024/PA. Mlg Regency's decision regarding a divorce case filed by a husband who was unable to support his wife had this background. Because of this problem, the family ended up experiencing frequent fights and fights, which made the wife dissatisfied with her husband's actions. He then filed a case with the Malang Regency Religious Court. Where KHI regulations and statutory regulations do not regulate the reasons for filing for divorce on the grounds that the husband is unable to provide maintenance. So, how does the court consider the fact that a husband is unable to carry out his primary duty to provide for and meet the needs of his wife and children when making a divorce decision where the husband, as head of the household, is responsible for the wife and children.

The research focus is: 1). What is the cause of the lawsuit divorce case in the Malang District PA Decision Number 3498/Pdt.G/2024/PA.Kab.Mlg? the second is 2). What is the Judge's Considerations in deciding a divorce case due to the husband's inability to provide for external support (PA Kab.Mlg Decision Number 3498/Pdt.G/PA.Kab.Mlg)?

The research method used is a qualitative method and a type of field research. Data collection techniques include observation, in-depth interviews and documentation. Data analysis techniques: data condensation, data presentation, and drawing conclusions. Checking the validity of the data uses triangulation.

The results of the research show that the husband's inability to support his family is the main cause of the divorce lawsuit in Malang Regency PA Decision Number 3498/Pdt.G/2024/PA.KabMlg. According to Article 116 letter (f) Compilation of Islamic Law, which states that one of the reasons for filing for divorce is the existence of ongoing disputes and quarrels between husband and wife and that there are no more hope to get along again to build a household, the judge at the Malang Regency Religious Court considered the husband's inability to meet external benefits by issuing Decision Number 3498/Pdt.G/2024/PA.Kab.Mlg.