

PERTIMBANGAN HAKIM TERHADAP GUGAT CERAI AKIBAT PERSELINGKUHAN DI PENGADILAN AGAMA TANJUNG KARANG (Studi Putusan Nomor 1321/Pdt.G/2024/Pa.Tjk)

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ABSTRAK

Penelitian ini bertujuan untuk menganalisis faktor-faktor yang menyebabkan gugat cerai akibat perselingkuhan serta menelaah pertimbangan hukum hakim dalam memutus perkara tersebut di Pengadilan Agama Tanjung Karang. Studi dilakukan terhadap Putusan Nomor 1321/Pdt.G/2024/Pa.Tnk, di mana penggugat mengajukan cerai akibat tindakan termohon yang sering melakukan pertemuan dengan mantan suaminya tanpa sepengetahuan dan persetujuan suami yang sah. Permasalahan penelitian ini adalah apa saja faktor yang menyebabkan gugat cerai suami terhadap suami istri akibat perselingkuhan studi putusan nomor 1321/Pdt.G/2024/Pa.Tjk dan bagaimana pertimbangan hakim terhadap gugat cerai akibat perselingkuhan studi putusan nomor 1321/Pdt.G/2024/Pa.Tjk. Metode penelitian menggunakan pendekatan yuridis normatif dan empiris, dengan data diperoleh melalui studi pustaka dan wawancara langsung. Hasil penelitian menunjukkan bahwa faktor utama perceraian adalah hilangnya kepercayaan akibat dugaan perselingkuhan, yang diperkuat dengan alat bukti dan kesaksian. Hakim mempertimbangkan aspek keadilan, perlindungan terhadap hak-hak suami istri, serta ketentuan dalam Undang-Undang Nomor 1 Tahun 1974 jo. Undang-Undang Nomor 16 Tahun 2019 dan Kompilasi Hukum Islam. Penelitian ini diharapkan dapat menjadi acuan bagi penegak hukum serta masyarakat dalam memahami dan menyelesaikan perkara cerai akibat perselingkuhan secara adil dan berlandaskan hukum.

Kata Kunci: Gugat Cerai, Perselingkuhan, Pertimbangan Hakim, Hukum Perkawinan.

ABSTRACT

This study aims to analyze the factors leading to divorce lawsuits due to infidelity and to examine the legal considerations of the judges in deciding such cases at the Religious Court of Tanjung Karang. The research focuses on Decision Number 1321/Pdt.G/2024/P.A.Tnk, in which the plaintiff filed for divorce on the grounds that the respondent frequently met with her ex-husband without the knowledge or consent of her legal husband. The research problems addressed are: (1) What are the factors that cause a husband to file for divorce due to his wife's infidelity in Decision Number 1321/Pdt.G/2024/P.A.Tnk? and (2) How did the judge consider the legal aspects in deciding the divorce case based on infidelity?. This research employs a normative and empirical juridical approach, with data obtained through literature review and direct interviews. The findings indicate that the primary factor in the divorce was the loss of trust resulting from suspected infidelity, supported by evidence and witness testimony. In deciding the case, the judge considered the principles of justice, the protection of the rights of both husband and wife, as well as the provisions stipulated in Law Number 1 of 1974 in conjunction with Law Number 16 of 2019 and the Compilation of Islamic Law. This research is expected to serve as a reference for legal practitioners and the public in understanding and resolving divorce cases due to infidelity in a fair and lawful manner.

Keywords: Divorce Lawsuit, Infidelity, Judge's Consideration, Marriage Law.