

ABSTRAK

KESALAHAN PENERAPAN KOMPETENSI ABSOLUT SEBAGAI DASAR PEMBATALAN PUTUSAN *JUDEX FACTI* OLEH MAHKAMAH AGUNG (Studi Putusan Nomor 4557 K/Pdt/2024)

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Penelitian ini dilatarbelakangi oleh pembatalan putusan *judex facti* dalam Putusan Nomor 4557 K/Pdt/2024 oleh Mahkamah Agung karena kesalahan penerapan kompetensi absolut dalam sengketa harta bersama antara para pihak yang beragama Islam. Perkara tersebut sebelumnya diperiksa dan diputus oleh peradilan umum, meskipun secara normatif kewenangan mengadili sengketa harta bersama bagi pihak yang beragama Islam berada pada Peradilan Agama. Fokus penelitian ini untuk menganalisis penerapan asas kompetensi absolut dalam sengketa harta bersama menurut hukum positif Indonesia, serta menilai kesesuaian pertimbangan hukum Hakim Mahkamah Agung dalam membatalkan putusan *judex facti*.

Jenis penelitian yang digunakan adalah penelitian hukum normatif dengan tipe penelitian deskriptif. Pendekatan yang digunakan meliputi pendekatan perundang-undangan dan pendekatan kasus. Data diperoleh melalui studi kepustakaan dan studi dokumen terhadap bahan hukum primer, sekunder, dan tersier. Pengolahan data dilakukan melalui pemeriksaan, rekonstruksi, dan sistematisasi data, kemudian dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa penerapan asas kompetensi absolut dalam sengketa harta bersama ditentukan berdasarkan kewenangan masing-masing lingkungan peradilan. Berdasarkan Pasal 49 Undang-Undang Nomor 7 Tahun 1989 tentang Peradilan Agama sebagaimana telah diubah dengan Undang-Undang Nomor 3 Tahun 2006 dan Undang-Undang Nomor 50 Tahun 2009, sengketa harta bersama bagi pihak yang beragama Islam merupakan kewenangan absolut Peradilan Agama. Dalam Putusan Nomor 4557 K/Pdt/2024, Mahkamah Agung menilai bahwa pengadilan sebelumnya telah keliru dalam menentukan kompetensi absolut, sehingga tidak berwenang memeriksa dan mengadili perkara tersebut dan putusan *judex facti* dibatalkan karena tidak sesuai dengan ketentuan peraturan perundang-undangan.

Kata Kunci: Kompetensi Absolut, *Judex Facti*, Putusan Mahkamah Agung, Sengketa Harta Bersama

ABSTRACT**MISAPPLICATION OF ABSOLUTE COMPETENCE AS GROUNDS FOR
THE ANNULMENT OF JUDEX FACTI DECISIONS BY THE
SUPREME COURT
(Study of Decision Number 4557 K/Pdt/2024)****By****FEBYANTI SIMARMATA**

This research is motivated by the annulment of a judex facti decision in Decision Number 4557 K/Pdt/2024 by the Supreme Court due to an error in applying absolute competence in a joint property dispute between Muslim parties. The case was previously examined and decided by the general court, even though normatively the authority to adjudicate joint property disputes involving Muslim parties falls under the jurisdiction of the Religious Court. Focus of this research is analyzing the application of the principle of absolute competence in joint property disputes under Indonesian positive law and assessing the suitability of the Supreme Court of Indonesia judges' considerations in annulling the judex facti decision.

This study employs a normative legal research method with a descriptive research type. The approaches used include the statutory approach and the case approach. Data were obtained through library research and document studies of primary, secondary, and tertiary legal materials. Data processing was conducted through examination, reconstruction, and systematization, followed by a qualitative analysis.

The results of the study indicate that the application of the principle of absolute competence in joint property disputes is determined based on the authority of each respective judicial sphere. Pursuant to Article 49 of Law Number 7 of 1989 concerning Religious Courts, as amended by Law Number 3 of 2006 and Law Number 50 of 2009, joint property disputes for Muslim parties fall under the absolute competence of the Religious Court. In Decision Number 4557 K/Pdt/2024, the Supreme Court ruled that the lower courts erred in determining absolute competence; therefore, they lacked the authority to examine and adjudicate the case. Consequently, the judex facti decision was annulled for failing to comply with statutory provisions.

Keywords: Absolute Competence, Judex Facti, Supreme Court Decision, Joint Property Dispute.