

ABSTRAK

ANALISIS PENYELESAIAN HUKUM TERHADAP PEMBAGIAN HARTA BERSAMA YANG MASIH BERSTATUS HUTANG (Studi Putusan Nomor 1614/Pdt.G/2024/PA.Tnk)

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Pembagian harta bersama pasca perceraian sering menimbulkan permasalahan ketika harta tersebut masih berkaitan dengan hutang yang timbul selama perkawinan. Keberadaan hutang dapat mempengaruhi proses pembagian harta bersama, karena selain harta kekayaan (*aktiva*), harta bersama dapat juga mencakup hutang (*passiva*). Kondisi ini tercermin dalam Putusan Nomor 1614/Pdt.G/2024/PA.Tnk yang mempersengketakan pembagian harta bersama yang diperoleh selama perkawinan dan masih dibebani kewajiban hutang. Permasalahan dalam penelitian ini adalah pertimbangan hakim dalam menyelesaikan pembagian harta bersama yang masih terdapat hutang dan akibat hukum penetapan hutang dalam pembagian harta bersama pada putusan tersebut.

Penelitian ini menggunakan metode penelitian hukum normatif dengan tipe penelitian deskriptif. Data yang digunakan berupa bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif.

Hasil penelitian dan pembahasan menunjukkan bahwa Majelis Hakim menetapkan hutang kepada PT BPR Eka Bumi Artha Cabang Bandar Lampung dan Bank BRI KCP Tanjung Agung sebagai hutang bersama karena timbul selama perkawinan dan digunakan untuk kepentingan usaha bersama para pihak. Berdasarkan Pasal 91 ayat (3) dan Pasal 93 ayat (2) Kompilasi Hukum Islam, hutang tersebut berkedudukan sebagai *passiva* harta bersama sehingga pelunasannya menjadi tanggung jawab para pihak secara tanggung renteng. Akibat hukumnya, hutang wajib diperhitungkan dalam pembagian harta bersama dan masing-masing pihak menanggung $\frac{1}{2}$ (setengah) bagian dari total hutang hingga lunas.

Kata Kunci: Harta Bersama, Hutang, Hukum Perkawinan, Tanggung Renteng

ABSTRACT**LEGAL ANALYSIS OF MARITAL PROPERTY DIVISION ENCUMBERED
BY DEBT****(A Study of Decision Number 1614/Pdt.G/2024/PA.Tnk)****By****Risha Aprilia**

The division of marital property (harta bersama) following divorce often gives rise to legal complications, particularly when such property remains encumbered by debts incurred during the marriage. The presence of debt may significantly affect the division process, as marital property encompasses not only assets (aktiva) but also liabilities (passiva). This circumstance is reflected in Decision Number 1614/Pdt.G/2024/PA.Tnk, which adjudicates a dispute concerning the division of marital property that remains subject to outstanding debt obligations. The issues addressed in this research concern the judges legal considerations in resolving the division of jointly acquired property that remains subject to outstanding debt, as well as the legal consequences arising from the determination of debt in the division of such jointly acquired property as stipulated in the aforementioned court decision.

This study employs a normative legal research method with a descriptive approach, utilizing primary, secondary, and tertiary legal materials that are analyzed qualitatively.

The findings reveal that the Panel of Judges recognized the debts owed to PT BPR Eka Bumi Artha Cabang Bandar Lampung and Bank BRI KCP Tanjung Agung as marital debts, on the grounds that they were incurred during the marriage and utilized for the shared business interests of both parties. In accordance with Article 91 paragraph (3) and Article 93 Paragraph (2) of the Compilation of Islamic Law (Kompilasi Hukum Islam), these debts are classified as passiva of the marital property, thereby rendering their repayment the joint and several liability (tanggung renteng) of both parties. Consequently, the outstanding debts must be incorporated into the division of the marital estate, with each party bearing one-half ($\frac{1}{2}$) of the total debt obligation until full repayment is made.

Keywords: Debt, Marital Property, Matrimonial Law, Joint and Several Liability