

ABSTRAK

TANGGUNG JAWAB SUAMI MENAFKAHI ISTRI DALAM PERKAWINAN (Studi Kasus Pada Pengadilan Agama Tanjung Karang)

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Perkawinan dalam hukum Islam dan hukum positif Indonesia menempatkan kewajiban nafkah sebagai tanggung jawab utama suami terhadap istri. Praktik sosial menunjukkan bahwa kewajiban tersebut tidak selalu terlaksana secara optimal, sehingga memunculkan sengketa nafkah yang berujung pada proses peradilan di Pengadilan Agama, termasuk di Pengadilan Agama Tanjung Karang. Penelitian ini bertujuan untuk menganalisis tanggung jawab hukum suami dalam menafkahi istri serta dasar pertimbangan hakim dalam memutus perkara kelalaian nafkah berdasarkan Kompilasi Hukum Islam dan peraturan perundang-undangan terkait.

Penelitian ini menggunakan metode kualitatif non-doktrinal dengan pendekatan yuridis normatif dan pendekatan kasus. Pendekatan normatif digunakan untuk mengkaji ketentuan nafkah dalam Kompilasi Hukum Islam, Undang-Undang Perkawinan, serta literatur fikih dan teori hukum. Pendekatan kasus dilakukan melalui analisis putusan Pengadilan Agama Tanjung Karang yang berkaitan dengan gugatan nafkah, didukung oleh studi dokumen dan wawancara.

Hasil penelitian menunjukkan bahwa kelalaian suami dalam memenuhi nafkah disebabkan oleh berbagai faktor, antara lain keterbatasan ekonomi, rendahnya tanggung jawab moral, kurangnya pemahaman agama, konflik rumah tangga, serta kondisi pernikahan jarak jauh. Majelis hakim dalam memutus perkara mempertimbangkan kemampuan ekonomi suami, standar kebutuhan layak istri, durasi kelalaian nafkah, serta alat bukti yang diajukan di persidangan. Pertimbangan tersebut berlandaskan Pasal 80 Kompilasi Hukum Islam dan Undang-Undang Perkawinan, serta selaras dengan teori tanggung jawab hukum, konsep akibat hukum, dan teori kepastian hukum. Penelitian ini menyimpulkan bahwa kewajiban nafkah merupakan tanggung jawab hukum yang bersifat imperatif, sehingga kelalaiannya menimbulkan akibat hukum berupa penetapan nafkah terutang dan dapat menjadi dasar perceraian sebagaimana diatur dalam Pasal 149 dan Pasal 116 Kompilasi Hukum Islam. Konsistensi putusan hakim menjadi kunci dalam menjamin perlindungan hak istri dan kepastian hukum dalam perkara nafkah.

Kata Kunci :*Kompilasi Hukum Islam, Nafkah Istri, Perkawinan, Tanggung Jawab.*

ABSTRACT

HUSBAND'S RESPONSIBILITY TO PROVIDE SUSTAINABLE WIFE IN MARRIAGE (CASE STUDY AT TANJUNG KARANG RELIGIOUS COURT)

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Marriage under Islamic law and Indonesian positive law places the obligation to provide financial support as the primary responsibility of the husband towards his wife. Social practice shows that this obligation is not always optimally fulfilled, resulting in disputes over financial support that end up in court proceedings in Religious Courts, including the Tanjung Karang Religious Court. This study aims to analyze the husband's legal responsibility to provide financial support to his wife and the judge's considerations in deciding cases of neglect of financial support based on the Compilation of Islamic Law and related laws and regulations.

This study uses a non-doctrinal qualitative method with a normative juridical approach and a case study approach. The normative approach is used to examine the provisions on financial support in the Compilation of Islamic Law, the Marriage Law, as well as fiqh literature and legal theory. The case study approach is conducted through an analysis of Tanjung Karang Religious Court decisions related to financial support claims, supported by document studies and interviews.

The results indicate that husbands' neglect of financial support is caused by various factors, including economic constraints, low moral responsibility, lack of religious understanding, domestic conflict, and long-distance marriages. In deciding the case, the panel of judges considered the husband's economic capacity, the wife's standard of living, the duration of the neglect of maintenance, and the evidence presented at trial. These considerations are based on Article 80 of the Compilation of Islamic Law and the Marriage Law, and align with the theory of legal responsibility, the concept of legal consequences, and the theory of legal certainty. This study concludes that the obligation to provide maintenance is an imperative legal responsibility, so that its neglect results in legal consequences in the form of a determination of maintenance owed and can be grounds for divorce, as stipulated in Articles 149 and 116 of the Compilation of Islamic Law. Consistency in judicial decisions is key to ensuring the protection of wives' rights and legal certainty in maintenance cases.

Keywords: *Compilation of Islamic Law , Marriage, Responsibility, Wife's*

Maintenance.