

## **ABSTRAK**

### **ANALISIS HUKUM DASAR PERTIMBANGAN HAKIM YANG MENERIMA ITSBAT NIKAH YANG DIAJUKAN PEMOHON (Studi Putusan No. 118/Pdt.G/2025/ Pa. Tnk.)**

**Oleh**

**AJENG FADILAH PUTRI**

Undang-Undang Nomor 1 Tahun 1974 mewajibkan pencatatan perkawinan demi kepastian hukum. Perkawinan tidak tercatat menyebabkan hambatan bagi Pemohon dalam melakukan balik nama sertifikat tanah peninggalan almarhum suaminya karena ketiadaan akta nikah resmi. Atas dasar itu, Pemohon mengajukan permohonan pengesahan nikah dalam perkara Nomor 118/Pdt.G/2025/Pa.Tnk di Pengadilan Agama Tanjung Karang. Penelitian ini bertujuan menganalisis dasar pertimbangan hakim dalam menerima itsbat nikah tersebut serta akibat hukumnya bagi para pihak.

Penelitian ini menggunakan jenis penelitian hukum normatif dengan tipe penelitian deskriptif. Pendekatan masalah dilakukan melalui pendekatan perundang-undangan, pendekatan kasus dan pendekatan analitis, dengan metode studi pustaka, studi dokumen dan studi arsip. Data yang digunakan adalah data sekunder yang dikumpulkan melalui studi kepustakaan dan studi dokumen. Data disusun secara sistematis melalui pemeriksaan dan rekonstruksi data. Analisis data kualitatif menguraikan data dalam bentuk kalimat yang teratur dan logis guna memudahkan interpretasi hasil analisis.

Hasil penelitian menunjukkan bahwa dasar pertimbangan hakim dalam mengabulkan permohonan itsbat nikah didasarkan pada pemenuhan rukun dan syarat sah perkawinan menurut syariat Islam serta ketentuan Pasal 2 ayat (1) UUP dan Pasal 7 ayat (3) KHI. Hakim menilai bahwa ketiadaan pencatatan di masa lalu disebabkan faktor sosiologis, sehingga pengesahan diperlukan demi keadilan substantif dan kepastian hukum. Akibat hukum dari penetapan ini adalah lahirnya pengakuan resmi negara yang mewajibkan penerbitan akta nikah oleh KUA. Bagi Pemohon, putusan ini memberikan kedudukan hukum sebagai ahli waris sah yang berhak atas harta bersama dan menjadi dasar yuridis mutlak untuk melakukan proses balik nama sertifikat tanah di Badan Pertanahan Nasional (BPN).

**Kata Kunci: Akibat Hukum, Dasar Pertimbangan Hakim, Itsbat Nikah.**

**ABSTRACT****LEGAL ANALYSIS OF THE JUDGE'S BASIS FOR ACCEPTANCE OF THE APPLICANT'S MARRIAGE CLEARANCE**

*(Study of Decision No. 118/Pdt.G/2025/Pa. Tnk.)*

*By*

**AJENG FADILAH PUTRI**

*Law No. 1 of 1974 requires marriage registration for legal certainty. An unregistered marriage hindered the applicant from transferring the title to the land certificate inherited from her late husband due to the lack of an official marriage certificate. Therefore, the applicant filed a marriage validation petition in case No. 118/Pdt.G/2025/Pa.Tnk at the Tanjung Karang Religious Court. This study aims to analyze the judge's basis for accepting the marriage clinching and its legal consequences for the parties.*

*This study uses normative legal research with a descriptive approach. The problem-solving approach was carried out through legislative, case-based, and analytical approaches, using literature, document, and archival methods. The data used were secondary data collected through literature and document studies. The data were systematically compiled through data examination and reconstruction. Qualitative data analysis presented the data in orderly and logical sentences to facilitate interpretation of the analysis results.*

*The results of the study indicate that the judge's basis for granting the marriage validation request was based on the fulfillment of the pillars and requirements for a valid marriage according to Islamic law, as well as the provisions of Article 2 paragraph (1) of the Marriage Law and Article 7 paragraph (3) of the Compilation of Islamic Law (KHI). The judge assessed that the lack of registration in the past was due to sociological factors, so validation was necessary for substantive justice and legal certainty. The legal consequence of this ruling is official state recognition, which requires the issuance of a marriage certificate by the Office of Religious Affairs (KUA). For the applicant, this decision provides legal standing as a legitimate heir entitled to joint property and serves as the absolute legal basis for the land certificate transfer process at the National Land Agency (BPN).*

**Keywords:** *Legal Consequences, Basis for Judge's Considerations, Marriage Validation.*