

RINGKASAN

Penelitian ini bertujuan untuk menganalisis pertimbangan hakim dalam pemberian nafkah *Iddah* dan *mut'ah* secara *ex officio* pada perkara cerai talak yang diputus secara *verstek* dalam Putusan Nomor 652/Pdt.G/2025/PA.Bms, serta menganalisis kesesuaian pemberian nafkah tersebut ditinjau dari asas *ultra petita*. Penelitian menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan (*statute approach*) dan pendekatan kasus (*case approach*). Data penelitian diperoleh melalui studi kepustakaan terhadap peraturan perundang-undangan, Kompilasi Hukum Islam, putusan pengadilan, doktrin, serta literatur hukum yang relevan, kemudian dianalisis secara kualitatif menggunakan metode deskriptif analitis. Hasil penelitian menunjukkan bahwa pemberian nafkah *Iddah* dan *mut'ah* secara *ex officio* oleh majelis hakim dalam Putusan Nomor 652/Pdt.G/2025/PA.Bms didasarkan pada kewenangan yang melekat pada hakim untuk melindungi hak-hak mantan istri pasca perceraian. Meskipun Termohon tidak mengajukan tuntutan mengenai nafkah dalam petitumnya dan perkara diputus secara *verstek*, hakim tetap berwenang menetapkan nafkah *Iddah* dan *mut'ah* berdasarkan Pasal 41 huruf c Undang-Undang Republik Indonesia Nomor 16 Tahun 2019 tentang Perkawinan serta Pasal 149 Kompilasi Hukum Islam. Dari perspektif asas *ultra petita*, putusan tersebut tidak dapat dipandang sebagai pelanggaran terhadap larangan memutus melebihi tuntutan, melainkan merupakan pengecualian yang dibenarkan oleh hukum untuk mewujudkan keadilan substantif, kepastian hukum, dan perlindungan terhadap hak-hak ekonomi perempuan pasca perceraian.

Kata kunci: *Ex Officio*, Nafkah *Iddah*, *Mut'ah*, Putusan *Verstek*, Asas *Ultra Petita*, Pengadilan Agama.

SUMMARY

This study aims to analyze the judges' legal considerations in awarding Iddah maintenance and mut'ah through ex officio authority in a talak divorce case decided by default judgment (verstek) in Decision Number 652/Pdt.G/2025/PA.Bms. It also examines the conformity of such awards with the ultra petita principle. This research employs a normative legal research method using both the statutory approach and the case approach. The research data were obtained through library research, including statutory regulations, the Compilation of Islamic Law, court decisions, legal doctrines, and other relevant legal literature. The data were analyzed qualitatively using a descriptive-analytical method. The findings indicate that the judges' decision to award Iddah maintenance and mut'ah ex officio in Decision Number 652/Pdt.G/2025/PA.Bms was based on the authority inherently attached to judges to protect the legal rights of former wives after divorce. Although the Respondent did not claim maintenance in her petition and the case was decided by default (verstek), the judges remained authorized to award Iddah maintenance and mut'ah pursuant to Article 41(c) of the Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage and Article 149 of the Compilation of Islamic Law. From the perspective of the ultra petita principle, the decision should not be regarded as a violation of the prohibition against granting relief beyond the parties' claims. Instead, it constitutes a legally recognized exception intended to achieve substantive justice, legal certainty, and the protection of women's economic rights following divorce.

Keywords: *Ex Officio, Iddah Maintenance, Mut'ah, Default Judgment (Verstek), Ultra Petita Principle, Religious Court*