

## RINGKASAN

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Penelitian ini berjudul “Analisis Yuridis Pertimbangan Hukum Hakim dalam Perkara Cerai Talak yang Diajukan oleh Subjek Hukum yang Sama.” Penelitian ini dilatarbelakangi oleh adanya beberapa perkara cerai talak yang diajukan oleh subjek hukum yang sama, tetapi menghasilkan putusan yang berbeda pada Pengadilan Agama Tigaraksa, Pengadilan Tinggi Agama Banten, dan Pengadilan Agama Jakarta Selatan. Perbedaan tersebut penting untuk dianalisis karena menunjukkan bahwa dalam perkara cerai talak, hakim tidak hanya menilai kehendak suami untuk bercerai, tetapi juga mempertimbangkan alasan perceraian, pembuktian, kompetensi relatif, mediasi, serta perkembangan fakta hukum di persidangan.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Data yang digunakan berupa data sekunder yang terdiri dari bahan hukum primer, sekunder, dan tersier. Bahan hukum primer meliputi peraturan perundang-undangan serta empat putusan pengadilan, yaitu Putusan Pengadilan Agama Tigaraksa Nomor 1668/Pdt.G/2024/PA.Tgrs, Putusan Pengadilan Tinggi Agama Banten Nomor 69/Pdt.G/2024/PTA.Btn, Putusan Pengadilan Agama Tigaraksa Nomor 1673/Pdt.G/2025/PA.Tgrs, dan Putusan Pengadilan Agama Jakarta Selatan Nomor 3178/Pdt.G/2025/PA.JS.

Hasil penelitian menunjukkan bahwa pada Putusan Nomor 1668/Pdt.G/2024/PA.Tgrs, permohonan cerai talak ditolak karena alasan perselisihan dan pertengkaran terus-menerus belum terbukti secara cukup, dan putusan tersebut dikuatkan oleh Pengadilan Tinggi Agama Banten. Pada Putusan Nomor

1673/Pdt.G/2025/PA.Tgrs, perkara tidak diperiksa sampai pokok perkara karena Pengadilan Agama Tigaraksa dinyatakan tidak berwenang secara relatif. Adapun pada Putusan Nomor 3178/Pdt.G/2025/PA.JS, permohonan cerai talak dikabulkan karena syarat formil dan materiil telah terpenuhi, termasuk kewenangan relatif, pisah tempat tinggal, mediasi yang tidak berhasil, serta bukti bahwa rumah tangga telah pecah dan tidak dapat dirukunkan kembali. Dengan demikian, perkara cerai talak oleh subjek hukum yang sama dapat menghasilkan putusan berbeda karena adanya perbedaan fakta hukum, alat bukti, sikap para pihak, dan isu hukum yang diperiksa hakim.

**Kata Kunci:** Cerai Talak, Pertimbangan Hakim, Kompetensi Relatif.



## **SUMMARY**

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*This research is entitled “A Juridical Analysis of Judges’ Legal Considerations in Divorce by Talak Cases Filed by the Same Legal Subject.” This research is based on several divorce by talak cases filed by the same legal subject, which resulted in different decisions before the Tigaraksa Religious Court, the Banten Religious High Court, and the South Jakarta Religious Court. These differences are important to examine because, in divorce by talak cases, judges do not only consider the husband’s intention to divorce, but also assess the legal grounds for divorce, evidence, relative jurisdiction, mediation, and the development of legal facts during court proceedings.*

*This research uses a normative juridical method with statutory, case, and conceptual approaches. The data used are secondary data consisting of primary, secondary, and tertiary legal materials. The primary legal materials include statutory regulations and four court decisions, namely the Tigaraksa Religious Court Decision Number 1668/Pdt.G/2024/PA.Tgrs, the Banten Religious High Court Decision Number 69/Pdt.G/2024/PTA.Btn, the Tigaraksa Religious Court Decision Number 1673/Pdt.G/2025/PA.Tgrs, and the South Jakarta Religious Court Decision Number 3178/Pdt.G/2025/PA.JS.*

*The results show that in Decision Number 1668/Pdt.G/2024/PA.Tgrs, the petition for divorce by talak was rejected because the alleged continuous disputes and quarrels were not sufficiently proven, and the decision was upheld by the Banten Religious High Court. In Decision Number 1673/Pdt.G/2025/PA.Tgrs, the case was not examined on its merits because the Tigaraksa Religious Court was declared to have no relative jurisdiction. Meanwhile, in Decision Number 3178/Pdt.G/2025/PA.JS, the petition was granted because the formal and material requirements had been fulfilled,*

*including relative jurisdiction, separate residence, unsuccessful mediation, and evidence that the marriage had irretrievably broken down. Therefore, divorce by talak cases filed by the same legal subject may result in different decisions due to differences in legal facts, evidence, the parties' attitudes, and the legal issues examined by the judges.*

**Keywords:** *Divorce by Talak, Judges' Legal Considerations, Relative Jurisdiction,*

