

ABSTRAK

Hartini Hamzah, NIM: 105261101721, Peran Pengadilan Agama Terhadap Istri Menolak Cerai di Pengadilan Agama Sungguminasa Kabupaten Gowa.
Pembimbing I: Ahmad Muntadzar, Pembimbing II: Jusmaliah.

Penelitian ini bertujuan untuk mengetahui: (1) peran Pengadilan Agama terhadap istri menolak cerai di Pengadilan Agama Sungguminasa Kabupaten Gowa; dan (2) faktor penyebab istri menolak cerai di Pengadilan Agama Sungguminasa Kabupaten Gowa. Yang melatarbelakangi penelitian ini adalah adanya kasus istri yang menolak cerai yang diajukan oleh suami di Pengadilan Agama Sungguminasa. Penolakan ini disebabkan oleh beberapa alasan, baik karena faktor emosional, faktor anak, faktor ekonomi, maupun faktor psikologis (perasaan tidak terima terhadap tindakan suami). Kondisi ini menimbulkan tantangan bagi hakim dalam menegakkan hukum, mempertimbangkan hak-hak istri dan anak, dan upaya perdamaian.

Penelitian ini menggunakan jenis penelitian kualitatif yang dilakukan di Pengadilan Agama Sungguminasa Kabupaten Gowa. Fokus penelitian ini adalah mengidentifikasi peran Pengadilan Agama dalam menangani kasus istri menolak cerai dan menganalisis faktor penyebab istri menolak cerai. Data primer diperoleh melalui observasi, wawancara dengan hakim Pengadilan Agama, serta wawancara dengan istri dan suami yang terlibat dalam perkara istri menolak cerai, sedangkan data sekunder diperoleh dari laporan perkara Pengadilan Agama dan literatur yang relevan. Analisis data meliputi reduksi data, penyajian data, dan penarikan kesimpulan, serta diuji dengan triangulasi sumber untuk memastikan keabsahan data.

Hasil penelitian menunjukkan bahwa peran Pengadilan Agama dalam menangani kasus penolakan cerai oleh istri meliputi: (a) sebagai mediator, dengan mendahulukan upaya damai melalui mediasi; (b) memeriksa alasan secara objektif, yang menilai alasan perceraian berdasarkan bukti dan keterangan dari kedua belah pihak; serta (c) pelindung hak-hak perempuan, khususnya terkait hak nafkah, hak asuh anak. Sedangkan faktor penyebab istri menolak cerai meliputi: (1) faktor emosional, yaitu masih adanya rasa cinta dan harapan untuk memperbaiki rumah tangga; (2) faktor anak, karena kekhawatiran terhadap dampak perceraian bagi masa depan anak; (3) faktor ekonomi, terkait ketergantungan finansial terhadap suami; dan (4) faktor psikologis, berupa perasaan tidak terima terhadap tindakan suami.

Kata Kunci: Pengadilan Agama, Istri Menolak Cerai, Faktor Penolakan.

ABSTRACT

Hartini Hamzah, Student ID: 105261101721, *The Role of the Religious Court in Cases of Wives Refusing Divorce at the Religious Court of Sungguminasa, Gowa Regency*. Supervisor I: Ahmad Muntadzar, Supervisor II: Jusmaliah.

This study aims to examine (1) the role of the Religious Court in cases where wives refuse divorce at the Religious Court of Sungguminasa, Gowa Regency, and (2) the factors causing wives to refuse divorce at the Religious Court of Sungguminasa. This research is motivated by the phenomenon of wives rejecting divorce petitions filed by their husbands, which poses challenges for judges in upholding justice, protecting the rights of wives and children, and promoting reconciliation. Such refusals are influenced by several factors, including emotional considerations, concerns for children, economic dependence, and psychological reasons such as refusal to accept the husband's actions.

This study employs a qualitative research method conducted at the Religious Court of Sungguminasa. The focus of the research is to identify the roles of the Religious Court in handling cases of wives refusing divorce and to analyze the factors behind such refusals. Primary data were obtained through observations, interviews with judges of the Religious Court, and interviews with wives and husbands involved in divorce cases. Secondary data were collected from case reports of the Religious Court and relevant literature. Data analysis involved data reduction, data display, and conclusion drawing, with data validity tested through source triangulation.

The findings reveal that the Religious Court plays three key roles: (a) as a mediator, prioritizing reconciliation efforts through mediation; (b) as an objective examiner, assessing the grounds for divorce based on evidence and testimony from both parties; and (c) as a protector of women's rights, particularly regarding maintenance (nafkah) and child custody. The factors causing wives to refuse divorce include: (1) emotional factors, such as love and hope for reconciliation; (2) child-related factors, including concerns about the children's future and psychological well-being; (3) economic factors, involving financial dependence on the husband; and (4) psychological factors, related to emotional rejection of the husband's actions.

Keywords: Religious Court, Wives Refusing Divorce, Contributing Factors.