

ABSTRAK

Rusydah Amrani, Nim 105261100221, *Hak Isteri Cerai Gugat dalam Perspektif Madzhab Syafi'i dan Kompilasi Hukum Islam (KHI)*. Dr. Hj. Rahmi Dewanty P., Lc., M.A. Dr. Hasan bin Juhanis, Lc., M.S.

Penelitian ini membahas tentang Hak Isteri dalam perkara Cerai Gugat, yakni peristiwa putusannya ikatan pernikahan antara suami dan isteri secara sah, baik menurut hukum agama Islam maupun hukum positif. Adapun perbedaan yang paling signifikan mengenai hak isteri pasca cerai gugat adalah mengenai keadilan dalam berumah tangga dan hak isteri dalam masa iddah. Sehingga Madzhab Syafi'i ini terpilih sebagai pembanding, karena telah menjadi dasar hukum Islam yang sangat penting. Fokus utama kajian ini adalah melihat dari segi kedua Dasar Hukum dan cabang-cabangnya, khususnya dalam lingkup Agama Islam. Penelitian ini juga mendalami apa saja perbedaan dan persamaan hukum diantara Madzhab Syafi'i dan KHI.

Jenis Penelitian ini adalah kualitatif deskriptif melalui pendekatan studi pustaka (*Library Research*). Data primer diperoleh dari *Kitab Al-Umm* bahwa dalam Madzhab Syafi'i, Cerai Gugat atau Cerai dapat dilakukan dengan syarat dan alasan tertentu yang sudah disepakati oleh Hakim di Pengadilan (Penghakiman). Hasil dari penelitian ini menunjukkan bahwa KHI dan Madzhab Syafi'i membolehkan *Khulu'* (Cerai Gugat) lewat dasar hukum yang ditetapkan. Hingga akhirnya dapat menyelesaikan Hak Isteri dengan bijak dan baik secara hukum.

Kata Kunci: Hak Isteri, Cerai Gugat, Hukum, Madzhab Syafi'i, Kompilasi Hukum Islam (KHI).

ABSTRACT

Rusydah Amrani, Student ID Number 105261100221, *the Rights of a Wife in Filing for Divorce (Cerai Gugat) from the Perspective of the Shafi'i School of Thought and the Compilation of Islamic Law (KHI)*. Dr. Hj. Rahmi Dewanty P., Lc., M.A. Dr. Hasan bin Juhanis, Lc., M.S.

This study discusses the rights of wives in cases of divorce initiated by the wife, namely the dissolution of the marital bond between husband and wife in a legally valid manner, both under Islamic religious law and positive law. The most significant differences regarding a wife's rights following a divorce by lawsuit pertain to fairness in marital relations and the wife's rights during the iddah period. Thus, the Shafi'i School was selected as a point of comparison, as it has become a foundational pillar of Islamic law of great importance. The primary focus of this study is to examine the two Foundations and their branches, particularly within the scope of Islam. This study also explores the legal differences and similarities between the Shafi'i School and the KHI.

This study is a descriptive qualitative study using a literature review approach. Primary data was obtained from the book Al-Umm, which states that in the Shafi'i school of jurisprudence, divorce by petition (khulu') may be granted under certain conditions and for specific reasons approved by the judge in court. The results of this study indicate that the Indonesian Compilation of Islamic Law (KHI) and the Shafi'i school permit Khulu' (divorce initiated by the wife) based on established legal grounds. Ultimately, this allows for the resolution of the wife's rights in a wise and legally sound manner.

Keywords: Wife's Rights, Divorce Lawsuit (*CeraiGugat*), Law, Shafi'i School of Thought, Compilation of Islamic Law (KHI).