

Proses perkawinan dan perceraian anggota TNI AD ditinjau dari Hukum Islam, Undang-Undang Perkawinan dan Peraturan Nikah Cerai TNI AD (analisis yuridis putusan nomor 1684/PDT.G/2011/PA.CBN dan nomor 153/PDT.G/2012/PA.SRG) = The process of marriage and divorce of the members of TNI AD from the perspectives of Islamic Law, the law of marriage and TNI AD's regulation on marriage divorce (judicial analysis of verdict no. 1684/PDT.G/2011/PA.CBN and no. 153/PDT.G/2012/PA.SRG)

Nindya Wulandari, author

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Abstrak

Skripsi ini memberikan gambaran mengenai proses perkawinan dan perceraian anggota TNI AD. Proses perkawinan dan perceraian anggota TNI AD selain tunduk pada hukum agamanya dan Undang-Undang Perkawinan juga tunduk pada Peraturan Nikah Cerai yang tertuang dalam Peraturan Panglima TNI Nomor Perpang 11/VII/2007 Tanggal 4 Juli 2007 dan Surat Keputusan KASAD Nomor SKEP/491/XII/2006 Tanggal 21 Desember 2006.

Permasalahan yang diangkat dalam skripsi ini adalah pelaksanaan perkawinan dan perceraian anggota TNI AD ditinjau dari Hukum Islam, Undang-Undang Perkawinan dan Peraturan Nikah Cerai TNI, Putusan Nomor 1684/Pdt.G/2011/PA.Cbn dan Putusan Nomor 153/Pdt.G/2012/PA.Srg sudah sesuai dengan hukum perkawinan yang berlaku bagi anggota TNI AD dan perbandingan proses perceraian antara kedua putusan tersebut.

Penelitian ini bersifat kualitatif dengan menghasilkan data deskriptis analitis. Proses perceraian anggota TNI AD memiliki syarat administratif yaitu Surat Izin Cerai yang merupakan syarat kebolehan untuk dapat mengajukan cerai di Pengadilan.

Hasil penelitian menunjukkan bahwa masih terdapat perbedaan pelaksanaan prosedur perceraian bagi anggota TNI AD, seperti dalam Putusan Nomor 1684/Pdt.G/2011/PA.Cbn dan Putusan Nomor 153/Pdt.G/2012/PA.Srg. Masih adanya Pengadilan Agama yang tidak teliti dalam memeriksa syarat administratif anggota TNI AD yaitu Surat Izin Cerai menyebabkan anggota TNI AD tersebut dapat melanjutkan persidangan padahal menurut aturan anggota TNI AD harus menyelesaikan proses izin cerai dahulu di Satuan.

.....This research aims to describe about the process of marriage and divorce among the members of The Indonesian National Army (TNI-AD). This process not only subject to the Islamic Law and The Law Number 1 Year 1974 regarding Marriage (Marriage Law), but also to the internal regulations within The Indonesian National Army (TNI-AD), which are set out in The Procedure of Marriage and Divorce for The Soldiers, The Regulation of The Commander of The Indonesian National Armed Forces No.

Perpang/11/VII/2007 dated 4 July 2007 and KASAD Letter of Decision No. SKEP/491/XII/2006 dated 21 December 2006.

The issue raised in this thesis are the implementation of marriage and divorce of the members of TNI AD from the perspectives of Islamic Law, the Law of Marriage, and the Regulation of TNI AD on Marriage Divorce, the suitability of verdict No. 1684/Pdt.G/2011/PA.Cbn and verdict No. 153/Pdt.G/2012/PA.Srg

with marriage law for TNI AD, and the comparative between both of verdict.

This research is qualitative, resulting in a descriptive-analysis data. The divorce process of the member of The Indonesian National Army consists of administrative terms in the form of Divorce Permission Letter, which is a requirement to file for divorce at the Islamic Courts/District Courts.

From this research, it is concluded that there are differences in the implementation of the procedure of divorce for the members of TNI AD, such as in verdict No. 1684/Pdt.G/2011/PA.Cbn and verdict No. 153/Pdt.G/2012/PA.Srg. There are still a religious Courts that is not precision in examining the administrative terms the member of TNI AD. This causes the members of TNI AD can continue the proceedings without Divorce Permission Letter even though according to the rules the member of TNI AD should complete the process permission for divorce once in the Unit.