

Problematika pelaksanaan putusan upaya hukum peninjauan kembali terhadap perkara perceraian (Studi kasus Putusan Mahkamah Agung No.54 PK/AG/2008) = Problem on judicial review toward divorce verdict (Study case supreme Court Verdict Number 54 PK/AG/2008)

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Abstrak

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Skripsi ini membahas tentang putusan perceraian di pengadilan tingkat pertama yang telah berkekuatan hukum tetap namun dibatalkan oleh Mahkamah Agung karena adanya upaya hukum peninjauan kembali. Tujuan penulisan skripsi ini adalah untuk memberikan sebuah gambaran yang akan terjadi jika peninjauan kembali terhadap perkara perceraian dilakukan. Metode penelitian skripsi ini adalah yuridis normatif. Pembatalan perceraian yang terjadi dapat menciptakan suatu akibat hukum khususnya pada bidang hukum perkawinan. Termasuk jika salah satu pihak telah menikah lagi sebelum dikeluarkannya putusan peninjauan kembali. Hal ini dikarenakan permohonan peninjauan kembali tidak dapat menanggukhan atau menghentikan pelaksanaan putusan pengadilan sehingga salah satu pihak berhak melakukan perkawinan lagi sesuai aturan hukum yang mengaturnya. Akibat hukum yang terjadi dapat membuat salah satu pihak melanggar asas-asas hukum perkawinan khususnya asas monogami.

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;This study discusses of divorce verdict nullified by Supreme Court due to judicial review (peninjauan kembali) put in effect against that verdict. The purpose is to situate the legal consequence will take place since the request of judicial review toward divorce case. The study will employ normative-juridical method. The nullification of divorce decision will lead to a legal consequence particularly in the light of marriage law. It includes in the event that one party has remarried before the request of judicial review decided by the judges. The legal matter will be dilemmatic as the request of judicial review is unable to suspend nor to dismiss an execution of the former verdict so that one of parties is capable of remarry in accordance with the existing law. As the result, the marriage law principles, notably monogamy principle, will be at stake.

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