

Tinjauan yuridis terhadap hak dan kewajiban suami sebelum dan sesudah sidang ikrar talak = Juridical review against the rights and obligations of the husband before and after hearing the pledge talak

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Abstrak

[Bagi umat Islam, perkawinan tidak hanya dianggap sakral, tetapi juga bermakna ibadah, karena kehidupan berkeluarga selain untuk melestarikan kelangsungan hidup umat manusia, juga untuk menjamin stabilitas sosial dan eksistensi yang bermartabat bagi laki-laki dan perempuan. Dalam kehidupan, tidak semua tujuan perkawinan berjalan sesuai dengan harapan. Ketegangan dan konflik serta perselisihan sering terjadi. Semua itu sudah semestinya dapat diselesaikan dengan arif dan bijaksana dengan jalan bermusyawarah, saling berdialog secara terbuka. Penulisan ini memberikan suatu analisis mengenai upaya hukum yang dapat dilakukan bagi bekas suami apabila bekas isterinya tidak melaksanakan kewajiban-kewajibannya pada masa iddah dengan baik. Pokok masalah dalam penelitian ini yaitu bagaimana ketentuan hak dan kewajiban bekas suami dan bekas isteri pada masa setelah sidang penetapan ikrar talak yang putus perkawinannya karena cerai talak dan bagaimana kewajiban bekas suami terhadap bekas isteri yang pada masa iddah melakukan nusyuz seperti melakukan pernikahan lagi. Metode penelitian yang digunakan dalam penelitian ini yaitu pendekatan yuridis normative. Pendekatan ini dilakukan berdasarkan bahan hukum utama dengan cara menelaah teori-teori, konsep-konsep, asas-asas hukum serta peraturan perundang-undangan yang berhubungan dengan penelitian ini. Kesimpulan yang diperoleh dalam penulisan ini yaitu bahwa bekas isteri memiliki kewajiban untuk tetap patuh selama masa iddah kepada suaminya dan memiliki hak untuk mendapatkan nafkah iddah dari bekas suaminya. Sedangkan, bekas suami memiliki kewajiban untuk memberikan nafkah iddah dan mut'ah. Hak bekas suami yaitu hak untuk merujuk bekas isterinya selama masa iddah dan hak untuk tidak memberikan nafkah iddah apabila bekas isteri melalaikan kewajibannya selama masa iddah.

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