

# Pembatalan Perkawinan Poligami Setelah Kematian Suami (Studi Beberapa Putusan dalam Lingkup Pengadilan Agama) = Annulment of Polygamous Marriages After the Death of the Husband (Study of Several Decisions in the Religious Courts)

Salsabila Qalwiah Az-Zahra, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=9999920554336&lokasi=lokal>

---

## Abstrak

Poligami dapat dilakukan seorang suami jika memenuhi syarat UU Perkawinan dan Kompilasi Hukum Islam yakni memperoleh izin dari Pengadilan Agama dengan persetujuan dari istri sebelumnya. Namun, beberapa kasus poligami memunculkan sengketa warisan dan status anak yang lahir sebagai akibat ketidakterbukaan suami sampai dia meninggal dunia. Beberapa kasus poligami dalam putusan-putusan Pengadilan Agama meliputi: 1) Putusan Nomor 694/Pdt.G/2021/PA.Kjn; 2) Putusan Nomor 343/PDT.G/2023/PTA.Sby; 3) Putusan Nomor 241/Pdt.G/2012/PA Pdlg; dan 4) Putusan Nomor 32/Pdt.G/2020/PTA.Smd. Penelitian doktrinal ini ditujukan untuk menganalisis pembatalan perkawinan poligami setelah kematian suami melalui pertimbangan hakim dalam menolak maupun mengabulkan permohonan tersebut. Data penelitian berupa data sekunder yang dikumpulkan melalui studi kepustakaan dan dianalisis secara kualitatif. Hasil analisis menunjukkan bahwa pertimbangan Hakim Pengadilan Agama (Putusan Nomor 694/Pdt.G/2021/PA.Kjn dan Putusan Nomor 343/Pdt.G/2023/PTA.Sby) menolak permohonan pembatalan perkawinan poligami berdasarkan pada Pasal 38 huruf a UU No. 1/1974 tentang Perkawinan dan SEMA No. 2/2019 tentang Pemberlakuan Rumusan Hasil Rapat Pleno Kamar Mahkamah Agung tahun 2019 nomor 1 butir e. Sedangkan pertimbangan Hakim Pengadilan Agama yang mengabulkan permohonan tersebut memiliki dasar berbeda. Dalam Putusan Nomor 241/Pdt.G/2012/PA didasari Pasal 24 UU Perkawinan. Sedangkan Putusan Nomor 32/Pdt.G/2020/PTA.Smd berdasarkan Pasal 71 huruf a Kompilasi Hukum Islam, Pasal 9 UU Perkawinan, dan SEMA No.2/2019 Nomor 1 huruf f.

.....A husband can carry out polygamy if he meets the requirements of the Marriage Law and the Compilation of Islamic Law, namely obtaining permission from the Religious Court with prior approval from the wife. However, several cases of polygamy give rise to disputes over inheritance and the status of children born as a result of the husband's non-disclosure until he dies. Several polygamy cases in Religious Court decisions include: 1) Decision Number 694/Pdt.G/2021/PA.Kjn; 2) Decision Number 343/PDT.G/2023/PTA.Sby; 3) Decision Number 241/Pdt.G/2012/PA Pdlg; and 4) Decision Number 32/Pdt.G/2020/PTA.Smd. This doctrinal research is aimed at analyzing the annulment of polygamous marriages after the husband's death through the judge's considerations in rejecting or granting the request. Research data is in the form of secondary data collected through literature study and analyzed qualitatively. The results of the analysis show that the considerations of the Religious Court Judge (Decision Number 694/Pdt.G/2021/PA.Kjn and Decision Number 343/Pdt.G/2023/PTA.Sby) rejected the request for annulment of a polygamous marriage based on Article 38 letter a of Law No.1/1974 concerning Marriage and SEMA No.2/2019 concerning the Implementation of the Formulation of the Results of the 2019 Supreme Court Chamber Plenary Meeting number 1 point e. Meanwhile, the consideration of the Religious Court Judge who granted the request had a different basis. In Decision Number 241/Pdt.G/2012/PA it is based on Article 24 of the Marriage Law. Meanwhile, Decision Number 32/Pdt.G/2020/PTA.Smd is based on Article 71

letter a of the Compilation of Islamic Law, Article 9 of the Marriage Law, and SEMA No.2/2019 Number 1  
letter f.