

ABSTRAK

Ikmal Hafifi: *Analisis Putusan Pengadilan Agama Cianjur Tentang Perceraian Dengan Sebab Kurang Nafkah Pada Masa Pandemi Covid*

Merebaknya wabah covid yang di sertai dengan kebijakan pemerintah terhadap mobilitas masyarakat membawa perubahan yang sangat besar terhadap keharmonisan perkawinan, tidak terkecuali masalah nafkah perkawinan yang disertai peningkatan perceraian. Di sisi lain kebutuhan masyarakat semakin meningkat sedangkan pendapatan keluarga semakin berkurang dan berimbas terhadap kurangnya pemenuhan nafkah suami terhadap istri.

Adapun tujuan yang ingin di capai peneliti adalah (1) Untuk mendeskripsikan kadar pemberian nafkah yang kurang pada masa pandemi sebagai penyebab perceraian, (2) Menjelaskan pertimbangan hakim terhadap penyelesaian perceraian dengan sebab kurang nafkah, (3) Menjelaskan putusan hakim tentang perceraian dengan sebab kurang nafkah apakah relevan dengan keadilan, kemanfaatan dan kepastian hukum.

Teori yang digunakan peneliti adalah teori hifzu nafs dan mubadalah dalam masalah nafkah perkawinan.

Metode penelitian yang digunakan adalah studi analisis isi (*content analysis*) dengan pendekatan yuridis empirik, dengan teknik pengumpulan data melalui observasi, wawancara dan studi dokumen.

Hasil penelitian ditemukan bahwa dalam nafkah perkawinan tidak ada kadar atau ukuran seberapa besar nafkah suami kepada istri walaupun dalam keadaan mewabahnya wabah covid-19. Ukuran nafkah di dasarkan atas kemampuan suami, apa yang di hasilkan suami itulah yang *ma'ruf*. Ukuran nafkah di dasarkan atas *'urf* (kebiasaan) suatu daerah, sehingga berbeda nafkah istri yang hidup di desa dengan perkotaan. Adapun pertimbangan hakim dalam mengabulkan tuntutan penggugat terkait nafkah perkawinan adalah hakim melihat bahwa tidak terpenuhinya nafkah akan melahirkan masalah baru, sehingga untuk mengurangi beban istri yang tidak mendapatkan haknya hakim mengabulkan permohonan penggugat, hal ini dilakukan untuk menjaga jiwa (hifzu nafs) penggugat untuk menghindari kemadharatan. Mengenai relevansi putusan hakim, jika dilihat dari asas keadilan nampaknya telah sesuai dengan permohonan pihak penggugat. Namun jika dilihat dari asas manfaat dan kepastian hukum belum sepenuhnya terakomodasi sepenuhnya dalam putusan hakim.

Kata Kunci: Putusan Pengadilan, Nafkah, Pandemi Covid

ABSTRACT

Ikmal Hafifi: *Decision Analysis Of The Cianjur Religious Court On Divorce With The Causes Of Lack Of Livelihood During The Covid Pandemic*

The outbreak of the covid outbreak, which was accompanied by government policies on community mobility, brought enormous changes to marital harmony, not least the problem of marital livelihood which was accompanied by an increase in divorce. On the other hand, community needs are increasing while family income is decreasing and this has an impact on the lack of fulfillment of husband's livelihood for his wife.

The objectives to be achieved by the researcher are (1) to describe the level of providing a living that is lacking during the pandemic as a cause of divorce, (2) to explain the judge's consideration of the settlement of divorce due to lack of a living, (3) to explain the judge's decision on divorce due to lack of income. livelihood is relevant to justice, benefit and legal certainty.

The theory used by the researcher is the theory of hifzu nafs and mublah in matters of marital livelihood.

The research method used is a content analysis study with an empirical juridical approach, with data collection techniques through observation, interviews and document studies.

The results of the study found that in marital income there is no level or measure of how much a husband's income is for his wife, even in a state of the Covid-19 outbreak. The measure of living is based on the husband's ability, what the husband produces is what is ma'ruf. The size of the living is based on the 'urf (habits) of an area, so that the income of a wife who lives in a village and an urban area is different. The judge's consideration in granting the plaintiff's claim related to marital support is that the judge sees that the non-fulfillment of a living will give birth to new problems, so as to reduce the burden on the wife who does not get her rights the judge grants the plaintiff's request, this is done to protect the soul (hifzu nafs) of the plaintiff to avoid harm. . Regarding the relevance of the judge's decision, when viewed from the principle of justice, it seems to have been in accordance with the request of the plaintiff. However, when viewed from the principle of benefits and legal certainty, it has not been fully accommodated in the judge's decision.

Keywords: Court Decision, Livelihood, Covid Pandemic