

ABSTRAK

Judul skripsi adalah: Deskripsi Tentang Ganti Kerugian Dalam Perkara Ingkar Janji Kawin. Rumusan masalah yang penulis kaji adalah: 1). Mengapa Hakim Pengadilan Negeri Menolak Gugatan Ganti Rugi Ingkar Janji Kawin? 2). Mengapa Hakim Pengadilan Tinggi Membatalkan Putusan Pengadilan Negeri Dengan Mengabulkan Gugatan Ganti Rugi Ingkar Janji Kawin? 3). Mengapa Mahkamah Agung Menolak Permohonan Kasasi Dari Tergugat Dalam Perkara Ingkar Janji Kawin. Tujuan 1). Untuk mengetahui Alasan Hakim Pengadilan Negeri Menolak Gugatan Ganti Rugi Ingkar Janji Kawin. 2). Untuk Mengetahui Alasan Hakim Pengadilan Tinggi Membatalkan Putusan Pengadilan Negeri Dengan Mengabulkan Gugatan Ganti Rugi Ingkar Janji Kawin. 3). Untuk Mengetahui Alasan Mahkamah Agung Menolak Permohonan Kasasi Dari Tergugat Dalam Perkara Ingkar Janji Kawin. Sifat penelitian adalah deskriptif dan jenis penelitian adalah normatif. Variabel bebas ialah alasan Hakim Pengadilan Negeri Menolak Gugatan, Alasan Hakim Pengadilan Tinggi Membatalkan Putusan Pengadilan Negeri dan Alasan Mahkamah Agung Menolak Permohonan Kasasi Dari Tergugat Dalam Perkara Ingkar Janji Kawin. Variabel terikat adalah Putusan Pengadilan Tentang Ganti Kerugian Ingkar Janji Kawin. Berdasarkan hasil penelitian yang penulis lakukan maka alasan Mengapa Hakim Pengadilan Negeri Menolak Gugatan Ganti Rugi Ingkar Janji Kawin, yaitu; a). Dalil-dalil Gugatan Tidak Dapat Dibuktikan. b). Penyebab Batalnya Perkawinan. Mengapa Hakim Pengadilan Tinggi Membatalkan Putusan Pengadilan Negeri Dengan Mengabulkan Gugatan Ganti Rugi Ingkar Janji Kawin, yaitu; a). Pengadilan Negeri Keliru Dalam Menilai Fakta Dan Hukum. b). Adanya Bukti Konkret Janji Perkawinan Yang Sungguh-Sungguh Formal. c). Karna Melanggar Norma Kesosilaan Dan Keadilan Dalam Masyarakat. Mengapa Mahkamah Agung Menolak Permohonan Kasasi Dari Tergugat Dalam Perkara Ingkar Janji Kawin. a). Mahkamah Agung Berpendapat Alasan Kasasi Tersebut Tidak Dapat Dibenarkan. b). Kesesuaian Pertimbangan Fakta Dengan Bukti Yang Ada Adapun Saran: 1). Hakim harus sangat teliti dalam menilai setiap bukti yang diajukan, baik bukti tertulis maupun keterangan saksi. Perhatikan detail-detail mengenai proses janji kawin (misalnya, adanya acara adat, keterlibatan keluarga, langkah pendaftaran) yang dapat menunjukkan keseriusan janji tersebut melampaui sekadar hubungan pacaran dan hakim harus secara cermat menilai apakah janji tersebut telah ditindaklanjuti dengan langkah-langkah serius dan formal yang menimbulkan kerugian, seperti yang ditekankan oleh Pengadilan Tinggi dan Mahkamah Agung dalam putusan terkait. 2). Kedua belah pihak harus memiliki komunikasi yang sangat jelas dan terbuka mengenai niat serta keseriusan untuk menikah. Hindari janji-janji lisan yang samar tanpa ada tindak lanjut yang konkret, Jika memang ada niat serius untuk menikah.

Kata kunci: putusan Ganti Kerugian Dalam Perkara Ingkar Janji

ABSTRACT

Thesis Title: Description of Compensation in Breach of Promise to Marry Cases. Problem Formulation: 1). Why did the District Court Judge reject the compensation lawsuit for breach of promise to marry? 2). Why did the High Court Judge overturn the District Court's decision by granting the compensation lawsuit for breach of promise to marry? 3). Why did the Supreme Court reject the cassation appeal submitted by the defendant in the breach of promise to marry case? Objectives: 1). To understand the reasons why the District Court Judge rejected the compensation lawsuit for breach of promise to marry. 2). To understand the reasons why the High Court Judge overturned the District Court's decision by granting the compensation lawsuit for breach of promise to marry. 3). To understand the reasons why the Supreme Court rejected the cassation appeal from the defendant in the breach of promise to marry case. Research Nature and Type: The nature of the research is descriptive, and the type of research is normative. Independent Variables: The reasons why the District Court Judge rejected the lawsuit, The reasons why the High Court overturned the District Court decision and The reasons why the Supreme Court rejected the defendant's cassation appeal in the breach of promise to marry case. Dependent Variable: Court decisions regarding compensation for breach of promise to marry. Research Findings: a). The claims in the lawsuit could not be proven. b). Grounds for Annulment of Marriage. The reason why the High Court overturned the District Court's decision and granted the compensation lawsuit was: a). The District Court erred in assessing the facts and applicable law. b). There was concrete evidence of a serious and formal promise to marry. c). The breach violated norms of decency and propriety in society. The reason why the Supreme Court rejected the cassation appeal from the defendant: a). The Supreme Court found the grounds for cassation unjustifiable. b). There was consistency between the factual findings and the available evidence. Suggestions: 1). Judges must be very thorough in assessing each piece of evidence presented, whether written or witness testimony. Attention should be paid to details of the marriage promise process (e.g., traditional ceremonies, family involvement, formal registration steps) that demonstrate the seriousness of the promise beyond a mere romantic relationship. Judges must carefully evaluate whether the promise has been followed by serious and formal steps that resulted in losses, as emphasized by the High Court and the Supreme Court in their respective decisions. This is crucial to avoid significant differences in interpretation across court levels. 2). Both parties must have very clear and open communication regarding their intentions and seriousness about marriage. Avoid vague verbal promises without concrete follow-up. If there is a serious intention to marry.

Keywords: Breach of Promise to Marry, Compensation, Court Decisio