

ABSTRAK

Judul: Deskripsi Tentang Pertimbangan Hakim Dalam Menjatuhkan Putusan Ijin Talak. Permasalahan dalam penelitian ini adalah: 1. Faktor Penyebab Pemohon Mengajukan Ijin Talak? dan 2. Bagaimana Pertimbangan Hakim PA memutuskan mengabulkan dalam kasus perceraian akibat perselingkuhan yang baru Talak 1?. Tujuan penelitian ini adalah: 1. Untuk mengetahui Faktor Penyebab Pemohon Mengajukan Ijin Talak. 2. Untuk mengetahui Pertimbangan Hakim PA memutuskan mengabulkan dalam kasus perceraian akibat perselingkuhan yang baru Talak 1.

Variabel bebas meliputi pertengkaran berulang, pengabaian nafkah, keberadaan pihak ketiga, dan perpisahan berkepanjangan, sedangkan variabel terikatnya adalah putusan hakim. Berdasarkan hasil penelitian dan pembahasan yang telah dikemukakan maka penulis menyimpulkan sebagai berikut: Berdasarkan penelusuran terhadap lima kebutuhan hakim pada Pengadilan Agama, penelitian ini mengungkapkan bahwa faktor utama penyebab pemohon mengajukan izin talak meliputi seringnya pasangan keluar rumah tanpa pamit dan pulang larut malam, pertengkaran yang berulang, pengabaian kewajiban rumah tangga, penggunaan kata-kata kasar tanpa penyelesaian, keberadaan pihak ketiga yang memicu konflik, serta penolakan pengakuan terhadap nafkah yang diberikan. Hakim mengabulkan permohonan perceraian meskipun baru talak satu, dengan pertimbangan tidak adanya alasan untuk memperbaiki keharmonisan rumah tangga, adanya penindasan pada salah satu pihak, serta pasangan yang telah berpisah selama satu tahun delapan bulan tanpa komunikasi dan tanpa upaya rujuk, yang dinilai sebagai *broken marriage*.

Saran yang diberikan berdasarkan putusan-putusan Pengadilan Agama meliputi pentingnya mengutamakan musyawarah, mediasi keluarga, dan peran lembaga keagamaan sebelum mengambil keputusan bercerai; menjaga kesejahteraan anak melalui pengaturan hak asuh (*hadhanah*) dan nafkah yang jelas; serta menyelesaikan pembagian harta bersama melalui gugatan terpisah untuk kepastian hukum. Aparat peradilan juga disarankan untuk mempertimbangkan dampak psikologis perceraian, memaksimalkan proses mediasi, dan menjaga asas perlindungan terhadap anak. Penelitian ini menegaskan bahwa perceraian sebaiknya menjadi langkah terakhir setelah seluruh upaya penyelesaian kekeluargaan ditempuh, demi melindungi keutuhan keluarga dan meminimalkan dampak negatif bagi pihak-pihak terkait.

Kata Kunci : Perceraian, Ijin Talak, Pengadilan Agama, *Broken Marriage*

ABSTRACT

Description of Judges' Considerations in Granting Divorce Permission (Izin Talak) The problems addressed in this study are: (1) What are the factors that cause the petitioner to file for izin talak (permission to divorce)? and (2) How do Religious Court judges consider and grant divorce cases due to infidelity at the stage of Talak 1?

The objectives of this research are: (1) to identify the factors that cause the petitioner to file for izin talak, and (2) to analyze the considerations of Religious Court judges in granting divorce cases due to infidelity at Talak 1.

The independent variables include repeated quarrels, neglect of maintenance, the presence of a third party, and prolonged separation, while the dependent variable is the judge's decision. Based on the results of the research and discussion that have been presented, the author concludes as follows: Based on the investigation of the five needs of judges in the Religious Court, this study reveals that the main factors causing applicants to request divorce permission include the frequent leaving of the house without saying goodbye and returning late at night, repeated quarrels, neglect of household obligations, the use of harsh words without resolution, the presence of a third party that triggers conflict, and the refusal to acknowledge the maintenance provided. The judge granted the divorce request even though it was only one divorce, considering that there was no reason to improve household harmony, there was oppression on one of the parties, and the couple had been separated for one year and eight months without communication and without any attempt to reconcile, which was considered *a broken marriage*.

Recommendations based on Religious Court decisions include the importance of prioritizing deliberation, family mediation, and the role of religious institutions before deciding on divorce; safeguarding children's welfare through clear custody arrangements (*hadhanah*) and alimony; and resolving the division of joint assets through separate lawsuits for legal certainty. Judicial officials are also advised to consider the psychological impact of divorce, maximize the mediation process, and uphold the principle of child protection. This study emphasizes that divorce should be the final step after all family resolution efforts have been exhausted, in order to protect family unity and minimize negative impacts on all parties involved.

Keywords: Divorce, Izin Talak, Religious Court, Broken Marriage.