

**IMPLEMENTASI PASAL 39 UNDANG-UNDANG NOMOR 16 TAHUN 2019
TENTANG PERKAWINAN TERKAIT SAHNYA SUATU PERCERAIAN
YANG HANYA DILAKUKAN DI KANTOR KEPALA DESA
(STUDI KASUS DI DESA SARI MEKAR KABUPATEN BULELENG)**

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ABSTRAK

Penelitian ini bertujuan untuk mengetahui dan menganalisa terkait sahnya suatu perceraian yang hanya dilakukan di Kantor Kepala Desa serta akibat hukum terhadap perceraian yang hanya dilakukan di Kantor Kepala Desa di Desa Sari Mekar, Kabupaten Buleleng dalam pengimplementasian Undang-Undang Nomor 16 Tahun 2019 tentang Perkawinan. Jenis penelitian yang digunakan adalah penelitian hukum empiris dengan sifat penelitian deskriptif. Penelitian ini di dilakukan di Desa Sari Mekar, Kabupaten Buleleng. Adapun teknik penentuan sampel yang digunakan menggunakan teknik *Non Probability Sampling* dengan bentuk *Purposive Sampling*. Teknik pengumpulan data dilakukan dengan cara obeservasi, studi dokumentasi dan wawancara dengan Kepala Desa Sari Mekar dan salah satu Hakim di Pengadilan Negeri Singaraja serta masyarakat di Desa Sari Mekar yang melakukan perceraian di Kantor Kepala Desa. Teknik pengolahan dan analisa data secara alasisis kualitatif dengan menganalisis data berdasarkan informasi yang diperoleh. Adapun hasil penelitian menunjukkan bahwa penerapan dari Pasal 39 Undang-Undang Perkawinan belum bisa teraktualisasi dengan baik yang mana masih adanya beberapa masyarakat desa yang melaksanakan perceraian hanya sampai tingkat desa dengan meminta surat pernyataan cerai di Kantor Kepala Desa. Adapun akibat hukum yang ditimbulkan dari adanya perceraian yang hanya dilakukan di Kantor Kepala Desa adalah status perceraiannyanya itu tidak sah atau ikatan perkawinan yang terjadi sebelumnya belumlah putus secara hukum sehingga masih terikat hak dan kewajiban layaknya sebagai suami-istri. Selain itu perceraian yang hanya dilakukan di Kantor Kepala Desa akan berdampak terhadap suami-istri dan anak-anaknya serta terkait dengan pembagian harta kekayaan kedua belah pihak.

Kata Kunci : Kepala Desa, Masyarakat Desa Sari Mekar, Perceraian

**IMPLEMENTATION OF ARTICLE 39 OF LAW NUMBER 16 OF 2019 REGARDING
MARRIAGE RELATED TO THE LEGALITY OF A DIVORCE WHICH IS ONLY
CONDUCTED AT THE VILLAGE HEAD'S OFFICE
(CASE STUDY IN SARI MEKAR VILLAGE, BULELENG DISTRICT)**

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ABSTRACT

This study aims to find out and analyze the legality of a divorce that is only carried out at the Village Head's Office and the legal consequences of a divorce that is only carried out at the Village Head's Office in Sari Mekar Village, Buleleng Regency, in implementing Law Number 16 of 2019 concerning Marriage. The type of research used is empirical legal research with the nature of descriptive research. This research was conducted in Sari Mekar Village, Buleleng Regency. The sampling technique used is the Non-Probability Sampling technique in the form of purposeful Sampling. Data collection techniques were carried out by means of observation, documentation studies, and interviews with the Head of Sari Mekar Village and one of the Judges at the Singaraja District Court, as well as the community in Sari Mekar Village who carried out the divorce at the Village Head's Office. Processing techniques and data analysis on a qualitative basis by analyzing data based on the information obtained. The results of the study show that the application of Article 39 of the Marriage Law has not been properly actualized because there are still some village communities that carry out divorces only up to the village level by requesting a divorce statement at the Village Head's Office. The legal consequences arising from the existence of a divorce, which is only carried out at the Village Head's Office, are that the status of the divorce is invalid or that the marriage bond that occurred before has not been legally broken so that it is still bound by rights and obligations like husband and wife. In addition, divorces that are only carried out at the Village Head's Office will have an impact on the spouses and children and are related to the distribution of assets by both parties.

Keywords: Divorce, Sari Mekar Village Community, Village Head