

**ANALISIS YURIDIS PUTUSAN NOMOR 155/PDT.G/PA.SGR TENTANG
STATUS HAK ASUH ANAK DARI ORANG TUA BEDA AGAMA
MENURUT HUKUM ISLAM**

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ABSTRAK

Penelitian ini dilakukan dengan tujuan yakni: (1) mengetahui penyelesaian perceraian akibat dari orangtua beda agama menurut hukum islam; (2) mengetahui analisis yuridis tentang status hak asuh anak putusan Nomor 155/Pdt.G/2023/PA.Sgr terhadap hak asuh anak dari orangtua beda agama menurut hukum Islam. Penelitian ini menggunakan jenis penelitian normatif dengan beberapa jenis pendekatan. Pendekatan dalam penelitian ini adalah pendekatan kasus, Undang-Undang, dan konseptual. Penelitian ini menghasilkan jawaban yakni (1) dalam hukum Islam, perbedaan agama setelah pernikahan dianggap sebagai penghalang keberlangsungan rumah tangga, yang dapat menjadi dasar perceraian. Proses penyelesaian hukum dilakukan melalui peradilan agama dengan mempertimbangkan aspek keadilan, kesejahteraan anak, dan perlindungan hak-hak masing-masing pihak; (2) hak asuh anak keenam dari kedua belah pihak yang berperkara jatuh hak asuhnya kepada ayahnya selaku tergugat sesuai hasil mediasi kedua belah pihak.

Kata kunci: Perkawinan Beda Agama, Hak Asuh, Kabupaten Buleleng

***JURIDICAL ANALYSIS OF RULING NUMBER 155/PDT.G/2023/PA.SGR
CONCERNING CHILD CUSTODY RIGHTS OF PARENTS OF DIFFERENT
RELIGIONS ACCORDING TO ISLAMIC LAW***

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ABSTRACT

This research was carried out with the aims of: (1) finding out the resolution of divorce as a result of parents having different religions according to Islamic law; (2) know the juridical analysis regarding the status of child custody in decision Number 155/Pdt.G/2023/PA.Sgr regarding the custody of children from parents of different religions according to Islamic law. This research uses a normative type of research with several types of approaches. The approach in this research is a case, law and conceptual approach. This research produces answers namely (1) in Islamic law, religious differences after marriage are considered an obstacle to the continuity of the household, which can be the basis for divorce. The legal settlement process is carried out through religious courts by considering aspects of justice, child welfare, and protection of the rights of each party; (2) custody of the sixth child of both parties in the case falls to the father as the defendant according to the results of mediation between the two parties.

Keywords: *Interfaith Marriage, Custody Rights, Buleleng Regency*