

IMPLEMENTASI PASAL 41 UNDANG-UNDANG NOMOR 16
TAHUN 2019 TERKAIT AKIBAT HUKUM
PUTUSNYA PERKAWINAN KARENA PERCERAIAN
(STUDI KASUS DI PENGADILAN NEGERI SINGARAJA KELAS IB)

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ABSTRAK

Penelitian ini bertujuan untuk mengetahui (1) Faktor-faktor penyebab putusnya perkawinan karena perceraian antara para pihak di wilayah hukum Pengadilan Negeri Singaraja Kelas IB, (2) Implementasi Pasal 41 Undang-Undang Nomor 16 Tahun 2019 terkait akibat hukum putusnya perkawinan karena perceraian di Pengadilan Negeri Singaraja Kelas IB. Subjek penelitian ini adalah Pengadilan Negeri Singaraja Kelas IB dan objek penelitian ini adalah akibat hukum putusnya perkawinan karena perceraian. Jenis penelitian ini adalah penelitian hukum empiris yang mempergunakan data primer dan data sekunder. Teknik pengumpulan data dalam penelitian ini adalah teknik studi dokumen, teknik observasi, dan teknik wawancara. Data yang dikumpulkan dianalisis secara deskriptif kualitatif. Berdasarkan hasil penelitian yang dilakukan, maka didapatkan hasil penelitian, antara lain (1) Faktor-faktor penyebab perceraian yang terjadi di antara para pihak yaitu faktor internal, meliputi faktor ekonomi dan faktor kekerasan dalam rumah tangga (KDRT). Selanjutnya, faktor eksternal yang meliputi faktor pihak ketiga atau perselingkuhan dan faktor kecemburuhan. (2) Implementasi Pasal 41 Undang-Undang Nomor 16 Tahun 2019 terkait akibat hukum putusnya perkawinan karena perceraian di Pengadilan Negeri Singaraja Kelas IB belum diterapkan secara maksimal dan menyeluruh, hal tersebut dikarenakan beberapa alasan yang diantaranya mantan suami sudah menikah dengan wanita lain, sehingga anak tersebut tidak diurus, serta meskipun hakim sudah memutuskan yang terbaik atau mengeluarkan putusan dari gugatan perceraian tetapi masih sering terjadi perselisihan di antara para pihak mengenai hak asuh anak.

Kata Kunci : Putusnya Perkawinan, Perceraian, Pengadilan Negeri.

**THE IMPLEMENTATION OF ARTICLE 41 OF LAW NUMBER 16 OF 2019
RELATED TO THE LAW MARRIAGE DISSOLUTION DUE TO DIVORCE
(CASE STUDY IN SINGARAJA DISTRICT COURT CLASS IB)**

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ABSTRACT

This study aimed to know (1) The factors causing the dissolution of marriage due to divorce between the parties in the jurisdiction of the Singaraja District Court Class IB, (2) The implementation of Article 41 of Law Number 16 of 2019 related to the legal consequences of marriage dissolution due to divorce at the Singaraja District Court Class IB. The subject of this study was The Singaraja District Court Class IB with the object was the legal consequences of the marriage dissolution due to divorce. The type of this research was empirical legal research that used primary data and secondary data. Document study, observation, and interview were used as the data collection techniques. The data collected were analyzed descriptively qualitatively. Based on the research conducted, the results were obtained as follows; (1) The factors that caused divorce between the parties were internal factors, including economic factors and factors of domestic violence (KDRT). Next was external factors which included third party factors or infidelity, and also jealousy factors. (2) The implementation of Article 41 of Law Number 16 of 2019 related to the legal consequences of marriage dissolution due to divorce at the Singaraja District Court Class IB had not been implemented optimally and thoroughly, this was due to several reasons, including the ex-husband had married another woman, so that the child was neglected. Even though the judge had discussed the best or issued the decision from the divorce suit, however, there were still frequent disputes between the parties regarding child custody.

Keywords: *Marriage Dissolution, Divorce, District Court.*