ABSTRAK

Muhammad Akbar Sinaga, 71220212014, Skripsi ini berjudul : TINJAUAN HUKUM ISLAM TERHADAP PELAKSANAAN NAFKAH PASCA PERCERAIAN (STUDI KASUS PUTUSAN PA MEDAN Nomor 3003/Pdt.G/2025/PA.Mdn)

Penelitian ini dilatarbelakangi oleh masih ditemukannya berbagai permasalahan dalam pelaksanaan nafkah pasca perceraian, khususnya mengenai pemenuhan hak-hak mantan istri dan anak setelah putusnya perkawinan. Meskipun Pengadilan Agama telah menetapkan kewajiban nafkah melalui putusan yang berkekuatan hukum tetap, pelaksanaannya di lapangan masih menghadapi berbagai kendala. Penelitian ini bertujuan untuk mengetahui pelaksanaan nafkah pasca perceraian berdasarkan amar Putusan Nomor 3003/Pdt.G/2025/PA.Mdn di Pengadilan Agama Medan, mengetahui mekanisme pengawasan terhadap pelaksanaan putusan tersebut, serta menganalisis pelaksanaannya berdasarkan perspektif hukum Islam.

Jenis penelitian yang digunakan adalah penelitian hukum empiris dengan pendekatan yuridis empiris. Sumber data terdiri atas data primer yang diperoleh melalui wawancara dengan hakim Pengadilan Agama Medan dan data sekunder yang diperoleh melalui studi kepustakaan, meliputi peraturan perundang-undangan, putusan pengadilan, Kompilasi Hukum Islam, kitab fikih, jurnal ilmiah, serta literatur yang berkaitan dengan nafkah pasca perceraian. Data dianalisis secara deskriptif kualitatif.

Hasil penelitian menunjukkan bahwa pelaksanaan nafkah pasca perceraian berdasarkan Putusan Nomor 3003/Pdt.G/2025/PA.Mdn meliputi pemberian mut'ah, nafkah iddah, maskan, kiswah, dan nafkah anak yang besarannya ditentukan berdasarkan kemampuan ekonomi suami dengan mempertimbangkan asas kepatutan dan keadilan. Dalam praktiknya, pelaksanaan putusan lebih mengutamakan kepatuhan sukarela dari mantan suami, sedangkan Pengadilan Agama Medan tidak melakukan pengawasan secara aktif setelah putusan berkekuatan hukum tetap. Pengadilan hanya bertindak apabila terdapat permohonan eksekusi dari pihak yang dirugikan. Berdasarkan perspektif hukum Islam, pelaksanaan nafkah pasca perceraian telah sesuai dengan prinsip keadilan (al-'adl), kemaslahatan (maṣlaḥah), dan tanggung jawab (mas'uliyyah) sebagaimana diatur dalam Al-Qur'an, Hadis, dan Kompilasi Hukum Islam. Namun demikian, efektivitas pelaksanaan putusan masih bergantung pada kesadaran hukum dan itikad baik mantan suami dalam memenuhi kewajibannya.

Kata Kunci: Nafkah Pasca Perceraian, Putusan Pengadilan Agama, Hukum Islam, Pengawasan Putusan, Pengadilan Agama Medan.

ABSTRACT

Muhammad Akbar Sinaga, 71220212014. This undergraduate thesis is entitled: "An Islamic Law Review of the Implementation of Post-Divorce Maintenance (A Case Study of the Decision of the Medan Religious Court Number 3003/Pdt.G/2025/PA.Mdn)."

This study is motivated by the persistent problems in the implementation of post-divorce financial support, particularly regarding the fulfillment of the rights of former wives and children after the dissolution of marriage. Although the Religious Court has imposed post-divorce maintenance obligations through legally binding decisions, their implementation in practice continues to face various obstacles. This study aims to examine the implementation of post-divorce maintenance based on Decision Number 3003/Pdt.G/2025/PA.Mdn at the Medan Religious Court, to identify the court's supervision mechanism regarding the enforcement of the decision, and to analyze its implementation from the perspective of Islamic law.

This research employs an empirical legal research method with an empirical juridical approach. Primary data were obtained through interviews with judges of the Medan Religious Court, while secondary data were collected through library research, including statutory regulations, court decisions, the Compilation of Islamic Law, classical Islamic jurisprudence literature, scholarly journals, and other relevant legal references. The collected data were analyzed using a qualitative descriptive method.

The findings reveal that the implementation of post-divorce maintenance under Decision Number 3003/Pdt.G/2025/PA.Mdn includes the payment of mut'ah, iddah maintenance, housing (maskan), clothing (kiswah), and child support. The amount awarded is determined based on the husband's financial capacity while considering the principles of fairness and propriety. In practice, the implementation of the judgment primarily depends on the voluntary compliance of the former husband, whereas the Medan Religious Court does not conduct active supervision after the judgment becomes legally binding. The court only takes action upon an application for execution filed by the aggrieved party. From the perspective of Islamic law, the implementation of post-divorce maintenance is consistent with the principles of justice (al-'adl), public benefit (maṣlaḥah), and responsibility (mas'uliyyah) as stipulated in the Qur'an, Hadith, and the Compilation of Islamic Law. Nevertheless, the effectiveness of the judgment ultimately depends on the legal awareness and good faith of the former husband in fulfilling his obligations.

Keywords: Post-Divorce Maintenance, Religious Court Decision, Islamic Law, Judgment Enforcement, Medan Religious Court