

ABSTRAK

Tujuan Penelitian: (1) Untuk mengetahui dan menganalisis pelaksanaan pemberian nafkah wajib pasca perceraian di Pengadilan Agama Muara Bungo. (2) Untuk memberikan penjelasan kendala dalam pelaksanaan eksekusi nafkah wajib di Pengadilan Agama Muara Bungo. Metode Penelitian: yang digunakan dalam skripsi ini bersifat yuridis empiris yang bertujuan untuk mengetahui sejauh mana bekerjanya hukum di dalam masyarakat. Hasil Penelitian: Pertama mengenai pelaksanaan pemberian nafkah wajib di Pengadilan Agama Muara Bungo telah dilakukan sesuai dengan peraturan yang berlaku dimana pemberian nafkah tersebut diberikan sebelum pengucapan ikrar talak guna melindungi hak istri dan anak pasca perceraian. Namun tidak semua pemberian nafkah pasca perceraian terlaksana dengan baik, masih terdapat perkara dimana pihak suami tidak menjalankan kewajibannya sesuai dengan putusan pengadilan. Kedua kendala dalam pelaksanaan eksekusi nafkah wajib di Pengadilan Agama Muara Bungo dikarenakan adanya keterbatasan biaya yang menyebabkan tidak ada istri yang melakukan eksekusi dan Pengadilan tidak dapat menggunakan kewenangannya dalam mengawasi dan menindak lanjuti putusan yang sudah dijatuhkan kepada setiap pihak baik itu dalam bentuk nafkah iddah yang tidak dilaksanakan oleh pihak mantan suami, sebelum adanya pengajuan seara tertulis oleh pihak mantan istri dan hal ini dipengaruhi oleh kurangnya kesadaran serta kurangnya pemahaman bahwa penting bagi mantan istri untuk mengajukan eksekusi ketika kewajiban yang ada pada mantan suami dalam memberikan nafkah kepada dirinya dan anaknya tidak dijalankan sama sekali.

Kata Kunci: Pelaksanaan, Nafkah Iddah, Nafkah Mut'ah, Nafkah Madliyah, Nafkah Anak, Eksekusi.

ABSTRACT

Research Objectives: (1) To find out and analyze the implementation of compulsory post-divorce maintenance at the Muara Bungo Religious Court. (2) To provide an explanation of the obstacles in carrying out the execution of compulsory maintenance at the Muara Bungo Religious Court. Research Method: used in this thesis is empirical juridical in nature which aims to determine the extent to which law works in society. Research Results: First regarding the implementation of mandatory maintenance at the Muara Bungo Religious Court it has been carried out in accordance with applicable regulations where the provision of maintenance is given before the pronouncement of the pledge of divorce to protect the rights of the wife and children after the divorce. However, not all post-divorce maintenance is carried out properly, there are still cases where the husband does not carry out his obligations in accordance with the court's decision. The two obstacles in carrying out the execution of compulsory maintenance at the Muara Bungo Religious Court were due to limited funds which caused no wife to carry out the execution and the Court could not use its authority to supervise and follow up on decisions that had been handed down to each party, whether in the form of iddah maintenance that was not carried out by the ex-husband, before there was a written submission by the ex-wife and this was influenced by a lack of awareness and a lack of understanding that it was important for the ex-wife to apply for execution when the obligations that existed with the ex-husband in providing a living for himself and his child were not carried out equally very.

Keywords: Implementation, Iddah, Mut'ah, Madliyah, Children, Execution.