

ABSTRAK

Penelitian ini bertujuan untuk menganalisis disparitas putusan hakim dalam perkara izin poligami dengan fokus pada dua putusan Pengadilan Agama yang memiliki kondisi hukum serupa, namun menghasilkan putusan berbeda. Permasalahan yang dikaji berkaitan dengan perbedaan pertimbangan hukum antara Putusan No. 692/Pdt.G/2019/PA.Plh yang mengabulkan permohonan izin poligami, dan Putusan No. 0007/Pdt.G/2019/PA.Lpk yang menolak permohonan poligami, padahal dalam kedua perkara tersebut suami tidak memenuhi syarat dalam Pasal 4 ayat (2) Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan pendekatan kasus. Hasil penelitian menunjukkan bahwa disparitas terjadi karena perbedaan pertimbangan hukum hakim dalam menerapkan syarat izin poligami. Dalam Putusan No. 692/Pdt.G/2019/PA.Plh, Majelis Hakim berpendapat bahwa meskipun suami tidak memenuhi syarat dalam Pasal 4 ayat (2), permohonan tetap dikabulkan karena pemohon memenuhi Pasal 5 ayat (1) meskipun tidak memenuhi Pasal 4 ayat (2). Sebaliknya, dalam Putusan No. 0007/Pdt.G/2019/PA.Lpk, Majelis Hakim menolak permohonan karena berpendapat bahwa syarat dalam Pasal 4 ayat (2) harus dipenuhi secara mutlak, sehingga meskipun pemohon memenuhi Pasal 5 ayat (1), permohonan tetap ditolak. Penulis menyarankan adanya revisi Pasal 4 dan 5 Undang-Undang Perkawinan serta agar Mahkamah Agung menetapkan pedoman teknis melalui SEMA atau PERMA guna mencegah disparitas dan memastikan konsistensi hukum. Dengan menggunakan metode penelitian yuridis normatif melalui pendekatan perundang-undangan dan pendekatan kasus, penelitian ini diharapkan mampu memberikan gambaran menyeluruh mengenai ketentuan hukum yang mengatur izin poligami serta bagaimana ketentuan tersebut diterapkan dalam praktik peradilan.

Kata Kunci : Disparitas Putusan, Izin Poligami, Pertimbangan Hakim, Syarat Poligami

ABSTRACT

This study aims to analyze the disparity of judges' decisions in polygamy permit cases by focusing on two Religious Court decisions that have similar legal conditions, but produce different decisions. The problem studied relates to the difference in legal considerations between Decision No. 692/Pdt.G/2019/PA.Plh which granted the application for polygamy permit, and Decision No. 0007/Pdt.G/2019/PA.Lpk which rejected the application, even though in both cases the husband did not meet the requirements in Article 4 paragraph (2) of Law Number 1 Year 1974 concerning Marriage. This research uses a normative juridical method with a statutory and case approach. The results showed that disparity occurred due to differences in judges' legal considerations in applying the polygamy license requirements. In Decision No. 692/Pdt.G/2019/PA.Plh, the Panel of Judges was of the opinion that even though the husband did not fulfill the requirements in Article 4 paragraph (2), the application was still granted because the applicant fulfilled Article 5 paragraph (1) even though he did not fulfill Article 4 paragraph (2). In contrast, in Decision No. 0007/Pdt.G/2019/PA.Lpk, the Panel of Judges rejected the petition because they were of the opinion that the requirements in Article 4 paragraph (2) must be fulfilled absolutely, so even though the petitioner fulfilled Article 5 paragraph (1), the petition was still rejected. The author suggests a revision of Articles 4 and 5 of the Marriage Law as well as the Supreme Court establishing technical guidelines through SEMA or PERMA to prevent disparities and ensure legal consistency. By using a normative juridical research method through a statutory approach and a case approach, this research is expected to provide a comprehensive overview of the legal provisions governing polygamy permits and how these provisions are applied in judicial practice.

Keywords: *Decision Disparity, Polygamy Permit, Judges' Consideration, Polygamy Requirements*