

ABSTRAK

Masyarakat di Kecamatan Seberang Ulu I Palembang ternyata terdapat beberapa istri yang mengalami *separation without divorce*, yang mana suaminya tidak memenuhi kewajibannya dan meninggalkan istrinya tanpa adanya perceraian yang menyebabkan perkawinannya menggantung dan tidak ada kepastian, sedangkan anak mempunyai hak yang harus dipenuhi oleh orang tuanya. Pemenuhan hak anak yang mana hanya istri yang berperan dalam memenuhi hak anak tanpa bantuan dari suaminya. Fokus penelitian : 1) Apakah istri yang mengalami *separation without divorce* dapat memenuhi hak anak di Kecamatan Seberang Ulu I Palembang 2) bagaimana perspektif Hukum Keluarga Islam terhadap Istri yang mengalami *separation without divorce* tidak dapat memenuhi kebutuhan hak anak di Kecamatan Seberang Ulu I Palembang. Penelitian ini merupakan penelitian yuridis empiris, dengan menggunakan data kualitatif dan sumber data yang digunakan adalah data primer, data sekunder, dan data tersier dan data yang diperoleh akan dianalisis secara deskriptif kualitatif, kemudian akan disimpulkan secara deduktif. Hasil penelitian yang dilakukan diperoleh kesimpulan bahwa, Istri yang mengalami *separation without divorce* dalam pemenuhan hak anak tidak dapat memenuhi hak anak secara utuh, masih terdapat beberapa hak anak yang tidak terpenuhi. Perspektif Hukum Keluarga Islam kewajiban pemenuhan hak anak tetap berada pada suami dan suami wajib menafkahi istri dan anak. apabila suami melalaikan kewajibannya maka suami akan berdosa sebagaimana dalam Al-Quran Surat Al-Baqarah ayah 233, dan suami juga berdosa karena telah meninggalkan dan menelantarkan istri. Istri yang tidak dapat memenuhi hak anak secara utuh tidak berdosa karena semua itu bukanlah sepenuhnya hak dan kewajiban istri.

Kata Kunci : *separation without divorce, peran istri, pemenuhan hak anak.*

ABSTRACT

In the community in Seberang Ulu I Palembang District, it turns out that there are several wives who experience separation without divorce, in which the husband does not fulfill his obligations and leaves his wife without a divorce which causes the marriage to hang and there is no certainty, while children have rights that must be fulfilled by their parents. Fulfillment of children's rights in which only the wife plays a role in fulfilling children's rights without help from her husband. The focus of the research is: 1) Can a wife who experiences separation without divorce fulfill the rights of children in Seberang Ulu I Palembang District 2) What is the perspective of Islamic Family Law towards a wife who experiences separation without divorce unable to fulfill the needs of children's rights in Seberang Ulu I Palembang District. This research is an empirical juridical, using qualitative data and data sources used are primary data, secondary data, and tertiary data and the data obtained will be analyzed descriptively qualitatively, then will be concluded deductively. The results of the research conducted concluded that, wives who experience separation without divorce in fulfilling children's rights cannot fully fulfill children's rights, there are still several children's rights that are not fulfilled. Perspective of Islamic Family Law, the obligation to fulfill children's rights remains with the husband and the husband is obliged to provide for his wife and children. if the husband neglects his obligations, the husband will sin as in the Al-Quran Surah Al-Baqarah Ayah 233, and the husband also sins because he has left and neglected his wife. A wife who cannot fully fulfill her child's rights is not guilty because these are not the wife's full rights and obligations.

Keywords : *separation without divorce, wife role, fulfillment of children rights.*