

ABSTRAK

Perceraian di Indonesia telah diatur dalam pasal 39 ayat 1 Undang-undang No. 1 tahun 1974 bahwa: “Perceraian hanya dapat dilakukan di depan sidang Pengadilan Agama setelah Pengadilan Agama tersebut berusaha dan tidak berhasil mendamaikan kedua belah pihak”. Tujuan pada penelitian ini untuk mengetahui bagaimana proses perceraian pasangan suami istri dan mengetahui penyebab pasangan suami istri menunda legalitas perceraian di Desa Lubuk Raman, serta mengetahui bagaimana tinjauan hukum Islam terhadap pasangan suami istri yang menunda legalitas perceraian. Penelitian ini menggunakan metode penelitian yuridis empiris. Dengan jenis data kualitatif yang bertujuan menggambarkan dan menguraikan permasalahan yang relevan dengan sumber data dalam penelitian ini. Data yang diperoleh dalam penelitian ini akan dianalisis menggunakan metode deskriptif analitik, kemudian akan disimpulkan secara induktif. Hasil yang diperoleh dalam penelitian bahwasanya proses perceraian pasangan suami istri di Desa Lubuk Raman berawal karena terjadinya percekocokan, bahkan terjadi terus menerus, serta semua keluarga sudah berusaha memberikan nasehat tetapi pasangan suami istri tetap tidak ingin berdamai, mereka berpisah dan pulang kerumah orangtua. Faktor yang melatarbelakangi terjadinya penundaan legalitas perceraian di Desa Lubuk Raman adalah faktor sulitnya dalam meminta izin dari atasan untuk melakukan perceraian bahkan terkadang membutuhkan waktu yang cukup lama untuk melakukan persyaratannya, serta faktor jarak dan ekonomi. Tinjauan hukum Islam terhadap pasangan suami istri menunda legalitas perceraian di Desa Lubuk Raman menurut hukum Islam dapat dilaksanakan dan hukumnya sah apabila telah memenuhi rukun dan syarat talak itu sendiri. Talak yang dilakukan suami di luar pengadilan dan talak tanpa saksi adalah sah.

Kata Kunci: *Desa Lubuk Raman, Hukum Islam, Perceraian, Menunda Legalitas Perceraian*

ABSTRACT

Divorce in Indonesia is regulated in article 39 paragraph 1 of Law no. 1 of 1974 that: "Divorce can only be carried out in front of a Religious Court after the Religious Court has tried and failed to reconcile the two parties." The aim of this research is to find out how the divorce process of husband and wife couples occurs and to find out the reasons why husband and wife couples delay the legality of divorce in Lubuk Raman Village, as well as finding out how Islamic law reviews husband and wife couples who delay the legality of divorce. This research uses empirical juridical research methods. This type of qualitative data aims to describe and explain problems relevant to the data sources in this research. The data obtained in this research will be analyzed using analytical descriptive methods, then it will be concluded inductively. The results obtained in the research were that the divorce process of a husband and wife in Lubuk Raman Village started because of a quarrel, in fact it happened continuously, and all the families had tried to give advice but the husband and wife still did not want to reconcile, they separated and returned to their parents' house. The factors behind the delay in the legality of divorce in Lubuk Raman Village are the difficulty of requesting permission from superiors to carry out a divorce, sometimes requiring quite a long time to carry out the requirements, as well as distance and economic factors. A review of Islamic law regarding married couples postponing the legality of divorce in Lubuk Raman Village according to Islamic law can be implemented and the law is valid if they have fulfilled the pillars and conditions of divorce itself. Divorce carried out by the husband outside of court and divorce without witnesses are valid.

Keywords: *Lubuk Raman Village, Islamic Law, Divorce, Delaying the Legality of Divorce*