

ABSTRAK

Permasalahan pembagian harta bersama dalam praktik peradilan agama merupakan isu penting dalam hukum keluarga di Indonesia. Sengketa mengenai harta bersama sering kali menimbulkan ketidakpastian hukum dan menuntut hakim untuk tidak hanya menerapkan aturan secara tekstual. Penelitian ini menyoroti penyelesaian sengketa harta bersama melalui analisis Putusan Pengadilan Agama Bandung Nomor 3013/Pdt.G/2023/PA.Badg yang menetapkan pembagian harta bersama dengan perbandingan tidak seimbang antara para pihak berdasarkan fakta dan kontribusi masing-masing selama perkawinan.

Tujuan penelitian ini adalah untuk mengetahui dan menganalisis dasar pertimbangan hakim serta landasan hukum yang digunakan dalam memutus perkara harta bersama pada Putusan Nomor 3013/Pdt.G/2023/PA.Badg, serta untuk mengkaji metode penemuan hukum yang diterapkan majelis hakim dalam menyelesaikan sengketa tersebut. Penelitian ini diharapkan dapat memberikan gambaran yang komprehensif mengenai praktik penyelesaian harta bersama di pengadilan agama dan relevansinya dengan asas keadilan bagi para pihak yang berperkara.

Penelitian ini dianalisis menggunakan beberapa teori utama, yaitu teori penegakan hukum, teori kemaslahatan (*maqāṣid al-syarī'ah*), teori yurisprudensi, teori keadilan, dan teori pertimbangan hakim dalam putusan. Teori-teori ini digunakan untuk menilai sejauh mana putusan yang dianalisis mencerminkan nilai-nilai keadilan substantif, kepastian hukum, serta kemanfaatan bagi para pihak dan masyarakat luas.

Metode yang digunakan adalah pendekatan yuridis empiris dengan jenis penelitian kualitatif. Data primer diperoleh melalui wawancara dengan hakim yang memeriksa perkara, sedangkan data sekunder diperoleh melalui studi kepustakaan terhadap peraturan perundang-undangan, Kompilasi Hukum Islam, putusan pengadilan, yurisprudensi, dan doktrin hukum yang relevan. Teknik analisis data dilakukan secara deskriptif kualitatif melalui tahapan reduksi data, penyajian data, interpretasi, dan penarikan kesimpulan, serta analisis isi (*content analysis*) terhadap dokumen hukum.

Hasil penelitian menunjukkan bahwa majelis hakim dalam Putusan Nomor 3013/Pdt.G/2023/PA.Badg menggunakan dasar pertimbangan hukum yang mencakup peraturan perundang-undangan, Kompilasi Hukum Islam, doktrin, serta fakta-fakta persidangan mengenai kontribusi masing-masing pihak. Majelis menerapkan metode penemuan hukum berupa interpretasi sistematis, penafsiran teleologis/sosiologis, dan analogi untuk menghasilkan putusan yang proporsional, yaitu pembagian harta bersama 75% untuk Tergugat dan 25% untuk Penggugat. Putusan ini mencerminkan penerapan asas keadilan substantif yang tidak kaku pada ketentuan formal, sehingga diharapkan dapat menjadi rujukan bagi penyelesaian sengketa harta bersama di pengadilan agama.

Kata Kunci: Harta Bersama, Pertimbangan Hakim, Landasan Hukum, Metode Penemuan Hukum, Keadilan Substantif.

ABSTRACT

The issue of joint property division in the practice of religious courts is a crucial topic in Indonesian family law. Disputes over joint property often create legal uncertainty and require judges not only to apply the law textually but also to take into account the concrete conditions of the parties so that the decision reflects substantive justice. This research highlights the settlement of joint property disputes through an analysis of the Religious Court of Bandung Decision Number 3013/Pdt.G/2023/PA.Badg, which determined an unequal distribution of joint property between the parties based on facts and their respective contributions during the marriage.

The purpose of this study is to identify and analyze the judge's legal considerations and legal grounds used in deciding the joint property case in Decision Number 3013/Pdt.G/2023/PA.Badg, as well as to examine the legal discovery methods applied by the panel of judges in resolving the dispute. This study is expected to provide a comprehensive overview of the practice of joint property settlement in religious courts and its relevance to the principle of justice for the litigating parties.

This research is analyzed using several main theories, namely the theory of law enforcement, the theory of public interest (maqāṣid al-syarī'ah), jurisprudence theory, justice theory, and the theory of judicial considerations in court decisions. These theories are used to assess the extent to which the analyzed decision reflects the values of substantive justice, legal certainty, and benefits for the parties and society.

The method used is an empirical juridical approach with qualitative research. Primary data were obtained through interviews with the judge handling the case, while secondary data were obtained through library research on laws and regulations, the Compilation of Islamic Law, court decisions, jurisprudence, and relevant legal doctrines. Data were analyzed descriptively and qualitatively through data reduction, data presentation, interpretation, and drawing conclusions, as well as content analysis of legal documents.

The results of the study show that the panel of judges in Decision Number 3013/Pdt.G/2023/PA.Badg used legal considerations that include laws and regulations, the Compilation of Islamic Law, legal doctrines, and factual evidence regarding the contributions of each party. The panel applied legal discovery methods such as systematic interpretation, teleological/sociological interpretation, and analogy to produce a proportional decision: 75% of the joint property for the Defendant and 25% for the Plaintiff. This decision reflects the application of substantive justice that is not rigidly tied to formal provisions and is expected to serve as a reference for the settlement of joint property disputes in religious courts.

Keywords: Joint Property, Judicial Considerations, Legal Grounds, Legal Discovery Method, Substantive Justice.