

PERSELISIHAN SEBAGAI PENYEBAB PERCERAIAN DALAM PUTUSAN HAKIM

(Analisis Putusan Mahkamah Syar'iyah Banda Aceh Nomor
387/Pdt.G/2022/MS.Bna)

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Abstract

Divorce is the breaking of a marriage bond between a husband or wife who decides to leave each other and no longer exercise their rights and obligations as husband and wife. Therefore, there are many disputes that lead to inevitable divorce. As in the case decision Number 387/Pdt.G/2022/Ms.Bna. So this study aims to find out how the considerations used by the Panel of Judges of the Banda Aceh Syar'iyah Court in deciding divorce cases caused by disputes and to find out how Islamic law reviews the reasons for divorce due to disputes in the decision. In this study the authors used library research methods. The results of the study show that First, the basis for the consideration of the judge who granted the Case Decision refers to Article 39 paragraph (2) of Law Number 1 of 1974 concerning Marriage which states that between husband and wife there are continuous disputes and there is no hope of getting along in harmony again. household. Second, the Islamic legal review of the decision which was decided by the Panel of Judges of the Banda Aceh Syar'iyah Court was based on the provisions of surah An-nisa verse 35 and existing Islamic principles. The conclusion from this study is that the Panel of Judges granted the Plaintiff's lawsuit with the Verstek Decision and dropped one ba'in sughra divorce.

Keywords : *Divorce, Husband and Wife, Syar'iyah Court*