

ABSTRAK

Perbedaan pandangan antara Pengadilan Agama dan Pengadilan Tinggi Agama dalam perkara pembatalan perkawinan yang diajukan melewati batas waktu pengajuan gugatan menimbulkan perdebatan mengenai penerapan hukum acara perdata, khususnya terkait daluwarsa. Pada Pengadilan tingkat pertama, Pengadilan Agama menyatakan gugatan tidak dapat diterima karena telah melampaui jangka waktu yang diatur Pasal 27 Ayat (3) UUP dan Pasal 72 Ayat (3) KHI, namun pada tingkat banding Pengadilan Tinggi Agama justru mengabulkan gugatan dengan pertimbangan bahwa pelanggaran terhadap syarat sahnya perkawinan memiliki urgensi yang lebih mendasar dibandingkan formalitas waktu. Perbedaan pandangan Hakim ini memunculkan pertanyaan mengenai bagaimana *ratio decidendi* hakim dalam memutus perkara pembatalan perkawinan tersebut serta sejauh mana daluwarsa dapat diterapkan dalam pembatalan perkawinan menurut penafsiran Hakim.

Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan (*statute approach*) dan pendekatan kasus (*case approach*). Data diperoleh melalui studi kepustakaan terhadap peraturan perundang-undangan, doktrin, serta putusan pengadilan yang relevan. Analisis dilakukan secara kualitatif dengan mengkaji *ratio decidendi* dan penafsiran Hakim.

Hasil analisis menunjukkan bahwa meskipun secara normatif daluwarsa menjadi salah satu alasan gugatan tidak dapat diterima, Hakim pada tingkat banding memiliki kebebasan menafsirkan penerapan daluwarsa dengan mempertimbangkan asas keadilan, kemanfaatan, dan kepastian hukum. Dalam kasus yang dikaji, Pengadilan Tinggi Agama menilai bahwa substansi pelanggaran perkawinan yang bersifat mendasar seperti adanya perkawinan poliandri, lebih diutamakan dari pada formalitas tenggat waktu pengajuan gugatan. Pendekatan ini memberikan perlindungan hukum yang lebih optimal kepada pihak penggugat, meskipun berpotensi menimbulkan disparitas putusan pada perkara serupa di masa mendatang.

Kata Kunci: Relevansi, Pembatalan Perkawinan, Daluwarsa.

ABSTRACT

The difference of opinion between the Religious Court and the High Religious Court in the case of annulment of marriage filed beyond the time limit for filing a lawsuit has given rise to debate regarding the application of civil procedural law, particularly regarding the statute of limitations. At the first instance court, the Religious Court declared the lawsuit inadmissible because it had exceeded the time period stipulated in Article 27 Paragraph (3) of the UUP and Article 72 Paragraph (3) of the KHI, but at the appeal level the High Religious Court actually granted the lawsuit on the grounds that the violation of the

conditions for a valid marriage had a more fundamental urgency than the formality of time. This difference of opinion of the Judges raises questions regarding the ratio decidendi of the judge in deciding the case of annulment of marriage and to what extent the statute of limitations can be applied in the annulment of marriage according to the Judge's interpretation.

The research method used is normative legal research with a statute approach and a case approach. Data were obtained through a literature review of relevant laws and regulations, doctrines, and court decisions. The analysis was conducted qualitatively by examining the ratio decidendi and the judge's interpretation.

The analysis shows that although the statute of limitations is a normative reason for a lawsuit to be inadmissible, appellate judges have the freedom to interpret the statute of limitations by considering the principles of justice, expediency, and legal certainty. In the case under review, the High Religious Court considered that the substance of a fundamental marital violation, such as polyandry, was prioritized over the formality of the lawsuit filing deadline. This approach provides optimal legal protection for the plaintiff, although it has the potential to lead to disparities in decisions in similar cases in the future.

Keyword: Relevance, Annulment of Marriage, Expiration.