

Tinjauan yuridis terhadap putusnya perkawinan campuran dalam perspektif hukum perdata internasional Indonesia (studi kasus Putusan Pengadilan Agama Jakarta Selatan No.2309/PDT.G/2011/PA.JKT.SEL dan Pengadilan Agama Denpasar No.0285 /PDT.G/2013/PA.DPS) = Juridical review of mixed marriage's dissolution in the perspective indonesian private international law perspective (Decision No.2309/PDT.G/2011/PA.JKT.SEL Religious Court of South Jakarta and Decision No.0285 /PDT.G/2013/PA.DPS Religious Court of Denpasar)

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Abstrak

Skripsi ini membahas tentang putusnya perkawinan antara warga negara Indonesia (WNI) dengan warga negara asing (WNA) di wilayah hukum Indonesia yang dilakukan di muka Pengadilan Agama. Metode penelitian penulisan skripsi ini bersifat yuridis normatif dan berbentuk deskriptif analitis, untuk menjawab permasalahan mengenai pengaturan mengenai perkawinan campuran dan perceraianya dalam sudut pandang HPI Indonesia serta pertimbangan majelis hakim di Pengadilan Agama dalam menerapkan prinsip-prinsip HPI pada putusan perkawinan campuran. Hasil dari penelitian ini ialah perkawinan campuran dapat ditinjau dari dua sudut pandangan yaitu menurut GHR dan Pasal 57 UU Perkawinan 1974 serta hakim Pengadilan Agama di Indonesia masih belum menerapkan prinsip-prinsip HPI dalam pertimbangan putusannya.

.....This thesis examines the divorce between Indonesian citizen and Foreigner before Religious Court. The research of this study was conducted through juridical normative method in a form of analytical description, in order to answer the issues regarding the regulations of mixed marriage and divorce in the perspective of Indonesian Private International Law as well as the considerations of the Judges of Religious Court in applying the principles of Indonesian Private International Law in their decisions. The outcome of this study shows that mixed marriage can be reviewed based on two perspectives, namely GHR and Article 57 of Law No. 1 of 1974 on Marriage, and that the Judges of Religious Court had not yet applied the principles of Indonesian Private International Law in their decisions.