

ABSTRAK

Rozak, Abdul, Faiz, Muhammad. 2025. “ *Analisis Prespektif Imam Syafii Terhadap Putusan Nomor(265/Pdt.G/2024/Pa.Sby) Tentang Pembayaran Nafkah Pasca Cerai*”. Jurusan Hukum Keluarga Islam, Fakultas Syariah, Universitas Kiai Abdullah Faqih (UNKAFA) Gresik. Pembimbing: Miftakur Rohman, M.HI

Kata Kunci: Nafkah Pasca Cerai, Imam Syafi’i, Hukum Islam, Putusan Pengadilan, Perceraian.

Penelitian ini dilatarbelakangi oleh masih adanya ketimpangan dalam pelaksanaan kewajiban nafkah pasca perceraian, khususnya pada putusan Pengadilan Agama Surabaya Nomor 265/Pdt.G/2024/PA.Sby. Meskipun sudah ada landasan hukum positif melalui Undang-Undang Nomor 1 Tahun 1974 dan Kompilasi Hukum Islam (KHI), serta dukungan melalui sinergi antara Pengadilan Agama dan Pemerintah Kota Surabaya, kewajiban nafkah pasca cerai memiliki batasan yang tegas dan spesifik.

Kajian teori dalam penelitian ini membahas konsep nafkah pasca cerai, baik dalam hukum Islam maupun hukum positif di Indonesia. Teori yang digunakan meliputi teori keadilan hukum Islam, kaidah fikih dalam pemenuhan nafkah, dan perbandingan antara ketentuan fikih klasik dan hukum nasional. Imam Syafi’i menegaskan bahwa nafkah iddah hanya diberikan dalam talak raj’i, dan mut’ah diberikan jika talak dijatuhkan atas kehendak suami, dengan mempertimbangkan mahar dan kondisi istri.

Penelitian ini menggunakan pendekatan kualitatif dengan jenis penelitian yuridis normatif. Data dikumpulkan melalui studi kepustakaan yang meliputi dokumen hukum seperti putusan pengadilan, Undang-Undang, KHI, serta kitab-kitab fikih klasik seperti Al-Umm karya Imam Syafi’i.

Hasil penelitian menunjukkan bahwa isi putusan Nomor 265/Pdt.G/2024/PA.Sby menetapkan kewajiban kepada suami untuk membayar nafkah iddah, mut’ah, nafkah madhiyah, dan nafkah anak. Majelis hakim mempertimbangkan prinsip keadilan, kemampuan ekonomi pihak suami, serta perlindungan terhadap mantan istri dan anak. Namun, jika ditinjau dari perspektif Imam Syafi’i, terdapat perbedaan mendasar, khususnya dalam pemberian nafkah madhiyah dan nafkah iddah kepada istri yang telah ditalak bain atau terbukti nusyuz, yang menurut Imam Syafi’i tidak wajib lagi diberi nafkah. Hal ini menunjukkan bahwa hakim lebih mempertimbangkan pendekatan hukum progresif dan perlindungan sosial daripada semata-mata mengikuti batasan fikih klasik.

ABSTRACT

Rozak, Abdul and Muhammad Faiz. 2025. "An Analysis of Imam Shafi'i's Perspective on Decision Number 265/Pdt.G/2024/PA.Sby Regarding Post-Divorce Alimony Payments." Department of Islamic Family Law, Faculty of Sharia, Universitas Kiai Abdullah Faqih (UNKAFA) Gresik. Advisor: Miftakur Rohman, M.HI.

Key words: Post-Divorce Alimony, Imam Shafi'i, Islamic Law, Court Decision, Divorce.

This research is motivated by the ongoing disparities in the implementation of post-divorce alimony obligations, particularly in the case decision Number 265/Pdt.G/2024/PA.Sby from the Religious Court of Surabaya. Although there are legal foundations established by Law Number 1 of 1974 and the Compilation of Islamic Law (KHI), supported by synergy between the Religious Court and the Surabaya City Government, the obligation of post-divorce alimony remains specific and limited.

The theoretical framework in this study explores the concept of post-divorce alimony from both Islamic law and Indonesian positive law. The theories include Islamic legal justice, principles of Islamic jurisprudence related to alimony, and a comparison between classical fiqh provisions and national law. Imam Shafi'i asserts that iddah alimony is only provided in the case of a revocable divorce (talak raj'i), and mut'ah is granted when divorce is initiated by the husband, considering the amount of mahr (dowry) and the wife's condition.

This study employs a qualitative method with a normative juridical approach. Data were collected through library research, which included legal documents such as court rulings, laws, KHI, and classical Islamic jurisprudence texts, particularly Al-Umm by Imam Shafi'i.

The results of this research indicate that the court decision Number 265/Pdt.G/2024/PA.Sby obliges the ex-husband to pay iddah alimony, mut'ah, past due alimony (nafkah madhiyah), and child support. The panel of judges based their decision on the principles of justice, the husband's economic capacity, and the protection of the ex-wife and children. However, from the perspective of Imam Shafi'i, there are fundamental differences, especially concerning the provision of nafkah madhiyah and iddah alimony to a wife who has been irrevocably divorced (talak bain) or proven disobedient (nusyuz), which according to Imam Shafi'i, are no longer obligatory. This indicates that the judges adopted a progressive legal approach and emphasized social protection rather than strictly adhering to classical Islamic jurisprudence.