

ABSTRAK

Wardana, Guna Dharma Sapta. 2025. “*Analisis Hukum Islam Terhadap Putusan Pengadilan Agama Nomor 6181/Pdt.G/2021/Pa.Sby Tentang Hadhanah*”. Jurusan Hukum Keluarga Islam, Fakultas Syariah, Universitas Kiai Abdullah Faqih (UNKAFA) Gresik. Pembimbing: Abd Hafidh, MH.

Kata Kunci: Hadhanah, Hak Asuh Anak, Perceraian, Putusan Pengadilan, Hukum Islam.

Penelitian ini membahas putusan Pengadilan Agama Surabaya Nomor 6181/Pdt.G/2021/PA.Sby mengenai hadhanah (hak asuh anak) pasca perceraian, ditinjau dari perspektif hukum Islam. Permasalahan hadhanah kerap muncul dalam perkara perceraian, terutama ketika terjadi sengketa antara ayah dan ibu mengenai siapa yang paling berhak mengasuh anak.

Metode penelitian yang digunakan adalah studi kasus dengan pendekatan normatif-yuridis, menganalisis isi putusan pengadilan dan membandingkannya dengan prinsip-prinsip hukum Islam serta peraturan perundang-undangan yang berlaku.

Hasil Penelitian bahwa Putusan hakim dalam perkara Nomor 6181 /Pdt.G/2021/PA.Sby mengenai hadhanah mencerminkan komitmen pengadilan dalam mengutamakan kepentingan terbaik bagi anak (*maṣlahah al-maḥḍūnah*) sebagaimana diatur dalam hukum Islam dan peraturan perundang-undangan di Indonesia. Hakim menetapkan hak asuh kepada ibu kandung berdasarkan pertimbangan usia anak yang belum mumayyiz, aspek psikologis, dan kemampuan ibu dalam memenuhi kebutuhan anak. Analisis hukum Islam menunjukkan bahwa putusan tersebut sesuai dengan prinsip-prinsip fikih hadhanah, maqāṣid al-syarī‘ah, serta Kompilasi Hukum Islam Pasal 105, karena mengedepankan perlindungan dan kesejahteraan anak sebagai prioritas utama.

ABSTRACT

Wardana, Guna Dharma Sapta. 2025. “*Islamic Law Analysis of Religious Court Decision Number 6181/Pdt.G/2021/PA.Sby Regarding Hadhanah.*” Department of Islamic Family Law, Faculty of Sharia, Kiai Abdullah Faqih University (UNKAFA) Gresik. Advisor: Abd Hafidh, M.H.

Keywords: *Hadhanah*, Child Custody, Divorce, Court Ruling, Islamic Law.

This research examines the decision of the Surabaya Religious Court Number 6181/Pdt.G/2021/PA.Sby concerning hadhanah (child custody) post-divorce, viewed from an Islamic law perspective. Hadhanah issues frequently arise in divorce cases, especially when disputes occur between the father and mother regarding who has the primary right to care for the child.

The research method employed is a case study with a normative-juridical approach, analyzing the content of the court's decision and comparing it with Islamic legal principles and applicable laws and regulations.

The research findings indicate that the judge's decision in case Number 6181/Pdt.G/2021/PA.Sby concerning hadhanah reflects the court's commitment to prioritizing the best interests of the child (*maṣlaḥah al-maḥdūnah*) as stipulated in Islamic law and Indonesian legislation. The judge granted custody to the biological mother based on considerations of the child's age (not yet *mumayyiz*), psychological aspects, and the mother's ability to fulfill the child's needs. An analysis of Islamic law shows that the decision aligns with the principles of *fiqh hadhanah*, *maqāṣid al-syarī'ah*, and Article 105 of the Compilation of Islamic Law, as it prioritizes the protection and welfare of the child.