

***RATIO DECIDENDI* PENGADILAN AGAMA TERHADAP
PERMOHONAN IZIN POLIGAMI (STUDI PUTUSAN PENGADILAN
AGAMA SIDOARJO NOMOR 1671/PDT.G/2022/PA.SDA)**

Pramesti Ratu Fiqih¹, Mochamad Cholil²

INTISARI

Permohonan izin poligami dengan alasan kebutuhan biologis yang tinggi menjadi polemik dalam praktik peradilan agama di Indonesia. Perbedaan pendekatan antar hakim dalam menafsirkan alasan tersebut menimbulkan ketidakseragaman putusan dan menimbulkan ketidakpastian hukum. Penelitian ini berfokus pada *ratio decidendi* hakim dalam menolak permohonan izin poligami dalam Putusan Pengadilan Agama Sidoarjo Nomor 1671/Pdt.G/2022/PA.Sda, dengan menekankan bagaimana kebutuhan biologis diposisikan dalam kerangka hukum yang berlaku.

Penelitian ini merupakan penelitian hukum dengan menggunakan pendekatan perundang-undangan dan pendekatan kasus. Bahan hukum yang digunakan meliputi bahan hukum primer berupa undang-undang, kompilasi hukum Islam, dan putusan pengadilan, serta bahan hukum sekunder berupa literatur hukum yang relevan. Teknik pengumpulan data dilakukan melalui studi kepustakaan, dan dianalisis secara kualitatif dengan metode preskriptif.

Hasil penelitian menunjukkan bahwa majelis hakim dalam Putusan Nomor 1671/Pdt.G/2022/PA.Sda menafsirkan secara restriktif syarat-syarat poligami sebagaimana tercantum dalam Pasal 4 ayat (2) Undang-Undang Perkawinan dan Pasal 57 Kompilasi Hukum Islam. Alasan kebutuhan biologis yang tinggi dinilai tidak termasuk alasan sah yang dapat membenarkan pemberian izin poligami. Hakim menggunakan prinsip kehati-hatian dan menolak memperluas tafsir terhadap ketentuan hukum yang berlaku, demi menjaga perlindungan terhadap istri dan institusi perkawinan.

Penelitian ini menyarankan agar Mahkamah Agung menerbitkan pedoman teknis untuk menyamakan penafsiran hakim dalam perkara izin poligami serta mendorong pembentuk undang-undang untuk merevisi ketentuan hukum terkait guna memperjelas batasan alasan sah. Selain itu, penting bagi hakim untuk mempertimbangkan aspek psikologis, medis, dan dampak sosial secara komprehensif agar putusan yang diambil sejalan dengan prinsip keadilan substantif dan perlindungan terhadap hak perempuan.

Kata Kunci: Kebutuhan Biologis, Pengadilan Agama, Poligami, *Ratio Decidendi*

¹ Mahasiswa Prodi Hukum (S-1) Universitas Jenderal Achmad Yani Yogyakarta

² Prodi Hukum (S-1) Universitas Jenderal Achmad Yani Yogyakarta

**RATIO DECIDENDI OF THE AGENCY COURT ON POLYGAMY
PERMISSION(Study of the Sidoarjo Religious Court Decision
Number 1671/Pdt.G/2022/PA.Sda)**

Pramesti Ratu Fiqih¹, Mochamad Cholil²

ABSTRACT

Requests for polygamy permits on the grounds of high biological needs have become a polemic in the practice of religious courts in Indonesia. The difference in approach between judges in interpreting these reasons has led to non-uniformity of decisions and legal uncertainty. This research focuses on the ratio decidendi of the judge in rejecting the polygamy permit application in Sidoarjo Religious Court Decision Number 1671/Pdt.G/2022/PA.Sda, emphasizing how biological needs are positioned within the applicable legal framework.

This research is a legal research using a statutory approach and a case approach. The legal materials used include primary legal materials in the form of laws, compilations of Islamic law, and court decisions, as well as secondary legal materials in the form of relevant legal literature. Data collection techniques were carried out through literature studies, and analyzed qualitatively with prescriptive methods.

The results showed that the panel of judges in Decision Number 1671/Pdt.G/2022/PA.Sda interpreted restrictively the conditions of polygamy as stated in Article 4 paragraph (2) of the Marriage Law and Article 57 of the Compilation of Islamic Law. The reason for high biological needs is considered not to be a valid reason that can justify granting a polygamy license. The judge used the precautionary principle and refused to expand the interpretation of the applicable legal provisions, in order to maintain the protection of the wife and the institution of marriage.

This study suggests that the Supreme Court issue technical guidelines to equalize judges' interpretation in polygamy license cases and encourage lawmakers to revise relevant legal provisions to clarify the limitations of legitimate reasons. In addition, it is important for judges to comprehensively consider psychological, medical, and social impact aspects so that their decisions are in line with the principles of substantive justice and protection of women's rights.

Keywords: *Biological Needs, Religious Court, Polygamy, Ratio Decidendi*

¹ Mahasiswa Prodi Hukum (S-1) Universitas Jenderal Achmad Yani Yogyakarta

² Dosen Prodi Hukum (S-1) Universitas Jenderal Achmad Yani Yogyakarta