

AKIBAT HUKUM PENCATATAN PERJANJIAN PERKAWINAN PADA PEGAWAI PENCATAT PERKAWINAN BAGI PIHAK KETIGA

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis proses pencatatan pelaporan perjanjian perkawinan bagi pasangan suami istri Non Muslim menurut Putusan MK No.69/PUU/XIII/2015 dan untuk mengetahui dan menganalisis akibat hukum pencatatan perjanjian perkawinan pasangan suami istri Non Muslim pada Pegawai Pencatat Perkawinan bagi pihak ketiga.

Penelitian menggunakan jenis penelitian hukum normatif yang mengacu pada data sekunder yang meliputi asas hukum, kaedah hukum, teori hukum dan peraturan perundang-undangan dan didukung dengan penelitian di lapangan, yaitu penulis melakukan wawancara pada narasumber.

Berdasarkan penelitian ini, dapat ditarik kesimpulan bahwa proses pencatatan perjanjian perkawinan bagi pasangan suami istri Non Muslim yang benar menurut Putusan MK No.69/PUU/XIII/2015 dan dengan SE No.472.2/5876/DUKCAPIL sebagai pedoman pencatatan administratifnya, yaitu: calon suami istri/ pasangan suami istri membuat perjanjian perkawinan di hadapan notaris; perjanjian perkawinan dicatat di Unit Catatan Sipil, di mana pasangan suami istri berdomisili, dengan memenuhi syarat dan tata cara pencatatan; Pegawai Pencatat Perkawinan memutuskan format yang digunakan sesuai syarat yang dikumpulkan pasangan suami istri pembuat perjanjian perkawinan, berupa catatan pinggir atau surat keterangan; terakhir pasangan suami istri diberi kutipan akta perkawinan yang telah dibuatkan catatan pinggir atau surat keterangan. Akibat hukum dari pencatatan perjanjian perkawinan yang dicatat pada Pegawai Pencatat Perkawinan, dalam hal ini Unit CAPIL, bagi pihak ketiga adalah perjanjian perkawinan mengikat dan berlaku pada pihak ketiga. Sedangkan, pencatatan perjanjian perkawinan yang tidak dicatat pada Pegawai Pencatat Perkawinan, dalam hal ini dicatatkan secara administratif di Panitera Pengadilan Negeri, maka perjanjian perkawinan tetap memiliki kekuatan mengikat dan berlaku bagi pihak ketiga.

Kata Kunci: Pencatatan Perjanjian Perkawinan, Pegawai Pencatat Perkawinan, Pihak Ketiga.

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LEGAL CONSEQUENCES OF REGISTRATION OF THE MARRIAGE AGREEMENTS AT MARRIAGE REGISTRATION OFFICER FOR THIRD PARTY

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ABSTRACT

This research aims to find out and analyze the process of recording marriage agreements for non-Muslim married couples according to the Constitutional Court Decision No.69/PUU/XIII/2015 and to find out and analyze the legal consequences of recording marriage agreements for non-Muslim married couples at marriage registration officer for third party.

This research uses normative legal research refers to secondary data, includes legal principles, legal methods, legal theory and legislation and supported by research in the field, the author conducted interviews with sources.

Based on this research, the concluded: the process of registration marriage agreement for non-Muslim married couples according to Constitutional Court Decision No.69/PUU/XIII/2015 and SE No.472.2/5876/DUKCAPIL as administrative registration guideline, those are: future husband and wife/husband and wife make marriage contract before notary; marriage agreement is recorded at Civil Registry Unit, where husband and wife are domiciled, by fulfilling requirements and procedures for recording; Marriage Registrar decides the format to be used accordance with requirements that have been collected by husband and wife, whether in the form of side notes or statement; last is husband and wife are given quote from marriage certificate, which has made side note or statement. The legal consequences of registration of marriage agreement that recorded at Marriage Registrar for third parties is marriage agreement is binding and applies to third parties. Meanwhile, registration of marriage agreement that is not recorded at Marriage Registrar, in this case administrative recorded at Registrar of the District Court, marriage agreement also have binding force and apply to third parties.

Key Words: *The Registration of The Marriage Agreement, Marriage Registration Officer, Third Party*

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