

PERAN PEGAWAI PENCATAT NIKAH TERHADAP PERJANJIAN PERKAWINAN YANG DIBUAT SETELAH PERKAWINAN PASCA PUTUSAN MAHKAMAH KONSTITUSI NOMOR 69/ PUU- XII/ 2015 (Studi Kasus di Kantor Urusan Agama Kota Yogyakarta)

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INTISARI

Maksud dari penelitian ini adalah untuk mengetahui dan menganalisis peran Pegawai Pencatat Nikah terhadap perjanjian perkawinan yang dibuat setelah perkawinan pasca Putusan Mahkamah Konstitusi Nomor 69/ PUU- XII/ 2015, serta menganalisis tanggung jawab Pegawai Pencatat Nikah terhadap pengesahan perjanjian perkawinan yang dibuat setelah perkawinan pasca Putusan Mahkamah Konstitusi Nomor 69/ PUU- XII/ 2015. Penelitian ini bersifat normatif-empiris dengan penelitian lapangan untuk mendapat data primer yang kemudian didukung data sekunder dari penelitian kepustakaan. Seluruh data yang terkumpul dianalisis dengan metode kualitatif. Subyek dalam penelitian ini menggunakan teknik *purposive sampling*. Disebut *purposive sampling* karena dalam pengambilan sampel dilakukan dengan mengambil orang-orang benar oleh peneliti menurut ciri-ciri spesifik yang dimiliki oleh sampel.

Hasil penelitian menunjukkan bahwa: (1) tidak ada perbedaan peran Pegawai Pencatat Nikah sebelum dan pasca Putusan Mahkamah Konstitusi Republik Indonesia Nomor 69/ PUU- XII/ 2015 melainkan perluasan makna waktu pelaksanaan perjanjian perkawinan dan pemberian kewenangan dalam pengesahan perjanjian perkawinan kepada notaris. (2) Surat Edaran Dirjen Bimbingan Masyarakat Islam Kemenag Nomor: B.2674/DJ.III/KW.00/9/2017 perihal Pencatatan Perjanjian Perkawinan dengan Putusan Mahkamah Konstitusi Nomor 69/PUU-XIII/2015 tidak berbeda pemaknaan terkait peran Pegawai Pencatat Nikah dan Notaris terhadap Pencatatan Perjanjian Perkawinan. Surat Edaran Dirjen Bimbingan Masyarakat Islam Kemenag Nomor: B.2674/DJ.III/KW.00/9/2017 perihal Pencatatan Perjanjian Perkawinan menjabarkan mengenai prosedur dan tata cara pelaksanaan pencatatan dan pengesahan perjanjian perkawinan yang dilaksanakan pasca putusan Mahkamah Konstitusi tersebut.

Kata Kunci : Peran Pegawai Pencatat Nikah, Perjanjian Perkawinan, Putusan Mahkamah Konstitusi Republik Indonesia Nomor 69/PUU-XIII/2015

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**THE ROLE OF MARRIAGE REGISTRY OFFICER OF AGREEMENT
MADE AFTER MARRIAGE IN THE AFTERMATH OF DECREE OF THE
CONSTITUTIONAL COURT NUMBER 69/ PUU- XII/ 2015
(Case Study in Religious Affairs office of Yogyakarta)**

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ABSTRACT

The whole point of this study is to find and analyze the role of marriage registry employees with the exception of a marriage made after the marriage in the aftermath of the award the constitutional court number 69 / puu- xii / 2015 , and analyzes the responsibility of marriage registry against employees said that the adoption of a covenant marriage made after the marriage in the aftermath of the award the constitutional court number 69 /puu- xii / 2015 .This research is normative-empiris with research to obtain primary data then supported secondary data from the research literature. All data collected analyzed using a qualitative methodology.The subject in the sampling method of purposive technique was used in the study. Called purposive in addition the sampling method of sample done by taking the righteous by researchers according to the characteristics of specific by sample.

The research results show that: (1) there is no difference the role of marriage registry employees before and post the decision of the constitutional court of the Republic of Indonesia number 69 / puu- xii / 2015 but the expansion of meaning time implement the agreement of marriage and granting authority in the ratification of the agreement marriage to a notary. (2) circular letter guidance director general of the Islamic community in education was number: b.2674 / dj.iii / kw.00 / 9 / 2017 regarding the registration of a covenant marriage by the judgment of the constitutional court number 69 / puu-xiii / 2015 no different meanings related the role of marriage registry employees and a notary against the registration of a covenant marriage. Director general of the Islamic community guidance circular letter in education was number: b.2674 / dj.iii / kw.00 / 9 / 2017 regarding the registration of a covenant marriage outline on the procedures and procedures for recording and the ratification of the agreement marriage that have been carried out in the aftermath of the decisions the constitutional court.

Keyword: the role of the Civil Registrar of Marriages, Postnuptial Agreement, Constitutional Court Decision Number 69 / PUU / XIII / 2015 regarding judicial review of Article 29 UU Number 1 Year 1974 about marriage.

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