



# Direktori Putusan Mahkamah Agung Republik Indonesia

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 \fcharset238\frpq2 Tahoma CE};  
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 Tahoma Greek};}{\f424\fbidi \fswiss\fcharset162\frpq2 Tahoma Tur};}{\f425\fbidi \fswiss  
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 \fcharset204\frpq2 Monotype Corsiva Cyr};}{\f433\fbidi \fscript\fcharset161\frpq2 Monotype  
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 (Hebrew){\\*\falt Times New Roman};}  
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 (Hebrew){\\*\falt Times New Roman};}  
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 Calisto MT};}  
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 {\fhiminator\31571\fbidi \fswiss\fcharset161\fpqr2 Calibri Greek};  
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{\fbminor/f31582\fbidi \froman\fcharset162\fpqr2 Times New Roman Tur{\*\falt Times
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(Hebrew){\*\falt Times New Roman};}
{\fbminor/f31584\fbidi \froman\fcharset178\fpqr2 Times New Roman (Arabic){\*\falt
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{\fbminor/f31586\fbidi \froman\fcharset163\fpqr2 Times New Roman (Vietnamese){\*\falt
Times New Roman};}{\color{tbl;red0\green0\blue0;\red0\green0\blue255;\red0\green255
\blue255;\red0\green255\blue0;\red255\green0\blue255;\red255\green0\blue0;
\red255\green255\blue0;\red255\green255\blue255;\red0\green0\blue128;\red0\green128
\blue128;\red0\green128\blue0;\red128\green0\blue128;\red128\green0\blue0;\red128
\green128\blue0;\red128\green128\blue128;\red192\green192\blue192;}{\*\defchp \fs22 }
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\adjustright\rin0\lin0\itap0 }noqfpromote {\stylesheet{\ql \li0\ri0\widctlpar\wrapdefault
\aspalpha\aspnum\faauto\adjustright\rin0\lin0\itap0 \rtlch\fcs1
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\snext0 \sqformat \spriority0 \styrsid16152244 Normal;}{\*\cs10 \additive \semihidden
Default Paragraph Font;}{\*
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\trcbpat1\trcfpat1\tblind0\tblindtype3\tscellwidthfts0\tsvertalt\tsbrdr\tsbrdr\tsbrdrb\tsbrdr
\tsbrdrd\tsbrdrdgr\tsbrdrh\tsbrdrv \ql \li0\ri0\sa200\sl276\slmult1
\widctlpar\wrapdefault\aspalpha\aspnum\faauto\adjustright\rin0\lin0\itap0 \rtlch\fcs1 \af0
\afs22\alang1025 \ltrch\fcs0 \fs22\lang1033\langfe1033\cgrid\langnp1033\langfenp1033
\snext11 \semihidden \sunhideused \sqformat Normal Table;}{
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\adjustright\rin0\lin0\itap0 \rtlch\fcs1 \af0\afs24\alang1025 \ltrch\fcs0 \fs24\lang1057
\langfe1057\cgrid\langnp1057\langfenp1057 \sbasedon0 \snext15 \slink16 header;}{\*
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\semihidden Header Char;}{\sl7\ql \li0\ri0\widctlpar\qc\tx4153\qr\tx8306\wrapdefault
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\ltrch\fcs0 \fs28\lang1057\langfe1057\cgrid\langnp1057\langfenp1057 \sbasedon0 \snext19
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\fs24\lang1057\langfe1057\cgrid\langnp1057\langfenp1057 \sbasedon0 \snext21 \slink22
\styrsid16152244 Body Text;}{\*\cs22 \additive \rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \fs24
\sbasedon10 \slink21 \slocked \semihidden Body Text Char;}{
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\langfenp1057 \sbasedon0 \snext23 \slink24 \styrsid16152244 Body Text 2; }
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\semihidden Body Text 2 Char;}{\sl25\qj \fi1122\li0\ri0\sl360\slmult1\widctlpar\thyp
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ltrch\fs0 \fs24\lang1057\langfe1057\cgrid\langnp1057\langfenp1057 \sbasedon0 \snext25  
 \slink26 \stysid16152244 Body Text Indent 2; } {\\*cs26 \additive \rtlch\fs1 \af0\afs24 \ltrch  
 \fs0 \fs24 \sbasedon10 \slink25 \slocked \semihidden  
 Body Text Indent 2 Char; } {\s27\ql \li283\ri0\sa120\widctlpar\wrapdefault\aspalpha\aspnum  
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 Text Char; } {\\*cs32 \additive \rtlch\fs1 \af0 \ltrch\fs0 \sbasedon10 \stysid9928365 page  
 number; } {  
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\leveljcn2\levelfollow0\levelstartat1\levelspace0\levelindent0{\leveltext  
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8312e3039382035332e35323320430d3237392e3534392035372e  
353137203238312e3935352036312e393335203238332e3936382036332e31373820630d323  
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37206d0d3238382e3030312035372e373834203238362e3938312035392e313534203238362  
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d0d3236362e3735352037352e323237204c0d3236372e33393720  
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2e36332036352e343737203234312e3533362036322e383532203234302e38382036322e323  
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2e383235203233382e3334382035352e38323120630d3233382e3434322035342e383833203  
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 32203237332e31332036342e303731203237322e383438203635  
 2e30303820630d3237312037312e3137203236392e3636312037342e333833203236372e363  
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372e3136362039372e3931312036362e35303820630d39372e3934372036352e39393220393  
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 02606250021001f00254d5345505320547261696c65720d70705f7361766520726573746f726  
 50d000300000000000}}{\rtlch\fc1 \ab\af1 \ltrch\fc0 \bf1\lang0\langfe1057\langnp0  
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\par DEMI KEADILAN BERDASARKAN KETUHANAN YANG MAHA ESA

\par }}\pard \ltrpar\qj \fi930\li0\ri0\sl360\slmult1\widctlpar\rtlhyph\tx8640\wrapdefault\faauto  
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 \insrsid3615542

Pengadilan Agama Samarinda yang memeriksa dan mengadili perkara tertentu pada tingkat pertama, dalam persidangan majelis telah menjatuhkan putusan sebagaimana tersebut dibawah ini dalam perkara }}{\rtlch\fc1 \ab\ai\af1 \ltrch\fc0  
 \b\i\fi1\lang0\langfe1057\langnp0\insrsid3615542 Cerai Gugat}}{\rtlch\fc1 \af1 \ltrch\fc0 \fi1  
 \lang0\langfe1057\langnp0\insrsid3615542 yang diajukan oleh :

\par }}\pard \ltrpar\qj \fi-1200\li1200\ri0\sb120\sl360\slmult1\widctlpar\tx1200\rtlhyph\tx8640  
 \wrapdefault\faauto\rin0\lin1200\itap0\pararsid3615542 {\rtlch\fc1 \ab\af1 \ltrch\fc0 \bf1  
 \lang0\langfe1057\langnp0\insrsid8863784 Penggugat}}{\rtlch\fc1 \af1  
 \ltrch\fc0 \fi1\lang0\langfe1057\langnp0\insrsid3615542 , umur 24 tahun, agama Islam,  
 pendidikan SMA, pekerjaan Ibu Rumah Tangga, tempat tinggal di Kota Samarinda, sebagai }}  
 {\rtlch\fc1 \ab\ai\af1 \ltrch\fc0  
 \b\i\fi1\lang0\langfe1057\langnp0\insrsid3615542 Penggugat}}{\rtlch\fc1 \af1 \ltrch\fc0 \fi1  
 \lang0\langfe1057\langnp0\insrsid3615542 ;

\par }}\pard \ltrpar\qc \li0\ri0\sl360\slmult1\widctlpar\tx1200\wrapdefault\faauto\rin0\lin0  
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 \insrsid3615542 M e l a w a n

\par }}\pard \ltrpar\qj \fi-1200\li1200\ri0\sa120\sl360\slmult1\widctlpar\tx1200\rtlhyph\tx8640  
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 \lang0\langfe1057\langnp0\insrsid8863784 Tergugat}}{\rtlch\fc1 \af1  
 \ltrch\fc0 \fi1\lang0\langfe1057\langnp0\insrsid3615542 , umur 19 tahun, agama Islam,  
 pendidikan SMA, pekerjaan Honorer Dinas Pendapatan Daerah, tempat tinggal di Kota  
 Samarinda, sebagai }}{\rtlch\fc1 \ab\ai\af1 \ltrch\fc0  
 \b\i\fi1\lang0\langfe1057\langnp0\insrsid3615542 Tergugat}}{\rtlch\fc1 \af1 \ltrch\fc0 \fi1  
 \lang0\langfe1057\langnp0\insrsid3615542 ;



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\par }\pard \ltrpar\qj \li0\ri0\sl360\slmult1\widctlpar\thyphtx8640\wrapdefault\fauto\ri0\lin0\itap0\pararsid3615542 {\rtlch\fc1 \af1 \ltrch\fc0 \f1\lang0\langfe1057\langnp0\insrsid3615542 Pengadilan Agama tersebut;

\par Telah mempelajari berkas perkara yang bersangkutan;

\par Telah mendengar keterangan Penggugat dan Tergugat di depan persidangan;

\par }\pard \ltrpar\qc \li0\ri0\sb120\sa120\sl360\slmult1\widctlpar\wrapdefault\fauto\ri0\lin0\itap0\pararsid3615542 {\rtlch\fc1 \ab\af1 \ltrch\fc0 \b\af1\lang0\langfe1057\langnp0\insrsid3615542 TENTANG DUDUK PERKARANYA

\par }\pard \ltrpar\qj \fi705\li0\ri0\sl360\slmult1\widctlpar\wrapdefault\fauto\ri0\lin0\itap0\pararsid3615542 {\rtlch\fc1 \af1 \ltrch\fc0 \f1\lang0\langfe1057\langnp0\insrsid3615542

Bahwa Penggugat dengan surat gugatannya bertanggal 16 Desember 2013, yang didaftarkan di Kepaniteraan Pengadilan Agama Samarinda, dengan register Nomor 1924/Pdt.G/2013/PA.Smd., tanggal 16 Desember 2013, mengemukakan

hal-hal yang pada pokoknya sebagai berikut :

\par }\pard \ltrpar\qj \fi-420\li420\ri0\sl360\slmult1\widctlpar\thyphtx8640\wrapdefault\fauto\ri0\lin420\itap0\pararsid3615542 {\rtlch\fc1 \af1 \ltrch\fc0 \f1\lang0\langfe1057\langnp0\insrsid3615542

\par 1.\tab Bahwa Penggugat dengan Tergugat telah melangsungkan pernikahan pada hari Sabtu tanggal 10 Juli 2010 M. bertepatan dengan tanggal 27 Rajab 1431 H., yang dicatat oleh Pegawai Pencatat Nikah pada Kantor Urus

an Agama Kecamatan Sungai Kunjang, Kota Samarinda, sebagaimana tercantum dalam Kutipan Akta Nikah Nomor : 609/086/VII/2010 tanggal 12 Juli 2010;

\par 2.\tab Bahwa setelah pernikahan tersebut Penggugat dan Tergugat bertempat tinggal di rumah orang tua Tergugat di Kota Samarinda selama 3 tahun 6 bulan;

\par 3.\tab Bahwa dari pernikahan, Penggugat dan Tergugat tersebut telah dikaruniai 1 orang anak bernama }{\rtlch\fc1 \af1 \ltrch\fc0 \f1\lang0\langfe1057\langnp0\insrsid8863784

Anak Ke-I}{\rtlch\fc1 \af1 \ltrch\fc0 \f1\lang0\langfe1057\langnp0\insrsid3615542 , lahir di Samarinda tanggal 10 Maret 2011 dan anak tersebut sekarang berada dalam asuhan Penggugat;

\par 4.\tab Bahwa sejak bulan Desember tahun 2010 mulai tidak rukun, antara Penggugat dan Tergugat sering terjadi perselisihan dan pertengkaran;

\par 5.\tab Bahwa penyebab perselisihan dan pertengkaran tersebut dikarenakan Tergugat suka marah-maraha kepada Penggugat, setiap ada hal yang kecil

langsung menjadi besar, seperti ketika Penggugat kehilangan uang, kemudian menanyakan kepada Tergugat, namun Tergugat malah marah-maraha dan berkata kasar kepada Penggugat, seperti anjing, bangsat, dan lain-lain, bahkan Tergugat tidak segan-segan menyakiti jasmani Penggugat;

\par 6.\tab Bahwa Penggugat sudah berupaya bersabar untuk mempertahankan keutuhan rumah tangga demi anak Penggugat dan Tergugat serta dengan harapan Tergugat mau memperbaiki diri dan merubah sikap dan sifat buruknya tersebut, namun Tergugat tidak

mau menunjukkan \rquote tidak baik untuk menjaga keutuhan rumah tangga}{\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid14503423 ;}{\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid3615542

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\par }{\rtlch\fc1 \af1 \ltrch\fc0 \f1\lang0\langfe1057\langnp0\insrsid3615542 7.\tab

Bahwa puncak perselisihan dan pertengkaran antara Penggugat dengan Tergugat tersebut terjadi pada bulan November tahun 2013, dan sejak itu pula Penggugat dengan izin

Tergugat meningga

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Ikan rumah orangtua Tergugat dan sejak saat itu antara Penggugat dan Tergugat tidak pernah kumpul lagi sampai sekarang;

\par 8. tab Bahwa atas sikap dan perbuatan Tergugat tersebut, Penggugat menyatakan tidak sanggup lagi melanjutkan hubungan perkawinan bersama Tergugat, oleh karena itu Penggugat mengajukan masalah ini ke Pengadilan Agama Samarinda;

\par

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\par - tab Menjatuhkan talak satu bain sughra Tergugat ( ) {\rtlch\fc1 \af1 \ltrch\fc0 \f1\lang0\langfe1057\langnp0\insrsid8863784 Tergugat} {\rtlch\fc1 \af1 \ltrch\fc0 \f1\lang0\langfe1057\langnp0\insrsid3615542 ) terhadap Penggugat ( ) {\rtlch\fc1 \af1 \ltrch\fc0 \f1\lang0\langfe1057\langnp0\insrsid8863784 Penggugat} {\rtlch\fc1 \af1 \ltrch\fc0 \f1\lang0\langfe1057\langnp0\insrsid3615542 );

\par - tab Membebaskan biaya perkara sesuai dengan ketentuan hukum yang berlaku;

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Atau apabila Pengadilan Agama berpendapat lain mohon putusan yang seadil-adilnya.

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Menimbang, bahwa memperhatikan pasal 89 ayat (1) Undang-Undang nomor 7 tahun 1989, yang telah diubah dengan Undang-Undang nomor 3 tahun 2006, oleh karenanya biaya yang ditimbulkan oleh perkara ini dibebankan kepada }  
 Penggugat }  
 Mengingat ketentuan Peraturan Perundang-Undangan dan Hukum Islam yang berkaitan dengan perkara ini;

MENGAJUKAN }  
 Mengajukan }  
 Menyatakan gugatan Penggugat tidak dapat diterima;

Membebankan kepada Penggugat untuk membayar biaya perkara ini sebesar Rp. 311.000,- (tiga ratus sebelas ribu rupiah).

Demikian diputuskan pada hari }  
 Rabu }  
 tanggal }  
 15 Januari 2014 }  
 Masehi, bertepatan dengan tanggal }  
 12 Rabiulawal 1435 }  
 Hijriyah, oleh Majelis Hakim Pengadilan Agama di Samarinda yang terdiri dari, }  
 Drs. Ahmad Ziadi }  
 sebagai Ketua Majelis, }  
 H. Ali Akbar, S.H. }  
 dan }  
 Hj. Siti Aminah }  
 S.H. }

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masing-masing sebagai Hakim Anggota. Putusan tersebut diucapkan pada hari itu juga oleh Ketua Majelis dalam persidangan yang terbuka untuk umum, dengan dihadiri oleh Hakim-hakim Anggota dan

Hasnaini, S.Ag. sebagai Panitera Pengganti, tapi tidak dihadiri oleh pihak Penggugat dan Tergugat.

Drs. Ahmad Ziadi Hakim Anggota, H. Ali Akbar, S.H.

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