

ABSTRAK

Patmawati, 2024 “*Perceraian Akibat Istri Berhutang Tanpa Izin Suami Perspektif Hukum Islam Studi Kasus Di Desa Sadar Kecamatan BONE- Kabupaten Luwu Utara*” Tentang Perceraian Akibat Istri Berhutang Tanpa Izin Suami. Skripsi Program Studi Hukum Keluarga Fakultas Syariah Institut Agama Islam Negeri Palopo Dibimbing oleh Dr. H. M. Zuhri Abu Nawas, Lc., MA dan Dr. H. Firman Muhammad Arif, Lc., M. HI.

Skripsi bertujuan untuk mengetahui fakta dan data istri berhutang tanpa izin suami Studi Kasus di Desa Sadar Kabupaten Luwu Utara, mengetahui apa faktor penyebab istri berhutang tanpa izin suami Studi Kasus di Desa Sadar kecamatan Bone-Bone Kabupaten Luwu Utara dan mengetahui perspektif hukum Islam terhadap suami menceraikan istri akibat berhutang tanpa izin suami perspektif hukum Islam Studi Kasus di Desa Sadar Kabupaten Luwu Utara.

Pendekatan Penelitian *Field Research* dengan jenis penelitian (kualitatif), adapun lokasi penelitian di Desa Sadar Kabupaten Luwu Utara, Selanjutnya subjek Penelitian yaitu, Suami (istrinya yang berhutang tanpa izin), RT Desa Sadar dan Hakim Pengadilan Agama Masamba. Adapun sumber data penelitian yaitu, data primer dan sekunder, selanjutnya teknik pengumpulan data wawancara, studi lapangan, observasi dan dokumentasi, serta teknik pengolahan data *editing, organizing, conclusion*.

Hasil penelitian, menunjukkan bahwa perceraian benar terjadi akibat istri berhutang tanpa izin suami. Terdapat dua kasus perceraian yang dilatarbelakangi oleh hutang, yaitu Mustakim dengan krisnawati, dan Mursalim dengan Nur Eka Yanti. Hakim mengemukakan bahwa suami boleh menceraikan istri yang *nusyuz* apabila berhutang tanpa izin suami, tiga tindakan suami apabila istri *nusyuz* yaitu menasehati dengan baik, pisah ranjang untuk sementara, dan memukul istri dengan pukulan ringan. apabila ketiga tindakan tersebut telah dilakukan suami namun istri tetap tidak patuh dan berubah maka suami boleh menceraikan istri demi kemaslahatan. Pihak suami tidak diwajibkan membayar hutang istri karena suami telah melaksanakan kewajibannya dan hutang yang dilakukan istri untuk kepentingan pribadi bukan untuk kepentingan rumah tangga. suami sebagai kepala rumah tangga mempunyai hak istimewa yaitu menjatuhkan Talaq kepada istri yang telah berhutang tanpa izin dan tidak ada yang boleh memaksa suami untuk membayarkan hutang istri tanpa persetujuan suami. Pihak istri tidak bisa menuntut suami untuk bertanggungjawab atas hutangnya sebab saat berhutang piha istri tidak memberitahukan suami bahwa ia berhutang, dalam hukum Islam siapa yang berhutang maka itu yang akan melunasi sesuai dengan perjanjian pinjam meminjam. dalam kasus ini suami tidak ridho untuk membayarkan hutang istri.

Kata kunci: Perceraian, Hutang, Hukum Islam.

ABSTRACT

Patmawati, 2024 “*Divorce Due to Wife’s Debt Without Husband’s Permission Islamic Law Perspective in Village of Sadar Subdistrict Bone-Bone North Luwu Utara*” About Divorce Due to Wife’s Debt Without Husband’s permission. Thesis of the family Study Program, Faculty Of Sharia, Palopo State Islamic Institute, Supervised by Dr. H.M Zuhri Abu Nawas, Lc.,MA and Dr. H. Firman Muhammad Arif, Lc., M.HI.

This thesis aim to find out facts and data about wives goint to into debt without their husband’s permission in the Village of Sadar Subdistrict Bone-Bone North Luwu Utara. find out what factors cause a wife to go into debt without her husband’s permission in the village of Sadar Subdistrict Bone-Bone North Luwu Utara and knowing perspective of Islamic law regarding husband’s divorcing their wives due to debt without the husband’s permission the perspective of Islamic law in the village of Sadar Subdistrict Bone-Bone North Luwu Utara.

The research approach is field research with the type of research (qualitative), as for the research location in Sadar Village North Luwu Utara, The research subjects are the husband (wife who owes money without permission), the RT of Sadar Village and the judge of the Masamba Religious Court. The research data sources are primary and secondary data, then data collection techniques are interviews, field studies, oobservation and documentation, as well as *editing organizing* and *conclusionu* data processing techniques.

The results of the research show that divorce actually occurs because the wife owes money without her husband's permission. There were two divorce cases that were motivated by debt, namely Mustakim and Krisnawati, and Mursalim and Nur Eka Yanti. The judge stated that a husband may divorce a wife who is nusyuz if she is in debt without the husband's permission. The husband's three actions if the wife is nusyuz are giving good advice, separating the bed for a while, and hitting the wife with a light blow. If the husband has carried out these three actions but the wife is still disobedient and changes, then the husband may divorce the wife for the sake of benefit. The husband is not obliged to pay the wife's debts because the husband has carried out his obligations and the debts incurred by the wife are for personal interests, not for household interests. The husband as head of the household has the special privilege of imposing Talaq on a wife who has owed money without permission and no one may force the husband to pay the wife's debt without the husband's consent. The wife cannot demand that the husband be responsible for her debt because when she owes money the wife does not tell her husband that she is in debt, in Islamic law whoever owes the debt will be the one to pay it according to the loan agreement. In this case the husband is not happy to pay the wife's debt

Keywords: Divorce, Debt, Islamic Law.