



MAZAHIBUNA: Jurnal Perbandingan Mazhab
Volume 4 Number 1 June 2022: 71-84
P-ISSN: 2685-6905; E-ISSN: 2685-7812
DOI: 10.24252/mh.vi.27109

<http://journal.uin-alauddin.ac.id/index.php/mjpm>

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Salary Distribution of Civil Servants After Divorce; Comparative Study of Islamic Law and National Law

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[Submitted: February 02, 2022]

[Reviewed: March 16, 2022]

[Accepted: June 30, 2022]

Abstract

This article reviews Islamic and National Laws on the distribution of salaries of Civil Servants after divorce. Field research was conducted using a sociological approach at the Belopa Religious Court, South Sulawesi. The results found that judges at the Belopa Religious Court, deciding divorce cases for civil servants in terms of salary distribution, did not apply Government Regulation Number 10 of 1983 to Number 45 of 1990 as a rule. Under the Compilation of Islamic Law, the judge only decides where the defendant is charged with *iddah*, *mut'ah*, house, and *hadhanah*. Meanwhile, law enforcement and justice should socialize related to legal problems where ordinary people can understand the legal consequences in society. The public should be able to understand the legal consequences of their divorce, especially civil servants.

Keywords:

Islamic Law; National Law; Civil Servants; Religious Courts.

Abstrak

Artikel ini bertujuan mengkaji tentang tinjauan Hukum Islam dan Hukum Nasional terhadap pembagian gaji Pegawai Negeri Sipil pasca cerai. Jenis penelitian yang digunakan dalam studi ini adalah penelitian lapangan dengan menggunakan pendekatan sosiologi. Penelitian ini dilakukan di Pengadilan Agama Belopa, Sulawesi Selatan. Hasil dari penelitian menemukan bahwa hakim pada Pengadilan Agama Belopa dalam memutuskan perkara perceraian bagi pegawai negeri sipil dalam hal pembagian gaji tidak menerapkan Peraturan Pemerintah Nomor 10 tahun 1983 jo Peraturan Pemerintah Nomor 45 tahun 1990 sebagaimana aturan tersebut sebagai aturan khusus bagi pegawai negeri sipil dalam hal perkawinan dan perceraian. hakim hanya memutuskan sesuai dengan Kompilasi Hukum Islam dimana tergugat hanya dibebankan nafkah *iddah*, *mut'ah*, maskan, dan *hadhanah*. Penegakan hukum dan keadilan kepada penegak hukum seharusnya melakukan sosialisasi terkait permasalahan-permasalahan hukum yang kerap terjadi, sehingga masyarakat awam dapat memahami akibat hukum yang ia ditimbulkan dalam berkehidupan dalam masyarakat. Masyarakat harus mampu memahami akibat hukum yang ditimbulkan dari perceraianya terkhusus lagi kepada para pegawai negeri sipil.

Kata Kunci:

Hukum Islam; Hukum Nasional; Pegawai Negeri Sipil; Pengadilan Agama.

1. Introduction

Nowadays, it is undeniable that many Indonesian people still do not know about family law, especially family disasters such as divorce.¹ Thus, the biggest family law problem is divorce law. In fact, almost every day, Religious Courts accept divorce claims.² Even though Indonesia still adheres to an eastern culture supposed to sanctify the meaning of a marriage, the facts say otherwise.³ The older the earth, the more cases of divorce and the more victims of the consequences of divorce itself, which are none other than their own children.

In Indonesia, divorce can only be carried out in Religious Courts (especially for Muslims) or District Courts (especially for non-Muslims).⁴ A divorce filed in the Religious Courts will have legal consequences for both parties and their children.

In order to do divorce, there must be a sufficient reason that they cannot live in harmony as husband and wife. This is confirmed by Article 29 paragraph (2) of Law Number 1 of 1974 concerning marriage in conjunction with Article 19 of Government Regulation Number 9 of 1975 concerning the Implementation of Marriage and Article 116 of the Islamic Law Compilation.⁵ The basic reasons for a husband and wife filing a divorce suit in court are: a.) one of the parties commits adultery or becomes a drunkard, condensed, gambler, and so on, which is difficult to cure; b.) one of the parties leaves the other for 2 (two) consecutive years without the permission of the other party and a valid reason or for other reasons against his/her will; c.) one of the parties gets a prison sentence of 5 (five) years or a heavier sentence after the marriage takes place, d.) one of the parties commits cruelty or

¹ Sudirman et al., "The Family Corner for the Post-COVID 19 Revitalization of Family Function," *Samarah* 5, no. 1 (2021): 88–107, <https://doi.org/10.22373/sjkh.v5i1.9122>.

² Euis Nurlaelawati, "Muslim Women in Indonesian Religious Courts," *Islamic Law and Society* 20, no. 3 (2013): 242–71, <https://doi.org/10.1163/15685195-0010A0003>.

³ Toha Andiko and Fauzan Fauzan, "Dilema Perceraian Suami Muslim Pegawai Negeri Sipil Di Propinsi Bengkulu," *Al-Ulum* 19, no. 1 (2019): 103–28, <https://doi.org/10.30603/au.v19i1.747>.

⁴ Zaini Bidaya and Wawan Indrawan, "Kedudukan Hukum Tentang Hak Istri Pegawai Negeri Sipil Yang Dicerai Berdasarkan Peraturan Pemerintah No. 10 Tahun 1983," *CIVICUS: Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila Dan Kewarganegaraan* 7, no. 1 (2019): 94, <https://doi.org/10.31764/civicus.v0i0.854>.

⁵ Karmuji Karmuji and Nofan Andrian Usmani Putra, "Peran Penyuluh Agama Islam Non PNS Bidang Perkawinan Dalam Upaya Membina Keluarga Sakinah (Studi Di KUA Kecamatan Panceng Kabupaten Gresik)," *The Indonesian Journal of Islamic Law and Civil Law* 1, no. 2 (2020): 103–24, <https://doi.org/10.51675/jaksya.v1i2.150>.

serious abuse that endangers the other party; e.) one of the parties has a disability or illness that causes them to be unable to carry out their obligations as husband/wife, or there are continuous disputes and quarrels between husband or wife and no hope of living in harmony again in the household.

Like a divorce in general, a civil servant's divorce must also be a sufficient reason for a husband and wife to divorce. Divorce for civil servants is more specific because there are regulations that specifically regulate marriage and divorce for civil servants, namely Government Regulation Number 10 of 1983,⁶ as amended by Government Regulation Number 45 of 1990 concerning Amendments to Government Regulation Number 10 of 1983 concerning Marriage Permits and Divorce for Civil Servants,⁷ as well as Circular Letter of the Head of the State Civil Service Agency Number 48/SE/1983 concerning Instructions for Implementing Government Regulation Number 45 of 1990 concerning amendments to Government Regulation Number 10 of 1983 concerning Marriage and Divorce for Civil Servants. This Government Regulation sets the example that civil servants must provide to the community so that civil servants are given high disciplinary provisions in this divorce case. This Government Regulation aims to reduce the number of civil servants who want to divorce so that the steps are more complicated, considering that civil servants are public servants.⁸

Based on the results of the researcher's initial observations, there were several divorced families in North Belopa District. The number of divorced families in the North Belopa District was 30%. On average, most divorces were caused by infidelity and domestic violence.

Government Regulation Number 10 of 1983,⁹ in conjunction with Government Regulation Number 45 of 1990, also explains that the legal consequences arising

⁶ Bidaya and Indrawan, "Kedudukan Hukum Tentang Hak Istri Pegawai Negeri Sipil Yang Dicerai Berdasarkan Peraturan Pemerintah No. 10 Tahun 1983."

⁷ Tri Wahyuni Herawati, Yunanto, and Herni Widanarti, "Perlindungan Hak Atas Pembagian Gaji Akibat Perceraian Yang Dilakukan Oleh Pegawai Negeri Sipil," *Diponegoro Law Journal* 6, no. 2 (2017): 1–12, <https://ejournal3.undip.ac.id/index.php/dlr/article/view/17444/0>.

⁸ Neng Dewi Himayasari and Intan Nurrachmi, "Analisis Keputusan Dirjen Bimas Islam No DJ.III/342 Tahun 2016 Terhadap Kewenangan Penyuluh Agama Sebagai Narasumber Bimbingan Pra Nikah Di Kota Bandung," *Tahkim; Jurnal Peradaban Dan Hukum Islam* 2, no. 2 (2019): 1–23.

⁹ Bidaya and Indrawan, "Kedudukan Hukum Tentang Hak Istri Pegawai Negeri Sipil Yang Dicerai Berdasarkan Peraturan Pemerintah No. 10 Tahun 1983."

from the divorce of civil servants are the distribution of salaries of civil servants to the wife as a post-divorce maintenance obligation by civil servants. The right of living is aimed at a decent living for the ex-wife if divorced. Giving a living is also obligatory based on the Al-Qur'an Q.S. at-Thalaq/65:7.

The case occurred according to the Belopa Religious Court Number 569/Pdt.G/2021/PA.Blp, the wife sued her husband, who was a civil servant (Indonesian National Armed Forces), on the grounds of disputes and quarrels that have occurred since 2018, and the husband left his wife for approximately 2 years and 11 months without the wife's permission. In addition, the husband had an affair, in other words, adultery, with another woman. One of the arguments reads that:

“Plaintiff's household with Defendant previously ran in harmony. But, since the beginning of the marriage in May 2017, Plaintiff's household with the Defendant began to waver, and there were frequent disputes and quarrels caused by:

- *Defendant had a relationship with another woman named Wati and Defendant preferred that woman over Plaintiff;*
- *Defendant was temperamental and almost slapped Plaintiff.”*

Furthermore, a similar divorce case also happened, in which Defendant (husband) was also a civil servant. The wife was suing for divorce because she could no longer stand the constant quarrels and disputes. In addition, Defendant left the house for approximately 2 years and 1 month without Plaintiff's permission, as stated in decision Number 567/Pdt.G/2021/PA.Blp.

2. Literature Review

This study examines issues related to how the review of Islamic law and positive law is related to the distribution of salaries for civil servants after divorce in the Belopa Religious Court. In order to focus on the subject of the study, the researcher is equipped with several works of literature as follows:

A Journal from Nurul Azidah about the Status of Civil Servant Salary Distribution to Ex-wife in Islamic Law point of view explained how the status of civil servants' salaries distribution to ex-wives after the divorce was seen from the

perspective of Islamic law in theory.¹⁰ This is different from this undergraduate thesis which does not only discuss in terms of Islamic law but also in terms of positive law.

A Journal from Tri Wahyuni Herawati et. all about the Protection of the Right to Salary Distribution Due to Divorce by Civil Servants explained how civil servants protected the rights to salary distribution due to divorce and what the obstacles were in fulfilling these rights.¹¹ This is also different from this undergraduate thesis, in which, in addition to explaining theoretically, it also takes a case at the Belopa Religious Court as a comparison between theory and facts in the field.

A Journal from Badrul Hilmi about the Reconvention of Salary Distribution for Civil Servants in Divorce Cases (An Analysis of Case Decision Number 4455/pdt.Cr/2014/PA.Blitar) explained how judges consider in deciding divorce cases and Islamic law point of view on it.¹² This is also different from this undergraduate thesis, in which different places and cases are used.

An undergraduate thesis conducted by Arif Miftakhur Rozaq entitled An Analysis Study on the Decision of the Blora Religious Court Number 258/pdt.G/2015/PA.Bla. concerning Limitation of Giving 1/3 Civil Servant Salary to Ex-Wife Until *Iddah* Period explained how the judge's consideration and analysis of Islamic law on the decision.¹³ This thesis not only uses an analysis of Islamic law but also uses a positive legal analysis.

An undergraduate thesis conducted by Luluk Fauziah entitled the Cancellation of Decision of the Surabaya Religious High Court Number 314/pdt.G/2012/PTA.SBY on the decision of the Sidoarjo Religious Court Number 254/pdt.G/2012/PA.SDA concerning the Distribution of 1/3 Civil Servant Salary to Wives and Children Post-

¹⁰ Nurul Azidah, "Status Pembagian Gaji Pegawai Negeri Sipil Pada Mantan Istri Dalam Pandangan Hukum Islam," *Miyah: Journal of Islamic Studies* 16, no. 2 (2020): 318–32, <https://doi.org/10.33754/miyah.v16i2.280>.

¹¹ Herawati, Yunanto, and Widanarti, "Perlindungan Hak Atas Pembagian Gaji Akibat Perceraian Yang Dilakukan Oleh Pegawai Negeri Sipil."

¹² Badrul Hilmi, "Rekonvensi Pembagian Gaji Pegawai Negeri Sipil Dalam Perkara Cerai Talak (Analisis Putusan Perkara No. 4455/Pdt. Cr/2014/PA. Blitar)," *Sakina: Journal of Family Studies* 4, no. 2 (2020), <http://urj.uin-malang.ac.id/index.php/jfs/article/view/480>.

¹³ Arif Miftakhur Rozak, "Studi Analisis Terhadap Putusan Pengadilan Agama Blora Nomor 258/Pdt.G/2015/PA.Bla. Tentang Batasan Pemberian 1/3 Gaji Pegawai Negeri Sipil Kepada Bekas Isteri Sampai Masa *Iddah*" (Universitas Islam Negeri Walisongo Semarang, 2016), <https://eprints.walisongo.ac.id/id/eprint/5689/1/092111020.pdf>.

Divorce (An Analysis of Islamic Law and Government Regulation Number 10 of 1983) explained how the legal basis for the annulment of the decision of the religious court and the suitability of the annulment of the decision with Islamic law and government regulations.¹⁴ This is different from this undergraduate thesis, which discusses how the distribution of salaries for civil servants after divorce in a religious court cannot be seen from the analysis of Islamic law and positive law.

3. Methods

The type of this study was qualitative field research. The location of the research object was the Religious Court of North Belopa District, Luwu Regency. This study employed a normative juridical approach. This approach was carried out to review and analyze the problems using principles based on research results in the field and matching them with library data through library research. This study used two data sources, namely primary data sources and secondary data sources. Meanwhile, the researcher collected the data through reference sources (books, documentation, interviews) on data processing techniques. After obtaining the data, the researcher analyzed the data using inductive and qualitative thinking methods.

4. Result and Discussion

4.1. A Review of Islamic Law and National Law on the Salary Distribution for Civil Servant Post-Divorce

Islamic Law

Islamic law does not specifically regulate how the distribution of salaries after divorce for civil servants. Islamic law regulates how to provide *iddah*, *mut'ah*, pay off *mahar* and *hadhanah* as a whole, whether they are civil servants or not.¹⁵ In addition, in Islamic law, living in this form is obligatory to be fulfilled by the ex-

¹⁴ Luluk Fauziah, "1. Luluk Fauziah Dalam Skripsinya Pembatalan Putusan Pengadilan Tinggi Agama Surabaya No. 314/Pdt.G/2012/PTA.SBY Terhadap Putusan Pembatalan Putusan Pengadilan Tinggi Agama Sidoarjo No.314/Pdt.G/2012/PA.SDA Tentang Pembagian Sepertiga Gaji Pegawai Negeri " (Universitas Islam Negeri Sunan Ampel Surabaya, 2018), http://digilib.uinsby.ac.id/23440/3/Luluk_Fauziah_C01213045.pdf.

¹⁵ Faisal Fauzan Mustafa, "Peran Pranata Keuangan Dalam Eksekusi Nafkah Anak Perceraian Pegawai Negeri Sipil," *EI-USRAH: Jurnal Hukum Keluarga* 4, no. 1 (2021): 172, <https://doi.org/10.22373/ujhk.v4i1.9959>.

husband. The obligations attached to the husband become the rights of the wife, so the burden and responsibility to meet the needs of the wife and children is a right that must be accepted so that she may sue if it is not fulfilled because the fulfillment of these obligations has implications for obedience.¹⁶

These obligations are attached to the husband and must be fulfilled by the husband as a legal consequence of the divorce and the responsibility for maintenance in the divorce case. In the Hanafi Mazhab, the ex-husbands are obliged to provide for them (ex-wives) completely and intact both food, clothing, and housing during the *iddah* period. According to Mujtahiddin scholars, someone must provide for those who must be provided with a living, such as his wife, father, and young child (not yet mature). Meanwhile, according to Maliki scholars, the husband must provide accommodation for his divorced wife.

National Law

Especially for civil servants, the distribution of post-divorce income has been regulated in Government Regulation Number 10 of 1983 in conjunction with Government Regulation Number 45 of 1990 concerning marriage and divorce permits for civil servants as regulated in article 8,¹⁷ which reads as follows:

- a. If the divorce occurs at the will of a male civil servant, then he is obliged to give up part of his salary to support his ex-wife and children.
- b. As referred to in paragraph 1, the salary distribution is 1/3 for the male civil servant concerned, 1/3 for his ex-wife, and 1/3 for their children.
- c. If there is no child from their marriage, then the part of the salary given by the male civil servant to his ex-wife is half of his salary.
- d. The salary distribution to his ex-wife is not given if the reason for the divorce is because the wife commits adultery, and/or commits cruelty or severe abuse both physically and mentally against her husband, and or the wife becomes a drunkard, condensed, and gambler who is difficult to cure. Also, the wife has left

¹⁶ Rendra Widyakso and Fifik Wiryani, "Analisis Pelaksanaan Putusan Peradilan Agama Terhadap Nafkah Perceraian Dalam Perspektif Hukum Nasional Dan Hukum Islam Bagi PNS," *Audito Comparative Law Journal* 2, no. 2 (2021): 86–109.

¹⁷ Bidaya and Indrawan, "Kedudukan Hukum Tentang Hak Istri Pegawai Negeri Sipil Yang Dicerai Berdasarkan Peraturan Pemerintah No. 10 Tahun 1983."

her husband for two consecutive years without the husband's permission, a valid reason, or other reasons beyond her ability.

- e. If the divorce occurs at the wife's will, then she is not entitled to a share of her ex-husband's income.
- f. The provisions as referred to in letter e do not apply if the wife asks for a divorce because she is married, and/or the husband commits adultery or commits cruelty or serious abuse both physically and mentally against the wife and/, or the husband becomes a drunkard, condensed, and gambler who is difficult to cure, and/or the husband has left his wife for two consecutive years without the wife's permission and a valid reason or for other reasons beyond his control.

If the ex-wife of the civil servant in question remarries, then her right to a share of her ex-husband's salary will be nullified as of the time she remarries.

4.2. The Relevance of the Fulfillment of Civil Servant Salary Distribution Rights After Divorce in the Belopa Religious Court

Seeing the influence of civil servants as role models for the community, they must set a good example for the community in their domestic life to positively impact the community itself.¹⁸ However, in reality, in the Belopa Religious Court, there are still many divorces of Civil Servants. As the result of the interview with Faisal, the Judge at the Belopa Religious Court said that:

*"In the case of civil servant divorce in the Belopa Religious Court, we found many cases. And this year, I think there have been around thirty cases filed. There are both men and women who propose it."*¹⁹

The case occurred according to the decision of the Belopa Religious Court Number 569/Pdt.G/2021/PA.Blp, the wife sued her husband, who was a civil servant (Indonesian National Armed Forces), on the grounds of disputes and quarrels that have occurred since 2018. The husband left his wife for approximately 2 years and

¹⁸ Khairil Fadri, Mukhlis, and Yusrizal, "Kewenangan Pengadilan Agama Dan Pengadilan Tata Usaha Negara Terhadap Pembebanan Nafkah Anak Akibat Perceraian Pegawai Negeri Sipil Authority of Religious Court and Administrative Court on the Imposition of Living Cost for Children To Civil Service Divorc," *Suloh Jurnal Program Studi Magister Hukum* 8, no. 1 (2020): 48–69.

¹⁹ Faisal (40 Tahun), Wawancara, Pengadilan Agama Belopa, 25 November 2021.

11 months without the wife's permission. In addition, the husband had an affair, in other words, adultery, with another woman. One of the arguments reads that:

“Plaintiff's household with Defendant previously ran in harmony. But, since the beginning of the marriage in May 2017, Plaintiff's household with Defendant began to waver, and there were frequent disputes and quarrels caused by:

- *Defendant had a relationship with another woman named Wati and Defendant preferred that woman over Plaintiff;*
- *Defendant was temperamental and almost slapped Plaintiff;”*²⁰

Furthermore, there is a similar divorce case in which Defendant (husband) was also a civil servant because the wife was suing for divorce because she could no longer stand the constant quarrels and disputes. In addition, Defendant also left the house for approximately 2 years and 1 month without Plaintiff's permission as stated in decision Number 567/Pdt.G/2021/PA.Blp. One of the arguments is as follows:

“Plaintiff's household with Defendant previously ran in harmony. However, since 2016, Plaintiff's household with Defendant began to waver, and there were frequent disputes and quarrels caused by:

- *Defendant had a relationship with another woman;*
- *Defendant liked to speak harshly to Plaintiff;*
- *Defendant rarely provided for Plaintiff;”*²¹

Also, a divorce case was filed at the Belopa Religious Court in which Defendant was also a civil servant with a claim that Plaintiff could no longer continue the household with Defendant. The reason is contained in decision number 579/Pdt.G/2021/PA.Blp. One of the arguments reads as follows:

“Plaintiff's household with Defendant previously ran in harmony. However, since 2016, Plaintiff's household with Defendant began to waver, and there were frequent disputes and quarrels caused by:

- *Defendant was light-hearted where he liked to slap and kick Plaintiff;*
- *Defendant rarely provided support to Plaintiff since 2015;*

²⁰ Pengadilan Agama Belopa, Putusan Nomor 569/Pdt.G/2021/PA.Blp.

²¹ Pengadilan Agama Belopa, Putusan Nomor 567/Pdt.G/2021/PA.Blp

- *Defendant liked to speak harshly, such as saying Plaintiff is a devil;.”²²*

Apart from the three cases, there are still many divorces for civil servants that occur at the Belopa Religious Court. Divorce is dominated by continuous bickering and quarrels. Some of these disputes have resulted in the separation of the house to the point of not providing physical and spiritual support and even beatings.

Therefore, from the reasons mentioned above, it can be emphasized that the wife is entitled to a share of the salary of her ex-husband in accordance with Government Regulation Number 10 of 1983 in conjunction with Government Regulation Number 45 of 1990 in conjunction with Circular Letter of the Head of the State Civil Service Agency Number 48 of 1990, i.e., even though the divorce occurs at the will of the the wife concerned, her right to a share of the salary for the ex-wife is still given if it turns out that the wife filed for divorce because the husband has left his wife for two consecutive years without the wife's permission and without valid reasons or for other reasons beyond his control.²³

The right of living is aimed at a decent living for the ex-wife. However, in practice, the fulfillment of civil servant salary distribution rights as stipulated in Government Regulation Number 10 of 1983 in conjunction with Government Regulation Number 45 of 1990 is not fulfilled, and there is no application in the Belopa Religious Court. It can be seen in decision number 569/Pdt.G/2021/PA,Blp, decision number 567/Pdt.G/2021/PA.Blp, and decision number 579/Pdt.G/2021/PA.Blp that the judge only decides in accordance with the Compilation of Islamic Law and has no connection with the provisions of Government Regulation Number 10 of 1983 in conjunction with Government Regulation Number 45 of 1990 concerning marriage and divorce permits for civil servants.

²² Pengadilan Agama Belopa, Putusan Nomor 579/Pdt.G/2021/PA.Blp

²³ Nindya Tien Ramadhanty, Djanuardi D, and Eidy Sandra, “Perkawinan Siri Pasangan Pegawai Negeri Sipil Di Pemerintahan Kabupaten Serang Menurut Peraturan Pemerintah Nomor 45 Tahun 1990 Tentang Izin Perkawinan Dan Perceraian Bagi Pegawai Negeri Sipil, Hukum Islam Dan Kompilasi Hukum Islam,” *Jurnal Hukum Positum* 5, no. 1 (2020): 83, <https://doi.org/10.35706/positum.v5i1.3483>.

In this case, the husband is only charged with *iddah*, *mut'ah*, *kiswah*, and *maskan*. This was then confirmed by Faisal as a judge at the Belopa Religious Court that:

"In deciding a civil servant divorce case, we have never had a decision regarding a civil servant whose salary is divided between his wife and children. It is only limited to divorce rights such as iddah, mut'ah, kiswah, and maskan."

24

Furthermore, Faisal added that:

"In general, it's only a living for the children that exist." 25

Therefore, from the results of the research with the information presented by the judge above, it can be concluded that the judge at the Belopa Religious Court, in deciding divorce cases for civil servants in terms of salary distribution, does not apply Government Regulation Number 10 of 1983 in conjunction with Government Regulation Number 45 of 1990 as the regulation as a special rule for civil servants in the case of marriage and divorce.²⁶

Based on the results of the researcher's study, the researcher assumes that several factors cause the religious court judges in Belopa to decide only based on the rules of the Compilation of Islamic Law. The reasons are as follows:

1. There is no understanding of a civil servant, so at the time of filing a lawsuit, they do not include a letter of application for salary distribution due to a result of their divorce.
2. There is no complaint from the ex-wife of a civil servant for not getting part of her ex-husband's salary due to a lack of knowledge regarding the article of the government regulation.
3. There is no socialization from the Belopa Religious Court and the Belopa Education Office regarding the subject matter of Article 8 of Government

²⁴ Faisal (40 Tahun), Pengadilan Agama Belopa, 25 November 2021.

²⁵ Faisal (40 Tahun), Pengadilan Agama Belopa, 25 November 2021.

²⁶ Hazar Kusmayanti and Nindya Tien Ramadhanty, "Legitimacy of a Sirri Marriages (Second and So on) By the Pair of Civil Servants," *DiH: Jurnal Ilmu Hukum* 17, no. 1 (2021): 84–93, <https://doi.org/10.30996/dih.v17i1.4512>.

Regulation Number 10 of 1983 in conjunction with Government Regulation Number 1990 to Civil Servants and their ex-wives.

4. There is no cooperation between the Belopa Religious Court and the Belopa Education Office regarding the technical implementation of handing over part of the salary of civil servants to his ex-wife.

No.	Verdict Number	Judge's Decision	Positive Law	Islamic Law
1.	569/Pdt.G/2021/PA .Blp	Charges <i>iddah</i> , <i>mut'ah</i> , <i>food</i> , and <i>hadhanah</i> living.	Not Implemented	Implemented
2.	579/Pdt.G/2021/PA .Blp	Charges <i>iddah</i> , <i>mut'ah</i> , <i>food</i> , and <i>hadhanah</i> living.	Not Implemented	Implemented
3.	567/Pdt.G/2021/PA .Blp	Charges <i>iddah</i> , <i>mut'ah</i> , <i>food</i> , and <i>hadhanah</i> living.	Not Implemented	Implemented

5. Conclusion

Islamic law does not specifically regulate how the distribution of salaries after divorce for civil servants. Islamic law regulates how to provide *iddah*, *mut'ah*, pay off *mahar* and *hadhanah* as a whole, whether they are civil servants or not. Meanwhile, positive law, specifically for civil servants regarding the distribution of post-divorce income, has been regulated in Government Regulation Number 10 of 1983 in conjunction with Government Regulation Number 45 of 1990 concerning marriage and divorce permits for civil servants as regulated in article 8. This article stated that the judge at the Belopa Religious Court, in deciding divorce cases for civil servants in terms of salary distribution, does not apply Government Regulation Number 10 of 1983 in conjunction with Government Regulation Number 45 of 1990 as a rule as a special rule for civil servants in matters of marriage and divorce. The judge only decides according to the Islamic Law Compilation, where Defendant was only charged with *iddah*, *mut'ah*, house, and *hadhanah*.

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