

Abstrak

Kewenangan mutlak maupun relatif dimiliki oleh setiap lembaga peradilan di Indonesia. Contohnya adalah Pengadilan Agama / Mahkamah Syariah di provinsi Nanggroe Aceh Darussalam. Kewenangan mutlak hampir tidak mungkin dilanggar oleh setiap pemohon keadilan yang hendak diselesaikan persoalan hukumnya oleh pengadilan namun yang cukup berpotensi atau masih sering terlanggar ialah kompetensi relatif. Salah satunya pelaksanaan kompetensi relatif pengadilan agama dapat dilihat didalam putusan Pengadilan Agama Medan No. 252/Pdt/G/2017/PA.Mdn. Penelitian ini menggunakan metode yuridis normatif yang bersifat deskriptif analitis. Melalui hasil penelitian ini diketahui Kewenangan Pengadilan Agama Di Indonesia mengacu pada Pasal 49 Undang-Undang No. 3 Tahun 2006 tentang Perubahan Atas Undang-Undang No. 7 Tahun 1989 tentang Peradilan Agama dan untuk di Provinsi Nanggroe Aceh Darussalam dimana pengadilan agama disebut Mahkamah Syariah juga mengadili tindak pidana sesuai dengan Pasal 3 ayat (2) Qanun Aceh No. 6 Tahun 2014 tentang Hukum Jinayat. Pertimbangan hakim dalam menjatuhkan eksepsi kompetensi relatif pada Putusan Pengadilan Agama Medan No. 252/Pdt/G/2017/PA.Mdn mengacu pada alat bukti surat dimana keyakinan hakim akan domisili Termohon selain KTP, KK, Surat Keterangan domisili mengacu pada surat keterangan anak Pemohon dan Termohon yang bersekolah di kota Pekanbaru.

Kata Kunci: Pengadilan Agama, Eksepsi dan Kompetensi Relatif

Abstract

Absolute authority as well as relative belongs to every judicial institution in Indonesia. An example is the Religious Court / Sharia Court in the Nanggroe Aceh Darussalam Province. Absolute authority is almost impossible to be violated by every petitioner whose legal issue wished to be resolved by the court, yet the one that often being violated is the relative competency. As an example of relative competency implementation in religious court is can be seen in the Medan Religious Court decision No. 252 / Pdt / G / 2017 / PA.Mdn. This research uses the method of normative juridical that are analytical descriptive in nature. Through this result, can be known that the Religious Court authority refers to the Article 49 of Law No.3 of 2006 about amendments to law No. 7 of 1989 about the Religious Court and for Nanggroe Aceh Darussalam Province where a religious court is called as a sharia court also tried criminal acts in accordance with Article 3 paragraph (2) of the Aceh Qanun No.6 of 2014 about Jinayat Law. Judges' consideration in dropping the exception of relative competency is Medan Religious Court Decision No. 252 / Pdt / G / 2017 / PA.Mdn refers to the letter evidence where is convinced by the judges of the defendant's domicile apart Residential Card, Family Card, Domicile Certificate refers to the statement letter of the defendants and petitioner child who is attending school in Pekanbaru.

Keywords: Religious Court, Exception and Relative Competency