

**JUDUL : PENOLAKAN PEMBATALAN AKTA CERAI BERDASARKAN
PUTUSAN PENGADILAN NEGERI OLEH KEPALA DINAS KANTOR
CATATAN SIPIL SURABAYA**

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ABSTRAK

Pejabat Pemerintah dalam menjalankan jabatannya, sering keputusan yang diterbitkan bermasalah, karena merugikan perorangan atau badan hukum, sebagaimana pejabat Kantor Catatan Sipil yang menerbitkan keputusan tidak sebagaimana pedoman dalam AUPB. Permasalahan yang dibahas apakah Kepala Kantor Catatan Sipil Surabaya yang menolak membatalkan akta cerai No. 3578-CR-07092020-0001 berdasarkan putusan pengadilan negeri dibenarkan ditinjau dari Undang-Undang Nomor 30 Tahun 2014 tentang Tentang Administrasi Pemerintahan. Metode yang digunakan yuridis normatif bersumber dari bahan hukum primer dan bahan hukum sekunder. Dalam pembahasan diperoleh kesimpulan Kepala Kantor Catatan Sipil menerbitkan akta cerai tidak memenuhi syarat sahnya keputusan yaitu dibuat tidak sesuai prosedur, merupakan Keputusan yang batal (Pasal 52 jo Pasal 56 UU No. 30 Tahun 2014). Keputusan Pejabat Pemerintah menerbitkan akta perceraian tidak memenuhi syarat dalam AUPB yaitu asas kecermatan bahwa suatu keputusan harus didasarkan pada informasi dan dokumen yang lengkap untuk mendukung legalitas penetapan dan/atau pelaksanaan keputusan, sehingga akta cerai cacat hukum. Kepala Kantor Catatan Sipil yang menolak membatalkan keputusan diterbitkannya akta perceraian dengan alasan menunggu putusan pengadilan yang mempunyai kekuatan hukum tetap, padahal berdasarkan ketentuan Pasal 66 ayat (3) huruf UU No. 30 Tahun 2014 keputusan terbitnya akta cerai dapat dibatalkan oleh Pejabat Pemerintahan yang menetapkan Keputusan, yang dikenal dengan asas *contrarius actus*.

Kata Kunci: Syarat sahnya keputusan, Pejabat Pemerintah, Batal.

**TITLE REJECTION OF CANCELLATION OF DIVORCE DEED BASED ON
DISTRICT COURT DECISION BY THE HEAD OF THE SURABAYA CIVIL
REGISTRY OFFICE**

Name: Dicipline / Study Program : Law / Legal Science

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ABSTRACT

*In carrying out their office, government officials often issue problematic decisions, because they harm individuals or legal entities, such as Civil Registry Office officials who issue decisions that do not comply with the guidelines in the AUPB. The issue discussed was whether the Head of the Surabaya Civil Registry Office refused to cancel the divorce certificate No. 3578-CR-07092020-0001 based on the district court's decision is justified in view of Law Number 30 of 2014 concerning Government Administration. The method used by normative jurisprudence comes from primary legal materials and secondary legal materials. During the discussion, it was concluded that the Head of the Civil Registry Office issued a divorce certificate that did not meet the requirements for the validity of the decision, namely that it was made not according to procedures, and was a void decision (Article 52 in conjunction with Article 56 of Law No. 30 of 2014). The decision by a Government Official to issue a divorce certificate does not meet the requirements in the AUPB, namely the principle of accuracy that a decision must be based on complete information and documents to support the legality of the decision and/or implementation of the decision, so that the divorce certificate is legally flawed. The Head of the Civil Registry Office refused to cancel the decision to issue a divorce certificate on the grounds that it was waiting for a court decision which has permanent legal force, even though based on the provisions of Article 66 paragraph (3) letter of Law no. 30 of 2014, the decision to issue a divorce certificate can be canceled by the Government Official who issued the Decision, which is known as the principle of *contrarius actus*.*

Keywords: Conditions for the validity of a decision, Government Official, Cancellation.