

ABSTRACT

THE ANALYSIS OF JUDGE'S DECISION ON *MAFQUD*'S HUSBAND IN CASE OF CLAIM FOR DIVORCE IN PONOROGO RELIGION COURT AND THE LAW IMPACT OF THE *MAFQUD* HUSBAND

(Analysis of Decision Number. 959/Pdt. G/2018/PA. PO)

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This research is a study on divorce claims in the Ponorogo Religious Court with case number 959 / Pdt. G / 2018 / PA. PO that involves one of the parties that is not known to involve him (Husband / Defendant *Ghoib*).

On the verdict, the Judge granted the Plaintiff's claim and dropped the Defendant's *ba'in shugra* to the plaintiff (wife) and the defendant (husband) has not lived together for 7 years, because the husband disappeared and was not recognized as completing it.

This study elaborates the discussion of the Panel of Judges of the Religious Courts regarding the divorce case Number 959 / Pdt. G / 2018 / PA. PO about *mafqud* husband (*ghoib*) in a divorce case, then think about how it happened to the Plaintiff (wife) due to *mafqud's* husband.

This research is conducted through a literature method using normative supporting documentaries, which are analyzed prescriptively by using deductive methods. This study uses primary and secondary legal materials. Primary legal material, namely by reviewing the decision of the Ponorogo Religious Court with case number 959 / Pdt. G / 2018 / PA. PO. While the material of secondary law is by examining various *Fiqh Al-Islamiah* books and several scientific books related to occult cases.

From the results of this study, it is known that the decision of the Judges of the Ponorogo Religious Court in the case of divorce Number 959 / Pdt. G / 2018 / PA. The PO that was canceled by divorce one *ba'in shugra* through *verstek*, for reasons of more than 7 years added was also not approved until now, and this became the wife's reason to not be able to maintain his marriage. Subsequently, the finding out some analysis obtained from the case number 959 / Pdt. G / 2018 / PA. PO.

So that the judge can determine the reason for the divorce stated in Article 19 letter "b" Government Regulation Number 9 of 1975. Article 116 letter "b" Compilation of Islamic Law as "one of the parties" leaves the other party for 2 (two) years together without permission from the other party and without a valid reason or other matters beyond its ability. Decision issued then it does not occur in the future if there is a party that is harmed and appealed for the decision.

Keywords: Verdict, Divorce, *Mafqud* (*Ghoib*)