

## ABSTRACT

Himmatul Ulya, Nanda. 2013. *The Position and Law Implications of the Ministry of Religious Affairs Decree in Determining the Initial Month of Qamariyah Reviewed from Constitutional System of the Republic of Indonesia*. Malang. Thesis. Al-Ahwal Al-Syakhshiyah Departement. Sharia Faculty. The State Islamic University of Maulana Malik Ibrahim of Malang. Advisor: Ahmad Wahidi, M.H.I.

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The existence of Ministry of Religion decree related to the determination of initial month of Qamariyah is such its absence. The decree, which is one type of acknowledged legislations and has binding law force, is not completely complied by society. Societies who are affiliated with a particular organization obey the decree issued by the organization more. It is because the methods that are used to determine the initial month of Qamariyah are different for each religious organization.

This study focuses on knowing the position of the Ministry of Religious related to the determination of initial month of Qamariyah in the constitutional system of Republic of Indonesia and the implications that are arose from the Ministry decree. It sets out to determine the extent to which the decree must be obeyed and implemented by society, especially for Muslim in Indonesia.

The type of research used in this study is normative research, which uses qualitative approach. Besides, this study also uses the law approach (statue approach) to determine the position of the Ministry of Religious in the legislation hierarchy.

Based on the analysis of the existing legal materials, it is concluded that based on the law No.1 of 1950 and law No. 12 of 2011 concerning on the establishment of legislation, the Ministry decree is acknowledged and has binding law force, as it is established by authority of the Ministry of Religious. For more precisely the Ministry of Religious Affairs Decree is under the Presidential Decree and above the Regulation. It implies that every Muslim of Indonesia must obey the decree of the the Ministry of Religious related to the determination of initial month of Qamariyah, due to one of the obligations of good citizen is to obey the regulations and the decree of the Ministry which is one of the legal type of regulations.