

ABSTRACT

Nikmah, Khoirun. 09210093. 2013. *The Effectiveness of the Implementation of Article 105 KHI to Child Care after Divorce in Pagedangan Village, Turen, Malang*. Thesis. Al-Ahwal Al-Syakhsiyyah Department. Faculty of Sharia. State Islamic University Maulana Malik Ibrahim Malang. Supervisor: Ahmad Izzuddin. M.H.I.

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Hadhânah or child care after divorce has the meaning of a physical and spiritual sense, and also contains the education of children. Hadhânah after divorce is something that is important because hadhânah or child care after divorce will help to shape the character of the child in the future, and the process of the personality formation or his character that one of these factors can be influenced by whom and how a child has been nurtured. Because it is important, then it has been regulated in *Fiqh*, in the Child Protection Act, Marriage Act and it in KHI. Practice of hadhânah after divorce also occurs in Pagedangan village that in fact the area is a religious area with high religious social condition.

The purpose of this study is to determine the effectiveness of the implementation of article 105 KHI in Pagedangan village, Turen district, Malang to take care the children after divorce, and to review the effectiveness of the implementation of the article by fiqh law about hadhânah, the Child Protection Act, Marriage Act.

This research is an empirical study with a qualitative approach. The primary data in this study were obtained through interviews and documentation. The secondary data in this study are taken from books that discussed about hadhânah after divorce. After that, the collected data are analyzed by descriptive methods.

Based on the analysis, it is concluded that the implementation of article 105 letters A and B KHI after divorce in Pagedangan village is effective substantially, while for clause 105 letter C is not effective. The encouraging factors that obtained in the study is caused by the desire and full awareness of parents to carry out the obligation to provide for the child even if the parents divorced. The inhibiting factors are caused by the desire of a parent to care for the child unilaterally and not to allow the child to meet with one of the parents, either the father or mother who is not responsible economically for the child or because of other reasons.