

## ABSTRACT

Latifah Husna. 2011. Judge view court of religion sub-province of Malang to strength of imperative mediation. Thesis, majority of Al-Ahwal Al-Syakhshiyyah, faculty of Syariah State University of Islam Maulana Malik Ibrahim of Malang. Counselor: Erfaniah Zuhriah, M.H.

**Keywords:** judge, mediation, imperative.

---

Regulation of Supreme Court made in detail with a purpose to process of mediation assisted by mediator can walk at ease and reach efficacy, with sections arrangement of detailed will give burden to the parties. The mentioned represent one of the effect if a order arranged with rigid and of detail. One of the rule withdraw from PERMA No.1 2008 is section 2 article 3, expressing that:

*"Do not go through procedure of mediation pursuant to this regulation represent collision to section 130 HIR that resulting decision cancel for the of law".*

From the section hence arising restlessness of academic about strength of imperative mediation itself that mentioning decision cancel for the shake of law, otherwise conduct mediation then how judge view justice of religion sub-province of Malang to strength of imperative mediation and how legal force of PERMA according to code of No.10 2004 about regulation of legislating.

This research use method of juridical empirical or research of empirical law with descriptive qualitative approach, this thesis will depict some obtained data of field by interview judge justice of religion sub-province of Malang, as well as documentation as data collecting method. Then continued with process of editing, clarification, and analysis. Besides, the analysis process is also supported with book study as reference to strengthen obtained data of field. So that with process a kind of this, can be obtained by conclusion in response to two question above.

Result of this research indicate that mediation have the power of which is imperative because it is true have to be executed as regulation of supreme court of No.1 2008 about procedure of mediation, just only all judge less agree with the existence of statement at content section 2 article 3 expressing decision cancel for the shake of law. And legal force of this PERMA is to fasten absolute remember under the aegis of constitution 1945 and code of No.14 1985 about supreme court in its his authority having release regulation that recognizably and fasten as according to section 7 article 4 along with its clarification.