

ABSTRACT

Rizki Syaifullah. 05210009. The legal basis for the judge refused to execute derden verzet joint property in a divorce case (case study No. 1104/pdt.G/2006/PA.Malag.) Thesis. Al ahwal Al Syakhsiyyah Department of Sharia Faculty of Islamic State University Maulana Malik Ibrahim of Malang. Supervisor: M. Mujaiz Kumkelo, S.Hi, M.Hi

Key words: judge, derden verzet, joint property.

In fact, there is a dispute between husband and wife on divorce in the religious court Malang (No. 1104/pdt.G/2006/PA.Malag). There is a joint property of both *Gono gini* or property such as land, houses and furniture in it. Before the judge decide the case *Gono gini* property is, in fact there is one party of the husband to sell the property to another party without the consent of the wife. And before the judge decides the case, then came the third party to bring proof of land titles which have become the property of a third party. This third party then filed a resistance to the judge's ruling on property case the *gini gono*. With apologiez that the property is already a possession, then the third party is also entitled to defend their rights. But the resistance of the third party was rejected by the panel of judges. Under section 378 RV explained that if the rights of third parties harmed by the decision of the judge so he can take the fight the verdict. But in fact, the judge rejected this third-party resistance (Derden verzet). A. What is the procedure and the burden of proof in cases of execution Derden verzet joint property?. 2. How the consideration of judges in the case refused to execute Derden verzet joint property?

This type of research is a normative legal research. Legal materials collected by using the method of documentation. And then analyzed by qualitative descriptive analysis method.

Procedure and the burden of proof in cases of execution derden verzet joint property, among others: third-party opposition on the basis of the property or tenant of the goods. the resistance is fighting a third party must be able to prove that he has a right to the base of the confiscated goods, and if it proves successful, it will then be expressed as a true fighter and confiscation will be ordered to be removed. Basic considerations in the panel of judges rejected the case against the execution derden verzet property with that, the resistance presented by a third party has entered to a fight to maintain rights to land and buildings owned by the fighting (third party) on the basis of buying and selling. And in this (purchase) is entered into the absolute authority of the district court is no longer under the authority of religious courts in particular of Religious court (PA) Malang. Therefore, the three opposition parties rejected by the panel of judges.