

ABSTRACT

BASIC CONSIDERATION OF JUDGE OF RELIGION COURT IN BLITAR GRANTING PERMISSION CONCERNING POLYGAMY FOR HUSBAND WITH NO FIXED INCOME

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Polygamy is more complicated because there are some controversies from other sides in permitting polygamy by tighten the regulation. In which a husband is capable in financial but it does not mean he is capable in morale like sharing physical and spiritual needs of his wives. Hence, in that concern it needs wider review and also other considerations in deciding the right decision. Granted the permitting of Polygamy related to Article 5 paragraph (1b) by judge of religion court in Blitar Regency toward citizen with no fixed income in Sumberjo Village Kademangan Sub-district Blitar Regency. Request of polygamy should be fulfilled article 4, it is also fulfilled article 5 paragraph (1b).

The problem taken was how the basic consideration of judge of religion court grants request of polygamy from citizen with no fixed income related to article 5 paragraph (1b) Regulation No. 1, 1974 period. And what makes the background of citizen with incapable in doing polygamy.

The method used in this study was juridical sociologic approach. The location for conducting this study was Sumberjo Village Kademangan Sub-district Blitar Regency with the concern to people with no fixed income in that area. Data got from this study was primary and secondary data. Data collection method was nature data that was primary data which was done by direct interviewing and secondary data was got from literary study. There was data analysis technique which was descriptive analysis data.

The discussion of this study was the result of analysis about basic consideration of judge of religion court in granting request of polygamy related to article 5 paragraph (1b) Regulation No. 1, 1974 period. Basic consideration was among consideration of juridical including basic consideration related to the basic reason and the regulation. While basic consideration of non-juridical including basic consideration related to religion and to make beneficial for people. Based on Juridical, the request of polygamy should fulfill cumulative criteria of article 5 paragraph (1b) Regulation No. 1, 1974 period but it could be concluded that cumulative criteria did not limit the person who did the polygamy and the judge of religion court Blitar granted the request of polygamy. Factor which influenced people to do polygamy was education, culture and environment factors.

Therefore, it is better for the government to review and some improvements of Law No.1 1974 Period especially concerning to polygamy to tighten the request of polygamy in order for people can not take any chance of Regulation which can be used to order their request in polygamy if they do not fulfill the law criteria.