

ABSTRACT

Rusdi Isnain Yulkhamsah, 2011, Judge's view on the Application of Law of Gender Justice in Decision (Studies in Religion Court Mojokerto) Thesis, Department of Al-Ahwal al-Shakhsiyyah, Faculty of Sharia Islamic University (UIN) Malang Maulana Malik Ibrahim

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Domestic violence is a case that many complained to the court related to sue for divorce filed by women. Data Badilag Supreme Court mentioned the percentage Sues Divorce and Divorce Divorces in 2009 showed that nationally, cases that go to contested divorce 143.747 (60%), compared the case to divorce divorce 97,773 (30%). In President's Instruction No. 09 Year 2000 on Gender Mainstreaming in National Development, has mandated that all government agencies must comply with gender indicators at all levels.

The concept of gender actually has close links with the social attribution of men and women who are embedded and shaped by socio-cultural kostruk, thus was born the notion of social and cultural roles of men and women.

Religious Court Judge Mojokerto as the officer undertaking the task of judicial authority in deciding upon marriage, inheritance, bequest, grant endowments, charity, infaq, shodaqoh and Islamic economics, demanded more attention needs to have in view the aspects of the concept of gender. Because consciously or not, often happens that there is an injustice in the verdict, which is caused by weak or lack of understanding of a judge of the concept of gender justice. This will be a serious problem if not treated early, given the judge in the judicial system is a religion that in fact executing judicial authority to handle the case-Islamic civil case.

There are a few questions from the situation, such as how the Court's views toward the concept of Religion Mojokerto gender equality and justice? how the application of the law of gender justice in the decision of the religious court judges Mojokerto?

By using a qualitative descriptive approach, with the workings of field research, this paper will illustrate and describe the data obtained in the field, either by using interviews and documentation of decisions, which then made the editing process, selected and analyzed. In addition, also supported by literature review as a reference to reinforce what has been gained in the field. So, with this kind of process can be concluded as an answer from the research that has been done, among others, that in general the Religious Court Judge Mojokerto quite understand the concept of equality and gender justice and grouped into reflective-reflective-practical and analytical. And that the application of the law of gender justice in the decision of the religious court judges have been carried out in applicative Mojokerto-implemented.