

## ABSTRACT

Aminuddin. Muhammad David. 09210043, *Economic Factor as the Reason of Divorce (Study of Judge Interpretation in Sues Divorce Number: 1379/Pdt.G/2012/PA.Mlg)*, Thesis, Al-Ahwal Al-Syakhshiyah Departmen, Syariah Faculty, The State Islamic Universty Maulana Malik Ibrahim of Malang. Supervisor: Dr. H. Saifullah, S.H., M.Hum.

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**Keyword: Economic Factor, Divorce, Sues Divorce.**

Divorce is seen as a solution to overcome the problems of family which are not resolved. So, the divorce must be accompanied with clear and strong reasons and only in danger circumstances the husband and wife are allowed to divorce by religion.

One of divorce motifs is the economic factor. This factor is due to husband's inability to provide a decent basic necessities of life for his wife or husband's leave his duty to provide basic necessities of life for his wife. In Indonesia, there is no rule of law specifically arranging economic factor as the reason for divorce. However because of high the divorce case caused by economic factor, so the writer is interested to research that reason. One of the cases made research by the writer is Sues Divorce Decision No: 1379/Pdt.G/2012/PA.Mlg.

Based on that case, the writer is interested in researching the legal basis a sues divorce because of economic factor as the reason for divorce and *mâqoshid al-syarî'ah* perspective about consideration of the judge in decided that case until the economic factor as the reason for the divorce can be granted.

This research is library research or legal research. The approach used is case approach, statute approach, and qualitative approach. Then data source obtain of primary law substance, secondary law substance and supported by tertiary law substance, are collected by documentation method. Furthermore, the data are process through editing, classifying, verifying, analyzing and concluding that become a result of research which can be concluded.

It can be concluded as follows: The legal basis used by the judges to decide the sues divorced case because of economic factor is: Paragraph 1 and 33 of Law No. 1 Year 1974 jis, Jurisprudence No: 379/K/AG/1995, and Paragraph 39 Clause (2) of Law No. 1 Year 1974 jis, Paragraph 19 Point (f) Regulation No. 9 Year 1975 jis, and Paragraph 116 Point (f) KHI. For the results of research, writer is added Chapter 34 of Law No. 1 Year 1974 jo, and Chapter 80 Paragraph (4) Point a, b, and c KHI.

Then *mâqoshid al-syarî'ah* perspective about consideration judge in deciding economic factor as the reason for divorce, by the writer is accordance with the concept of *mâqoshid al-syarî'ah* is resist damage, losing wife distress must take precedence. Therefore, divorce is seen as benefit for way out to losing wife distress about the problems of family which are not resolved.