

ABSTRACT

Hafid Azwar, NIM: 05210022. 2010. "In view of Judge Gives' iddah For Marriage Divorce Pregnancy Qobla Dukhul" (Case Study On Religious Court of Malang Regency.) Thesis Faculty of Shariah Department of Al-ahwal al-Syakhsiyah. Maulana Malik Ibrahim, State University of Malang
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One of the Authority religious court is to solve the problem of divorce between a man and woman who are Muslims, after the divorce is no provision period 'iddah (waiting period) or time after falling in her hand, in time the husband may refer back to his wife. 'Iddah this must be given to a woman after the divorce, but then the question that arises is what if a divorced woman in a state of pregnancy before marriage and after marriage never mixed (Qobla dukhul), whether to stay in the given' iddah (the waiting period) because in Islamic law especially the Qur'an, Sunnah and the views of the scholars 'Priest School, and also in the existing legislation in Indonesia, which in this case is the Act No.1 of 1974 and the Islamic Law was not given' iddah terdapat wife who divorced before the mixed (qobla dukhul), but due to a wife after divorce have rights that must be met by ex-husband, especially a living issue of birth and of course also the case when the wife who divorced in the state of pregnancy if the Islamic law has period 'iddah until delivery, but what if the wife is divorced in the state of qobla dukhul pregnant? therefore the writer wishes to review the outlook Religious Court Judges in Malang district, because the researchers found such cases in the Court of Malang Regency Religion, by taking the title;

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This study uses the model of Case Study Research While research approach using qualitative descriptive research method. which focuses on the views Judge problem\in giving the 'iddah for divorce qobla dukhul wedlock pregnancy, which was taken through the interview method that researchers do in Malang District Court Judge Religion

The results showed that the opinion of the Religious Court Judge Malang Regency with the issue of the 'iddah against women who become pregnant outside marriage, the Religious Court Judges in Malang regency is suggested that gives the' iddah, although the existing law in Indonesia, namely Law No. . 1 of 1974, Compilation of Islamic law, Islamic law and in particular the Qur'an, Hadith of the Prophet, and Islamic jurisprudence regarding the issue of 'iddah there are no discussions about granting the iddah of a divorced wife in a state of pregnancy, especially qobla dukhul, which is based on ijtihad.