

ABSTRACT

Muhammad Ridwan, NIM 10210061, 2015. *THE IMPLEMENTATION OF RIGHTS AND OBLIGATIONS OF HUSBAND AND WIFE IN TRANSSEXUALS' MARRIAGES*. Thesis. Al-Ahwal Al-Syakhshiyah Department, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University, Malang. Advisor: Ahmad Izzuddin, M.H.I.

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Even though the implication of transsexuals' marriages has no difference with the common marriages, the marriages of transsexuals need special attention. It is due to the fact that the basic foundations of harmonious family consists of two aspects; the economic and biological readiness and the understanding of rights and obligations of husband and wife. The condition of the transsexuals such as the feminine postures will surely affect the marriage itself. From the issue, the main focus of this research has two backgrounds; what factors which make transsexual get married and the implementation of rights and obligations of husband and wife in the transsexual marriage according to the KHI article 80 verses (4)-(7) and article 83 verses (1) – (2).

The research problems of this research are; 1) the reasons of transsexual in getting married, 2) the implementation of rights and obligations of husband and wife in transsexual marriage. The purposes of this research are to find out the factors which affect a transsexual person to get married and to find out the implementation of rights and obligations of husband and wife in the transsexual marriage.

The research employs an empirical law method and a qualitative approach. The researcher collects the data from direct interview with the research objects. The data of the interview then are processed to draw the conclusion.

After analyzing the data, the researcher concludes that, first, the factors of transsexual marry a woman are: the compulsion his parents, the support of son/daughter in law and concerns of the future. Second, the implementation of rights and obligations of husband and wife in transsexual marriage which is synchronized with KHI article 80 verses (4) - (7) and article 83 verses (1) – (2) shows that the implementation of rights and obligations of husband and wife in transsexual marriage has been properly matching with those articles.