

ABSTRACT

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Adoption is an attempt done by human to have children to those who have not had any offspring. This effort to adopt a child must go through the courts. However, with the enactment of Law No. 3 of 2006 amendments to the Act No. 7 of 1989 concerning religious courts, that the religious courts were given the authority to investigate and adjudicate the petition of adoption based on Islamic law. But in SEMA No. 6 of 1983 on improvements SEMA No. 2 of 1979 on child adoption laws governing the procedure to apply for endorsement or adoption application, check and judge them is still in district court legal options and Religious Courts. Religious Court and the District Court after the enactment of Law No. 3 of 2006 have been announced and applied.

This type of research that researchers use in this research is descriptive research approach used is a qualitative approach. The method of data collection were interviews and documentation, while the method of data analysis, the researcher used descriptive analysis

The results showed that both the adoption petition through Religious Court and the District Court which are seen from the process and establishment procedure are almost the same, except that the District Court should obtain a copy of the registry office, because then, the adopted son/daughter break up with the biological parents and get inheritance rights from them where its process is in the Religious Court because according to Islamic law, the adopted child does not receive inheritance rights, except was borrowed and do not need to have a copy of the civil office. While the relationship to the legal basis of adoption used in District Court and the Religious Court is differ, the District Court based on SEMA, No. 23 of 2002 of Law on the Protection of Children as No. 4 of 1979 of Law, section 12, paragraph 1. Law No. 2 of 1986 on Justice general. While in the Religious Courts under section 49 Paragraph 1 point (a) Law No. 7 of 1989 amendments to Law No. 3 of 2006 and based on Al-Quran Al-Ahzab verse 4-5. The author concluded that after the enactment of Law No. 3 of 2006, the District Court only has authority to hear a request for other than Islam, while the Moslem applicant has become its jurisdiction. However, because of the setting of the division of authority between the Islamic Court and District Court is not firm and clear as well as the guidelines Implementation and Administration of Justice second edition of 2007 on Public Court as in Agency publication Supreme in 2009, paragraph 2 Figures 7 issued by the Supreme Court gave an opportunity to the applicant Moslem to District Court. If adoption is done with the intent to treat the adopted children as biological children and can inherit, the district court is still receiving a request for children Moslem adoption.