

ABSTRACT

Irfan, Muhamad Taufiq Hidayat, 2015. *The Decision of Tulungagung Religious Courts Number 0113/Pdt.P/2014/Pa.Ta. Concerning The Revoke of The Religious Affairs Office Refusal on Pregnant Widow's Marriage Application in Mashlahah Perspective (Case Study in The Religious Affairs Office of Kauman, Tulungagung And Religious Court of Tulungagung)*. Thesis. Al-Ahwal Al-Syakhshiyah Department. Maulana Malik Ibrahim State Islamic University, Malang. Advisor: Dr. H. Fadil.SJ, M.Ag.

Key words: decision, religious courts, pregnant widow.

The Religious Affairs Office refuses the marriage application of pregnant widow due to the reason that she is in her 'iddah. It leads the prospective spouse to submit an application to Religious Court to revoke the refusal of religious affairs office and to order the office to marry the couple. Finally, after a set of examination, a panel of judge makes a decision and grant the application.

The purpose of this research is to find out the reason of Religious Affairs Office in refusing to marry the pregnant widow whose pregnancy is not with her husband. In addition, it tries to study and review the decision of Religious Courts that revoke the refusal of Religious Affairs Office, whether it is in accordance with Islamic law, positive law and its benefit. The research employs a qualitative approach. The data consists of primary and secondary data collected using interview and documentation. The data are edited, checked and arranged then analyzed.

The research has two conclusions. First, The Religious Affairs Office refuses the marriage application because it tries to be careful and avoid the risk of marrying pregnant woman who is in the divorce process. The step is taken to obey the Islamic law and positive law in Indonesia. Second, the decision of The Religious Court of Tulungagung which revokes the refusal of the Religious Affairs Office is in accordance with existing laws, such as Islamic law and positive law. It also considers the benefit (*mashlahah*) to save the right of the unborn baby to get the birth certificate, family identity card, and identification card in order to have a legal protection from Indonesia government.