ABSTRACT

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Key Word: Hakam, Perma

Actual marital breakdown can be minimized with peace efforts, as embodied in the principle of procedural law the Religious of the principle of "must reconcile" a more complete set in article 65 and 82 of Law No. 7 of 1989. The process and effort this reconcile known process of 'mediation'. Act No. 7 of 1989 as amended by Act No. 3 of 2006 is also the Law No.50 year 2009 article 76 has determined the existence of hakam in a divorce whose existence is the same as mediators. On the other hand will arise a problem that appears with the persistence of the application of mediation in divorce cases that have been in legalization by Perma No. 1 of 2008, while hakam as part of procedural law has been legitimized in advance rather than mediation. Then mediation is based on Perma No. 1 /2008 is still to be implemented in addition also have to impose hakam, based on the Religious Judicature Act, or the application of mediation itself should still be carried out by sinking hakam that in fact is born out of an Act. This study discusses how hakam status pursuant to Article 76 paragraph (2) of the Act No.7 of 1989 and How to view the judge about the existence of hakam after the Perma No.1 of 2008.

This research is categorized as a sociological or empirical legal research, to that observed in the first place is secondary data, which is then followed by a study of the primary data in the field, or community.

From this research note that the Status hakam that under Article 76 paragraph (2) of Law No. 7 of 1989 is a form of legalization of the presence of hakam. It is very important since the appointment of hakam as a peacemaker is a step or solution to resolve disputes, particularly divorce on the grounds syiqaq. While the judge's explanation about the structure of the legislation means that hakam who emerged from a law higher position than the birth of mediation and Perma Perma was unable to change or abolish the Law. In other words hakam still exist even if there Perma governing mediation.