

ABSTRACT

Ilham Tanzilulloh, M., 06210042, 2010, *Views of Judges About The Eksistensi of Hakam In Peace Effort on Post Divorce Case Perma No.1 of 2008 in Islamic court Of Malang*, Thesis, Al-Ahwal Al-shakhsiyyah Majors, Shari'ah Faculty, Maulana Malik Ibrahim Islamic State University of Malang.

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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.