

ABSTRACTION

Mahrus Zain, Abdulloh, 06210093, 2011 : Decision Is Not Acceptable To Request Cancellation Of The Second Marriage In The District Of Malang Religious Courts (Studi Decision Number: 3666/Pdt.G/2009/PA.Kab.Mlg).

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In The Act No. 1 Of 1974 concerning marriage and compilation of Islamic law, explained the legal marriage by country. But still there are some people who tend to engage in violations of these provisions, such as case numbers: 3666/Pdt.G/2009/PA.Kab.Mlg. where violations of forgery and falsification of identity permit the marriage of superior competent authority, as a condition of completeness of the administration of marriage in the religious affairs office by either party litigant, in wich the perpetrator counterfeiting is a member of national Indonesia army, and the marriage was performed is a second marriage. Called a second marriage because she is still bound by a valid marriage with another woman as the first wife. But in the procec of application for cancellation of the second marriage, request the applicant by the district of malang court stated religion is not accepted, and until now the marriage is still ongoing. Then the case will be interesting to be studied from various perspectives both from the perspective of the Compilation Of Islamic Law, or the law No. 1 Of 1974 concerning marriage.

From exposure to the above, the researcher is interested in knowing some of the issues contained in the formulation of the problem, namely: first, the basic consideration of the judge in deciding the case. Second, the various violations contained in the case, and the third is the legal effect of the decision handed down by judges on the case.

Researchers use this type of normative legal research, with the approach of the law data collection interview method and documentation. In the analysis, researchers use a descriptive method of analysis. Therefore of primary legal materials in the form of the judge's decision and secondary legal materials derived from the literature or reading books that are relevant to the subject. The analyzed to the conclusion that: *First*, in case number: 3666/Pdt.G/2009/PA.Kab.Mlg, the judges ruled the petition was not accepted because the applicant who made and signed by the applicant's attorney made by the applicant and the recipient of his attorney is not legally valid. *Second*, the applicant's attorney violated the skepticism minister of defense and number: skep.168/III/2004 dated 18 March 2004 which resulted in the special power of attorney is made into premature. Subsequent violation is committed by the respondent I, he made a marriage without the permission of religious courts, and criminal offenses that forgery of identity and marriage licence from the competent superiors air base commander abdurachman saleh. *Third*, judges through the decision stated that the application the applicant is not accepted and to date the applicant is no longer just apply again to the district religious courts as a result of marriage the defendant of first and second respondent is ongoing. Not null and void, but they can only be canceled by the parties who feel aggrieved by the cancellation request process of marriage to religious courts in his area.