

## ABSTRACT

**Lutvi Nailil Awanah. 11210100. 2015. *The Petition Of Guardianship By Mother For Her Child To Do Sales Transaction On The Land of Inheritance in Religion Court, Regency of Madiun*. Thesis. Al-Ahwal Al Syakhshiyyah Department, Sharia Faculty. State Islamic University of Maulana Malik Ibrahim Malang. Supervisor: Dr. Zaenul Mahmudi, M.A.**

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Keyword: The Mother Guardianship

In normative, a mother is a legal guardian for her child. This is affirmed by Article 47 Act Number 1 of 1974 *jo* Article 98 Compilation of Islamic Law that the child under 18 years old or has not been married is the parent's authority as long as the authority is not revoked. The parent have right to represent their child in regarding all legal deeds, either inside or outside the court. But in the fact, some of the Notaries/Land Deed Officers command the mother to have a decision of guardianship petition by the judge to do some legal deeds, such as in the legal deed to sell the land of inheritance. For example, in the case Number 001/Pdt.P/2014/PA.Kab.Mn. There are some problems examined in this study, namely how is the consideration of Religion Court of Regency of Madiun to receive the case Number 001/Pdt.P/2014/PA.Kab.Mn and how is the consideration of the judges to determine the petition of guardianship by the mother for her child in the case Number 001/Pdt.P/2014/PA.Kab.Mn.

To answer the statements of problem, the author uses empirical or field research and uses qualitative approach. In this study, the author directly enters to field of study and the primary data is the interview to the related parties in the receiving and completing the case Number 001/Pdt.P/2014/PA.Kab.Mn. Official documents and related books are used as the secondary data.

The conclusions of this study are: 1) Consideration of Religion Court of Regency of Madiun accepts the case because based on the Act of the Judicial Authority states that the Court cannot be refused the case if it is the authority of the Court. Guardianship petition is filed by the mother for her child to prove the arguments that the transaction is intended to the child interests. 2) The basic Considerations of the judge assembly of the Religion Court on granting the mother request to become her child's guardian in the decision of the case number 001/Pdt.P/2014/Pa.Kab.Mn is for the needs of child's life. In other hand, the judge assembly considers children's rights must be protected. Moreover, the decision affirms that the child intends to move his right.