

ABSTRACT

Jalalah, Umniyyah, 07210032, 2011, **Guardianship woman judge for Women who do not have a godfather “Contemporary Fiqh Perspective”**, Thesis, Department of Al- ahwal Al-shakhsiyyah, Sharia Faculty, The State Islamic University (UIN) Malang Maulana Malik Ibrahim of Malang,. Supervisor: H. Khoirul Anam, Lc., M.H.

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Godfather who known with term Guardianship offspring is namely of people who have a relationship with a female under the tutelage, the order specified in Islamic jurisprudence. If the guardian does not want to marry because of reluctant, absent, or disagree, and others, sultan (Government Employees) of the ruling is allowed to be his godfather. Sultan here are the ones who are appointed to be guardians of Islamic Affairs. Guardianship of sultan also called the Guardianship of Judge. While in the State of Indonesia is not an Islamic State, which is the position of sultan (Government Employees) many are also on hold by a woman. Just as Mrs. Megawati Sukarnoputri as headmaster of state and also many women served as judges. This happens because more and more contemporary circumstances change and evolve, not as in time of the Prophet, the provisions of religion and shariah still strong.

Based on this rationale, the researchers goaled to determine the Contemporary Fiqh perspective of Guardianship Women judge for Women who do not have a Godfather.

This type research method used in writing this thesis is library research or literature research. While the research approach used is a qualitative approach. Methods of data collection is performed by selectively sorting according to the issues raised in the study and record data systematically and consistently. While the data analysis methods used qualitative research is descriptive analysis, using the benefit analysis approach (Method Istislahy).

The research results has been conducted, researchers have found that a woman can be a sultan or leader who as Queen Bilqis story in the Qur'an, with the requirement to have criteria of leadership, that is intelligent, responsible for everything, authoritative, can be trusted, and know which ones are good and bad for others and himself. Women can become judges or sultan guardian, if there is no more a man who can be trusted and are responsible to become guardians over women, then to seek the benefit and eliminate the harm, permissibility of a woman becomes the guardian. This is caused, if a married woman does not use the guardian, it is doubtful anything will happen (mudharah) which is not good for her future. So, for a solution to avoid something, the better there was a sultan of women who become guardians of judges, who will be responsible and trustworthy over the woman.