

ABSTRACT

Muharrom Ainul Yaqin. 11210063. 2015. Small Claim Procedure Concept To Solve Civil Suit of Petition (Volunter) At Religion Court. Report. Al-Ahwal Al Syakhshiyah Department, Syaria Faculty, State Islamic University of Maulana Malik Ibrahim Malang. Supervisor: Musleh Harry, S.H., M.Hum.

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There are some obstacles that faced by Religion Court, such as many suits, lack of judge, and other problems that caused the simple, quick, low cost principles cannot be implemented maximally. It needs renewing of law. For example is implementing small claim procedure. Small claim procedure is something new in Indonesia so there is no regulation, especially small claim procedure to examine suit of petition. Based on the explanation above, the writer was interested to study to formulate about small claim procedure that can be used to examine suit of petition (volunteer) in the religion court, and what suits are that can be examined by using small claim procedures.

This research is normative with conceptual approach. Source of data is secondary data, by using primary legal materials, it is the principle that the court tries with the simple, quick, and low cost which is existing in Act Number 7 of 1989 and other secondary legal materials. But to complete this research and to toughen the researcher argument, the researcher also did interview.

The conclusion which was found by researcher is small claim procedure can be implemented in religion court, especially for examining suit of petition because the simplicity with concept are: judge who examines suit is only single judge because the suit is simple, only a party, as simplification form of examination process, and judge is considered to know the law. Because of using single judge, it must has judge criteria, as follows: has judge experiences during minimum seven years, joined training was performed by supreme court, and has good track record which was determined by head of religion court. To provide exact regulation, the small claim procedure should be regulated in regulation, the most possible is enacted in the Regulation of Supreme Court. The simple suit of petition should fulfill criteria: material value or small right, simple petition, and possible to examine in one session. Based on that criteria, the suits which fulfills are such as the petition of marriage license, petition of *adhol* guardian, petition of dispensation of marriage, petition of prevention of marriage, petition of children parentage, petition of determining marriage (*itsbat nikah*), petition of marriage identity change, and petition of guardian adoption.