

ABSTRACT

Nur Aida, Isnaini. 2011. Right to Refuse Refer Wife In Divorce Iddah Raj'i The Human Rights Perspective. Thesis. Department Al-Ahwal Al-Syakhshiyah, faculty of Sharia. Islamic University of Malang.

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There are differences in the concept of the wife refused to refer the prescribed period raj'i divorces among jurists with Compilation of Islamic Law. In the book "Bidayatul Mujtahid" by Ibn Rusyd said that the Muslims have agreed that the husband has the right to refer to the wife during the divorce raj'i still within prescribed period without considering the approval of the wife. While in the KHI Article 164 was explained that a woman in a prescribed period of divorce raj'i entitled to object to the will of reconciliation from her ex-husband. It is very interesting to study is how can a change a woman's rights in divorce prescribed period raj'i previously not have the right to refuse to be entitled to reject the reconciliation is performed by the ex-husband. Researchers attempted to analyze the rights of ex-wife in divorce raj'i prescribed period is the perspective of Human Rights (Law No.39 of 1999 on Human Rights Women's Rights Section Nine On Article 50).

The study in this thesis is a normative legal research using the approach of Law (Statute approach) which aims to analyze the texts of books and articles in the law which relates or may be associated with rights issues refer to the wife refuses divorce raj'i prescribed period. Further analysis techniques used in analyzing the comparative jurisprudence is to compare products with products KHI in reference with the rights of the wife refused to divorce raj'i the prescribed period and its relevance to the Act No.39 Year 1999 on Human Rights Women's Rights Section Nine On Article 50.

The study mentions that a woman in a divorce raj'i prescribed period has the right to reject the will of reconciliation from her ex-husband in a marriage because the position of a husband and wife are equal, ie both have the right to take legal actions. Changes refer to the concept of rejection by the wife who is in the prescribed period raj'i divorce was based on the absence of ex-husband islah intention of doing reconciliation. If the will of reconciliation made by the husband based on the intention islah, then the wife should not reject it. It is relevant to the Act No.39 Year 1999 on Human Rights On Women's Rights Section Nine of Article 50 which states that an adult or a married woman has the right to take legal actions. Thus the true Islamic law protects the rights of a woman.