

ABSTRACT

Rahayu Ningtias, Anisafila. 06210072. 2011. District Court Judge's View of Religion to Ex Officio Right As Protection Of Children Right and The Former Wife.

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The *ex officio right* held a judge because of his position to be able to save the children and ex wife right after divorce. By using *ex officio right*, a judge may decide lawsuit that are not mentioned in the petitum demands, for example, imposes a wife *iddah* needed of children to ex husband after divorce. With the existence of such rights, the decision of a judge will full the interests of justice for all parties involved in it, which are husband, wife and children. The role of religion in the court *ex officio right* application is huge, because it is decided a lawsuit by using the *ex officio right* or not depends on the judge's assessment of the lawsuit filed divorce him.

Therefore, this study has purpose to determine how the court of religion Kediri's View in the *ex officio right* to serve as savior the rights of ex wife and children after the divorce.

This research is a law research, which is a process to find the rule of law, law principles, as well as law doctrines in order to answer the law issues involved. In this case, the researcher tries to understand the judge religious court Kediri Views in a *ex officio right* and then make link them whith existing theories. As for the methods of data analysis, researcher use a normative juridical analysis that it emphasizes in the deductive method as the main grip.

The result show religious court Kediri judges *ex officio right* of have opinion that a right held a judge to decide lawsuit that are not mentioned in petitum claims, these right are used as protection of the right of ex wife after divorced by her husband. *Hadhanah* living child can not be desided by using the *ex officio right* as not mentioned in the ordinance became *ex officio right* reference, namely law No. 1 of 1974 article 41 c. the judges religion court Kediri district welcomes *ex officio right* and use them in every divorce lawsuit be handled whith a fairly mature consideration. The judges Kediri Religious court district look for the necessary facts first before using the *ex officio right* in other to get creation of the decision of the Kediri religious court that fair for all parties concerned.