

## ABSTRACT

Ifadatul Ilmiyah, NIM 10210092, 2014. *An Understanding of Society on Divorce Pledge outside of Religion Court (The case study is done in Sedayulawas, Brondong, Lamongan)*. Thesis. Department of Al-Ahwal Al-Syakhshiyah, Syariah Faculty, The State Islamic University Maulana Malik Ibrahim of Malang. Supervisor: Dr. H. Isroqunnajah, M.Ag.

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**Key words: Divorce pledge, Outside of religion court**

Normatively, divorce is one of the legal actions; however it will be hated by Allah SWT. In detail, specifically on a part Islam law compilation 115 in Indonesia says that the divorce could be done and valid if the action of divorce is done in front of religion court's meeting. Indeed, the divorce here could be done after the religion court tries to make a peace between both of sides (wife and husband) but means nothing; in short, the religion court will take an action for divorce session if the both sides are cannot be gathered anymore. On the contrary, after the researcher did the research, the problems are founded from the divorce action due the divorce action is done outside of religion court. Like what happen to people in Sedayulawas, Brondong, Lamongan.

The problems from the divorce action outside of religion court are the factor why the researcher does this research. And the purpose of this research is to enhance the understanding of people how to do a divorce pledge outside of religion court and what the factors which could be applied in order to make a divorce pledge outside of religion court.

The type of this research is sociology or empirics law research, whereas the approach of this research is qualitative research. The qualitative research has a purpose for displaying the divorce phenomena which happen in society by elaborating the concepts and collecting from the social facts. Then, the collecting of data is done by observation and interview to the informant. Other means of collecting the data is documentation.

The result of this research is some of people assume that the divorce is valid even though the divorce action is done outside of religion court because they are fiqh oriented people, while other people assume that divorce is better done inside the religion court to get the protection and legal certainty. Some factors which causes people do a divorce outside of religion court are: people understanding of divorce action (talak) is still oriented fiqh, people consider that divorced inside of religion court is not effective enough, the divorce action in religion court is expensive enough, the existence of sirri marriage (hidden marriage), and they feel uncomfortable each other till they are brave to break the rule of divorce in religion court.