

ABSTRAK

Abdurrahman Adi Saputera. 2014. Problems of Divorce For Civil Servants (Studies in the Religious Court Judges view Gorontalo) Thesis, Study Programs Al-ahwal Al-shakhsyiah Postgraduate School of State Islamic University of Maulana Malik Ibrahim Malang, Supervisor: (I) Dr. H. Fadil SJ, M.Ag. (II) Dr. Suwandi, MH.

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Indonesian state in an effort to complicate the implementation of the principle of divorce, has been set in Regulation Legislation, one of which is the legitimacy of the Government Regulation No. 10 which was ratified in 1983 in conjunction with the Government Regulation No. 45 Year 1990 on Marriage and Divorce Permits for Civil Servants. Similarly, the Government considers that the Indonesian citizen who is a civil servant has a role that is very urgent and crucial, as it is considered to have a fairly dominant position and contribution to the national development.

This study aims to describe Divorce Problems For Civil Judge Sipildengan conduct studies in the Religious views Gorontalo, while the focus of study include: (1). Why Gorontalo religious court judges gave the decision to divorce civil servants who did not accompany the permit supervisor, (2). Any constraints contained in the implementation process of the judge's decision granting the divorce case for civil servants in the Religious Gorontalo. Penelitian using this type of empirical legal research, which was then a qualitative approach, using primary data sources obtained directly from primary sources, namely Religious Court Judges in Gorontalo, and Secondary Data is the study reinforced the theory that are relevant to the context of the problem.

The results of this study may indicate that the reason the judge gave judgment for the Civil Service since divorced without permission Bosses: The principle function is to protect the Court's decision in realizing social justice for all Indonesian people, justice is done for the sake of Justice Based on God, Principle of independence judge, that the judicial power is independent of state power, principle court may not refuse the case, the judge shall explore, and understand the value of law and sense of justice that live in the community.

Thus, the authors suggested, for the perpetrators of the divorce of the applicant's status as civil servants and non civil servants, is expected to really understand and know the implications (legal effect), for violations, such as not meeting the requirements and procedural divorce, for example, for civil servants who will do the divorce and did not attach permission from his superiors.