

ABSTRACT

Afrohatul, Laili, 10210052, 2014. *The Judges' Perspective in Court's Against Stage Proof and Verdict Session in One Session (A Case Study in Mojokerto Religious Court)*. Thesis. Al-Ahwal Al-Syakhsiyyah Departement, Sharia Faculty, Maulana Malik Ibrahim State Islamic University, Malang. Advisor : Musleh Herry, S.H., M. Hum.

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Procedural law is the guide for the judges in executing the process of civil procedure both in Public Court and Religious Court. A legislation regulating the procedure in a court session stating that a judge is obligated to implement the regulation written in legislation. In addition, the judge cannot deviate from the procedural law despite any situation that may occur in the court session.

The matters discussed in the study are related to a case investigation process carried out by the judges in Mojokerto Religious Court. It focuses on the problem of the joining of two stages that is the stage of proof and verdict provision in a court session. The main purpose of the study is comprehensively understanding the panel of judges in executing the case investigation process by joining two stages. Moreover, the study also aims to point out other judges' perspective regarding the joining process.

This present study employs an empirical method which acquires descriptive data, while the approach used is qualitative approach. Most of the data are primary data which are obtained/collected from the informants, the judges of Mojokerto Religious Court directly. Furthermore, it is supported by the secondary data sources in analysing the result of the study using descriptive qualitative analysis method.

Based on the result of the study, it could be concluded that the majority of Religious Court judges of Mojokerto allows the process of case investigation using the merger of two phases, because this merger is not incompatible to the law of procedural law. Therefore, there is no sanction for the judges who apply the process of two phases merging. Moreover, another consideration is to be more efficient both the time and the cost during the process in the court. This opinion is also based on the principle of simplicity, rapidity and low cost. However, one of the judges argued that although the process of merging these two phases does not break the law but the merger should not be done on the grounds that the judge who handles the case may more understand the subject matter and possible to give the final answer in the form of fair verdict.