

ABSTRACT

Yusnia Nur Azizah, NIM 10210016, 2014. *Reconcilement effort in the case of Syiqâq (Study on Effectiveness of Arbitrator's Assignment based on the Religious Court's Constitution article 76 Number 50 Year 2009 at the Religious Court of Malang)*. Thesis.
Department of *Al-shakhsiyyah ahwal*, Sharia Faculty, State Islamic University of Maulana Malik Ibrahim Malang.
Supervisor: Dr. Isroqunnajah H., M. Ag.

Keyword: Effectiveness, *Syiqâq*, Arbitrator

For the divorce case due to *syiqâq* (couple persistent dissension) then an arbitrator brought from the family, as stated in the Religious Court's Constitution article 76 Number 50 Year 2009 with the constitution of Minister of Religion (PERMA) Number 1 Year 2008 on Intermediary Procedure, the article about *syiqâq* has declared that no longer efficient. The judiciary is more focus applying mediation system in mediating the litigants. For reason of all submitted cases to the Religious Court one of them must be solved with a simple way, fast and low cost whether the completion is ended up in peace or divorce. If it has proceeded this way, than the effectiveness of an arbitrator assignment in article 76 of this case is still enforced or just utilizing an intermediary procedure to mediate the case of *syiqâq*.

Therefore, the researcher is interested to know the effectiveness of arbitrator's role in the case of *syiqâq* in the Religious Court's Constitution article 76 Number 50 Year 2009 with the problem of studies as follows: 1. What is the perspective of judge about the effectiveness of arbitrator's assignment in the case of *syiqâq* based on article 76 of the Constitution Number 50 Year 2009 at the Religious Court of Malang? 2. What are the factors that cause a shift in the role of the arbitrator in *syiqâq* case?

In order to run this study according to the goals that expected by the researcher, in this study the researcher used a qualitative approach and the field research studies. While the used data collection methods were interviews and documentation methods. As to the method of data analysis, researcher used a qualitative descriptive analysis.

Based on the results of the study, the writer obtained answers to the existing problems, that the role of arbitrator in *syiqâq* is still effective and still used when the judge bring together the family or the closest witness of the litigant and defendant, and soon they were given the task to be a mediator and reporting the results of the reconcilement. Because there are few divorce reports in the case of *Syiqâq*, then the role of an arbitrator here seems inapplicable after the mediation rules because of the defrayal efficiency and the adjudication time.