

## ABSTRACT

Izzah Wahyunisfah, NIM 09210029, 2014. *The Views of Judges and Lawyers toward Article 150 HIR about Cross Examination of Witness (Case Study in the Court of Malang)*. Thesis. The Major of Al-Ahwal Al-Syakhshiyah, Sharia's Faculty. The State Islamic University of Maulana Malik Ibrahim Malang. Advisor: Dr. H. Saifullah. S.H., M.Hum.

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**Key Words: The Views Judge, Witness' Proof, Cross Examination.**

The witness in the trial court is part of evidence that is used in verification. Civil Law in the Indonesia (HIR., RBg., dan KUHPerduta) have been set about verification's law that is exist witness verification's regulation. Based on regulation in article 150 HIR there is provision that law give right to the litigants to question witnesses who is presented at the trial, where is this case is knew with cross examination. However, in practice in the field, not all of the judges give opportunity asked question or denied information that is presented by witness of counterparty. So it looks a mismatch between practice and law.

The aims of this research know about cross examination's process in verification at the court of Malang. And as for the second aim know the views of judges and lawyers toward article 150 HIR about cross examination of witness at the court of Malang.

As for the method that is used in this research is sociological law's type with qualitative data acquisition and use sociology of law approach with fenomenological theory in this research, most of the data is obtained from primer's data where is caught from informant directly. Then be supported with secondary's data in the analyze result of research.

Based on this research and data analyze, is got 4 (four) kinds of witness examination in the court of malang, there are: *first*, The major Judge give opportunity someone give a question directly to the witness; *second*, The major Judge give opportunity someone give question throw major judge; *third*, The major Judge give opportunity someone to respond case that isn't a praved in conclusion; *fourth*, the major don't give opportunity someone give question for witness because of it has exist verification. In this case, Judge and lawyer view that provisions in article 150 HIR about cross examination of witness must be done, because it has suitable with rule that is done.