

ABSTRACT

Nurdiati Akmah Zahir, NIM 10210070, 2014. *The Marriage Covenant of Students in Maulana Malik Ibrahim Islamic State Islamic University of Malang (Fiqh and Indonesian Marriage Law Perspective)*. Thesis. Al-Ahwal Al-Shakhsiyyah Department, Sharia Faculty, Maulana Malik Ibrahim State Islamic University of Malang. Supervisor: Ahmad Izzuddin, M.H.I.

Key Words: Covenant, Marriage, Student

Covenant can touch various aspects of life, including marriage. The marriage covenant of *ta'lik* divorce and marital property are two aspects of regulation in Indonesian Marriage Law Number 1/1974 and KHI. Meanwhile, the marital student in Maulana Malik Ibrahim State Islamic University of Malang, consist of Covenants which is not already in the two laws above. Otherwise on Fiqh concept, the marriage covenant shall be fulfilled or not depends on the contents of the marriage covenant itself.

The aim of this study is to know the marriage covenant made by the students, knowing the implementation of the marriage covenant that has been agreed in their family, and knowing the legal force of marriage covenant have been made according to the perspective of jurisprudence and Indonesian Marriage Law.

This research uses the empirical research method, with the acquisition of the data that is descriptive qualitative. Most of the data obtained from the primary data, collected directly from the informant, and supported by secondary data sources in analyzing the results of this research. The data collection method in this study use interviews, questioner and documentation.

Some of the marriage covenant of student agreed for *adjournment of intercourse*, *adjournment of giving livelihood*, *adjournment to live together*, as well as an adjournment *for delaying had children*. However, in practice the covenant are not fulfilled by the parties. On the other hand, the marriage covenant is unenforceable if the covenant only made verbally by the parties because the principle of *pacta sunt servanda* which is abstract and can not be proven. Otherwise if the marriage covenant is written covenant. In the fiqh concept, this covenant will be unenforceable because the contents of the covenant are contrary to the aim of marriage and the mission of sharia.