

## ABSTRACT

Roselatul Lailiyah, Student ID Number 10210037, 2014. **Judge Understanding About *Bid'i* Divorce and Its Application at the Religious Court of Mojokerto.** Thesis. Al-Ahwal Al-Shakhshiyyah Department, Sharia Faculty, the State Islamic University of Maulana Malik Ibrahim of Malang. Supervisor: Dr. H. Badruddin, M.H.I.

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**Key words: Understanding, Judge, *Bid'i* Divorce**

Problems in domestic life are so complex, sometimes making the husband and wife are not able to continue their marriage, and they choose divorce to end their marriage. Divorce is one of the last way in ending the life of a married couple households. It has been set its presence on *Fiqh* law, Compilation of Islamic Law and Law no. 1 of 1974. Similarly at Mojokerto community in ending their marriage by doing divorce. Someone is getting a divorce has requirements that must be met by the husband or wife , such as prohibiting a husband dropped the divorce when the wife in a state of menstruation is known as *bid'i* divorce. *Bid'i* divorce is divorce that it handed down to the wife in a state of menstruation or in a state of purity but has been clocked on the holy days. While divorce is a divorce that is not permitted is included in both. But at Mojokerto religious courts located at Raya Prajurit Kulon Street, no.17 Mojokerto, this *bid'i* divorce occurs. The emergence of this background, emerge several issues including how is the understanding of religious court judges in Mojokerto and how are practices occurred.

The aim of this study is to determine the understanding of some judges in Mojokerto religious courts about *bid'i* divorce and *bid'i* divorce practices applied at Mojokerto religious courts.

This research is an empirical study, data in this research is descriptive qualitative. The collected data are in the form of primary data, which is supported by several secondary data and analyzed by the data for this research. Acquisition of data through observation, interview and documentation.

Research Findings are the understanding of the judge about *bid'i* divorced is imposed by the husband to the wife in a state of menstruation or in a state of purity but is clocked in the sacred. Menstruation is a state that is menstruating wife will say the pledge when the divorce in front of the court, while in a state of holy wives is a waiting period after the judgment of divorce cases with pronounciation pledge, pledge divorce when the husband kept dropping his divorce. Practice of *bid'i* divorce at religious court at Mojokerto never happened, but the judge has told the husband and wife that divorce is forbidden, with some consideration of which the judge is right there on the husband divorce, where the husband lived outside Mojokerto, the parties both agree and able to bear all the risk, the judge allowed the husband finally fixed to drop the pledge divorce.