

## ABSTRACT

Rozaqi, Yusufa. 2015. The Legal Reasoning of the Tribunal Judges in Favour of Child Custody On the Ruling of the *Verstek* (the Study of Case No. 1681/Pdt. G/2014/PA. Mlg Regency Thesis. Department of Al-Ahwal Al-Syakhshiyah. The Faculty Of Sharia. Thesis, Al-Ahwal Al-Syakhshiyah Department, Islamic State University of Maulana Malik Ibrahim Malang. Supervisor: Dr. H. Saifullah, SH, M. Hum.

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**Keywords: Legal Reasoning, Child custody, Ruling *Verstek***

Child custody is an act that must be exercised by the parents, because without the child custody resulted the children being abandoned. Child custody applies when there is a divorce between the two parents. Religious courts have the authority to resolve the matter child custody especially for Muslims. In the trial proceedings the victim sometimes not attend in the trial without a legitimate reason be named *verstek*. The judge handling the matter should be reviewed and put on trial in order to create a justice. Generally, *verstek* is only done on a lawsuit to sue for divorce and to sue for divorce. But in the Court of Malang on Religious matters no. 1681/Pdt. G/2014/PA. Government verdict on the matter *verstek* Mlg child custody. The focus of this research is to know the legal reasoning of the Tribunal judges effect of the law on matters no. 1681/Pdt. G/2014/PA. Mlg. Regency

This research uses a type of empirical research or research field. In this study, the authors used a qualitative approach. As for the data source that is used ., secondary and primary .method of data collection through interviews and documentation. While the method of processing data used by authors including: editing, classification, examination, and designed the later analyzed in qualitative descriptive.

Based on the results of the analysis, the author obtained a legal conclusion that the reasoning of the Tribunal judges in favour of child custody on the ruling of the *verstek* aspect of philosophical, juridical and sociological. The consideration has been reflecting the principle of certainty of law, justice, and the benefit. Tribunal judges have been using the method of interpretation, namely, the interpretation of sociological/teleological by looking to the reality at the moment and the multidisciplinary interpretation that is study other disciplines outside the science of law such as the Qur'an and the Hadith. So in favour, the child custody disconnected *verstek* can satisfy fairness, expediency, and legal certainty. While the legal consequences posed namely, granted the plaintiff's lawsuit with *verstek*, set the plaintiff as the holder of custody of the child, and punish the defendants to provide a living to his two sons.