

ABSTRACT

Reza Auliansyah 2015. The Judge Rationale in Deciding treasure Gono-gini in Malang religious court. Thesis. Al-Ahwal Al-shakhsiyyah Departement, Faculty of Sharia, Islamic University of Maulana Malik Ibrahim Malang. Lector: Dr. Sudirman. M.A

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In Act No. 1 of 1974 on Marriage Article 1 states that marriage is the emotional and physical bond between a man and woman as husband and wife with the aim of forming a family (household) are happy and everlasting based on God. Thus marriage is always expected to take place with a happy and eternal, but under certain conditions and circumstances of divorce is unavoidable as a reality. Divorce is a legal event that will bring a variety of legal consequences, one of which is related to the joint property in marriage.

The division of joint property in accordance with the provisions of Article 37 of Law No. 1 of 1974 on Marriage does not set forth how many parts each divorced husband or wife both live and divorce divorce die. Article 37 paragraph (1) states when the marriage broke up because of divorce, the joint property governed by the law of each. The elucidation of Article 37 paragraph (1) is confirmed each of these laws is religious law, customary law and other laws concerned with the division of joint property. In addition to Law No. 1 of 1974 on Marriage, in Indonesia also applies Compilation of Islamic Law, which deals with the division of joint property as provided for in Article 96 and 97 Compilation of Islamic Law.

The issues based on such matters, to be discussed is how the implementation of the division of community property or the Gono-gini in the Religious Court of Malang. The method used is a normative method. And it can be concluded that the division of joint property (Gono gini) conducted on the basis of Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law, the wealth derived from either the husband or wife be together all rights not otherwise stipulated in the marriage agreement and if the marriage broke up, each entitled to half (half) of the property, as during the marriage are their joint property.