

ABSTRACT

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THE AUTHORITY OF RELIGIOUS COURTS IN DECIDING CASES REGARDING DIVORCE BETWEEN HUSBAND AND WIFE OF DIFFERENT RELIGIOUS AS THE IMPLICATION OF THE DECISION OF A RELIGIOUS COURTS NUMBER 8/Pdt .G/2011/PA Gst

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The purpose of this research is to find out the regulation regarding the validity of interfaith marriage in Indonesia, as well as the authority of religious courts in deciding divorce cases caused by differences in religion of the parties. Marriage is an inner bond between two parties with the aim of building a happy and eternal home based on the Almighty God. Marriage based on the Godhead makes this marriage not only a legal act carried out by the parties, but also related to religion and belief. A person has constitutional rights in adhering to their respective beliefs and religion which are expressly stated in *Undang-Undang Dasar Republik Indonesia Tahun 1945*, which can be categorized as a person's human right to embrace religion. In order to build a household through the marriage, in Indonesia itself has been known as a marriage law that is manifested in *Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan*. The law then became the basis for all matters concerning marriage in Indonesia. Including about the legitimacy of marriage. Meanwhile, in terms of divorce, it must be seen from the court's authority in deciding divorce cases. Is the marriage held in an Islamic or Non-Islamic manner. In particular, regarding the authority of the Religious Courts in deciding divorce cases, it can be seen the arrangement in *Undang-Undang Nomor 7 Tahun 1989 tentang Peradilan Agama* jo. *Undang-Undang Nomor 3 Tahun 2006 tentang Perubahan Undang Undang Nomor 7 Tahun 1989 tentang Peradilan Agama* jo. *Undang-Undang Nomor 50 Tahun 2009 tentang Perubahan Kedua Undang-Undang Nomor 7 Tahun 1989 tentang Peradilan Agama*. Through this research, the Writer tries to elaborate the validity of marriage when a husband or wife then converts to religion in the midst of marriage, and the authority of the Religious Court in deciding divorce cases caused by differences in religion.

Keywords: Interfaith marriage, Divorce, Authority of the Religious Court

Reference: 25 (1989-2017)