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w-dikonversi-4-6.pdf**

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WORD COUNT

1436 Words

CHARACTER COUNT

6928 Characters

PAGE COUNT

3 Pages

FILE SIZE

569.9KB

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REPORT DATE

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STRENGTHENING OF WOMEN'S RIGHTS WITH LAW THROUGH TITENUMBER 3 YEAR 2017 REGULATION IN THE CULTURE OF AUGUST IN THE RELIGION COURT

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INTRODUCTION

The Supreme Court has issued PERMA Number 3 of 2017 concerning Guidelines for Judging Women's Cases under the Law (hereinafter referred to as PERMA Number 3 of 2017) as a form of protection for women from all forms of discrimination and can enrich the quantity and quality of judges related to gender equality that will assist the judicial process. The number of divorced cases carried out by the applicant's wife was 3 times that of divorce submitted by the husband. Especially divorce cases in the Religious Courts, a wife gets the benefit of a wife due to divorce, such as mut'ah and living iddah. On the other hand the decisions of the Religious Courts in the divorce case, the wife as the plaintiff did not get the iddah and mut'ah livelihood, this difference is an injustice to women who faced the law.

This article discusses: (1) How the application of law in the decisions of the Religious Court Judges in divorce cases is contested after the enactment of PERMA Number 3 of 2017; and (2) What are the obstacles to the implementation of PERMA No. 3 of 2017 in deciding divorce cases in the Religious Courts?

RESEARCH METHODE

This research is juridical-empirical research, meaning that this research rests on legal norms and systems and is varied by primary data by conducting field research combined with library research. Primary data is the result of interviews with respondents in religious courts and several related advocates. Sampling in this study was purposive sampling, so that the overall number of respondents reached 100 people.

The focus of the application of the law of PERMA Number 3 of 2017 in the Religious Court and how the judges updated the trial process against women who were sampled, namely Religion Court of Bogor, Depok, Cibinong, Semarang, Surabaya, and in the DKI Jakarta Region. Comparing the decisions of religious courts in divorce cases between before and after the enactment of PERMA Number 3 of 2017.

The focus of the factors that become obstacles in its application in terms of legal and social aspects using qualitative descriptive.

RESULT AND DISCUSSION

The number of divorce made by the applicant's wife is 3 times the divorce submitted by the husband. This is shown in the following table 2:

Table 1. Realization of Divorce Cases CT / CG in PA 2016-2018 Respondents

No	Nama	Jumlah Perkara Diterima			Jlh Perkara Perceraian		
1.	Deok	1	14	102	100	957	1004
	QA. Cibinong	248	678	189	T:1229 G:3054	T:1209 G:4019	T=796 G :2637
3.	QA. Bogor	1529	2022	1950	QT=371 G:1261	QT:3177 G:1343	JT =200 G =700

*ICoCSPA fi20T9

4.	PA. Banjarmasin	2260	2332	1341	CT:3718 CG:1326	CT: 369 CG:1275	CT = 205 CG = 743
5.	PA. Surabaya	7803	8094	4753	CT:1860 CG:3761	CT:1772 CG:3784	CT:1092 CG:2379
6.	PA. Purbalingga	2531	2846	2014	CT= 522 CG:1633	CT= 573 CC'r.1735	CT = 435 CG:1443
7.	PA. Jakarta Tiinur	4936	5267	4504	CT:1369 CG:3341	CT:1330 CG:3289	CT:1156 CG:2882
8.	PA. Makassar	3169	3024	2218	CT= 603 CG:1800	CT= 628 CG:1729	CT= 486 CG:1306
9	PA. Jakarta Utara	2267	2235	2121	CT= 580 CG:1413		
10	PA Jakarta Selatan	4495	5056	\$512	CT:1057 CG:2760	CT:1115 CG:31S5	CT: 860 CG: 2469
11	PA Tangrang	2619	2673	23 t6	CT:669 CG:1838	CT:715 CG:1896	CT:543 CG:1499

Source: Report 2016-2017- LIPA 2018

The results of the study indicate that the decision on divorce application has a difference namely after the enactment of PERMA No. 3 of 2017 in the decision of divorce application these is an order to pay for the living of iddah, mut'ah, and madliyah before the recitation of the divorce pledge. Before the enactment of PERMA No.3 of 2017, the Petitioner (husband) can or may pronounce the tale of dii orce before paying for the rights of his wife or his wife's income. The Religious Court takes a policy to protect the rights of wives so that the Petitioner pays in advance the burden that the judge decides before making a pledge. If the applicant has not been able to pay, the Panel of Judges has been given a waiver to postpone the recitation of his divorce pledge until the specified time is 6 (six) months. If it has been due for 6 (six) months the Applicant (husband) cannot pay. then the power of the decree is dropped and the trial is canceled and cannot be submitted again with the same reason. 3 of 2017 so that it is seldom that the husband must give his ex-wife's living and living after the divorce decision. The reason is that a woman who submits or divorces her husband is considered nusyuz or defied against her husband, therefore he does not get his rights such as the tieing and mut'ah. the cause of women who sued for divorce is because of forced reasons, including violence in the household where the w ife and child are victims, the wife is left to remarry and does not receive physical and physical support, or is a lazy husband and has no job, and or other causes while on the other hand the husband does not want to divorce.

ConstraintS in implementing PERMA Number 3 of 2017 in divorced cases are:

1. Paradigm of Judges if the wife submits divorce to the husband is considered nusyuz or rebellion in accordance with the rules of fiqh, so that the wife does not get her rights such as the living and mut'ah. Then the entry into force of PERMA No. 3 of 2017, the Jridge in deciding the divorce case can see the reasons for the wife who fired the divorce lawsuit. The wife can be considered nusyuz or not alter proof. If the wife is not proven nusyuz, Ake wife continues to get her rights such as livelihood and miit'ah .. It is expected that a paradigm shift Judge that the wife who sues for divorce is not all considered nusyuz before there is evidence about keriusyuzannya.
2. The husband in the divorce case is not present at the hearing, so the judge has ditTiculty obtaining complete information.
3. The wide 6oes not see the importance of the iddah and mut'ah livelihood, so that it isquiklydecidcdtodivoroeherhusband.

CONCLUSION

In the divorce case these is no difference between before the enactment of PERlvtA Number 3 of 2017 and before. Judges have not optimally implemented PERMA Number 3 in 2017.

There are 3 obstacles in implementing PERMA No. 3 of 2017 in the case of divorce, namely. 1) Judge's consideration if the wife submits divorce to the husband is considered nus z or rebellious in accordance with the rules of ftqh, without being supported by the optuuiz.ation of proof that the wife is divorced. 2) The husband\ is not present at the hearing, so the judge has difficulty getting holistic information. 3) The wife does not dispute the iddah and mut'ah livelihood, so that it is quickly decided to divorce her husband.

‘-commended that it be explicitly regulated in PERMA Number 3 of 2017. \\ramen’s rights after divorce s includecustodyofminors, livingandliving.

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