

ABSTRACT

Rationale The authors chose this title is the verdict of the Court of Pangkalan Kerinci Religion of Payments Judgment Livelihoods idda In Ex Officio on Divorced Divorce Case (Study of Religion Court Decision in Pangkalan Kerinci in the year 2013). In Article 41 (c) of Act No. 1 of 1974 About Marriage, stated "The court may oblige the former husband to provide cost of living and / or determining any obligation for the former wife". One duty of the husband in divorce cases divorce as mentioned in Article 149 of Presidential Instruction No. 1 of 1991 About the Compilation of Islamic Law is to pay a living wife during the waiting period in the prescribed period. The application of ex officio authority of the judges can give women protection and apply the principle of litigants a quick, simple and inexpensive.

As for the subject matter of this article is whether the legal reasoning used by the Council of Religious Court Judge Pangkalan Kerinci in Decision No. 164 / Pdt.G / 2013 / PA CCP. and Decision No. 236 / Pdt.G / 2013 / PA CCP, as well as how well the consistency Court Judge Religion Pangkalan Kerinci in payment punitive idda living ex officio on divorce cases in 2013 the divorce?.

The main objective of this study is to examine the legal consideration of the judges in Decision No. 164 / Pdt.G / 2013 / PA CCP. and Decision No. 236 / Pdt.G / 2013 / PA CCP punishment for payment of a living idda ex officio and consistency of the judges in deciding the same in divorce cases divorce in 2013. Therefore, this study was conducted using the method of library research (library research). Data of this study is the decision on divorce cases divorce in 2013 Religious Court of Pangkalan Kerinci, rule of law and other legal books and journals and conducted interviews with the Chairman of the Assembly concerned.

The conclusion of this study: First, the legal considerations judgment Applicant pays a living idda ex officio on Decision No. 164 / Pdt.G / 2013 / PA CCP is fine, just do not mention the legal basis for the use of ex officio rights and legal basis for the obligation to pay a living the waiting period, not to consider whether the Respondent has prescribed period or not, and did not consider whether the Respondent in a state nusyuz or not. as well as legal considerations in Decision No. 236 / Pdt.G / 2013 / PA CCP is fine, just do not mention the legal basis for the use of rights ex officio, does not consider whether the Respondent in a state nushuz or not, and does not consider at all the ability of the Applicant as a husband. Secondly, the judges examiner Case No. 236 / Pdt.G / 2013 / PA CCP consistently punishing the Applicant to pay a living wife waiting period, while the judges Examiner Case No. 164 / Pdt.G / 2013 / PA CCP inconsistent to punish the Applicant to pay a living wife waiting period.

Keywords: Consistency Punishmen, Livelihoods idda, In Ex Officio.