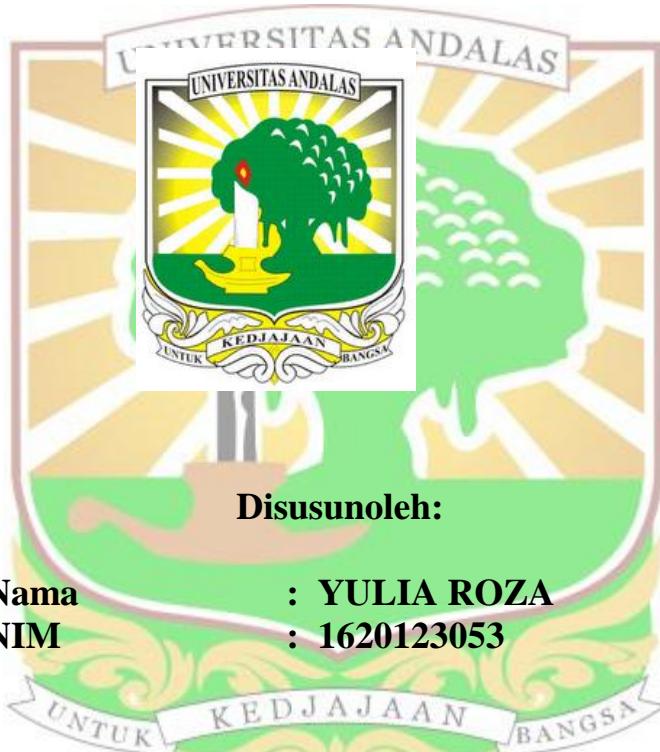


**PROSES PERALIHAN WALI NASAB KE WALI HAKIM DALAM
KASUSWALI ADHALMELALUI
PENETAPANPENGADILAN AGAMA
KELAS IB BATUSANGKAR**

TESIS

*DiajukanSebagai Salah SatuSyaratUntuk
MemperolehGelarMagister Kenotarian*



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FAKULTAS HUKUM UNIVERSITAS ANDALAS PADANG
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ADHAL MELALUI PENETAPAN PENGADILAN AGAMA
KELAS IB BATUSANGKAR**

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ABSTRAK

Latar belakang masalah padaperkaraNomor. 0081/Pdt.P/2014/PA.Bskdipicuolehkarenamajelis telah berusaha menasehati pemohon untuk mendekati dan membujuk wali pemohon (ayah pemohon) agar mau menikahkan pemohon dengan calon suami pemohon, tetapi tidak berhasil sedang pemohon menyatakan tetap ingin menikah dengan calon suami pemohon.Bahwamajelistelah pula menasehati ayah Pemohon agar bersediauntukmenjadiwalinasabanaknya, akantetapiusahatersebuttidakberhasil. BahwasetelahdibacakanPermohonanpemohon yang isinyatetapdipertahankanolehPemohon.

Metodepenelitianinimenggunakanjenispendekatanyuridisempiris, maksudnya data yang diperolehdenganberpedomanpadasegiyuridisdansegiempiris yang dipergunakansebagaialatbantu.Penelitianinibersifatdeskriptifanalisis, adalahhuntnukmemberikan data yang ditelitisetelitimungkintentangmanusia, keadaanataugejalalainnya.populasidalampenelitianiniadalahsetiappenetapanPengadilan Agama Keals IB Batusangkar yang berkaitandenganpenetapanwali hakim sebagaiwalinikahkarenaadanyawali ‘adhal. DalampenelitianiniditentukansampelpenelitiyanaituPenetapanPengadilan Agama Keals IB BatusangkarNomor 0081/Pdt.P/2014/PA.BskdenganPemohonMorenDesrilbintiDesrilHarun.

Hasilpenelitianmenunjukkanbahwaalasanwalinasabdaricalonmempelaiperempuantida kmaumenikahkananaknyaadalahmasalahkomunikasi yang tidakterbangundenganefektif, sehinggawalinanasabberasumsitidakmaumenikahkananaknyakarenatidakikutsertamendidik, mengasuhdanmembesarkan sang anak. Pertimbangan Hakim Pengadilan Agama Kelas 1B BatusangkardalamMenetapkanWaliAdhalPadaPerkaraNomor.

0081/Pdt.P/2014/PA.Bskdalahwalipemohnadir di persidanganakantetapidiakeberatan (enggan) sebagaiwalinikahpemohon,dankeberatanwalipemohontersebuttidakberalasan, olehkarnaitumajelismenetapkanbahwawalipemohonadalahadhal (enggan). Proses pernikahan yang dilakukan di KUA dalamkasuswaliadhaladalah 1). PengirimanBerkas-Berkas yang berkaittentang data pernikahan, 2).PPN memanggilpihak-pihak yang bekepentinganseperticalonpengantin, 3). PPN Mencatattentang proses pernikahandan 4). PelaksanaanAkadNikah.

Kata Kunci: WaliNasab, Wali Hakim, WaliAdhal

**THE TRANSITATION PROCESS OF THE NASAB GUARDIAN TO THE JUDGE
GUARDIAN IN THE CASE OF THE ADHAL GUARDIAN IS THROUGH THE
DETERMINATION OF RELIGIOUS COURT
IB BATUSANGKAR CLASS**

ABSTRACT

Background problem in Case Number. 0081 / Pdt.P / 2014 / PA.Bsk was triggered because the assembly had tried to advise the applicant to approach and persuade the applicant's guardian (the applicant's father) to marry the applicant's marriage with the applicant's husband, that the council also advised the Petitioner's father to be a guardian Nasab's child, but the attempt was unsuccessful. The formulation of the problem in this study is about the reasons for the patronage of the prospective bride not to marry off her child, consideration of the Judge of the Class 1B Religious Court Batusangkar in determining Guardian Adhal in Case Number. 0081 / Pdt.P / 2014 / PA.Bsk and the marriage process conducted in KUA in the case of guardian adhal. The type of approach used in this study is a normative juridical and juridical, empirical juridical approach, meaning data obtained by referring to the empirical juridical aspects used as a tool. So the juridical empirical approach in this study is that in analyzing the problem carried out by integrating legal materials (secondary data) with primary data obtained in the field. While the normative juridical approach is a method of legal research conducted by examining library material or mere secondary data. This research is descriptive analysis, is to provide the data studied as closely as possible about humans, circumstances or other symptoms. This research is descriptive analysis, is to provide the data studied as closely as possible about humans, circumstances or other symptoms. The population in this study is each determination of the Batusangkar IB Class Religion Court relating to the determination of the judge's guardian as a marriage guardian because of the presence of adhal Guardian. The results showed that the reason for the patronage of the prospective bride did not want to marry her child was a problem of communication that was not built effectively, so the guardian assumed he would not marry his child because he did not participate in educating, nurturing and raising the child and also because the guardian had conflict internal with the mother of the child. Consideration of Judges of the Class 1B Religious Court Batusangkar in Appointing Guardian Adhal in Case Number. 0081 / Pdt.P / 2014 / PA.Bsk is the guardian of the applicant present at the hearing but he objected (reluctantly) as the applicant's marriage guardian, and the objection of the applicant's guardian was unwarranted, because of that the assembly stipulated that the applicant's guardian was adhal (reluctant). The marriage process carried out in KUA in the case of a guardian is 1). Delivery of files related to marriage data, 2). PPN calls on interested parties such as brides and grooms, 3). PPN Records about the marriage process and 4). Implementation of Marriage Agreement.

Keywords: Nasab Guardian, Judge Guardian, Adhal Guardian