

Ratio Legis of Not Regulated the *Madliyah* Livelihood Execution for Wife in the Law of the Indonesian Religion Justice

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Abstract

The Arrangements dealing with the execution of a *madliyah* livelihood in the case of divorce is philosophically very important to do, namely marriage is a very determining family problem in a society. Juridical considerations can become legal certainty guarantee in the implementation of the rights and obligations of husband and wife. Some law ratios or intent and the sociological objectives of lawmakers only include provisions for the execution of a divorce case without including provisions for the execution of the *madliyah* livelihood in these provisions, including: First, at the time of promulgation of the provisions required by society at that time were provisions concerning the divorce process, This provision is intended to put into order the divorce proceedings occurred at that time which tended to be carried out underhand. Second, the provisions of Article 70 of Law Number 7 of 1989 concerning Religion Courts as amended by Law Number 3 of 2006 and Law Number 50 of 2009 are one of the articles intended to minimize the negative impact of an underhand divorce. Third, the provisions of Article 70 of Law Number 7 of 1989 concerning Religion Courts as amended by Law Number 3 of 2006 and Law Number 50 of 2009 are also as one of the articles intended as divorce procedural law and complementing the provisions for divorce as in law of marriage.

Keywords: Ratio legis, execution norms, *madliyah* livelihood, religion court.

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