

ABSTRACT

The problem obviously happened between the male and female in deciding to live together and it's natural between the spouses. The problem may occur such as idea and behavior that could not be able to adjust to make the party satisfied each other. Although this problem is just a minor one, but sometime it indulge to big problem and the causes of broken family. That problem become serious and longer that could not be able to live together normally. Therefore, it is necessary to find a way to solve this problem in order to stop relationship in living together. With this reason, divorce has been applied as direction to stop the relationship of spouses that could be able to stay together. Although for the past days, the law in the country has been enacted that no couple are bound to separate each other as implemented by the law of religion. However, if the relationship could not be able to stay longer therefore someone attempt to find away to stop this issue, and will applied to avoid the enacted law under the religion. In order of existence living life of the couple through other reason of not to divorce such as to separately lived etc.

As the reason of marriage law is not use the right and relationship between husband and wife as for the right between the parents and children as well. Therefore, is any law of absolute divorce could be able to do easily. That the marriage may terminate with other causes due to normal argument of couple or with other cause such as both ideas is not exact to each other or different opinion. If the above cause may bring to apply the divorce of course it will affect the family and will destroy the relationship of the member of the family such as problem will follows such as the children having the broken family.

The aims of this thesis is to represent the principle and objective of divorce that intentionally do under the act, Section 1516 (4) of Civil and Commercial Code in comparison the divorce in accordance to the international family law that showing some problem causes of divorce that both couples intentionally do. To point out the theory and development of the guidance about divorce since the past up to date.

From the study, the researcher has considered that divorce intentionally do to avoid several problem likewise the appropriate time to leave, which enacted by the law to leave apart from each other of 1 year. The researcher has considered that maybe

having relationship has only too short time and/or not enough time to prove, whether the party lost love to each other and don't think to stay together as husband and wife again. Therefore, the researcher has suggested to consent the couple study their own for a period of 2 years which mostly in the country such as England and Singapore had implemented 2 years to let the couple away from each other. Moreover, the researcher has also find that the problem of time to leave apart from each other some couple for the party whom deserted the other party may unfaithful to return before the time will due as designed by the law. The intention to stay together as husband and wife has been changed as of the other party have leave again. Therefore, to avoid this problem arise and to protect the other party, it should implemented additional law about the specific time for both couples to be reconciled each other, and for the party who deserted the other party not each to 6 months, and then abandoned the other party again shall not considered the time to abandon and to lessen the time. The next problem if the wife has newly baby born and need to care the baby closely. The time for a divorce should be stop at this time. If the divorce will be filed and need to prove that intentionally abandon file at the court it will affect the wife and affect to the child. So the researcher has suggested that the couples should not allowed to divorce if the wife has newly deliver the child, and if the child did not reach to one year. Finally the behavior of the couples that make other party could not be able to stand that lasted to constructive desertion. The researcher has considered that it is necessary to implement that intentional desertion including the execution and obviously applied in accordance to the legal law.