

The Administrative Law Problems in Recording Marriage Which No Recorded in The Family Card (KK)

Moh. Taufik¹⁾ & Najmudin²⁾

¹⁾ Faculty of Law, Universitas Pancasakti Tegal, Indonesia, E-mail: moh_taufik@upstegal.ac.id

²⁾ Ministry of Religion Employee of Tegal Regency, Indonesia, E-mail: najmudinbnuali@gmail.com

Abstract. *This research aims to know how regulations recording marital status with no recorded in family card at the Population & Registration Service Civil Office & Problems law what will appear related policy recording marital status No recorded in Family card Service Population & Recording Civil especially in Sudur from the point of view of State Administrative Law. This study use literature approach and juridical normative, with use draft marriage & compatibility between Law of Marriage & Regulation Minister In Country. As material study is primary & secondary materials as well as source person in study This is Office Ministry Religion & Population & Registration Service Civil. Writing marital status with no recorded as effort for ensure order law as instrument certainty law through proof marriage contradictory with obligation recording the marriage arranged in Law No. 1 of 1974 about Marriage. Need exists umbrella parallel law in sequence legislation in Indonesia, so policy This not legally biased in a way state Administration.*

Keywords: *Administrative; Card; Family; Marriage; Problematic.*

1. INTRODUCTION

Marriage is bond born inner between a man with a woman as husband-wife with objective form family (House ladder) which is happy & eternal based on Almighty Godhead Esa. Thereby m & ate chapter 1 Law No. 1 of 1974 about Current marriage updated / revised in Law No. 16 of 2019 about Change on Law No. 1 Of 1974 About Marriage.

At least There is 6 principle Which principle in Constitution Marriage, namely ;

1. Objective marriage is form family Which happy & eternal
2. Affirmation that something marriage is legitimate if done according to the laws of each religion & belief that, & besides That each marriage " must noted " according to regulation legislation - invitation Which applies.

3. Constitution This adhere to principle monogamous.
4. That candidate husband-wife must has Cook soul his body For can carry out marriage, so that can realize objective marriage.
5. Because objective marriage is For form family Which happy eternal & position prosperous, so Constitution This adhere to principle For complicate things happen divorce.
6. Rights & position wife is balanced with rights & position husband, fine in life House ladder nor in association society, so all something in family can negotiated & decided together by husband-wife.¹

In law marriage Islam, marriage contain elements - element nature of nature psychology & spirituality covers life born inner, humanity & truth. Every marriage No only based on need biological between man & woman Which acknowledged legal, but as executor of natural processes life man. Besides that marriage too based on religious, that is aspects religious become base principal life House ladder with carry out faithand devotion to Allah. Basics understanding marriage That tree base to three matter which intact need owned by someone before carry it out, namely: faith, Islam & sincere.²

Marriage is Wrong One dimensions life Which very important in life humans anywhere in the world. So importance marriage, then No surprising if the world's religions regulate problem marriage even tradition or custom society & institutions The country does not left behind arrange marriage that occurs among its people.³

Marriage in Indonesia This there is a No. of type, for example marriage legitimate in a way law & religion, & also *sirri* marriage Which legitimate in a way religion. In incident marriage there is rule & norm which underlie something marriage is mandatory adhered to by the candidate bride & groom. In set regulation implementation Which applies in Indonesia, Law No. 1 Of 1974 about Marriage is step by step Which taken by government to use make change from incident negative Which widespread happen in connection House ladder, for example divorce. Enforcement Constitution Marriage in Indonesia No direct can tidy up practices marriage Which No in accordance with regulations Which applies.

In Article (2) paragraph (1) of the Marriage Law Which arrange that: " Marriage is legitimate if done according to respective laws & his beliefs that ", & is also explained in Article (2) paragraph (2) of the Law Marriage Which put forward that marriage noted according to regulation legislation Which applies. There is 2 (two) paragraph Which contained in Article 2 of the Law about Marriage there is controversy that arises discuss valid / not marriage took place based on teachings religion but No written on document country.

¹Ahmad Rafiq, Law Islam in Indonesia, PT. RajaGrafindo, Jakarta, 2000. P. 56-57.

²Abdul Djamali, *Law Islam (Based on Provision Curriculum Consortium Legal studies)*, Masdar Maju, Bandung, 2002. P. 75- 76.

³Santoso, *Essence Marriage According to Constitution Marriage, Law Islam And Customary Law* (Semarang: Judicial Unissula), 2016

Marriage the named wedding *sirri* which interpreted as " marriage under hand " or wedding No in a way official. In today's era, " marriage under hand " absolutely not foreign, especially in circles Muslims. A No. of background factors wedding married *Sirri* among others; Because factor economic, factors Not yet Enough age, rule bond department / regulations work / school, as well as the notion of an unregistered marriage legitimate in a way religion & the recording only just administration mere. Factor other is Pregnancy out of wedlock, social factors for avoid stigma bad craftsman marry as well as how difficult it is rule for polygamous.⁴

It happened *sirri* marriage /di under hand This give rise to summarize consequence harm for party woman & child from results wedding *sirri* that is difficult & even No can inheritance from treasure his father Because No own sufficient evidence strong in document his marriage. Wedding *sirri* give consequence negative in affairs House ladder Because man nor woman No have deed marry. Consequence Next, position child in a way future juridical born from results marriage that, no recognized by the state. Position child only acknowledged as child outside marriage & possessions just connection civil with her mother. If happen something matter who does not desired like ab & oned with No given living in a way born & inner or even riches by Father & / or her husband so child& wife the No can dem & in a way law.⁵

Administrative & legal problems caused consequence *sirri* marriage that is so Keep going popping up & tending increase in society. Government Then try respond with method solution wedding series can written on the family card (KK). Policy the based in Minister of Home Affairs Regulation (Permendagri) no. 9/2016 & updated by the Ministry of Home Affairs 108/2019 concerning acceleration Enhancement Scope Ownership Deed Birth.

Regulations the in a way substantial of course reflects the spirit protection to rights citizens for child born from married couple series. However, cheer up For give protection & recognition to right citizens of this country precisely potential violates the norms & existence of other institutions. Here the crucial thing is that the marital status is written as "unregistered marriage or " married". Not yet recorded " in the KK gave no impact simple.⁶

Minister of Home Affairs Regulation No. 9 of 2016 Also assessed by Lots party will fertilize practice marry in under hand / series in amidst society. Whereas, principle base marriage is principle registration as stated in Law No. 1/1974, namely that every marriage is recorded according to Constitution. In provision This, writing " marry Not yet recorded " in family card perpetrators of unregistered marriages become counterproductive.⁷

⁴Siti Umm Fair God, *Analysis Law To Factors Which Background back The Occurrence of the Sirri Marriage and Its Impact To Women (Wife) and Children- Child*, (Purwokerto, Journal Dynamics Law Faculty law Unsoed), 2011.

⁵Linda Kurniawati et al, Overview Juridical Consequence Law Marry Siri for Position Child : Studies Case in Village Bangalan. (Poor, Journal Construction Social, University PGRI Kanjuruhan Malang), 2021.

⁶Iholabi Khalie, Impact Positives and Negatives of Sii Marriage Written in Kaifu Kluaiga, (Bisniscom), 2021.

⁷Ibid.

Regulations Minister of Home Affairs Regulation this is also possible can It is troublesome for those who carry out unregistered marriages when registering their marriage through the Religious Affairs Office (KUA). Because in administration what is known is married, unmarried, live divorce & death divorce. There is no nomenclature of marriage yet recorded. This will inconvenience perpetrators of unregistered marriages & also officers from the Office of Religious Affairs.

2. RESEARCH METHODS

The research method used in this paper is with approach Normative juridical. Study Juridical Normative is a way of method study the law is carried out with method research material References or material secondary mere (Soerdjono & Sri, 1994; Roni, 1994; Amirudin & Zainal, 2004; Achmad, 2009). This study used Juridical Normative about related issues regulations policy law form recording marital status No recorded in family card carried out at the Population & Registration Service Civil as well as prolematics law related Ministerial Regulation No. 108 of 2019 concerning Record keeping marry No recorded in certificate birth on Law No. 1 of 1974 About Marriage. The data analysis method is carried out by collecting data through reviewing library materials or secondary data which includes primary legal materials, secondary legal materials & tertiary legal materials, both in the form of documents. documents & legal regulations applicable invitation relating to normative juridical analysis of the synchronization of the Law about Marriage & Regulations about recording marry No recorded in certificate birth. To analyze the legal materials that have been collected, this research uses a qualitative data analysis method, namely normative juridical which is presented descriptively, namely by describing a policy related to improving the performance of the legal system in Indonesia & Next, an assessment is carried out whether the application is in accordance with the normative provisions. Primary legal materials, namely research materials originating from legislation invitation related to the title & problem formulated.

3. RESULTS & DISCUSSION

3.1. The Problematic Law on Writing of Marriage Status No Recorded in Family card

The conflict with Constitution Marriage, Regulation Government & Compilation Law Islam Marriage No recorded is the marriage was carried out with No fulfil terms & procedures regulation legislation. Consequence law from marriage that is not recorded, though religiously or trust considered legal, however marriage Which done in outside knowledge & supervision employee note taker marry No own strength fixed & considered law No right in the eyes State law. Consequence law marriage the impact very harm for wife & Woman generally, good in a way law nor social, as well for children born.

Published regulation new related administration population explained in Minister of Home Affairs Regulation No. 118 Of 2017 About Blank Family card, Registration & Citation Deed Recording Civil related change column on family card make government do development to application data collection population in SIAK Data Collection version administration population SIAK 7 includes marital status Not yet recorded in blank family card. Development SIAK 7 application This causes marital status resident

more easy known where which are already recorded marriage according to regulation legislation applicable or only legitimate religiously. It means, through policy This society that doesn't recorded marriage to employees marriage registrar still get right administration population with easy.

Provision this is in one side of course the more make the process easier making deed birth for child Which born from marriage Not yet recorded. With New format change in SIAK version 7 which adds status remarriage marry or Not yet marry become marry recorded, marry Not yet recorded & Not yet marry become Wrong One policy accommodating government problem lots of social found in society, in particular related marriage Not yet recorded. Constraint certainty correctness of marriage data Because No Can showing proof marriage certificate or deed marriage replaced with letter statement not quite enough answer absolute (SPTJM).

In side other, policy related fulfillment right administration population for marriage Not yet recorded give rise to problem law new. Policy the contradictory with regulation legislation that apply in Indonesia, namely Law No. 1 Of 1974 about Marriage. In Act Marriage No. 1 Of 1974, something marriage is legitimate if done according to law each religion & beliefs that & on the side That each marriage must noted according to regulation legislation Which applies. Regulation the explain that marriage only will own formal legality in front of law if recorded by employees marriage registrar (VAT). appointed by country, temporary Which No recorded considered illegal according to law. Deed marriage or issued marriage certificate through recording marriage the makes it easier husband-wife for do need other Which related with law.

Policy Recording marriage arranged in chapter 2 Regulation Government No. 9 years 1975 Which state that :

1. Recording marriage from they Which carry out his marriage According to Islam, it is carried out by employees note taker as intended in Law No. 32 Of 1954 about marriage registration, divorce & reconciliation.
2. Recording marriage from they Which carry out his marriage according to his religion & his trust That besides religion Islam, carried out by employees note taker office marriage notes civil as intended in various legislation about recording marriage.

Recording marriage for people Islam in Office Affairs Religion (KUA) will recorded in the SIMKAH application (System Information of Marriage Management). Presentation data on SIMKAH build network Which integrated between KUA at level area until office center. Data on SIMKAH the will integrated directly on the SIAK application managed by Population & Registration Service Civil, so that every society which Marry legitimate in accordance state administration or only Marry religiously with easy is known. For religious society Catholic, Christian, Buddhist & Hindu recording his marriage done in the office note civil after second bride do marriage according to his each religion.

3.2. Function Recording Marriage In Islam

The function of recording marriage in law Islam that is so that someone has tool proof For prove that everyone is right - Correct has done marriage. Recording marriage for people Islam in Indonesia is regulated in the KHI (Compilation of Islamic Law) which is contained in chapter 5 verses 1 & 2 as following :

1. So that guaranteed order marriage for public Islam every marriage must noted.
2. Recording marriage as as stated in paragraph (1) is carried out by Employee Note taker Marry as arranged in Constitution No. 22 of 1946 jo. Law No. 32 of 1954.

Obligation related recording marriage for Muslims are also regulated in Regulation Minister Religion Republic Indonesia (PMA) No. 19 2018 About Recording Existing marriage updated with PMA No. 20 Years 2019 Recording Wedding. In natural chapter 2 paragraph 1 mentioned that marriage between a man & a Woman religious Islam must noted in deed marry. Recording marriage for people Islam in deed marry as called in article 2 paragraph 2 is carried out by the Head of the sub-district KUA or VAT Abroad. Recording marriage at a designated institution government of course make somebody own document official that can made tool proof in front of assembly the judge if happen dispute related to with marriage, like inheritance, rights foster children, divorce, living & so forth.

3.3. Application Development Population

The development application system information administration population (SIAK) version 7 in Indonesia of course own impact positive for government For know & obtain population data in a way accurate & complete as well as make rights administration population public fulfilled in a way whole. However impact negative ones caused from fulfillment right administration for resident Which No recorded his marriage can open opportunity for public Indonesia for do marriage without VAT supervision & only legitimate in a way religion or trust just. Document official country Which issued form family card the can give protection in a way law for marriage Not yet recorded, so that recording marriage can seen as condition administrative who does not Again own formal legality in the eyes law.

Recording marriage in Indonesia Which beginning No Can released from Spirit For do updates in the field law family who wants improving the status of women For avoid badness - badness consequence marriage such as arbitrary divorce, polygamy without accompanied justice, marriage force, as well protect rights child from results marriage the. Through giving right administration population form family card without enclose deed marriage When registration & adding information marry Not yet recorded in blank family card Can cause public No ignore exists obligation For recorded marriage Because country through Service Occupation & Recording Civil facilitate document official country form blank family card for marriage Not yet recorded.

Ownership family card own benefit big for resident, besides as proof valid & strong on identity status family & members family will position existence population somebody

Also used as condition issuance of KTP, conditions making deed birth for children & so on. There is family card the make marriage Not yet recorded acknowledged by government & No own difference between marriage recorded. Document official belongs to that country can used as base for fulfillment right inhabitant country Which other & for government become base For taking decisions/policies.

3.4. Legal Basis of Marriage No Noted

Base law made it category marriage Not yet recorded as Wrong One status marriage in blank family card explained in Minister of Home Affairs Regulation No. 118 of 2017 concerning Blank Family card, Registration & Quote Deed Recording Civil. As for related writing arranged in article 33 which states that writing register & quote deed recording civil must use application SIAK most long 1 (One) year after regulation of minister. Development application system information administration population (SIAK) version 7 This include change status remarriage married or not get married, now become marry recorded, marry Not yet recorded or not marry.

Development of a shifting population database to SIAK 7 in a way No direct cause position recording the marriage beginning works For ensure order law (legal order) as instrument certainty law through tool proof marriage become contradictory with obligation recording arranged marriage in Law No. 1 Of 1974 about Marriage. Chapter 2 Regulation Government Republic of Indonesia No. 9 of 1975 Concerning Implementation Law No. 1 Of 1974 about Marriage. Besides That explained in the KHI (Compilation of Islamic Law) which is contained in article 5 Which state that recording marriage works as tool order for people Islam & obligation recording marriage Which loaded Regulation of the Minister of Religion of the Republic of Indonesia No. 19 of 2018 About Recording Mentioned marriages in article 2 becomes No orderly law Because writing marriage status Not yet recorded in blank family card.

3.5. Administrative Law Problems

With thereby so, substance policy Minister of Home Affairs Regulation related Marriage registration is not recorded This conflict with the Spirit of necessity recording marriage based on Law 1 of 1974 concerning Marriage. Also Regulation Government Republic Indonesia No. 9 Of 1975 About Implementation Law No. 1 Of 1974 about Marriage. Policy the Also opposite with Regulation Minister Religion Republic of Indonesia No. 19 of 2018 Concerning Recording Marriage as well as Legal Compilation Islam.

Marriage No recorded actually Already violate Rights provisions Asasi Human (HAM) Good wife nor child from marriage the. Child born from results his parents ' marriage was not recorded only have connection limited her mother with his son, about status law no valid, because si child Not yet registered in a way administration. Constitution marriage (Chapter 42) arrange that child Which legitimate is child who was born in connection on marriage second parent, blood nor family.

Marriage determine position law, role & not quite enough answer child in family. By normative, person old own obligation law as embodiment not quite enough answer to his son For finance life clothing, food & Education during child - child the Still Not yet mature. Although *sirri* marriage No recorded / *sirri* considered legitimate according to the Islamic religion, however marriage the should too legitimate in a way state law.

Without exists recording in a way law, so children born from marriage the No can proven in a way law is child legitimate from his father. As a result, si child only own connection law with Mother Which gave birth to her.⁸

Children born based outside legal marriage in a way law second her parents only limited connection si child with her mother. As Article 43 of the law marriage that expressed child Which born If marriage her parents in a way illegal or under hand will obtain legal status that does not clear & just own connection civil with mother & family. This matter determined Article 186 KHI about inheritance to children born Not yet recorded only limited connection si child with her mother & family from party her mother. Therefore That get inheritance only family her mother just.

Child status in Family card asman Minister of Home Affairs Regulation No. 118 of 2017 still written No recorded. This become problem Because status No recorded The same just It means Not yet legitimate in a way law. In instruction Instruction Inclusion of Marital Status Not Yet Recorded in Family card Which circulated by Director General Dukcapil Ministry of Home Affairs No.: 472.2/15145/DUKCAPIL date 4 November 2021, mentioned 6 point following ;

1. Resident Which his marriage Not yet recorded or Not yet can recorded can be included status his marriage in Family card (KK) with marital status Not yet recorded, as policy affirmative For temporary time until held recording marriage or marriage isbat / validation marriage.
2. Inclusion marriage status Not yet recorded in K.K held based on application as well as each husband & wife make Statement letter Absolute Responsibility (SPTJM) Marriage Not yet Noted (F-1.05).
3. Implementation of Marriage SPTJM Not yet Recorded No for For marriage under age (not yet 19 years old), whereas For marriage second or more must There is permission written from wife previously.
4. Population data with marriage status Not yet recorded in databases population become base for each area For program confirmation marriage/ validation marriage & recording marriage bulk.
5. Inclusion of marital status Not yet recorded in KK no is validation marriage.
6. Each area proactive socialize so that every marriage must recorded.
7. On point 5, confirmed Inclusion marriage status Not yet recorded in KK isn't it is validation marriage so that can interpreted that though Already recorded in K.K still No legitimate /legal in a way law. More carry on Again explained in point sixth socialize so that every marriage must recorded.

Based on provision circular the can concluded that to partner husband & wife

⁸ Rosnidar Sembiring, Law Family Treasures Object in Marriage (Jakarta: PT King Grafindo Homeland, 2016), 126

Which his marriage No recorded in a way administrative can have KK with attach the existence of SPTJM for prove exists something *sirri* marriage or in under hand. Matter the is breakthrough new in history taking policy government to get it fulfillment rights administrative a inhabitant country. Inclusion marriage Not yet can also be recorded used for clarify the status of origin child with he stated father's name. Will but only For clarify recording bond status marriage between husband & wife who don't legitimate in a way state law. Consequence law which arise that child from marriage who does not recorded or No legitimate considered only is child from her mother, so that party Father Nobound with responsibility whatever to child the.

Based on description the so if later day arise something problem law to child outside marriage, KK with status marriage No recorded No can made tool proof authentic Because his marriage Not yet recorded in a way law.⁹As there is in provision Article 1865 Civil Code that state that, "Everyone who confesses have something right, or pointing something incident For confirmed his rights That or For argue something other people's rights, mandatory prove right that or incident Which stated That". By Because That recording marriage its existence assessed important besides For problem administrative too concerning with problem juridical Which Possible will arise in Then day.

As effort in look after descendants inclusion marriage status Not yet recorded in family card No can protect position child in a way absolute, inclusion of marital status Not yet recorded in family card No can give certainty law to residence status child. Position status law a child as beginning from all consequence law others, like right For each other inherit or right for become guardian marry For child Woman & other etc. Therefore That recording marriage is very necessary for determine descendants so that child Which born from marriage own position Which clear.

Recording marriage own influence big to status administrative population every citizen. That matter impact on the contained child status in deed affirming birth that marriage second her parents Not yet recorded in accordance with regulation legislation Which applies. By Because That position child administratively considered as children born from unregistered marriages. Position status child born from marriage that is not recorded No can give something certainty law. Marriage Which no recorded assessed legitimate in a way law religion Which caused law as marriage that is not have strength law. That matter considered give rise to consequence law for position child that is as children No own strength the law anyway, so child considered No entitled become expert inheritance from his biological father.¹⁰

Provision Article 4 of the Law Marriage arrange that child legitimate is child born consequence legal marriage. Meanwhile the intended with marriage Which legitimate based on provision Chapter 2 Constitution Marriage explain that Which intended with legal marriage is the marriage took place according to religion & trust. By more carry on explained in provision Article 2 paragraph (2) that explains that all the marriage took place must recorded according to regulation applicable legislation. That matter

⁹Sanusi, Ahmad. " Implementation Confirmation Marry in Court Religion Pandeglang." *AHKAM: Journal Sharia Science* 16.1 (2016)

¹⁰Neng Djubaedah. Recording Marriage And Marriage No Noted. ed.1, cet.1. Jakarta : Ray Graphics, 2010, p. 314.

addressed for exists certainty law to bond marriage & consequence law which later arise like status position child.

Inclusion of marital status Not yet recorded can give rise to exists consequences legal nature negative especially in position child in front law. Child born from marriage that is not recorded called with child outside marry in eye law Because No own exists strength administrative. Based on provision Chapter 43 Constitution Arranged marriage that children born outside marriage only have connection civil with his mother & family her mother.

Child as results from marriage Which No recorded considered only as child from her mother. If matter This taking place Keep going continuously will impact on sustainability child Because the status in the eyes law No own connection civil with his father. Not only that, deep matter administration Also will difficult child For obtain deed his birth. So that, child results marriage Which No recorded possibility No Can access facilities which provided country.

Conflict status law child consequence marriage series or marriage No legitimate Which No recorded in system administration government so classified as child outside marry. That matter in line with those who have confirmed in Article 99 KHI which regulates that child legitimate is child who was born in or consequence legal marriage. By Because that child born from marriage Which No recorded the status become child outside marry or child No valid.¹¹ Understanding the if swallowed raw naturally will give impact psychological for a child.

Position child in law positive in Indonesia differentiate descendants become legitimate descendants & non - legitimate descendants valid. Base from distinction the lies in value recognized marriage by state law. Legitimate descendants contain meaning that child who was born as consequence from legal marriage. Temporary that is, descendants No legitimate based on marriage that is not legitimate in a way law or normal called as child outside marry.

Arrangement about position child outside marry assessed No Enough adequate in effort give exists certainty law. Position child as results from marriage is part most important. So far This Constitution Marriage & KHI to position child in outside marry only own connection civil or lineage with his mother & family her mother. That matter clear as if remove exists role responsibility a Father its biology. Regulations the contain consequence that child born from marriage that is not recorded in a way state law then No have connection law civil with figure his father.

3.6. The Court Decision Constitution

Decision Court Constitution no. 46/PUU-VIII/2010 (MK Decision No. 46/PUU-VIII/2010) states to provision Article 43 paragraph (1) Constitution Marriage Which on in principle arrange about connection law child outside marry contradictory with provision 1945 Constitution. Since exists Constitutional Court Decision No. 46/PUU-VIII/2010 which study repeat to provision chapter the state that child Which born in outside marriage

¹¹ J. Satrio. *Law Family About Position Child In Constitution*.(Bandung: Image of Aditya Bakti, 2000) p. 35.

only have connection civil with his mother & family her mother as well as with man as his father if can proven based on knowledge & technology or tool proof other according to law have connection blood, including connection civil with his father. Decision MK the endeavor give affirmation that to child outside marry own that right the same in effort protection law.

Implications with exists Constitutional Court Decision No. 46/PUU-VIII/2010 para confirmed connection law between a child outside marry with his biological father. Decision the No endeavor for validate marriage Which No recorded in a way law country. So that with thereby connection marriage between husband & wife still No recorded in a way administrative or No recognized by the state. Neither does that change legal status child No legitimate Because born from marriage that is not recorded.

By real with exists decision Court Constitution the reflect principle similarity in front of law (*equality before the law*). Matter the as has mandated in Chapter 28 D paragraph (1) The 945 Constitution regulates it that everyone has the right on confession, guarantee, protection, & certainty law Which fair as well as treatment Which The same in front of law.

Decision Court Constitution the No own impact in a way administrative to population data child outside marriage which is results from marriage Which No recorded. Based on Decision MK that only as proof of child status become own connection civil with his biological mother without see recorded or not marriage second her parents. Therefore no need mention to child outside marry in deed birth its special to guard development psychological child stability.

4. CONCLUSION

In law, lineage provisions are one of the reasons for mutual inheritance and carrying out related legal actions. Children who do not have a clear status will have inheritance problems. In society, children whose birth status is unclear are called "sons of adultery". The origin of a child is the basis for showing the existence of a religious relationship (*nasab*) with his father. This is what is believed in various *Figh* books. Article 100 of the Compilation of Islamic Law, which states that: Children born outside of marriage only have a lineage relationship with their mother and their mother's family. In this regard, Article 186 of the Compilation of Islamic Law states: "Children born outside of marriage only have a mutual inheritance relationship with their mother and their mother's family."

5. REFERENCES

Journals:

- Abdul Djamali, Islamic Law (Based on Provision Curriculum Consortium Knowledge Law), Masdar Proceed, B & ung, 2002.
- Ahmad Irwan Hamzani, " Approaches in Study Law ", Material Studying Methodology Study Law, Faculty Law University Pancasakti Tegal, 2018.
- Ahmad Rafiq, Law Islam in Indonesia, PT. RajaGrafindo, Jakarta, 2000.
- , Islamic Law in Indonesia, Jakarta: PT Raja Grafindo Persada, 2003. Ali Trigiyanto, Talk 11, Marry Controversial in Islam, Poor: Madza Media, 2021.

- Atamimi, A, Hamid S,, Role Decision President Republic of Indonesia in Maintenance State Government ; Something Studies Analysis About Decision President.
- A-Z Al Jarofi, Category Marriage Not yet Recorded In Blank Family card Perspective Juridical, *Al Hukama : Journal of Islamic Family Law*, Pg 321:2019.
http://jurnalfsh.uinsby.ac.id/index.php/al_Hukuma/article/view/763.
- Bambang Ali Kusumo, Marriage Siri Judging from Islamic Law & Law Positive, <https://media.neliti.com>, accessed on Thursday 9 June 2022 at 19.15.
- H. Zainuddin Ali, Method Study Law, Jakarta: Ray Graphics, 2009. Hartono Mardjono, Enforcing Sharia Islam in Context Indonesianness Process Application Values Islam in Aspect Law, Politics, & State institutions, Mizan, B & ung, 1997.
<http://khoirulabor.blogspot.com/2013/12/problematika-nikah-not-ter-recorded.html> <https://kbbi.web.id/kawin>, accessed date 25 November 2022.
- Priest Hafas, " Marriage Siri in Perspective Law Islam & Law Positive ", *Tahkim*, Vol.4 No. 1, 2021,41-88.
- J. Satrio. Law Treasure Marriage. B & ung: Image Aditya devotion, 1991., Law Family About Position Child In Constitution.
- Jaya, Hendro K., & Purnawan, Amin. (2020). Review Of The Implementation Process Of Completion Of Juridical Code Violations Of Notary In Kendari. *JURNAL AKTA*: Vol. 7, No. 2, 169-176. Retrieved from <http://jurnal.unissula.ac.id/index.php/akta/article/view/7881>.
- B & ung: Image Aditya Bakti, 2000.
- Linda Kurniawati et al, Overview Juridical Consequence Law Marry Siri for Position Child : Studies Case in Village Bangalan. (Poor, Journal Construction Social, University PGRI Kanjuruhan Poor), 2021.
- Marbuddin, Understanding, Azaz & Procedures Marriage According to & Sued by Constitution Marriage, Project Description, Guidance & Regional Office of Islamic Da'wah Kalimantan Province Department of Religion South, Banjarmasin, 1977/1978.
- Nawawie, A. Hashim. " Protection Law & Consequence Law Child From Marriage No "Recorded (Study at the Tulungagung Religious Court)." IAIN Tulungagung Research Collections 3.1, 2015.
- Rachmadi Usman, Meaning Recording Marriage In Regulation Legislation - Invitation Marriage in Indonesia, Banjarmasin, University Stomach Mangkurat, 2017
- Santoso, Essence Marriage According to Constitution Marriage, Law Islam & Law custom, Semarang: Judicial Unissula, 2016.
- Sanusi, Ahmad. " Implementation Confirmation Marry in Court Religion P & eglang." *AHKAM: Journal Knowledge Sharia* 16.1, 2016.
- Siti Juwariyah, Letter Statement Not quite enough Answer Absolute (SPTJM) In Perspective Law No. 1 on 1974 About Marriage & Law Islam (Review To Minister of Home Affairs Regulation No. 9 Of 2016). Masters thesis, University Islam Sultan Agung., 2019. <http://repository.unissula.ac.id/16332/>

Books:

- Abdurrahman, (2010). *Compilation Law Islam in Indonesia*, Jakarta: Academics Pressindo,
- Aziz Syamsuddi, (2011). *Process & technique Drafting Constitution*, First Print, Jakarta: Ray Graphics,
- Bambang Sunggono, (2010). *Methodology Study Law*, Jakarta: PT. King Grafindo Homel &
- Department Education National, (2001). *Dictionary Big Language Indonesia*, Third Edition, Jakarta : Hall References,

- M. Syamsudin, (2007). *Operationalization Study Law*, Jakarta: PT Raja Grasindo Homel &
- M. Tahir Azhary. (2003). *Rule of Law : A Studies about The Principles, Viewed from Facet Islamic Law, Its Implementation on Medina State Period & Period Now*. Bogor: Kencana.
- Muri Joseph, (2014). *Method Study Quantitative, Qualitative & Study Combined*, Jakarta: Prenadamedia Groups,

Regulations:

- Constitution No. 23 of 2002 Concerning Protection Child Constitution Base Republic Country Indonesia 1945
- Constitution No. 3 Of 2006 About Change By Law No. 7 Of 1989 About Justice Religion.
- Law No. 1 Of 1974 About Marriage
- Law No. 12 Of 2011 About Formation Regulation Legislation
- Regulation Minister In Country (Permendagri) No. 9/2016 & updated by Minister of Home Affairs Regulation 108/2019 about Acceleration Enhancement Scope Ownership Deed Birth
- Regulation Minister In Country No. 108 Of 2019 About Regulation Implementation Regulation President No. 96 Of 2018 About Condition & Procedures Registration Resident & Recording Civil
- Regulation Minister In Country No. 109 of 2019 Concerning Form & Book Which Used In Administration Population
- Regulation Minister In Country Republic Indonesia No. 9 Of 2016 About Acceleration Enhancement Scope Ownership Deed Birth
- Regulation Minister PAN-RB No. 38 Of 2012 about Guidelines Evaluation Performance PublicServices.
- Regulation President No. 96 of 2018 Concerning Requirements & Procedures Registration Resident & Recording Civil.