

Social Relationship of Out of Marriage Children In Islamic Law Perspective In Poso District, Poso Regency City

Siti Fitriani AT. Israel^{1*}, Nasaruddin Nasaruddin², & Adam Adam³

¹Faculty of Islamic Family, Universitas Islam Negeri Datokarama Palu, Indonesia

² Universitas Islam Negeri Datokarama Palu, Indonesia

³ Universitas Islam Negeri Datokarama Palu, Indonesia

*Corresponding Author: Siti Fitriani AT. Israel E-mail: fitry_israil@yahoo.ac.id

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ABSTRAK

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This thesis deals with the social relations of children out of wedlock in the perspective of Islamic law in Poso Subdistrict, Poso Regency. So, the description is based on the problem (1) What is the Role of the Government and Related Agencies towards the protection of children out of wedlock in Poso District, Poso District City?., (2) What is the position/status of the child out of wedlock regarding the ratification/recognition of the child's status and inheritance rights according to fiqhi, KHI and the decision of the Constitutional Court? The study used qualitative methods with data collection techniques namely observation, interviews and documentation. Data analysis techniques with data reduction, data presentation, data verification and drawing conclusions.

The results of the study: The legal status of children out of wedlock according to the Constitutional Court Decision No. 46/PUU-VIII/2010, namely that a child born out of wedlock has a civil relationship with his father and his father's family after it can be proven by science and technology and/or other evidence according to the law to have blood relations. The legal status of children out of wedlock according to the Compilation of Islamic Law is Article 100 which states that children out of wedlock are only related to their mothers, not to their biological fathers. KUA Perspective Kec. Poso Kota regarding the status of children out of wedlock when viewed from the Constitutional Court Decision No. 46/PUU-VIII/2010 then the Head of KUA, Penghulu and Religious Counselor KUA Kec. Poso Kota accepts Constitutional Court Decision No. 46/PUU-VIII/2010 is only meant to get rights in the form of lineage to inheritance but refuses if it is associated with guardianship matters. Research Implications: (1). To related institutions, especially the Office of Religious Affairs, so that they can provide training for women and men who are going to get married. (2) After the Constitutional Court Decision Number 46/PUU-VII 2010 concerning the status of children outside marriage, it is hoped that the Constitutional Court's Decision This can be realized immediately by issuing implementing regulations against the decision in order to protect the interests of children outside of legal marriages but not yet registered. And the existence of socialization to the community, especially families of children outside legal marriages, makes it easier to get information about the status of the rights of children outside of legal marriages.

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1. Introduction

Every family that lives in this world always wants that family to always live happily, peacefully and prosperously, which is the purpose of marriage, namely to form a happy, eternal and prosperous family. From the life of husband and wife in a marriage bond, it will have important consequences in society, namely if they are blessed with offspring, with their offspring they can form a family of their own. Marriage is a legal bond to foster a happy prosperous household and family where both husband and wife bear the mandate and responsibility, the wife will therefore experience a heavy psychological process, namely pregnancy and childbirth that require sacrifice.

The presence of a child is happiness and prosperity for a mother and her family because children are the fruit of marriage and as the basis of descent. Children as the nature of God Almighty need to get the best care and are the nation's buds who will continue the nation's ideals, namely to create a just and prosperous society. Every child can or is able to assume his responsibilities in the future, it is necessary to have the widest opportunity to grow and develop normally, physically, spiritually and socially. Children are the foundation of hope for the future of a nation, so if in one generation health problems happen to children, the nation will be destroyed in the future. (Huzaimah T. Yanggo, 2010).

With the development of the times and promiscuity among young people, as is happening today, it often leads to unwanted things, namely the occurrence of pregnancy before marriage can be carried out. Many mass media cover this issue, which sometimes becomes interesting news. As for what is revealed, there are several cases but there are still many cases that have not reached the editor. (Huzaimah T. Yanggo, 1995). Children are gifts and mandates from Allah swt, which must be maintained because in them there is dignity, dignity and rights as a human being that must be upheld. Children are an asset for every parent and a gift given by Allah SWT that is priceless. A child who is born is unable to live without the protection and love of his parents. Under normal conditions, a child is born from every married couple so that it does not cause legal problems in their kinship relationship, but if a child is not expected to be born due to a relationship outside a legal marriage, then there will be a tendency to neglect the child. (In reality, Children born outside of legal marriages are often neglected due to the absence of responsibility from the man who caused the birth of the child, in meeting their basic needs, and often the child is considered an illegitimate child and discriminated against because the birth certificate is only attributed to the mother.

In the Compilation of Islamic Law in Indonesia (KHI), it is stated that a woman who is pregnant out of wedlock can only marry the man who impregnated her and the marriage can be carried out directly without waiting for the woman to give birth, and no remarriage is required. If the child is born, then the child becomes a legal child. (Abdul Manan, 2006) The application of Islamic law in the current socio-political context of Indonesia always invites polemics that do not only revolve around technical matters, but also juridical matters. One of the polemics that had given rise to debate was related to religiously legal marriages (siri marriages) and the position of children from the marriage. As a country where the majority of the population is Muslim, so it is undeniable that Islamic law has legality that can be used and juxtaposed with positive law. (Mardani, 2011).

Islamic law has rules and regulations that absolutely cannot be disturbed for any interest. So that various problems have been arranged neatly in Islamic law. Such is the case with the position of a child. In Islamic law, regardless of how the child was born, he is still entitled to the rights as described in Islamic law, such as the right to maintain religion, lineage, health, reason, and socio-economics.

Islamic law divides the types of children into two categories, namely legitimate children and illegitimate children. (Abdul Manan, 2003) A legitimate child is a child born as a result of a legal marriage according to the Shari'a and its pillars, while an illegitimate child is a child born from an illegitimate marriage (out of wedlock/adultery). Determination of the origin of the child in the perspective of Islamic law has a very important meaning, because with that determination can be known the nasab relationship between the child and his father. Even though in essence every child born comes from the sperm of a man and in fact

must become his father, Islamic law provides other provisions. inheritance, guardianship of kemahraman relations, and others. Nasab or kinship between a child and father is only formed in three ways, namely through legal marriage, fasid marriage, and through syubhat sexual relations. (M. Nurul Irfan, 2015) While the lineage of a child to his biological mother can be formed through the process of childbirth or birth. Whether the birth is in the form of syar'i or not. This means that even if a child is born as a result of adultery, it can still be assigned to the biological mother. Islamic jurisprudence mentions a

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fairly firm understanding regarding legitimate children. Although there is no clear and unequivocal definition regarding a legitimate child, but departing from the definitions of the verses of the Qur'an and Hadith, it can be stated that a legitimate child is a child born due to and in a legal marriage. In addition, it is referred to as an adulterous child (*walad al-zina*) who only has a kinship relationship with his mother. With this explanation it is clear that an adulterous child or child out of wedlock according to Islamic jurisprudence, is only assigned to his mother. This view, as seen later, was followed by the UUP and KHI. One alternative solution to obtain a *nasab* relationship between a child out of wedlock and his biological father, is by way of child recognition. The Civil Code regulates the recognition of children in article 280, the confession is enough to be done with a unilateral statement from the man who admits. (J Satrio followed by UUP and KHI. One alternative solution to obtain a kinship relationship between children out of wedlock and their biological fathers, is by child recognition. The Civil Code regulates the recognition of children in article 280, the confession is enough to be done with a unilateral statement from the man who admits. (J Satrio followed by UUP and KHI. One alternative solution to obtain a kinship relationship between children out of wedlock and their biological fathers, is by child recognition.

The Civil Code regulates the recognition of children in article 280, the confession is enough to be done with a unilateral statement from the man who admits. (J Satrio, 2005) Another definition is also stated in the Civil Code (KUH Perdata), according to this law, "every child born or raised during marriage, has the husband as the father". In addition, the law also states that the provisions for illegitimate children also state the exceptions that designate legitimate children, namely: Except for children who are conceived in adultery or in discord, each child is produced out of wedlock, with the marriage of the father or son. the parents before marriage have acknowledged it according to the law or if the acknowledgment is made in the marriage certificate itself. From this article, it can be deduced that a child born as a result of sex by a girl and a virgin can be recognized as a legitimate child. The child is not considered an adulterous child, because adultery children according to the rules of this law are "children resulting from sexual relations carried out by those who are already married or married. KHI (Compilation of Islamic Law) itself does not explicitly regulate the recognition of children. The KHI only regulates the origin of the child which is contained in Article 103 of the Compilation of Islamic Law which reads in full as follows: Article 103 (1) The origin of a child can only be proven by a birth certificate or other evidence. (2) If a birth certificate is not available, the Religious Court may issue a determination regarding the origin of a child after conducting a thorough examination based on valid evidence. (3) On the basis of the decision of the Religious Court, the birth registration agency in the jurisdiction of the Religious Court issues a birth certificate for the child concerned. in Indonesia, namely Law Number 1 of 1974 concerning marriage. The point is that as long as the child is born when the father and mother are bound in a legal marriage, then the child is declared a legitimate child.

Based on the background above, the main problems in the discussion of this thesis are social relations of children out of wedlock in the perspective of Islamic law in Poso District, Poso District City? Based on these main problems, the problem boundaries or sub-problems that become the reference in this discussion are: 1. What is the Role of the Government and Related Agencies on the protection of children out of wedlock in Poso District, Poso District City? 2. What is the status/status of the child out of wedlock regarding the ratification/recognition of the child's status and inheritance rights according to *fiqih*, KHI and the Constitutional Court Decision?

In general, the objectives of this study are: a) To find out What is the Role of the Government and Related Agencies on child protection out of wedlock in Poso District Poso District City. b) To find out How is the position/status of children out of wedlock regarding ratification/recognition of child status and inheritance rights according to *fiqih*, KHI and Constitutional Court Decisions.

2. Library Overview

2.1 The Sociology of Law Approach and Legal Effectiveness Theory

Law as a tool to change society in the sense that law may be used as a tool by agents of change. or a pioneer of change is a person or group of people who gain trust from the community as the leader of one or more social institutions. Pioneers of change, community leaders in changing the social system and in implementing it are directly involved in pressures to make changes to other social institutions. (Soerjono Soekanto, 1988) According to Hart in Soekanto that a legal system lies in the unity between the main rule and the secondary rule. The main rule is an informal provision of obligations that aim to meet the needs of social life. Therefore, secondary rules are needed which consist of: 1) Rules of recognition, namely the rules that explain what is meant by the main rule and where it is necessary to arrange hierarchically according to the order of importance. 2) Rules of change, namely rules that ratify the existence of new main rules. 3) Rules of adjudication, namely rules that give rights to individuals to determine what in certain events a main rule is violated. Although Hart equates law

with a series of rules, it should be understood that what he means by law are certain social institutions. Paul Boghanan, an anthropologist, has an opinion that is in line with Hart, he states that a legal institution is a tool used by citizens to resolve disputes that occur and to prevent abuse of rules collected from various social institutions. In general, according to Soekanto, there is an agreement between anthropologists, legal philosophers and sociologists, although each uses different terms. The agreement is about the functions of the legal system which as a whole involves issues of authority, ways of resolving disputes, mechanisms that facilitate relations between citizens and their adjustment to changes. (Soerjono Soekanto, 1999).

In the above context concerning the personality and mentality of law enforcers, that so far there has been a strong tendency among the public to interpret the law as an officer or law enforcer, meaning that law is identified with the real behavior of officers or law enforcers. Unfortunately, in carrying out its authority, problems often arise because of attitudes or treatments that are seen as exceeding authority or other actions that are considered to undermine the image and authority of law enforcement, this is due to the low quality of the law enforcement officers. Therefore, facilities or facilities have a very important role in law enforcement. Without these facilities or facilities, it will not be possible for law enforcers to harmonize their supposed roles with their actual roles. However, the author argues that this factor is not the dominant factor to be corrected immediately when it comes to realizing an effectiveness. One of the factors that make a regulation effective is the community. What is meant here is his awareness to comply with a statutory regulation, which is often called the degree of compliance. The degree of compliance can only be measured if there is public knowledge of the law. If a statutory regulation has been promulgated and issued according to a legal and official procedure, then legally the statutory regulation applies. What is meant here is his awareness to comply with a statutory regulation, which is often called the degree of compliance. The degree of compliance can only be measured if there is public knowledge of the law. If a statutory regulation has been promulgated and issued according to a legal and official procedure, then legally the statutory regulation applies. What is meant here is his awareness to comply with a statutory regulation, which is often called the degree of compliance. The degree of compliance can only be measured if there is public knowledge of the law. If a statutory regulation has been promulgated and issued according to a legal and official procedure, then legally the statutory regulation applies. It is even better if there is a systematic of these five factors, so that the law is considered effective. This systematic means that to build the effectiveness of the law, it must begin with how the law enforcers are, then how are the supporting facilities and facilities, then how the community responds and the culture that is built.

2.2 The Concept of Family According to Islam

Family is a basic unit of kin consisting of husband, wife and children. (Mulyono M. Idris, 1989) Family in the view of Islam has no small value. Even Islam pays great attention to family life by laying down wise rules to maintain family life from disharmony and destruction. Why so much attention to Islam? Because it is undeniable that the family is the first brick to build the palace of the Muslim community and is a madrasa of faith which is expected to print generations of Muslims who are able to elevate the words of Allah SWT on earth. If this foundation is strong, the religion and morals of the members will be strong too. society and the desired security will be realized. On the other hand, if family ties are torn apart and damage poisons members, the impact is seen in the community, how shock hits and strength weakens so that there is no sense of security. (Abdul Qadir Muhammad, 2012) Then every time there is a family or a group or group of people consisting of two or more individuals, it can't be helped, it definitely needs the existence of a leader or someone who has the authority to regulate and at the same time supervise other individuals (but not like the existence of superiors and subordinates). Likewise with a family, because what is called a family is at least consisting of a husband and a wife, which then appears the presence of children or children and so on. So,

Sakīnah family, mawaddah, warahmah, is a dream family even a goal in a marriage. So to realize a sakina family, you must go through maximum efforts both through inner efforts (begging Allah SWT), as well as outwardly trying (trying to fulfill both provisions that come from Allah SWT and His Apostle, as well as regulations made by leaders in this case the government in the form of applicable laws and regulations). It was further clarified by the Prophet. in the hadith that in the Sakinah family a harmonious and balanced husband-wife relationship is established, sexual desire is channeled properly in a way that is blessed by Allah swt. educated children who are pious and shālihaḥ, fulfilled the needs physically, mentally,

2.3 Education for Children

The period of education in elementary school, is an excellent first opportunity to develop a child's personality after his parents. If the teachers (both general teachers and religious teachers) at the elementary school had the personality requirements and the ability to develop the child's personality, the child who had already started to grow in a bad direction

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could be immediately corrected. And children who from the beginning have had a good foundation from home can be continued to develop in a more perfect way. (Zakiah Daradjat, 2003) Imam Al-Ghazali strongly recommends educating children and fostering their morals by means of exercises and habits that are in accordance with the development of their souls even though they seem to be forced, so that children can avoid being misled. Because the practice and habituation will form a certain attitude in the child, which gradually that attitude will become clearer and stronger and finally unshakable because it has become part of his personality. (Zakiah Daradjat, 2005) The current conception of modern education is in line with Imam Al-Ghazali's view of the importance of habituation to do an act as a method of the main moral formation, especially because habituation can have a good effect on the human soul, which gives a sense of pleasure if practiced in accordance with the morals that have been formed in the human spirit. herself. Likewise, the method of educating children/students today which stipulates that by repeating the experience of doing something can leave good impressions in his soul, and from this aspect the child will get pleasure when repeating the good experience. different from the experience gained without going through the practice, the impressions left are bad. (Thoyib Sah Syaputra, 1994).

3. Methodology

The type of research used is qualitative research. The research location is Bulagi District, Banggai Islands Regency. Sources of data are primary data and secondary data. Data collection techniques used are observation, interview and documentation. The data analysis technique used is data reduction, data presentation and verification or drawing conclusions, then the researcher checks the validity, where the researcher is the main instrument in this study, so perseverance is needed in research so that the data obtained is in accordance with the problems to be studied. In addition, researchers used triangulation techniques.

4. Result and Discussion

4.1 Research Site Profile

Poso City is a district which is the center of government capital) Poso Kabupaten District, Central Sulawesi, Indonesia. Poso Kota sub-district has been divided into 3 districts, namely Kec. Poso City, North City Poso, and South City Poso. After the division, there are 4 villages left in Poso Kota and 3 new villages resulting from the expansion of the Gebangrejo and Kayamanya villages. Gebangrejo, How's that, New Moengko and Old Moengko. Seca Poso Kota sub-district consists of 4 sub-districts, the largest sub-district is Moengko sub-district with an area of 580 ha, while the kelurahan with the smallest area is Moengko Baru with an area of 30 ha. The Poso Kota sub-district which consists of four kelurahan has an unequal proportion of the population because the area of each kelurahan is different and has centralized facilities and is not spread evenly. Each kelurahan has a different population growth, therefore population growth is analyzed per population per kelurahan.

4.2 The Role of the Government and Related Agencies Against Child protection out of wedlock in Poso Subdistrict Poso Regency City

The condition of marriage in Islamic society in Indonesia before the Law of the Republic of Indonesia Number 1 of 1974 (here in after referred to as the Marriage Law) was enacted and enacted, social culture became one of the triggers for making marriage easy. In society, there has been a mindset that getting married early is better, even if you marry a man who is married and not registered at the District Office of Religious Affairs (KUA). Marriage under the hands which is usually called a religious marriage or with the more trending term "sirri marriage" is allowed and the marriage is considered valid. tightened and must be recorded by the competent authority. The legal consequences of this kind of marriage have no legal force, because in addition to harming the wife to claim her rights and demanding the husband's obligations, it has also harmed and lost the rights of her children to get guardianship and inheritance rights. Article 2 paragraph (1) "Marriage is legal, if it is carried out according to the law of each religion and belief" and paragraph (2) "Every marriage is recorded according to the applicable laws and regulations". Mean while, legal marriage in Article 2 of the KHI states that "Marriage according to Islamic law is marriage, which is a very strong contract or *mîtsâqan galîzhan* to obey Allah's commands and carry it out is worship". Here in Article 4 of the KHI it is very clear that it is stated that "Marriage is legal, Although the Marriage Law and KHI aim to protect women's rights from the arbitrariness of men, in reality, social, cultural and economic influences do not reduce unlawful acts such as polygamy, adultery and unregistered marriage, which affect the status of children born with legal consequences, the resulting child does not have a civil relationship with his biological father. Children born out of wedlock are still often subjected to discriminatory treatment, violence and injustice, and even become victims of the justice system. Recently, children out of wedlock have become a phenomenon that has experienced a significant escalation. There is no significant policy in favor of protecting the existence of children out of wedlock in the community. Throughout their lives, children out of wedlock are forced to bear the burden of the sins of their parents and are forever stigmatized as bastards,

bush children or illegitimate children. Though the birth of children out of wedlock is not his own choice. No child out of wedlock can choose which family to be born into. Therefore, all forms of mistakes, sins, stigmas that should be addressed only to the parents, namely the father and mother, not to the child. Children in any religious teachings are holy and do not bear sins due to the actions of their parents. This understanding should be the basis for formulating legal protection policies and other policies that favor children out of wedlock. Though the birth of children out of wedlock is not his own choice. No child out of wedlock can choose which family to be born into. Therefore, all forms of mistakes, sins, stigmas that should be addressed only to the parents, namely the father and mother, not to the child. Children in any religious teachings are holy and do not bear sins due to the actions of their parents. This understanding should be the basis for formulating legal protection policies and other policies that favor children out of wedlock. Though the birth of children out of wedlock is not his own choice. No child out of wedlock can choose which family to be born into. Therefore, all forms of mistakes, sins, stigmas that should be addressed only to the parents, namely the father and mother, not to the child. Children in any religious teachings are holy and do not bear sins due to the actions of their parents. This understanding should be the basis for formulating legal protection policies and other policies that favor children out of wedlock. Children in any religious teachings are holy and do not bear sins due to the actions of their parents. This understanding should be the basis for formulating legal protection policies and other policies that favor children out of wedlock. Children in any religious teachings are holy and do not bear sins due to the actions of their parents. This understanding should be the basis for formulating legal protection policies and other policies that favor children out of wedlock.

4.3 Position/Status of Children Out of Wedlock Regarding Ratification/Recognition of Child Status and Inheritance Rights According to Fiqhi, KHI and Constitutional Court Decisions

There is no mutual inheritance relationship between biological fathers and children resulting from adultery. Because as stated earlier, the biological father is not the father. Forcing himself to ask for an inheritance, his status robs him of property that is not his right. In fact this has been confirmed by the Prophet, as mentioned in several hadiths, including: Abdullah bin Amr bin Ash said, The Prophet saw, gave the decision that children from relations with slaves that he did not own, or the results of adultery with free women were not assigned to his biological father and did not inherit it. (Wahbah Zuhaili, 2011) If a biological father wants to give his share of his wealth to his biological child, this can be done through a will. The father can write a will, that the A (his biological son) is given a portion of his total assets after the father dies. Because the will may be given to other than heirs. In classical fiqh products, most scholars agree that children out of wedlock do not receive inheritance rights from their fathers and vice versa, as stated by Imam Syafi'i quoted by Wahbah Zuhaili that the status of an adulterous child is equated with a mula'anah child with the stipulation that the child is disconnected. inherit each other with the father and his father's family, because there is no legal lineage status between them.

Basically, the relationship of the child out of wedlock with the man who breeds him and his family in the Compilation of Islamic Law is considered to have no legal consequences, so in this case there is no inheritance law between the two. In the Compilation of Islamic Law, children out of wedlock only have a kinship relationship with their mother and their mother's family. The legal consequences of children out of wedlock according to the Compilation of Islamic Law are children out of wedlock are not entitled to kinship relations, maintenance, inheritance rights (inheritance), hadhanah (child care) and guardianship from the father who breeds him, but to his mother.

As stated by Wahbah Zuhaili in his writings that there are three ways in determining the nasab relationship of a child, namely; First, legal marriage. It is undeniable that a marital relationship is the beginning of a kinship relationship for offspring. All the Imams of the madhhab agree on this and there are no exceptions. Likewise, according to Abdul Azim bin Badawi Al-Khalafi said that blood relations basically must start from a relationship or a legal contract according to Islamic law. Second, by way of recognition of lineage or lineage (itsbat nasab bil iqrar). Recognition of lineage or lineage in fiqh terms is called istilhaq. According to some Indonesian Islamic jurists, such as Abdul Manan stated that adultery children born out of legal marriage due to a ghairu syari' relationship can still be recognized by way of istilhaq if it is not physically fulfilled that their relationship is illegal (adultery), such as not fulfilling four fair witnesses. way of proof. In Islamic law there are also legal rules regarding the lineage of a child with his father by means of proof. This method is also often referred to as mubaiyyinah (comparison), namely by means of proof based on valid evidence that a child is truly in the same line with his parents. For example, by looking at the similarities between parents and their children, it is supported by the recognition from the community that they have a kinship relationship. (Wahbah Zuhaili, 2012) In Islamic law there are also legal rules regarding the lineage of a child with his father by means of proof. This method is also often referred to as mubaiyyinah (comparison), namely by means of proof based on valid evidence that a child is truly in the same line with his parents. For example, by looking at the similarities between parents and their children, it is supported by the recognition from the community that they have a

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The ratification of a child out of wedlock due to the marriage of the two biological parents of the child results in the child obtaining the position of a legal child from birth. So the child applies the same provisions or laws as a legitimate child and the child must be viewed as if he was born in a marriage. Mean while, if the ratification of a child is held after one of the child's parents has died, the legal consequences are limited.

Responding to the decision of the Constitutional Court, the Indonesian Ulema Council also issued a fatwa Number 11 of 2012. This fatwa was made to answer public questions about things that are not clear in the Constitutional Court's decision. The Indonesian Ulama Council reminded, among other things, that children resulting from adultery do not have kinship relations, marriage guardians, mutual inheritance rights, and maintenance with the man who caused their birth. However, the Indonesian Ulema Council also reminded that the government is obliged to protect children resulting from adultery and prevent neglect. Like it or not, constitutionally the decision of the Constitutional Court which is considered by many to be a very brave decision has been issued. The most competent high institution in examining the legislation has already knocked the hammer, issued a decision in favor of the applicant, even though it was very shocking and stifling the legal feelings of Muslims. As a good citizen, of course, in dealing with legal problems, no matter how heavy and bitter, one must remain elegant, uphold, respect and respect the judge's decision. extra intelligent power that is more prudent, so that the interpretation and impact of the decision does not spread everywhere. That way, the decision can be safe, respected and respected, but at the same time the sacred institution of marriage does not feel harassed and Muslims do not feel hurt. Therefore, wiser legal steps are needed. All Muslim powers, Both through the Indonesian Ulema Council and Islamic organizations as the guardian of the Ummah, it is necessary to take the initiative to provide encouragement to the authorities to respond and prevent the possibility of a wider interpretation that can confuse the people. For example, by making a recommendation through a politico-legal approach to issue a Government Regulation that revises the previous Government Regulation in order to provide an explanation related to Article 43 paragraph (1) of Law Number 1 of 1974.

Islam is a perfect closing religion, *fitrah*, and holy. This religion teaches about how Allah gives non- negotiable commands and prohibitions because He has said in the Qur'an and Hadith so that they can be used as instructions and guidelines for humans when living in the world. Islam has also determined the position of the child, as the next generation of the previous human being to continue the duties and functions of the next life. However, no matter how the child is born, he is still born in a condition that is holy and without sin, even though his parents have sins that continue to flow. (Iman Jauhari, 2011) Especially in the case of adultery. Islam strongly condemns adultery. Even Allah Himself forbids His servants to approach adultery. If from her actions give birth to children,

The negative impact of adultery, in addition to eliminating the lineage between father and son, adultery can also cause the transmission of dangerous diseases, can be used as the beginning of murder, destroy domestic harmony, and there will be no continuation in the future. So that children born out of wedlock (children of adultery), then the child will be burdened in the future. They are even considered to have no clear origins. The condition of adulterous children (children out of wedlock) still often gets discriminated against and even violence in society. People still consider adultery children as illegitimate children. The stigma of society that still scorns the category of adulterous children will also have a negative impact on the psychology of children and their parents. The child becomes insecure because the birth certificate is only attributed to the mother,

5. Conclusion

Social relations (socialization) is a relationship between humans who need each other. Social relationships start from a simple and limited level, which is based on simple needs. The more mature and older, human needs become more complex and the level of social relations also develops to be very complex. So, the notion of social development is the development of the level of human relations in connection with the increasing needs of human life. Usually in the social relations of children outside of marriage there are factors that influence it, namely family, education and emotional maturity and intelligence.

Marriage law must not be separated from the harmony and conditions of marriage. Therefore, the pillars determine the validity or illegitimacy of a legal act or event. If one of the pillars in the legal event or act is not fulfilled, it will result in the legal act or legal event being invalid and its status null and void. Meanwhile, if the conditions of marriage are not met, then the marriage can be annulled.

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