

Abstrak

Penelitian ini bertujuan untuk menganalisis status hukum anak yang lahir dari perkawinan tidak tercatat dalam perspektif hukum keluarga Islam, dengan studi kasus di Pengadilan Agama Pangkalan Balai Kelas II. Fokus penelitian ini adalah pada penetapan asal usul anak dan pertimbangan hakim dalam memutuskan perkara-perkara tersebut. Metode penelitian kualitatif lapangan digunakan, mengumpulkan data melalui wawancara hakim Pengadilan Agama Pangkalan Balai Kelas II dan analisis dokumen penetapan asal usul anak. Sampel dipilih secara purposif, fokus pada hakim berpengalaman dan penetapan kasus perkawinan tidak tercatat. Hasil penelitian ini diharapkan memberikan pemahaman mendalam tentang status hukum dan implikasi sosial anak dari perkawinan tidak tercatat, serta berkontribusi pada pengembangan hukum keluarga Islam dan praktik peradilan agama di Indonesia. Pengadilan Agama Pangkalan Balai Kelas II tetap melindungi hak anak dari perkawinan tidak tercatat dengan menetapkan asal usul anak berdasarkan bukti dan prinsip hukum Islam, mengutamakan kemaslahatan anak. Anak dari perkawinan tidak tercatat tetap memiliki hak hukum, khususnya hak asal usul dan perlindungan negara. Namun, pencatatan perkawinan penting untuk kepastian hukum keluarga.

Kata kunci: Perkawinan tidak tercatat, status anak, hukum keluarga Islam, Pengadilan Agama, penetapan asal usul anak.

Abstract

This study aims to analyze the legal status of children born from unregistered marriages within the perspective of Islamic family law, with a case study at the Pangkalan Balai Class II Religious Court. The focus of this research is on the determination of child origin and the judges' considerations in deciding these cases. A qualitative field research method was used, collecting data through interviews with judges of the Pangkalan Balai Class II Religious Court and analysis of child origin determination documents. The sample was selected purposively, focusing on experienced judges and cases of unregistered marriages. The results of this study are expected to provide a comprehensive understanding of the legal status and social implications of children from unregistered marriages, as well as contribute to the development of Islamic family law and religious court practices in Indonesia. The Pangkalan Balai Class II Religious Court continues to protect the rights of children from unregistered marriages by determining child origin based on evidence and principles of Islamic law, prioritizing the welfare of the child. Children from unregistered marriages still have legal rights, particularly the right to know their origin and receive state protection. However, marriage registration remains important for family legal certainty.

Keywords: Unregistered marriage, child status, Islamic family law, Religious Court, determination of child origin.