



Status of Children from Unregistered Marriage Based on Minister of Home Affairs Regulation No. 109 of 2019 (Study of the Barru Regency Capil Population Service)

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Article Info

Article history:

Received 26 July, 2023

Revised 29 January, 2024

Accepted 2 April, 2024

Keywords:

Unregistered;
Marital;
Status of Children

ABSTRACT

Children are the most precious gift of marriage, and their physical and spiritual rights and needs must be met. Based on existing laws and regulations, the state recognizes and guarantees these rights by providing a birth certificate as proof and legal recognition. Marriages must be registered in accordance with Law Number 1 of 1974 which regulates marriage as a condition for registering the birth of a child. Therefore, knowing the status of children resulting from unregistered marriages is important and procedures for registering the birth of children resulting from unregistered marriages provide legal certainty. 1) What is the substance of Minister of Home Affairs Regulation Number 109 of 2019 regarding children resulting from unregistered marriages. 2) What factors influence the status of children who are not registered in the Minister of Home Affairs Regulation Number 109 of 2019 Capil Barru Regency. 3). How to Legally Settle Children Resulting from Unregistered Marriages Minister of Home Affairs Regulation Number 109 of 2019 Study of the Barru Regency Capil Population Service.

This type of research is field research which is carried out in the middle of the research object in order to find out and obtain clear data using qualitative description methods. Research carried out in the field examines problems of a qualitative nature. The data collected is generally in the form of words, pictures and number books. The data collection uses observation, interview and documentation techniques, by analyzing the data using data reduction, data presentation and drawing conclusions.

Based on the research results, it can be concluded that the condition of children born from marriages that are not registered means that there is no authentic evidence that the child was born from a valid marriage. Based on the results of interviews with Barru Regency Capil employees, unregistered marriages result in difficulties in the process of obtaining certificates for children. Therefore, every marriage must be registered in order to provide full legal certainty and justice in the fulfillment of children's rights.

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INTRODUCTION

Marriage is a very important event in human life. The basics of marriage are formed by the natural elements of human life itself which include biological needs and functions, giving birth to offspring, the need for love and brotherhood, nurturing these children to become perfect members of society. Apart from that, there are elements of the rights and obligations of each party, which relate to family life issues that must be fulfilled. The rights and obligations of husband and wife as well as the existence of marital status, children, wealth, inheritance and population factors in the order of social life.

The definition of marriage from a legal perspective, Article 1 of Law Number 1 of 1974, marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a family.

household) which is happy and eternal based on the belief in the Almighty Godhead. Based on this definition, it can be seen that religious elements cannot be separated from the marriage process, although in the legislation it can be understood that the legislators want to combine religious elements with administrative legal elements as stated in article 2 paragraph (2) Law Number 1 of 1974.

There are many consequences to the status of children resulting from marriages, including those from unregistered marriages. There are many cases in the legal community where children are not registered, for example children do not receive state services, cannot get a birth certificate, cannot get an ID card, and receive guarantees from their father because they are assigned to their mother.

Marriage is a historical moment in human life, so the state plays a role in carrying out protective measures by recording it so that the legal action has authentic documents. In reality, nowadays there are still many couples who get married without registering it with a marriage registrar. This is caused by several things, including public ignorance regarding marriage law in Indonesia, inadequate socialization of marriage registration from the government, complicated and convoluted marriage registration requirements and procedures, and the high cost of marriage registration.

Marital identity can be useful for the legal consequences arising from a marriage. For example, the history of a child's birth and the origin of the child will be easy to prove because the marriage that preceded the birth process has been properly recorded. In contrast to unregistered marriages, the birth of a child will be difficult to prove when there is a dispute over the origin of the offspring. Marriage civil law will also provide protection to the husband and wife from prosecution by third parties regarding the marriage they are carrying out. Even though marriage registration is not part of marriage, it is very important, especially as evidence that someone has if a problem occurs that leads to family conflict.

An illegitimate child is a child born to parents who are in a biological relationship without being based on a legal marriage and who have not been registered by an authorized institution. Even though the child's parents have entered into a valid religious marriage, if it is not registered by the competent authority, in this case the Office of Religious Affairs (KUA), then the child born is not considered an illegitimate child based on the applicable laws and regulations. .

The position of children born from unregistered marriages is only to have a civil relationship with their mother. Another thing is that there is a confession from his father which must be proven with authentic evidence. Apart from that, children born from marriages that are not registered will have difficulty getting a birth certificate. Without a birth certificate, the state will have obstacles in protecting children. Legally there is no record of the child's birth status along with data on the two parents who caused the child's birth. This means that if a divorce occurs, the husband no longer provides support both physically and mentally, the wife will have difficulty suing her husband. This is because there is no proof that they have entered into a marriage and children who are born will find it difficult to obtain rights as citizens.

Registration of the birth of a child is very important. This is done by Law Number 23 of 2002 concerning child protection in article 5 which states that for every child's personal identity and citizenship status, each child has the right to a name and this self-identity must be given from birth as stated in the birth certificate. Parents are the first and foremost responsible for realizing children's welfare, both spiritual, physical and social.

There are many things that can cause a child's lineage to be unclear. The problem that arises in society is free sex which often occurs in the relationships of young people nowadays. It started with dating that approached promiscuity and resulted in pregnancy out of wedlock. Many unregistered marriages are carried out because the perpetrator avoids the sin of adultery. Religiously unregistered marriages are legal, because they fulfill the pillars of marriage, but in Indonesian law, marriages that are not registered with the KUA are not recognized. This has an effect on the development of children born in the future.

Islamic law regulates legitimate children, namely children born within a legal marriage and children recognized by a father who is related to them by blood. The fate of a child is very necessary in terms of marriage and inheritance. From which party the child is the guardian in the marriage, and from which party the child inherits, because Islamic law differentiates between the status of legitimate children and illegitimate children and as a result it is related to matters of inheritance, where legitimate children can obtain inheritance from both parties. parties, the father's side and the mother's side, while an illegitimate child is only assigned to the mother.

According to the Bugis custom, the fate of a child to a father can be assigned if there is a marriage bond, a child is assigned to the man who impregnated the mother, that it is clear and certain that the child was born to the mother. And it is also clear that a child is the child of the mother who gave birth. But it is not necessarily clear who the father is. To explain the birth of a child's father, the name of the child must include the name of the father. In this way, it becomes clear and easy to find out who the child is without having to carry out an investigation.

Based on the background above, this research is really needed by the community, so that it can provide information and even serve as a guide for those who want to know the extent of case resolution at the Barru Regency civil service. The Barru Regency Government, the Civil Registry Department, has taken steps to record the marital status of unregistered children to obtain or publish administrative data, for example making birth certificates. As for the solution to cases of unregistered marital status of children, the new community must register SPTJM (Letter of Absolute Responsibility Statement). Is registered for registration so that the child's status gets administrative data as an Indonesian citizen, every child has the right to get the status from his parents, if the child does not yet have administrative data then the effect is that the child cannot continue his education, does not have the right to inherit his father's property and other parts. The number of children born from marriages was not recorded in a study by the Barru district civil service office. When the Minister of Home Affairs Regulation No. 109 of 2019 was issued, it was used to record family cards or birth certificates as proof of identity which had perfect evidentiary value and was binding in carrying out administrative processes.

The steps taken on the basis of Unregistered Children of Marriage after Minister of Home Affairs Regulation Number 109 of 2019 study of the Barru Regency Population Service, is a good step in terms of orderly administration in the Barru Regency government. This could arouse interest from the people of Barru Regency in registering children of marriage. which are not recorded in the birth certificate, residence card and so on.

This research aims to find out the substance of Minister of Home Affairs Regulation Number 109 of 2019 regarding children resulting from unregistered marriages. Then, to find out the factors that influence children not being registered in the Minister of Home Affairs Regulation Number 109 of 2019, Capil Barru Regency and to find out how to legally resolve children resulting from unregistered marriages, Permendagri Number 109 of 2019 Study of the Barru Regency Capil Disduk Disduk.

METHOD

This type of research is field research which is carried out in the middle of the research object in order to find out and obtain clear data using qualitative descriptive methods. Research carried out in the field is researching problems of a qualitative nature. 97 Qualitative research is a research and understanding process based on methods that investigate social phenomena and human problems. In this research, the researcher creates a complex picture, examines words, detailed reports from the respondents' views and conducts studies in natural situations, namely research intended to understand the phenomena experienced by the research subjects, producing descriptive data in the form of written words or people's words and observed behavior.

This research uses several stages, namely starting from the preparation stage, the implementation stage in the research, preparing the research until withdrawal. Then this research will use approximately three months between September and October 2023. Then this research is located in Barru Regency with three The research source is the Capil Office and the Barru Regency Community.

The data analysis processing technique in this research is through documentation techniques, namely data collection using written data, using "content analysis". The analysis technique used in writing this thesis is descriptive analysis with a deductive mindset. descriptive picket pattern, namely systematically describing or painting all the actual facts encountered, then analyzing them to provide a concrete understanding, then conclusions can be drawn, deductive thinking pattern is a method of thinking that begins by putting forward general theories relating to the case by recording children of unregistered marriages are then presented with specific facts from the results of research into the determination at the Barru Regency population office, then a specific conclusion is drawn.

RESULTS AND DISCUSSION

Substance of Minister of Home Affairs Regulation Number 109 of 2019: Children resulting from unregistered marriages

SPTJM has been implemented by the government since the Minister of Home Affairs of the Republic of Indonesia issued Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 9 of 2016 concerning the Acceleration of Increasing the Coverage of Birth Certificate Ownership. This Permendagri was issued with the consideration that birth certificate ownership as a form of state recognition of a child's identity is still low.

SPTJM Truth of Birth Data, is a statement made by biological parents/guardians/applicants with full responsibility for the truth of a person's birth data, with the knowledge of 2 (two) witnesses. SPTJM Truth as a Married Couple, is a statement made by biological parents/guardians /applicant with full responsibility for the marital relationship status of a person who is listed in the KK as a Husband and Wife Couple with 2 (two) known witnesses. SPTJM Truth as a Husband and Wife Couple, is a statement made by the biological parents/guardian/applicant with full responsibility for the status of a person's marital relationship with 2 (two) known witnesses.

In Permendagri Number 109 of 2019 concerning forms and books used in population administration, it regulates SPTJM of which there are 3 types, namely SPTJM for marriage or divorce that has not been registered, SPTJM for correct birth data and SPTJM for correctness as a married couple. The uses of SPTJM also vary according to type and need, including SPTJM, correct birth data, which is used to register the birth of children for people who do not have documents in the form of a birth certificate from a doctor or someone who helped them at the time of birth. For SPTJM, the truth of being a married couple is used to register births for people who cannot fulfill the requirements of a marriage certificate even though their parents have the status of a married couple. Meanwhile, the SPTJM for unregistered marriages or divorces has the function of recording the status of marriage or divorce on a family card for people who do not have marriage files including a marriage certificate or marriage book or divorce certificate.

The matters that regulate SPTJM as a condition that must be fulfilled in registering the birth of a child as a substitute for a marriage certificate are contained in Article 48 paragraph (2) of Minister of Home Affairs Regulation Number 108 of 2019 concerning Implementation of Presidential Regulations. Regulation Number 96 of 2018 concerning Population Registration and Civil Registration which states that "In the case of birth registration as referred to in: 1) marriage book/excerpt from marriage certificate or other valid evidence; 2) The status of family relationships in the KK shows the status of the marital relationship as husband and wife, recorded in the birth certificate register and an excerpt from the birth certificate as father and mother's child with the additional phrase, namely: whose marriage has not been registered in accordance with the provisions of statutory regulations.

According to the author's data, the use of the Statement of Absolute Responsibility for the Truth as husband and wife is in accordance with the background of Minister of Home Affairs Regulation Number 9 of 2016 which states that the aim of this regulation is to eliminate discrimination based on parental status, including the parents' marital status, as long as the person's name his age is not recorded.

The ease of making a Family Card or Birth Certificate through SPTJM for married couples who have not registered their marriage has a good impact on protecting children's rights. This is in accordance with the information in Article 1 number 2 of Law Number 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection which states that Child Protection is defined as "all activities to guarantee and protect children and their rights. So that they can live, grow, develop and participate optimally in accordance with human dignity, and receive protection from violence and discrimination.

We can see the bad impact of implementing registration of unregistered marriages or divorces on family cards, namely that polygamy can be carried out without the wife's prior consent. What is worse than simply committing polygamy that is not approved is that polyandry can occur in women who want to have more than one husband. Apart from violating existing legal regulations in this country, this also violates religious legal norms, because religion prohibits polyandry. This is what must be taken into account when implementing the SPTJM as a replacement requirement for a Marriage Certificate, so that there are no legal violations committed by the community.

When the author conducted an interview, the Capil Population Service officer noted that in Indonesia, every resident must be documented in a Family Card (KK), and the status of relationships within the family must be recorded. Family relationship status was classified into two categories: married and divorced. Marriages are also classified into two types, namely those with a marriage certificate (registered) and those without a marriage certificate (not yet documented). Children born from unregistered marriages can be included in the birth certificate with the names of the father and mother by including this status on the Family Card. From an administrative perspective, this is beneficial. Apart from having a positive impact. This is so as not to violate the rules contained in Article 56 paragraph (1) of the Compilation of Islamic Law (KHI) which states that, "A husband who wishes to marry more than one person must obtain permission from the Religious Court." Then in Article 56 paragraph (3) The Compilation of Islamic Law (KHI) also explains that marriages entered into with a second, third or fourth wife without permission from the Religious Court have no legal force. In accordance with KHI standards, the Capil Population Service must consider the background status of unregistered married couples when preparing population data for them. If there are no things that could violate the rules in making population documents at Disdukcapil, then every citizen who marries out of wedlock will find it easier to get population documents without having to violate statutory regulations or religious rules.

Because unregistered (unregistered) marriages cause a lot of legal confusion, even though the couple has been legalized in making a Family Card by reporting the status of an unregistered marriage or including the names of the father and mother at birth. Children born to married couples are not registered on birth certificates. In terms of statutory regulations, married couples who are not registered do not have legal certainty. Because, according to Indonesian law, marriages that cannot be confirmed with a marriage certificate must be carried out in the Religious Courts. As stated in Article 7 Paragraph (2) of the Compilation of Islamic Law (KHI) that "In the event that the marriage cannot be proven by a Marriage Certificate, the marriage certificate can be submitted to the Religious Court.

According to the explanation from the Head of Capil Services, Barru Regency, he said: "Children born from unregistered marriages have all rights and legal certainty regarding the inheritance rights of their wives and children. The Civil Code only requires recognition from the father to obtain inheritance rights and other rights that should be owned by his children and wife. This recognition acknowledges that the child born is his biological child, even though the marriage was not registered in accordance with the laws and regulations in force in this country."

Based on several understandings and views above, the author sees that children resulting from unregistered marriages only have a civil relationship with their mother and their mother's family. Children born out of wedlock or from unregistered marriages, apart from being considered illegitimate children, also only have a civil relationship with their mother and their mother's family, while none with their father. Article 43 paragraph (1) states "Children born outside of marriage only have a civil relationship with their mother and their mother's family." This is also confirmed by the provisions of the Compilation of Islamic Law regarding inheritance, namely Article 186 which states "Children born outside of marriage only have a mutual inheritance relationship with their mother and their mother's side of the family". It is on this basis that the Population and Civil Registry Service, when issuing a birth certificate for a child born to a husband and wife whose marriage is not registered, only mentions the mother's name on the certificate, while the father's name is not listed. The child who is born will only have an administrative position or will only be recognized by the state as an illegitimate child and will only have a civil relationship with the mother and the mother's family.

A further consequence of an unregistered marriage is that neither the wife nor the children born from the marriage have the right to claim support or inheritance from their father. It was stated above that children resulting from unregistered marriages do not have inheritance rights to the assets inherited from their father. The wife's desire to claim her rights to the property reached a dead end because there was no authentic evidence to support her claim. Children born outside of a legal marriage are illegitimate, thus bringing consequences in the field of inheritance. This happens because children born outside a legal marriage only have a civil relationship with their mother and their mother's family.

Apart from having legal impacts, unregistered marriages also have social impacts. Women usually find it difficult to socialize with the surrounding community. The notion of living in the same house without legal ties has an impact on various kinds of negative prejudices from society, which in the end will demean women. Women, as parties who should be protected, are actually disadvantaged from various aspects. Legally, women are no longer recognized, coupled with society's opinion which positions her unfairly, it is not natural for her husband to treat her unfairly. This social burden will certainly affect children born from unregistered marriages, especially on the souls of the children who will be born. A child will be excluded from society if his status as a child begins to be questioned. For example, at school, the lack of clarity regarding legal status means that the relationship between father and child is not strong, so that at any time the father may deny that the child is his biological child.

In Barru Regency, most people still consider children resulting from unregistered marriages to be a disgrace in society, because the majority of children resulting from unregistered marriages in Barru Regency have children outside of marriage. As a result, children resulting from unregistered marriages in Barru Regency often receive social sanctions in their environment, which results in children tending to separate themselves from their environment. This will affect the psychology of children resulting from unregistered marriages.

Factors Affecting the Status of Children Not Registered in Minister of Home Affairs Regulation Number 109 of 2019 Capil Barru Regency

Children born from unregistered marriages generally have no civil relationship with their father. Only the mother and the mother's relatives have a civil relationship with the child. Only the mother's name appears on the child's birth certificate, without mentioning the father's name. This also causes children not to have full rights, including the right to inherit their father's property. Children born outside of an official marriage are illegitimate, which has consequences for inheritance.

Marriage has legal consequences not only for the individuals involved, the rights and obligations that bind husband and wife, but also the property of husband and wife. Every husband and wife in every marriage has mutual assets that were brought and acquired before the marriage. Married husband and wife have assets acquired during the marriage which are called joint assets. Because the marriage is not registered, the wife cannot ask for joint property in the event of a divorce. The wife's efforts to claim her property rights were stopped because there was no legal evidence to support her claim.

A child plays an important role in family life because the purpose of marriage is not only to create a happy and prosperous household, but also to unite the family and continue offspring. If a child is born from an unregistered marriage, there will be legal consequences. Children are given birth certificates, but their parents' marriages are not recorded in the civil registry. Children born without a certificate are considered

illegitimate because their legal status is unknown. Thus, the result of an unregistered marriage only obtains a relationship between the rights and obligations of both parents, receives an inheritance and does not obtain a valid legal position or does not have a birth certificate or marriage certificate. Legal problems that occur in unregistered marriages cause long-term problems because the birth of children becomes illegitimate.

Providing certainty and protection for children born from unregistered marriages of both parents raises contradictions in the Constitutional Court Decision Number 46/PUU-VIII/2010 explaining that the right to receive the same treatment as biological children. It is proven that there is a gap and it is considered that the application has gone beyond merely obtaining recognition of a civil relationship regarding the status of a child resulting from a relationship between the two parents due to a marriage not registered at the KUA, of course having a civil relationship regarding the child having an adulterous relationship with a man as a result of his birth, p. This decision of the Constitutional Court Number 46/PUU-VIII/2010 has exceeded the limits and because of this decision there is an interpretation that the Constitutional Court has legalized adultery. After carrying out several observations, the researchers found several factors that influence the status of children not registered in the Minister of Home Affairs Regulation Number 109 of 2019, Capil Barru Regency, as follows:

Occurrence of Out-of-Wedding Pregnancy

Pregnancy in a woman can occur through legal marriage or outside marriage. A pregnant woman out of wedlock is a woman who becomes pregnant before carrying out the marriage contract, then marries a man.

If a man impregnates a woman outside of a legal marriage, then the man is usually obliged by customary community law to marry the woman he has impregnated outside of a legal marriage in order to maintain the status of the child the woman will give birth to. and hides his disgrace and disgrace from himself and his family. Pregnancy out of wedlock is a common thing among young women in the current era, because many teenagers try to have sexual relations outside of marriage with their partners, which can lead to pregnancy out of wedlock. The main aim of allowing pregnant women to marry outside of wedlock is to save the future of the child they are carrying in order to obtain legal certainty and the rights of the child.

Based on the above phenomenon, answers emerged among the community. Reni Baharuddin (37), a resident of Soppeng Riaja District, believes that:

"In today's society we can see that there are often parents who reprimand their children whether they have a boyfriend or not, it's really a shame as if not having a boyfriend is a child's inability to do something that will bring their child closer to adultery. It is common for marriages to occur after the child is pregnant, even though it is covered up, it will still become public because of the presence of the child before the natural time for the child to be there or to be born."

Nur Alisa (21) STAI DDI Mangkoso student, resident of Barru District. He also gave his opinion regarding current teenage interactions:

"Dating and not dating, as if dating is a necessity among my age nowadays, it's sad that children who are not dating sometimes become the object of ridicule when they gather together. In fact, they are often considered to be fans of the opposite sex or do not have a gentle character. The characteristic of a woman who is shy and maintains her dignity is no longer visible in most teenagers today."

Pregnancy out of wedlock is a common thing among young women in the current era, because many teenagers try to have sexual relations outside of marriage with their partners, which can lead to pregnancy out of wedlock. Cases of out-of-wedlock pregnancies continue to increase from year to year, because in today's technologically advanced world, this has both positive and negative impacts on everyone. The positive impact is that it makes it easier for someone to find whatever they want through technology, but the negative impact is that it increases teenage promiscuity. As technology advances, social media becomes more sophisticated, many young people who know someone they don't know use social media platforms such as WhatsApp, Instagram, and Facebook, which they use to make acquaintances online and get them to meet someone. They don't know each other yet, so when they meet, if they can't control their lust it could lead to pregnancy out of wedlock. If a woman becomes pregnant out of wedlock, she will feel ashamed, as will her parents, therefore her parents will want to marry off the child even though they are not of marriageable age, whereas women who are pregnant out of wedlock have two choices: abort the pregnancy or keep it. Because pregnancy out of wedlock is a very humiliating humiliation for someone. If a young woman has sexual intercourse with a man who is not her mahram, then her act is considered zina.

Based on an interview with one of the Barru Regency Capil employees, he stated that there were several factors that influenced the widespread occurrence of unregistered marriages in the Barru Regency area, one of which was cases of pregnancy out of wedlock. He also commented that pregnancy out of wedlock is a disgrace among society, so it is one of the triggers for unregistered marriages in Barru Regency.

The author also found findings in the community regarding unregistered marriages, which were also motivated by pregnancies outside of marriage. After the author conducted interviews with local people who knew the facts regarding this matter;

"There is a case (unregistered marriage) with Registration Number 0XX/011/2020 in Soppeng Riaja sub-district. Based on information from my husband who works at the Soppeng Riaja District Religious Affairs Office, that some time ago there was someone who registered a marriage at the Soppeng Riaja District Religious Affairs Office with the initials I(21) and his partner NW(19), but the couple canceled the registration. have done. "According to reports, the thing that caused the family to postpone the marriage was that the woman was pregnant and gave birth when the man registered the marriage."

In 2022 it was recorded that there were 86 cases of underage marriage, and in 2023 in January-July there were 17 cases. The rise in underage marriages is largely motivated by the very free sex among teenagers in Barru Regency, and also the lack of public awareness of the risks of underage marriages. Underage marriages that are motivated by promiscuity are often hidden because their status in society is considered a disgrace, so that many people choose to marry their children through alternative channels, namely illegal marriage service providers which result in the absence of clear status in their marriage. .

Marrying children through illegal marriage services has an impact in the future on the wife and children resulting from the unregistered marriage. In Barru Regency, the government has carried out guidance through information centers and carried out outreach activities at several points in Barru Regency. This indicates that concerns about the number of underage marriages in Barru district have reached a point that cannot be underestimated.

Based on findings in the field, regarding cases of underage marriage in Barru Regency, specifically in Barru Subdistrict, from the results of findings carried out in Barru subdistrict, it can be seen from the view of the head of the neighborhood that in order to protect the good name of their family from disgrace, they as parents are forced to marry off their children at an early age. before her pregnancy grows and becomes the topic of conversation for other people, even though they don't see the impact after being married.

This gave rise to a number of answers and views from the results of an interview with H. Sahabuddin (72) (Head of RW Lembae), he said:

"Some time ago there was an incident that was quite surprising, yes, it is still related to what I discussed earlier. A child in this village asked for a divorce after a year of marriage and the funny thing is that according to his family his marriage had not been registered (recorded), I initially got this news from an employee of the Barru District KUA. The perpetrator's family came to the KUA asking for a solution to divorce their child. Why isn't it recorded because the child is still a minor, and as far as I know he already has children now. "As for why they divorced, I don't know, what I know is that they don't live together now."

Rasyida (27), a resident of Lembae Village, also spoke about the phenomenon that occurred in the Lembae Village. He said:

"Indeed, underage marriages have occurred around here, as far as I know the person's name is YA (16 year old female) and if I'm not mistaken the partner is FA (male age unknown (according to sources older than the female partner). If so "I haven't heard from them yet, but they no longer live in the same house here, FA has gone to Kalimantan from the news I got."

Jahriah, S.Pd. (38), elementary school teachers also confirmed the above opinion. He added that:

"I know YA's mother quite well, YA and FA's family has been warning about the divorce. "Because in the last few weeks FA's character has turned violent, resulting in YA's family not really accepting their existence, they happen to be staying at YA's house at YA's family's request."

From the results of the interviews above, we can see that underage marriage has a big impact on the age of marriage, a lack of understanding of marriage for children who are not yet of marriageable age and a lack of maturity in thinking at a young age which has been determined to result in vulnerability to divorce and physical violence. and psychology for children.

Legal Settlement for Children from Marriages Not Registered in Permedagri 109 of 2019 Study of the Barru Regency Capil Population Service

Although basically part of the category of civil and political rights, the right to citizenship also influences the recognition, fulfillment and protection of economic, social and cultural rights. Considering the role of a birth certificate as proof of a person's legal citizenship. This birth certificate is useful in everyday life in dealing with administrative problems that require information about parents. For example, the requirements for registering for school, having other identification such as a Family Card or Resident Identification Card, looking for work, getting married, and so on.

Seeing the use of birth certificates as access to the fulfillment and protection of rights, if there are some citizens who do not have this certificate, it means they are hampered in obtaining their human rights. A birth certificate is the right of every newborn child in any country.

In conclusion, Ward and Birgden outline two values related to human rights: freedom and well-being. In terms of protection, children also have important rights to ensure their growth and development, in accordance with their birth certificate. The UN implemented international recognition of children's rights through an agreement in 1989.

Until the early 1990s, the term Children in Especially Difficult Circumstances (CECD) or children in difficult circumstances was widely used. Including children who do not have birth certificates. The challenging condition in question is that their rights are not fulfilled and they are vulnerable to abuse of their rights. However, if it is changed to Children Who Need Special Protection, then the word Special Protection refers to active work steps, meaning preventing and taking the necessary actions to protect children from all forms of abuse of their rights.

Based on the descriptions above, we can see that giving children a certificate is not just an administrative need, but giving a certificate has a big influence on the granting of children's rights and protection against abuse of rights. We have encountered many children around us in orphanages who come from different backgrounds, where most of these children have difficulty getting their rights because there is no authentic data from the child.

Based on the results of the author's interview with the Head of Barru Regency Civil Registration Services, regarding the importance of providing certificates to children outside of marriage, he said that:

"As a parent, even though we come from an undesirable background. As parents, of course we want our children to get the rights they should, so starting from there, of course we can conclude that giving a certificate is very important. Moreover, after the issuance of Minister of Home Affairs Regulation Number 109. "This makes it easier for parents to register their marriage and also provides a way to make a child's birth certificate."

The interview above strengthens and gives us motivation regarding the importance of registering marriages and providing certificates to children. With the presence of Minister of Home Affairs Regulation Number 109 of 2019, legal settlements regarding children outside of marriage have a legal gateway by making it easier for perpetrators of unregistered marriages to register their marriages.

Based on previous findings regarding the recording of birth certificates of children resulting from unregistered marriages, namely the case of polygamy in Soppeng Riaja District, Mr Rusdi (45). Mr Rusdi. After carrying out a serial marriage with his honey wife, Mrs. Rahmatia (39), they were blessed with a son named Ismail (5). Concerned about the future of the child resulting from his unregistered marriage, Mr Rusi then found out about the unregistered marriage certificate. Based on the results of the interview with Mr. Rusdi, he said that:

"At first I was doubtful about whether it was permissible to register a child's certificate if I didn't have a marriage certificate book. Coincidentally, an acquaintance of mine worked at the village office. So I tried to ask, is it permissible to register a child's certificate without the parents' family card? And after a long conversation, it turns out there is a way to register the children of my second wife."

From the results of these interviews, the author found that it is possible to register deeds for children resulting from unregistered marriages, in civil terms children resulting from unregistered marriages are legitimate children. This is different from the perspective of the Islamic religion, children resulting from unregistered marriages do not have a lineage relationship with their father, unless the marriage of both parents is in accordance with the teachings of the Shari'a.

Rasyidah (27), expressed her opinion regarding the role of parents in providing adequate education for children, that:

"Education is what supports our children's future. As a mother and student, I am fully aware of the importance of education to shape a person and provide insight into life. As parents who care about their children's future, of course parents must provide and prioritize providing appropriate education for their children."

As the figures closest to their children, parents are required to provide opportunities for their children to develop their potential by providing a good education to their children without differentiating between men and women or their status. This is because disparities in the treatment of parents and their children during the education process can be detrimental to children.

Zulhajji (24), STAI DDI Mangkoso student, commented on children's rights to their parents:

"As a Tarbiyah student, to some extent I consider the role of parents in fostering and directing children's education to be very important, it is a parent's full responsibility for fulfilling children's rights. Providing rights for various aspects of their needs, both financial and facilities that support their development and education, especially."

The administrative status of children also influences the fulfillment of children's rights, especially in fulfilling the right to education. One of the requirements for a child to receive state facilities is that a child must have a birth certificate as a requirement. A birth certificate is legal recognition that the child is an Indonesian citizen and has rights as a citizen.

The author found that the consequences if a child does not have authentic evidence or a birth certificate, a child cannot enjoy or cannot register at school, as was the result of the author's interview with a polygamist, who required him to register his child without including his name on the child's birth certificate. . He said:

"One of the things that became an encouragement, not just an urge but a necessity for me. I am trying

to make the certificate so that the child from my second wife can be admitted later, because it is a mandatory requirement at school as far as I know to register it. So I decided to get my child a birth certificate, even though my name is not included in the certificate, at least in the future my child can get the rights provided by the government (school).

The Head of Civil Registration Services for Barru Regency also emphasized that a birth certificate is very important for a child, because a birth certificate is one of the mandatory requirements to be able to register a child in school, whether at kindergarten or later levels.

From several views, and the results of interviews along with the data above, the author concludes that one of the factors that requires and needs to be underlined is that a birth certificate is authentic evidence and is a sign or license for children to obtain adequate educational facilities in Indonesia, especially. Providing proper education to children resulting from unregistered marriages is of course the responsibility of parents and the government, with the issuance of Minister of Home Affairs 02 and 109 of 2019 providing a way for parents to provide and fulfill children's rights, especially providing adequate education. From this we can see that the government has seen that in Indonesia many children resulting from unregistered marriages from different backgrounds experience the rights of children resulting from unregistered marriages not being fulfilled.

CONCLUSION

Based on the population administration which is currently being implemented by the Capil Population Service based on Ministry of Home Affairs regulations, that in Indonesia every resident must be recorded on a family card (KK) and also write down the relationship status within the family. The relationship status in the family is divided into two categories, married and divorced. Marriages are also divided into two categories, namely marriages that have a marriage certificate (registered) and marriages that do not have a marriage certificate (not yet registered). In the Family Card, children born from unregistered marriages can be included in the birth certificate with the names of the father and mother. That children resulting from unregistered marriages only have a civil relationship with the mother and her mother's family. Children born out of wedlock or from unregistered marriages, apart from being considered illegitimate children, also only have a civil relationship with their mother and their mother's family.

Factors that influence the status of unregistered children in Permendagri Number 109 of 2019 Barru Regency Capil are: (1) The occurrence of pregnancy out of wedlock; (2) Polygamy (3) Marriage brought by age; (4) there are individuals who provide unregistered marriage practices.

Based on the author's interviews with Barru Regency Capil officials and also the community regarding legal settlements for children resulting from unregistered marriages, the author found that there are several factors that require the government to provide legal protection for children resulting from unregistered marriages. These factors are; Providing a Deed, as legal protection so that children can obtain their rights; Decent Education, in order for children to receive educational facilities provided by the government, a child must have legal certainty as an Indonesian citizen.

IMPLICATION

By referring to the research results and conclusions as stated above, there are several implications that need to be taken into account in efforts to improve and resolve the status of unregistered marital children in Permendagri number 109 of 2019 in Barru Regency, this is because there are several factors that result in cases unregistered children from unregistered marriages. Registration of population services can only be carried out and carried out effectively if the community and related parties carry out their roles and duties correctly.

Efforts to increase understanding among the Barru district community regarding the status of children of unregistered marriages must be socialized to remote areas so that the community truly understands the importance of marriage registrars at the population service. Then there is cooperation between the parties regarding marriage registration so that it is carried out optimally and comprehensively. Starting from the socialization stage, up to the stage of compiling or compiling records of marriages that are not registered by the community and cannot be separated from the supervision of the party responsible for this matter.

RECOMMENDATIONS

Based on the research results, conclusions and implications as previously stated, the next steps are expected to maximize and increase the work spirit of Capil, the community service unit and the people of Barru Regency to socialize the importance of registering marriages to avoid not fulfilling the rights of children born and not registered. Because society and parents are unaware of the importance of marriage registration in fulfilling children's rights.

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