

WEAK PROTECTION OF CIVIL RIGHTS ZINA CHILDREN IN INDONESIA

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Abstract

The position of a child is very important for a family and a country. Children are part of the younger generation, as one of the human resources, as a great potential and a successor to the ideals of the nation. Children must be guaranteed a complete, harmonious, harmonious and balanced physical, mental, social growth. It can even be said that children are a gift that is also a mandate given by Allah SWT to every parent. Children in Article 1 paragraph 1 of Law Number 23 Year 2002 in conjunction with Law Number 35 Year 2014 concerning Child Protection are someone who is not yet 18 years old, including children who are still in the womb. Article 42 of Law Number 1 of 1974 in conjunction with Law Number 16 of 2019 concerning Marriage, regulates that legal children are children born in or as a result of a legal marriage. The purpose of this study was to determine the weaknesses in protecting the civil rights of adultery children in Indonesia. The research specification is descriptive. Primary data collection method through interviews, while secondary data collection is documentative. The data obtained were analyzed qualitatively. Conclusion: The weakness of protecting the civil rights of adultery children in Indonesia is that there are many children who are neglected, the stigma of society, the biological father of adultery children is not responsible, it is rare for families to place adultery children, if there are families who want to accommodate adultery children but the origin of the child is hidden.

Keywords: *Protection, Civil Rights, Adultery Children.*

Introduction

Children are a problem that has always been the concern of various elements of society. The position of a child is very important for a family and a country. Children are part of the younger generation, as one of the human resources, which is a great potential and a successor to the ideals of the nation. Children must be guaranteed physical, mental, social growth as a whole, harmonious, harmonious and balanced [1]. In the view of Islam, children are a gift that is also a mandate given by Allah SWT to every parent [2]. The meaning of children in Article 1 paragraph 1 of Law Number 23 of 2002 in conjunction with Law Number 35 of 2014 concerning Child Protection is someone who is not yet 18 years old, including children who are still in the womb. Article 42 of Law Number 1 of 1974 in conjunction with Law Number 16 of 2019 concerning Marriage, regulates that legal children are children born in or as a result of a legal marriage.

The relationship between the child outside of marriage and the mother is automatic, this is stated in Article 43 paragraph 1 of Law Number 1 of 1974, however, the relationship between the child outside of marriage and the father only exists if it is legally recognized and the legal relationship only exists for those who acknowledge and are recognized (This regulated in Article 280 of the Civil Code). Only children outside of marriage can be admitted in the narrow sense. The existence of the Constitutional Court Decision Number 46 / PUU-VIII / 2010 is a revolutionary

legal breakthrough in protecting the civil rights of children outside of marriage

The Constitutional Court's decision reaps pros and cons. The Indonesian Ulema Council (MUI) considered that the Constitutional Court Ruling had exceeded its authority, was excessive or overdosed, initially this decision gave civil recognition to children who were not registered at the KUA, but eventually it expanded, touching the civil relationship of a child resulting from adultery with a man that resulted in his birth. . Consequently, legalizing the relation of the nazab, inheritance, guardianship and income between the child who is the result of adultery and the man who caused his birth [3] nasab, guardian of marriage, inheritance, and living with the man who caused his birth.

Apart from the controversy above, the Constitutional Court Decision Number 46 / PUU-VIII / 2010 leaves several problems that must be resolved in order to create a sense of justice and protect the interests of the child who is the result of adultery, because labeling adultery is a heavy moral burden in society, not only for the mother. and his family, but especially for the child himself. Legal protection is needed for children resulting from adultery related to their civil rights. Religious law and state law prohibit the actions of their parents, while children born as a result of their parents' actions are victims. Their status is looked down upon and insulted by some people and their access to civil rights is still constrained here and there. The purpose of this research is to identify and examine the

weaknesses of the protection of the civil rights of children resulting from adultery at this time.

Literature Review

It has become the nature of nature, since birth humans have always lived together with other humans in a social life, living with humans is to fulfill their daily needs, both physical and spiritual. In general, at a certain time for a man and a woman the need arises to live together. Living together between a man and a woman has very important consequences in society, both for both parties and for their descendants and other societies. Therefore we need a rule that regulates this life together. Living together between a man and a woman who have met certain conditions is called marriage. The existence of a marriage will cause various important things, such as: a husband and wife relationship; parent-child relationship [4].

The notion of "child" cannot be separated from the understanding of adults. This is because the positions of these two things are very complementary. An individual who is still said to be a child means that he is not yet an adult, on the other hand an individual who is said to be an adult means that he is no longer a child. The end of childhood becomes a doorstep to adulthood. Early adulthood becomes the closing door for childhood.

As a traditional way of looking at children, classical jurisprudence books already have several alternative ways of determining the boundaries between children and adults, namely

through the age line, the biological mark line and the mental path. Some fiqh books have varied perspectives about age limits for a person. individual to say as a child. This difference is due to the point of view of the legal object being discussed. For example, if a child has reached the age of ten, he must be beaten if he does not pray. This shows that the age of 10 has become the limit for people to enter adulthood in terms of prayer. In the perspective of biological signs, an individual is no longer said to be a child when it is a wet dream for men and menstruation for women. Wet dreams and menstruation do not depend on age restrictions. It could be a girl who should be fifteen years old but has not had her period. It could also be a woman who is not yet fifteen years old but already menstruating. Such possibilities can also occur for boys.

Customary law does not recognize a definite age limit, only children who are not yet mature. The size of adulthood in customary law is not age but reality and certain characteristics. This is because a change occurs according to whether someone is an adult, and is not based abstractly. For example, a woman is marked with menstruation (menstruation), and a boy is able to work to make ends meet for himself such as working on the fields, and other things usually happen at the age of 16.

Meanwhile, legislation focuses on the quantitative aspect in the form of age. For example:

- a. Article 2 of the Civil Code which states that a person is deemed to have been born if his interests are fundamental and if he is born dead, it is considered that he has never existed. Such children's rights emphasize the right to be proven, that a child is someone who is born a mother and the child has the right to prove by pointing out that a woman is the mother.
- b. Article 47 paragraph (1) of the Marriage Law which states that children who have not reached the age of 18 years or have never been married are under the control of their parents as long as they are not removed from power.

Children as individuals who are born by a woman are biologically no different. However, before the law, the status of these individuals will have different names based on the marriage bond. It is marriage that will have an impact on different statuses on individuals named "children". Broadly speaking, it can be distinguished, between children due to the consequences of marriage and outside marriage. In the wider community, there are three (3) types of Indonesian children according to their birth status, namely: (1) Children born in or as a result of a legal marriage; (2) Children born outside of marriage; and (3) Children born without marriage (children resulting from adultery).

Children resulting from adultery are children born without marriage, meaning children born from the result of a male and female relationship in which one or both of them are still bound by a legal marriage relationship with another person. Inclusive of children born from the meeting of the ovum with

sperm from a married couple who are legally married through IVF, but when the child is in the womb, it is entrusted to the uterus other than its legal mother Children who are born in such a manner are not valid materially nor formally [5].

The legal consequences of adultery according to Islamic law are:

a. There is no lineage with a man who interferes with his mother illegally.

the child of adultery, his lineage cannot be connected to the father but to his mother. In formal juridical terms, the father is not obliged to provide support for the child, even though biologically it is the child.

b. There is no mutual inheritance

There is no lineage between adultery children and men who impregnate their mothers illegally, so they cannot inherit each other.

c. Cannot be a guardian for a child out of wedlock

Regarding the area referred to in legal consequences is the *kasah* area, namely the guardianship of the person in marriage. If the child outside of marriage happens to be a woman getting married, then she is not entitled to be married by the man who illegally impregnated her mother or by another guardian based on the lineage.

Methodology

This research uses the empirical juridical method, which is research that seeks to see the correlation between law and society, so that it is able to reveal the effectiveness of law enforcement in society and identify unwritten laws that apply to society [6]. The research specification is descriptive. The data required includes primary data and secondary data. Primary data were obtained through interviews, while secondary data were collected documentatively from the Islamic Law Compilation (KHI); Law Number 1 of 1974 in conjunction with Law Number 16 of 2019 concerning Marriage; Civil Code (KUHPerdata), and other laws and regulations. The data obtained from both library research and field research were analyzed qualitatively.

Result and Discussion

1. Finding

a. Research Location Overview

The research was conducted in Sumbang District, Banyumas Regency, Central Java Province. Sumbang is a district located about 12 km north east along the Baturaden - Purbalingga highway. Sumbang sub-district consists of 19 villages with an area of: 5,342 hectares consisting of: paddy fields with an area of: 2,192 hectares, settlements covering an area of: 993.52 hectares, community forests covering an area of: 558 hectares, state forests covering an area: 846.8 hectares and plantations covering: 669.63 Ha. Geographically, the border of Sumbang District in the north: Purbalingga District, in the South:

Kembaran District, in the East: Purbalingga District, and in the West: Baturaden District and North Purwokerto District. Gandatapa Village is one of the villages in Sumbang sub-district. The village has 6 Rukun Warga (RW) with 8 Grumbul namely: Sirapan, Dakom, Karang Petir, Blembeng, Cilwek, Gandata, Brubah and Legok. Total population of 7093 people with a total of 1725 families.

b. Profiles of children resulting from adultery in the village of Gandatapa, Sumbang District, Banyumas Regency

Based on the data collected, it is known that the number of illegitimate children recorded in the Gandatapa Village, Sumbang District, Banyumas Regency is 17 children from 11 biological mothers, as shown in the table as follows:

Table 1. List of children resulting from adultery in the village of Gandatapa, 2015

No	Children's Name	Mother's name	Birthdate	RT/RW
1	Abiyu Putra Qais	Tarsiti	20-06-	03/06
2	Damar Jati	Paini	2013	03/06
3	Rati Ramadhan	Paini	14-08-	03/06
4	Sri Haryatni	Paini	2007	03/06
5	Luvita Salsabila	Tarti	20-08-	04/02
6	Leni Tri Widiyarti	Tarti	2009	04/02
7	Firman	Tarsini		02/01

8	Mugi Kurniawan	Tarsini	25-11-	02/05
9	Aa Setiawan	Sutirah	2010	05/03
10	Yogi Aryanto	Kaswati	11-07-	01/01
11	Feri Nirsanto	Kaswati	2010	01/01
12	Alif Nurrohman	Narwi	04-08-	07/01
13	Yeyen	Ruswati	2012	05/03
14	Nursetianingsih	Satini	18-05-	04/05
15	Aji Soleman	Wati	2002	03/03
16	Karisah Setyo	Saiti	12-02-	03/03
17	Pambudi	Saiti	2012	03/03
	Heriyanto		15-08-	
	Dendi Setiawan		2009	
			15-09-	
			2009	
			29-03-	
			2002	
			17-09-	
			2014	
			02-10-	
			2014	
			19-02-	
			2004	
			24-08-	
			2014	
			27-08-	
			2009	

			24-09- 2001	
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The number recorded is very small compared to the facts, as stated by the Head of the Village of Gandatapa, Sumbang Subdistrict: In Gandatapa Village there are many cases of children born out of wedlock. Meanwhile, only 17 children were recorded, even though the number was more than that. Many people know about it and are reluctant to register it at the Gandatapa Village office "

Based on the data collected, both from interviews and observations with informants including the Village Head, information was obtained that most of the biological mothers had low education (graduated from elementary school) and worked as domestic helpers in big cities like Jakarta and Bandung, some were even become Indonesian Workers (TKI) in Malaysia. All of the women who became the biological mothers of children born because of adultery in the village of Gandatapa are widows. Sometime after they were widowed they were dating a man. Some of these men are single and most of them are already married.

Mrs. Kaswati, as a mother who gave birth to two children without marriage, explains her life story as follows: My status is a widow. I went to Jakarta in 1999 to work as a domestic helper. In 2000 I met a man named Naih who worked as a private employee. He's actually married, but he's in a relationship with

me. I dated until I became intimate and finally I got pregnant. I returned to my hometown to Gandatapa and Naih was willing to take responsibility. In 2002, our first child, Feri Nursamto, was born. In 2009, our second child, Yogi Aryanto, was born. For years, our relationship was carried out without any marriage ties, but Naih was responsible for and paid for our children's schooling until 2012. I was widowed again after Naih passed away in 2012. Our child's status was indeed outside of marriage and was recognized by the Rukun Tetangga (RT) in my place. we stayed. Now the children go with their grandparents, while I return to Jakarta to return to being a domestic helper.

What happened to Feri and Yogi, the children of Kaswati, shows that their existence was not the result of a legal marriage, but was adultery in the view of both religious law and civil law. Both children were born as a result of adultery and are known by the community, who their biological parents are. The relationship that has existed for years between Kaswati and Naih is not confirmed by a marriage.

Mrs. Saiti, who has two children outside of marriage, namely Dendi Setaiwan and Heriyanto, also told a similar story to Mrs. Kiswati, except that her work location was different, namely: After the death of her husband in 1999, I was confused about fulfilling my daily needs. I decided to go to Bandung to become a domestic helper. At the end of 2000 I met Busidin, a trader who claimed to be a bachelor. Our relationship continued until I became pregnant and gave birth to my first child in 2001.

When our first child was born, Busidin came back to Gandatapa and declared that he would marry me. This was conveyed in front of the family, but until our second child was born in 2009, Busidin did not marry me. Until now, we live together in Bandung. The reason Busidin didn't marry me was because he already had a family. Finally, our children were entrusted to their grandparents at Gandatapa. Meanwhile we still live together (together) in Bandung.

Mrs. Saiti's life story is somewhat different from Mrs. Kaswati, Mrs. Saiti remains with the man who had fertilized her to have two children. They stay at home in Bandung (hang together) without any marriage ties. Low education has become one of the causes of early marriages, so that it is easy for women such as Mrs. Kaswati and Mrs. Saiti who were widowed at a young age to find a boyfriend and end up pregnant without any marriage ties.

2. Discussion

In an ideal marriage, the presence of a child plays an important role in domestic life, because the original purpose of marriage is to build a happy household, to unite two large families, and to continue offspring, but the reality is not always the case. . Some parents have the heart to throw away and even kill their own children in order to cover up the shame of themselves and their families, because the birth of the child comes from extramarital relationships which are not justified by the teachings of religion and ethics in society in general.

There are many problems behind the occurrence of pregnancy and childbirth outside of wedlock, including environmental factors, education, economic stability, and social stability: ^[7]

1. Because the perpetrator's age is still below the legal age limit for a marriage.
2. Because they are not economically ready to get married.
3. Due to differences in beliefs and beliefs.
4. Due to the consequences of a criminal act (rape).
5. Because they do not have the blessing of their parents.
6. Because the man is married to another woman and does not have permission to practice polygamy.
7. Because of promiscuity.
8. Because of prostitution.

The birth of a child is a legal event that gives rise to legal consequences, among others, the birth event can lead to inheritance relationships, family relationships, guardianship relationships and other relationships related to the birth of a new legal subject into the world with all status and position before the law

In inheritance law, the birth of a child is an event where an heir will be in the highest rank of inheritance. According to family law, the birth of a child will be the beginning of the arising of the rights and obligations of the parents' alimony to their children. Meanwhile, in the case of guardianship, rights and obligations will arise when the parents of the child are unable to

assume responsibility for their children. The law guarantees the rights of a child since he is still in the womb. If the child turns out to be born dead, then these rights are deemed never to exist, this shows that the law views the baby in the womb as a legal subject who has civil rights.

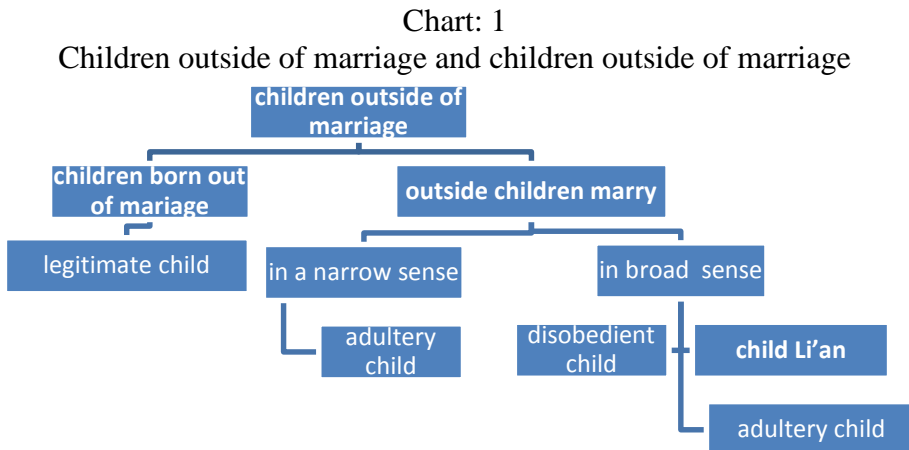
A child born as a result of a biological relationship between a man and a woman will have a status and position before the law based on the marriage of his parents. A legal marriage will give birth to a child who has a legal status and position before the law. A child born from an illegitimate relationship without a legal marriage, then the child will assume the status of an illegitimate child. Naturally there is no fundamental difference between children born in a legal marriage and children born out of wedlock. Both are legal subjects that must be protected by the State and the law. The difference in status and position created by law is solely to protect one-sided and partial interests. This should not happen so that every child can get the same opportunity to achieve the goals and future of a child.

The issue of the position of children born outside of legal marriages is a complex and sensitive one. But regardless of the complexity that occurs, the law must see the problem of the position of children born outside of legal marriage as a problem that must be resolved, considering that the impact of these problems is not only related to law but also creates social problems that can interfere with the survival of children who born outside of a legal marriage.

The Civil Code and Law Number 1 of 1974 in conjunction with Law Number 16 of 2019 concerning Marriage both adhere to the principle that legal descent is based on a legal marriage. Legitimate children according to Article 42 of the Marriage Law, namely children born in or as a result of a legal marriage. This is according to the opinion of Abu Hanifah, a woman who gives birth is still considered to be in her husband's bed, therefore the child is tied to her lineage with her father. [8]. Article 250 of the Civil Code stipulates: "Every child born or raised during marriage has the husband as his father. "

The word "... born in or as a result of ..." from Article 42 of the Marriage Law and the word "... born or raised ..." from Article 250 of the Civil Code gives us 2 (two) kinds of interpretation. The first is if it is based on the words "born in" and "born", then the child is born when the mother and father are tied in a marriage bond. Based on this standard, it does not matter when the child is grown, in the sense, whether he was grown before or during a marriage period. While the second, namely the words "as a result" and "grown" can be interpreted as "seeded" [9]. It can be interpreted that a child is seeded during the marriage period (seeded "as a result" of a legal marriage), but then for some reason that causes the marriage of the mother and husband to break up, the child is born out of wedlock. Because both standards are connected by the conjunction "or", it is not a cumulative condition. This means that the fulfillment of one of the two conditions alone is sufficient to determine whether a

child is legally married or not. Based on such matters, the term "children outside of marriage" must be distinguished from the term "children born outside of marriage". Children born after the marriage of their biological parents are dissolved are referred to as "children born outside of marriage", and are legally still children. Meanwhile, "Children outside of marriage (both in the broad and narrow sense) are children born when the mother and father are not legally married.



If we talk further about legitimate children, it can also be touched on the status of a father / father. Father status can be divided into juridical father and biological father. Juridical father is the father whose name is legally recorded on the birth certificate of a child. A juridical father is a father whose rights and obligations are recognized by the state. Status as a juridical father for an illegitimate child can be obtained through a child

recognition institution. The biological father is a biological father based on blood relations.

A juridical father is not necessarily the biological father of the child, and vice versa. A biological father is also not necessarily the juridical father. In other words, even a child born from a legal marriage does not guarantee that the husband of the mother who gave birth to the child is really the biological father of the child. In this connection, the law establishes a way which at least can determine whether a man is really the biological father of the child concerned. If a child is born 300 days after the marriage of both parents breaks, then the child is considered illegitimate. Likewise, if a child is born before the age of marriage reaches 180 days, then the child born can be denied by a man as the husband of the mother.

A husband can deny the legitimacy of a child on the grounds that his wife has committed adultery with another man. If denial is not practiced, then the child is considered a legitimate child. Husbands who wish to commit child denial must be able to prove that their wife has committed adultery between 180 and 300 days before the child's birth. Regarding the grace period for denial is limited to expiration. If the husband is at the birthplace of the child, then the grace period for denial is 1 month. If the husband is away when the child is born, then denial can be made no later than 2 months after his return or 2 months after he finds out about the child's birth. In the Indonesian legal system is adultery child, which is included in the group of children outside

of marriage in a broad sense. Out-of-wedlock children who are legally recognized as one of the heirs according to the law stipulated in the Civil Code Article 280 in conjunction with Article 863. three) groups, namely children outside of marriage, adultery children, and donated children, according to the mention given by the legislators in Article 272 jo 283 of the Civil Code (regarding children for adultery and donation). The term adultery child is regulated in Article 283 of the Civil Code, which reads: "All children who are seeded in adultery or in donation, may not be admitted, except for the latter what is stipulated in Article 273."

Although there is no definition of the term adultery child in the Civil Code, according to J. Satrio, adultery children are children born from an extramarital relationship between a man and a woman where one or both of them are married to another person. Adultery children cannot be recognized. The standard for determining a child as adultery or not is to pay attention to when the child is seeded and not when the child is born. This means that at the time of seeding, at least one of the men or women who breed the child must be married to another person.

The term adulterous child is also found in Islamic law, but the term used in Islamic law is "child of adultery" [10]. Adultery children are children born outside of a legal marriage. Children who are born legally by their parents automatically have a family relationship with their father and biological mother. On the other hand, a child does not have a lineage relationship with his father if the child is not born through a legal marriage (Surah al-Ahزاب

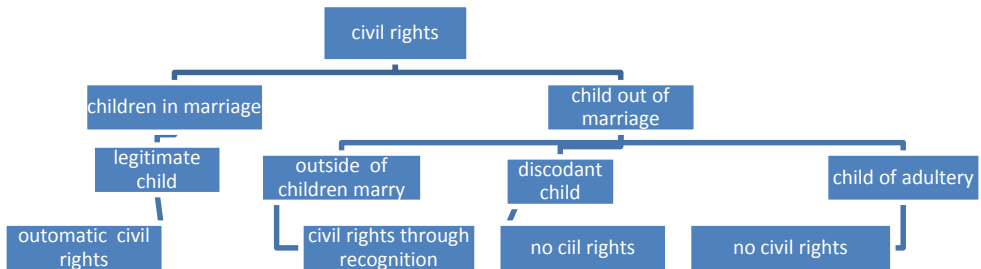
verse 5). In Islamic law, having sex between a woman and a man without being bound by a valid marriage contract is called zina, so that the child born is not considered a legal child, but is categorized as a child of adultery. The relationship is not differentiated whether the perpetrator is still a girl, married or widowed, bachelor, married or widower [11] .. The conclusion is that "adultery children" in Islamic law are children that are basically born as a result of hatching by a man and a woman who are not bound by a legal marriage, regardless of whether one or both of them are married to another person or not. According to the author, that adultery child is a child born from a relationship between a man and a woman outside of marriage as a result of adultery, regardless of whether one or both of them are married to another person or not, where their biological father is clearly known. Thus the status of adultery children has an impact on the mother and the mother's family.

Based on the results of the study, the number of adultery children recorded in Gandatapa, Sumbang District, Banyumas Regency is 17 children from 11 biological mothers. Those children who were born as a result of adultery are known to the community, including who their biological parents are. The relationship between their parents that lasts for years is not confirmed by marriage, so that the child often gets the stigma of being an illegitimate child, a child with bad luck, and a child as an evil. Such conditions give an injustice to a child, in addition to injustice in terms of parental responsibility that has caused him

to be born in the world, as well as injustice due to the psychological pressure he experiences due to the sins of his biological parents. Such children must receive protection from the State even though the marital status of their parents is still disputed.

The difference in the protection of civil rights between adultery children who are recognized and legal children in marriage, namely adultery children in law are lower than legal children. The imposition of sanctions to differentiate the legal position of adultery children from legitimate children is an effort to achieve the goal of protecting the institution of marriage as a holy institution. One of the differences between the position of an adulterous child and a legal child is reflected in the provision that a legal child is under the control of his parents (Article 299 of the Civil Code), while an adulterous child whose legality has been recognized is under guardianship as regulated in Article 306 of the Civil Code. Another difference is that the inheritance right of a legitimate child is greater than the inheritance right of an adulterous child, and the right of an adulterous child to enjoy an inheritance is limited by a will.

Chart: 2
Position of children's civil rights



Based on the description above, it can be seen that the civil rights that are not owned by adultery and donated children are: nasab rights, inheritance rights and guardianship rights. Civil rights are part of human rights inherent in every individual human being. The birth of a child from a legal relationship in the form of marriage will have legal consequences, but if the child is born from a non-legal relationship, it will result in the child's legal status. Children born from marital relationships will automatically receive their civil rights automatically as well. Meanwhile, if it is not born through a marriage relationship, then there is a risk of being called an illegitimate child. As a result, the civil rights he gets are not the same as those of legitimate children.

The form of punishment for adultery is the removal of the lineage relationship between father and son. Islamic law views the lineage as one of the greatest blessings bestowed by Allah SWT, for humans. If adultery is allowed and allowed in society,

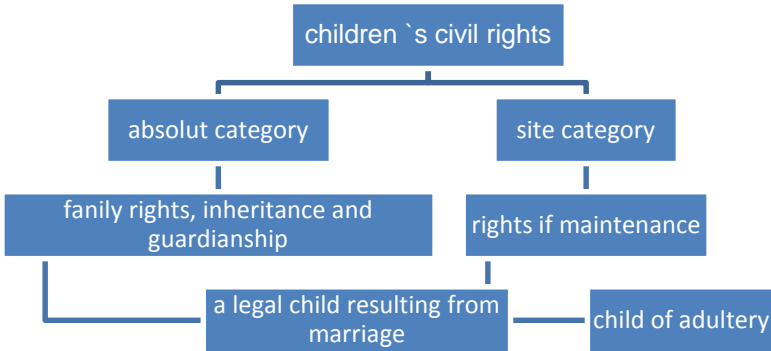
human life is the same as animal life free from values. Without lineage, there is no kinship that is so beautiful, the relationship between father and son will fade and leave no trace at all. The textual argument regarding the text for adultery is very clear. Rasulullah SAW stated that "a child belongs to the owner of the mattress (bed), while people who commit adultery get a stone (punishment)" (Imam Bukhari, Sahih al-Bukhari) [12]. This means that children born from a legal marriage immediately get the right of nasab. from his father without the need for acknowledgment or other means of scriptural determination. Because marriage makes the wife only allowed to have sex with her husband. Therefore, when a wife is pregnant, it is certain that the fetus she is carrying is the result of her relationship with her husband.

This lineage relationship has consequences for the relationship between guardians and heirs. Adultery children do not have an inherited relationship with the man who fertilized their mother. Article 171 letter (c) Compilation of Islamic Law (KHI), that an heir is a person who at the time of death has a blood relationship or marital relationship with the heir, is Muslim and is not prevented by law from becoming an heir. Article 186 KHI adds that children born out of wedlock only have an inherited relationship with the mother and their mother's family. Islamic law also does not allow a man who fertilizes his mother to become a guardian of marriage. Women who are born as zina and li'an children do not have a nasab guardian. The guardian for children in this category is the judge's guardian. Rasulullah said:

which means "the ruler is the guardian of marriage for women who do not have a guardian of marriage". (Abu Daud, Sunan Abu Dawud). The Minister of Religion of the Republic of Indonesia as part of the "Sultan" has issued Regulation of the Minister of Religion Number 30 of 2005 concerning Guardian Judges, in which Article 2 stipulates: for a prospective bride to be married, temporarily not having a legal guardian, or her lineage guardian does not meet the requirements , then the marriage is carried out by the judge's guardian.

Regarding civil rights between children and their fathers, in fact, if we examine further, there are variations in the timeframe for fulfilling civil rights. There is a civil relationship that is still valid until the child becomes an adult, even if he is married and has started a new family. Meanwhile, there is a civil relationship whose realization can change according to the circumstances.

Chart: 3
Categories of civil rights that can be obtained by adultery children Suhild of adultery



Category 1 civil relations can be categorized as perpetual civil relations. This category includes lineage, guardianship and inheritance. This civil relationship is lifelong and has special characteristics because it is related to the sacredness of God's rules. The lineage relationship lasts forever. For example, a child will remain connected with his lineage to his parents forever. Like the words of the so-called bin or bint of the so-called, as well as the words of the so-called son or mother of the so-called. The guardianship relationship also lasts forever. For example, when a child has become a widow, then wishes to remarry, he can still ask his parents or the parents' family to become guardians. The inheritance relationship also lasts forever. Both children and parents can inherit or be inherited. When the first child dies, the parents can inherit the child's property. When a parent dies first, the child's property inherits. Due to its specificity and sacredness, the civil relations of the first category are not given haphazardly. The validity of this relationship

depends on the validity of the process of child conception in terms of the syari'at. Civil relations like this are not given to children whose birth is contrary to the requirements of the shari'at, such as children resulting from adultery and children of li'an. For this reason, children resulting from adultery and li'an do not have civil rights in the fields of lineage, guardianship and inheritance.

Meanwhile, category 2 civil relations can be categorized as situational relationships, therefore consideration of human rationality applies. Civil relations like this are wide open for all categories of children. This type of civilization encompasses the relationship between meeting the needs of life. This situational naming departs from the fact that parents do not always have to guarantee the necessities of life for their children. When the child is an adult and married, the necessities of life are the responsibility of the child himself. So is the reverse logic. Children do not always have the right to ask for life necessities from their parents. Precisely when the parents are no longer able to work, either because they are very old or because of permanent disabilities, the child is responsible for fulfilling the needs of his parents. The logic corresponds to:

- Article 45 paragraph (1) and (2) of the Marriage Law
- Article 46 paragraph (1) and (2) of the Marriage Law
- Article 77 paragraph (1) and (2) Compilation of Islamic Law.
- Article 80 Compilation of Islamic Law
- Article 81 paragraph (1) and (3) Compilation of Islamic Law.

- Article 98 paragraph (1), (2), and (3) Compilation of Islamic Law.

Conclusion

The weaknesses of protecting the civil rights of adultery children in Indonesia are that many children are neglected, the community has a bad stigma, the biological father of adultery children is not responsible, it is rare for families to place adultery children, if there is a family that wants to accommodate adultery children but the origin of the child is hidden.

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