

THE POSITION OF THE BIOLOGICAL CHILD OF THE BENEFICIARY OF THE WILL AFTER THE BIRTH OF THE CONSTITUTIONAL COURT DECISION NUMBER: 46/PUU-VIII/2010

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Abstract: Legitimate offspring (children) are based on the existence of a valid marriage, in the sense that one is the offspring of the other based on birth in or as a result of a valid marriage, such children are called legitimate children, while illegitimate offspring (children) are descendants that are not based on a valid marriage, or in other terms called illegitimate children. Based on the Constitutional Court Decision Number 46/PUU-VIII/2010, a child born from an unregistered marriage can have a civil relationship with his biological father, so he is still entitled to inheritance, and to obtain legal certainty as an heir, the name of the illegitimate child should be mentioned as an heir in the heir's certificate. The Constitutional Court Decision No. 46/PUU-VIII/2010 also has consequences for the relationship between the fate of an illegitimate child and his biological father; There are rights and obligations between an illegitimate child and his biological father, both in the form of alimony, inheritance, wills and so on.

Keywords: Biological Child, Will, Constitutional Court Decision Number 46/PUU-VIII/2010

Introduction

Marriage or marriage is defined as an agreement between a married man and a woman.¹ Marriage must be based on legal norms that apply in society, namely legal norms in religious teachings on the one hand, and legal norms contained in laws and regulations on the other. This is in accordance with Article 2 paragraph (1) and paragraph (2) of Law No. 1 of 1974 concerning Marriage (Law No. 1 of 1974), which stipulates that marriage is valid if it is carried out according to the law of each religion and belief, and each marriage is recorded in accordance with the applicable laws and regulations. Marriage is a contract or agreement, but it does not mean that this agreement is the same as an ordinary agreement regulated in Book III of the Civil Code.² The difference is that in an ordinary agreement, the parties who promise are free to determine the content and form of the agreement, on the other hand, in marriage, the parties cannot determine the content and form of the agreement other than that that has been stipulated by the applicable law.

The purpose of marriage is to form a happy and eternal family based on the One Godhead.³ For this reason, husband and wife help and complement each other so that each can develop his personality to help and achieve spiritual and material well-being. The validity of a

¹ W. J. S. Poerwadarminta, *General Dictionary of Indonesian*, Jakarta: Balai Pustaka, (1994), p. 453.

² Tengku Erwinsyahbana, 2004, "Annulment of Marriage for Polygamous Reasons (An Analysis of the Decision of the Religious Court Number: 238/Pdt.G/1999/PA-Medan from the Perspective of Islamic Fiqh)", *Legal Media*, Vol. XIII, No. 1, 203.

³ Zaeni Asyhadie, *Civil Law in the Perspective of National Law of the Civil Code (BW), Islamic Law and Customary Law*, Volume One, Depok: PT. RajaGrafindo Persada, (2018), p. 140.

marriage will determine the legal position of the child born.⁴ When the marriage is valid, the child born from the marriage will obtain legal status as a legal child as stipulated in Article 42 of Law Number 1 of 1974 concerning Marriage. On the other hand, if there is an invalid marriage, then the child born from the marriage does not occupy the position of a legitimate child. As a result of the continuation of the child born out of wedlock, only has a civil relationship with his mother and his mother's family.⁵

Children's rights are part of human rights that must be upheld and protected by parents, society and the state. Various facilities must be provided to ensure optimal and directed growth and development of children.⁶ The fulfillment of these rights is carried out without discrimination. Article 27 paragraph (1) of the 1945 Constitution requires all citizens to have the same position in the law.

In Law Number 1 of 1974 concerning Marriage, it still distinguishes the rights of children based on the marital status of their parents. For children born in a legal marriage have a civil relationship with their father and mother. Meanwhile, children born out of wedlock only have a civil relationship with their mother and their mother's family.⁷

The discussion of the rights of children out of wedlock was again in the spotlight after the Constitutional Court issued Decision Number: 46/PUU-VIII/2010 which in its ruling affirmed that Article 43 paragraph (2) is contrary to the 1945 Constitution conditionally *unconstitutional*. The ruling states that children born out of wedlock have a civil relationship with their mother and their mother's family as well as with a man as their father which can be proven based on science and technology and/or other evidence according to the law to have a blood relationship, including having a civil relationship with their father's family.

Literature Review

There are several things that will be discussed in this study, namely:

Biological Child is a person born from a valid marriage according to religion and applicable rules, besides that this child is also the biological product of a father and mother couple.⁸

Testament is a person's statement about what they want after death.⁹

Constitutional Court Decision Number: 46/PUU-VIII/2010 is the verdict causing consequences for the relationship between the daughter out of wedlock and her biological father; There are rights and obligations between an illegitimate child and his biological father, both in the form of alimony, inheritance, wills and so on.¹⁰

Method

In normative law research, the data required is secondary data. The secondary data has a very wide scope, including personal letters, books, to official documents issued by the

⁴ *Ibid.*

⁵ Moch. Isnaeni, *Indonesian Marriage Law*, First Edition, Bandung: PT. Refika Aditama, (2016), pp. 121-122.

⁶ Iman Jauhari, *Children's Rights in Islamic Law*, Jakarta: Pustaka Bangsa, (2003), p. 13.

⁷ J. Satrio, *Family Law on the Position of Children in Law*, Bandung: Citra Aditya Bakti, (2000), p. 5.

⁸ Laili 'Izza Syahriati, 2019, "Legislation of Biological Children (Analytical Descriptive Study through the Study of Thematic Hadith)", *Rausyan Fikr*, Vol. 1, No. 2: 269-295.

⁹ Maman Suparman, *Civil Inheritance Law*, Third Edition, Jakarta: Sinar Grafika, (2018), p. 105.

¹⁰ D. P. Indonesia (2010, February 17). *Regulations and Legislation*, (17 February 2010). <https://putusan3.mahkamahagung.go.id>.

government.¹¹ Methods in legal research There are several approaches with this approach, researchers will get information from various aspects about the issue that is being tried to find the answer.¹² Good writing requires precision and meticulousness that focuses on this research, the author seeks to collect, compile and implement existing data and analyze it clearly and specifically.

This research is a legal research with a legislative approach (*Statute Approach*). The data used is secondary data obtained from literature in the form of laws and regulations, books, and other literature that are related to the problems in this study. All secondary data collected is then grouped and analyzed qualitatively to obtain answers to the problems that have been determined. The results of the data analysis are described and described in a descriptive analytical manner.

Results and Discussion

1. Legal Provisions for Giving Wills to Children Out of Wedlock According to the Civil Code (BW) and the Compilation of Islamic Law (KHI)

In fact, not all Muslim communities in Indonesia follow the procedures or rules that apply regarding marriage. This is evident that some people still carry out the practice of marriage that is not officially recorded and not published, known as *nikah sirri* and some call it religious marriage or *nikah under the hand*.¹³

The law only protects marriages carried out based on the provisions of Article 2 paragraph (1) and paragraph (2) of Law Number 1 of 1974. The term "has no legal force" as quoted in Article 6 paragraph (2) of the Compilation of Islamic Law, it is explained that the marriage is declared to never existed, and furthermore such marriage is not protected by law (*no legal protection*). The rights of various parties in marriage will be guaranteed through marriage registration, so that no party is harmed. In terms of obligations, husbands and wives in the family have the same obligations. The husband supports the family, the wife takes care of the husband.¹⁴

Parental power over children is one of the concepts in family law intended to regulate the relationship between parents and children.¹⁵ Jurisprudence, the regulation of parental power over children is found in several national legal provisions, namely the Civil Code (Civil Code), Law Number 1 of 1974 concerning Marriage, and Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.

Children born in a family are descendants of the father and mother in a legal marriage bond. During the marriage, the supervision of the child is completely under the power and control of the parents which applies from the time the child is born or from the date of its ratification and ends when the child is an adult or when the child has carried out the marriage or when the marriage of the parents ends, that is, when the divorce of the parents occurs.¹⁶

Legitimate offspring (children) are based on the existence of a valid marriage, in the sense that one is the offspring of the other based on the birth of or as a result of a valid marriage,

¹¹Abdul Kadir Muhammad, *Law and Legal Research*, Bandung: Citra Aditya Bakti, (2004), p. 122.

¹²Peter Mahmud Marzuki, *Legal Research*, Jakarta: Kencana, (2017), p. 133.

¹³Dadi Nurhaedi, *Marriage Under the Hand (Marriage Practice of Sirri Students of Jogja)*, Yogyakarta: Saujana, (2003), p. 26.

¹⁴Rasta Kurniawati, 2019, "Women's Rights to Property in the Karo Tribe (Interpreting Symbols in the Context of Legal Changes in Indonesia)", *Delega Lata Journal of Legal Sciences*, Vol. 4, No. 1, 18.

¹⁵Harisman, Atikah Rahmi, 2021, "Parental Power over Children in the Perspective of Child Protection", *SINTESa (National Seminar on Educational Technology and Humanities)* (1), 1.

¹⁶Subject, *Principles of Civil Law*, Jakarta: PT. Intermedia, (1991), p. 50.

such children are called legitimate children, while illegitimate offspring (children) are descendants that are not based on a valid marriage, or in other terms called illegitimate children.

There are various reasons for the occurrence of out-of-wedlock children. Based on the cause or background, illegitimate children occur because:¹⁷

1. A child born to a woman, but the woman has no marital bond with the man with whom she has sex and has no marital bond with another man or woman;
2. A child born to a woman, the birth is known and desired by one or her parents, only one or both parents are still related to another marriage;
3. The child born to a woman, but the man who impregnated her is unknown, for example as a result of rape;
4. A child born to a woman during the iddah period of divorce, but the child born is the result of a relationship with a man who is not her husband. It is possible that this child out of wedlock can be reasonably accepted by the families of both parties, if the woman who gives birth is married to the man who has sex with her;
5. A child born to a woman whose husband has been left with her husband for more than 300 days, the child is not recognized by her husband as a legitimate child;
6. A child born to a woman, even though the religion they embrace determines otherwise, for example in the Catholic religion does not recognize the existence of divorce in life, but it is also done, then he marries again and gives birth to a child. The child is considered an out-of-wedlock child;
7. Children born to a woman, while in them state provisions prohibit marriage, for example, Indonesian Citizens (WNI) and Foreign Citizens (WNA) do not get permission from the Embassy to hold marriages, because one of them already has a wife, but they still mix and give birth to the child, this child is also called an illegitimate child;
8. A child born to a woman, but the child does not know both parents at all;
9. Children born from marriages that are not registered at the Civil Registration Office and/or the Religious Affairs Office; or
10. Children born from customary marriages are not carried out according to religion and belief, and are not registered with the Civil Registration Office and the Religious Affairs Office.

A child born out of wedlock, for example, a woman who becomes pregnant and then gives birth to a child without knowing who the father of the child is, then the child is a mold child who only has a civil relationship with the mother who gave birth and/or the mother's family.¹⁸ According to Article 287 of the Civil Code, it is prohibited to investigate who the father of the child is, while in Article 288 of the Civil Code it is allowed to investigate who the mother of the child is.

Based on the provisions of Article 908 of the Civil Code, the giving of a will to an illegitimate child must not exceed the part that has been regulated in Article 863, which states: "If the heir dies by leaving a legitimate child and/or husband and wife, then the recognized illegitimate child inherits $\frac{1}{3}$ of the part that they should get, if they are legal children". Meanwhile, according to Islamic law, children out of wedlock get inheritance through a will, even though they do not have inheritance rights from their biological father. This is because children out of wedlock do not have a legal nasab relationship with their father. The provisions of wills in Islamic inheritance law are regulated in Articles 194-209 of the Compilation of Islamic Law (KHI).

¹⁷D. Y. Witanto, D. Y., *Family Law: The Rights and Status of Illegitimate Children After the Issuance of the Constitutional Court's Decision on the Material Test of the Marriage Law*, Jakarta: Prestasi Pustaka, (2012), pp. 146-147.

¹⁸Hilman Hadikusuma, *Marriage Law in Indonesia According to Legislation, Customary Law and Islamic Law*. Bandung: CV. Mandar Maju, (2019), p. 145.

2. Legal Consequences for Children Out of Wedlock from Constitutional Court Decision Number: 46/PUU-VIII/2010

The purpose of marriage is to form a happy and eternal family based on the One Godhead. Judging from the purpose of marriage, a marriage should last a lifetime, where divorce is only the last resort. A family is said to be happy if basic needs are met, namely physical needs such as board, clothing, food, health, and education. Meanwhile, spiritual needs are for example the existence of a child who comes from their flesh and blood. Because, every marriage must expect the presence of a baby to become the next generation who upholds and maintains the dignity and good name of the family.

Based on the above understanding, it is concluded that the purpose of carrying out marriage is to form a happy family, one of which is to obtain offspring, which is the main purpose of the sharia marriage. By carrying out marriage, it will maintain offspring so that this world does not become empty of human types.¹⁹

Children's rights are part of human rights that must be upheld and protected by parents, society and the state. The *Convention on the Rights of the Child* also requires that every child must be respected and guaranteed his or her rights without discrimination in any form regardless of race, color, sex, language, religion, belief, race, ethnicity, wealth, birth or other status of the child or the child's parents or legal guardians, so the rights of children out of wedlock are also guaranteed without discrimination.

In general, the absence of government regulations regulating children out of wedlock as mandated by the Marriage Law indicates that the government has not been serious in dealing with this problem. Although children born out of legal marriage have borne the mental burden and even discrimination in the civil aspect. The birth certificate of a child out of wedlock does not contain complete information. The father's name is not included so it will have a social and psychological impact on the child and his mother. This unclear status causes the relationship between father and child to be weak and the father of the child can deny his existence.²⁰

The discussion of the rights of children out of wedlock was again in the spotlight after the Constitutional Court issued Decision Number: 46/PUU-VIII/2010 which in its ruling affirmed that Article 43 paragraph (2) is contrary to the 1945 Constitution conditionally *unconstitutional*. The ruling states that children born out of wedlock have a civil relationship with their mother and their mother's family as well as with a man as their father which can be proven based on science and technology and/or other evidence according to the law to have a blood relationship, including having a civil relationship with their father's family.

Moh. Mahfud MD emphasized that the Constitutional Court Decision Number: 46/PUU-VIII/2010 concerning children out of wedlock only focuses on civil issues between children out of wedlock and their biological fathers. According to him, the Constitutional Court's decision does not talk about the relationship of heredity (*nasab*). The Constitutional Court's decision was made solely to provide civil protection for illegitimate children over their biological fathers, although the validity of their marriage is still in question.²¹

The implementation of the Constitutional Court Decision must be carried out carefully by judicial institutions, both general courts and religious courts in assessing the existence of blood relations and legal relations between fathers and children out of wedlock. The Marriage Law and the Constitutional Court Decision are only general legal rules (*lex generalis*) in regulating the status and position of children. Meanwhile, there are other rules that are more

¹⁹Ghazali, *Responding to the Essence of Marriage*, Cet. VIII, Bandung: Karisma, (1996), p. 24.

²⁰M. Idris Ramulyo, *Comparison of the Implementation of Islamic Inheritance Law with Inheritance According to Civil Law (BW)*, Jakarta: Sinar Grafika, (1994), p. 5.

²¹Ariyanto, Mahfud MD, *Hakim Mbeling*, Jakarta: Konstitusi Press, (2013), p. 133.

special (*lex specialis*) such as the Civil Code and the Religious Justice Law which are complemented by Islamic law. The protection of children outside of marriage must be carried out proportionately, namely returning to the applicable laws and regulations and local customs by not denying the relevant religious law.

The regulation regarding the status of children out of wedlock regulated in the provisions of Article 43 of Law Number 1 of 1974 has been considered inadequate in providing legal protection and tends to be discriminatory, the status of children out of wedlock or children born out of legal marriage only has a civil relationship with their mother and their mother's family without any responsibility from their biological father.

The Constitutional Court's decision also reflects the principle of equality before *the law* as referred to in Article 28D paragraph (1) which reads: "Everyone has the right to fair legal recognition, guarantee, protection, and certainty as well as equal treatment before the law". Thus, the law must provide fair legal protection and certainty for the status of every child born and the rights that exist on him, including for children born outside of a valid marriage according to laws and regulations.

Based on the Constitutional Court Decision Number: 46/PUU-VIII/2010, a child born from an unregistered marriage can have a civil relationship with his biological father, so he is still entitled to inheritance, and to obtain legal certainty as an heir, the name of the illegitimate child should be mentioned as an heir in the heir's certificate.

3. The Position of the Biological Child of the Beneficiary of the Will After the Birth of the Constitutional Court Decision Number: 46/PUU-VIII/2010

The essence of marriage is a legal relationship that binds the parties in marriage, namely between a man and a woman. Marriage according to Law Number 1 of 1974 can be said to be an intermediate agreement by interpreting the word agreement in a broad sense because to carry out marriage it is necessary to have a corresponding agreement between a man and a woman and information about the existence of the agreement.²² Marriage is a legal event, therefore in its application it must follow the law that applies to the party. However, in Indonesian society, there are still many who use the provisions and procedures of customary law or Islamic law, especially regarding the registration of marriage which is not a valid condition for marriage.²³

Marriage registration is an important function in the perspective of positive law in Indonesia, which ultimately aims to distinguish between legitimate and illegitimate descendants. Legitimate offspring is based on the existence of a valid marriage, in the sense that one is the offspring of the other based on birth in or as a result of a valid marriage, such children are called legitimate children, while illegitimate offspring are offspring that are not based on a valid marriage, or in other terms called illegitimate children. Therefore, marriage must be recorded as a form of legal recognition and protection for citizens.²⁴

A husband can deny the validity of a child born to his wife if the child is in a marriage bond with a grace period of less than 6 (six) months between the implementation of the marriage and the birth of a baby and a child born in a marriage bond whose time is less than the custom of pregnancy.²⁵

Regarding wills, a will (*testament*) must be in written form made with a deed under hand or with an authentic deed. This deed contains a statement of will as a unilateral legal action,

²²Wantjik Saleh, *Indonesian Marriage Law*, Jakarta: Ghalia Indonesia, (1992), p. 80.

²³Zainuddin, *The Legal Certainty of Siri Marriage and Its Problems Reviewed from Law Number 1 of 1974*, Yogyakarta: CV. Budi Utama, (2015), p. 55.

²⁴M. Zamroni, *Legal Principles of Marriage Registration in Indonesia*, Surabaya: Media Sahabat Cendekia, (2019), p. 22.

²⁵Amiur Nuruddin and Azhari Akmal Tarigan, *Islamic Civil Law in Indonesia*, Jakarta: Prenada Media, (2004), p. 276.

which means that the statement comes from only one party. In other words, *a testament* is a statement about something after he died. So, *the testament* only has consequences after the heir dies.²⁶

In inheritance law, in addition to prohibitions in general, there are also prohibitions that should not be contained in the *testament*, namely the prohibition of making a provision that causes *the legitime portie* (the absolute part of the heirs) to be less than it should be. In addition to giving through *testament*, there is also a gift that occurs during a person's life called ordinary grants or gifts (*giften*).

Even if a will or testament has been made to those who are entitled to the *testament*, but for those who have been convicted of killing the be heir, after all, those who have embezzled, destroyed, and forged their will, and finally those who have prevented the bequeather by force or force will revoke or alter their will. Each of them or their husbands and children is not allowed to withdraw any benefit from the will of the bequeather.²⁷

Article 908 of the Civil Code prohibits the giving of a will by the mother of an illegitimate child or the father who recognizes the illegitimate child whose number exceeds *the part of the ab intestate* of the illegitimate child if in the marriage they give birth to legitimate children. Article 908 of the Civil Code restricts the inheritance rights of children out of wedlock. Although Article 852a of the Civil Code states that the rights of a wife or husband in the inheritance of a deceased husband or wife are equated with a legitimate child, the equality is limited to inheritance based on the law only. So, Article 908 of the Civil Code regulates inheritance based on *the testament* does not cover them.

Meanwhile, Islamic Law does not stipulate an inheritance relationship between an illegitimate child and his biological father, because an illegitimate child does not have a kinship relationship with him. Meanwhile, the kinship relationship arises on the basis of a valid marriage contract, as determined by Islamic law. But an illegitimate child has a relationship with his mother and his mother's relatives, and he is entitled to inheritance from his mother and his mother's relatives. There is no recognition and legalization of children out of wedlock, because Islamic law only recognizes legitimate children, that is, children born from a legal marriage according to sharia²⁸.

As a way out of this problem, the relationship between an illegitimate child and his biological father can be connected through a grant or will if the biological father feels responsible for his actions that caused the birth of the child, because in Islamic law there are known grants and wills, and this provision can apply to children born outside of a valid marriage.

The Constitutional Court's Decision Number: 46/PUU-VIII/2010 states that Article 43 paragraph (1) of Law Number 1 of 1974 concerning Marriage which reads: "A child born out of wedlock only has a civil relationship with his mother and his mother's family" is contrary to the 1945 Constitution and does not have binding legal force as long as it is interpreted to eliminate civil relations with men that can be proven based on science and technology and/or tools Other evidence according to the law turns out to have a blood relationship as the father, so the verse must be read, "A child born out of wedlock has a civil relationship with his mother and his mother's family as well as with a man as his father which can be proven based on science and technology and/or other evidence according to the law to have a blood relationship, including a civil relationship with his father's family".

The Constitutional Court's Decision Number: 46/PUU-VIII/2010 has several implications, including:

²⁶Maman Suparman, *Loc. Cit.*

²⁷Soedharyo Soimin, *The Law of People and Family: A Perspective of Western Civil Law/BW, Islamic Law and Customary Law*. Jakarta: Sinar Grafika, (2004), p. 74.

²⁸Iman Jauhari, *Loc.cit.*

1. Children born out of wedlock have the same rights as legitimate children, such as obtaining inheritance and marital guardianship;
2. Children born from legally valid marriages but not registered and children born from adultery have a civil relationship with their father and his father's family;
3. The Constitutional Court's Decision Number: 46/PUU-VIII/2010 amends the provisions of Article 43 paragraph (1) of Law Number 1 of 1974 concerning Marriage.

Thus, when analyzed, the legal logic of this Constitutional Court Decision has consequences for the relationship between the fate of an illegitimate child and his biological father; There are rights and obligations between an illegitimate child and his biological father, both in the form of alimony, inheritance, wills and so on. This certainly applies if first evidence is carried out through science and technology such as DNA tests and so on which states that it is true that the child out of wedlock has a blood relationship with the man as his biological father.

Conclusion

The relationship between an illegitimate child and his biological father can be connected through a grant or will if the biological father feels responsible for his actions that caused the birth of the child, because in Islamic law there are known grants and wills, and this provision can apply to children born out of a valid marriage.

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Bibliography

- Abdul Kadir Muhammad. (2004). Law and Legal Research, Bandung: Citra Aditya Bakti.
- Amiur Nuruddin and Azhari Akmal Tarigan. 2004. Islamic Civil Law in Indonesia, Jakarta: Prenada Media.
- Ariyanto, Mahfud MD. (2013). Hakim Mbeling, Jakarta: Konstitusi Press.
- D. Y. Witanto, D. Y. (2012). Family Law: Rights and Status of Children Out of Wedlock After the Constitutional Court's Decision on the Material Test of the Marriage Law, Jakarta: Prestasi Pustaka.
- So Nurhaedi. (2003). Marriage Under the Hand (Sirri Marriage Practice of Jogja Students), Yogyakarta: Saujana.

- Ghazali. (1996). *Responding to the Essence of Marriage*, Cet. VIII, Bandung: Karisma.
- Hilman Hadikusuma. (2019). *Marriage Law in Indonesia According to Legislation, Customary Law and Islamic Law*. Bandung: CV. Mandar Maju.
- Iman Jauhari. (2003). *Children's Rights in Islamic Law*, Jakarta: Pustaka Bangsa.
- J. Satrio. (2000). *Family Law on the Position of Children in Law*, Bandung: Citra Aditya Bakti.
- Maman Suparman. (2018). *Civil Inheritance Law, Third Edition*, Jakarta: Sinar Grafika.
- Moch. Isnaeni. (2016). *Indonesian Marriage Law, First Edition*, Bandung: PT. Refika Aditama.
- M. Idris Ramulyo. (1994). *Comparison of the Implementation of Islamic Inheritance Law with Inheritance According to Civil Law (BW)*, Jakarta: Sinar Grafika.
- M. Zamroni. (2019). *Legal Principles of Marriage Registration in Indonesia*, Surabaya: Media Friends of Scholars.
- Peter Mahmud Marzuki. (2017). *Legal Research*, Jakarta: Kencana.
- Soedharyo Soimin. (2004). *People and Family Law: A Western Civil Law Perspective, Islamic Law and Customary Law*. Jakarta: Sinar Grafika.
- Subject. (1991). *Principles of Civil Law*, Jakarta: PT. Intertime.
- Wantjik Saleh. (1992). *Indonesian Marriage Law*, Jakarta: Ghalia Indonesia.
- W. J. S. Poerwadarminta. (1994). *General Dictionary of Indonesian*, Jakarta: Balai Pustaka.
- Zaeni Asyhadie. (2018). *Civil Law in the Perspective of National Law of the Civil Code (BW)*, Islamic Law and Customary Law, Volume One, Depok: PT. RajaGrafindo Persada.
- Zainuddin. (2015). *Legal Certainty of Siri Marriage and Its Problems Reviewed from Law Number 1 of 1974*, Yogyakarta: CV. Budi Utama.
- D. P. Indonesia (2010, February 17). *Regulations and Legislation*, (17 February 2010). <https://putusan3.mahkamahagung.go.id>.
- Harisman, Atikah Rahmi, 2021, "Parental Power over Children in the Perspective of Child Protection", SINTESa (National Seminar on Educational Technology and Humanities) (1), 1.
- Laili 'Izza Syahriati, 2019, "Legislation of Biological Children (Analytical Descriptive Study through Thematic Hadith Studies)", Rausyan Fikr, Vol. 1, No. 2.
- Rasta Kurniawati, 2019, "Women's Rights to Property in the Karo Tribe (Interpreting Symbols in the Context of Legal Changes in Indonesia)", Delega Lata Jurnal Ilmu Undang, Vol. 4, No. 1.
- Tengku Erwinsyahbana, 2004, "Annulment of Marriage for Polygamy Reasons (An Analysis of the Decision of the Religious Court Number: 238/Pdt.G/1999/PA-Medan from the Perspective of Islamic Fiqh)", Legal Media, Vol. XIII, No. 1.