



Determination of the Origin of Children Strengthens Legal Protection of the Status of Children due to the Rejection of *Itsbat Nikah*

Paradika Rhassely Adi Pratama, Dinda Nailatus Syaadah, Anis Nuru Aini, Irma Maulida^{*)}, Gusti Yosi Andri, Universitas Swadaya Gunung Jati, Cirebon, Indonesia

Email: dikapratama@gmail.com, dindanailatuss03@gmail.com, anisnuraini@gmail.com, irma.maulida@ugj.ac.id, gusti.yosi@ugj.ac.id

^{*)} Email for Correnspondence: irma.maulida@ugj.ac.id

ABSTRACT

The rejection of the marriage *itsbat* application directly impacts the legal status of the child born, as the parents' marriage is not legally, religiously, or customarily recognized. This study aims to analyze the legal consequences of the rejection on the child's position and examine the determination of the child's origin as a form of legal protection. Using a normative juridical approach, this study analyzes legal materials related to the status of children born from *sirri* marriages. The results of the study show that children born from *sirri* marriages only have a legal relationship with their mother. Moreover, if the *itsbat* application is rejected, the child will not be recognized as the legitimate child of their biological father. This has consequences on the child's access to administrative, inheritance, and guardianship rights. Remarriage also does not alter the child's position because, according to Islamic law, the *sirri* marriage is invalid and thus rejected by *itsbat*. As a result, the child remains an out-of-wedlock child. The determination of origin by the court is an alternative protection that allows the inclusion of the biological father's name in the population document and provides limited space for the child's civil rights. These limitations are also reaffirmed in the *Fatwa* of the Indonesian Ulema Council, which states that the biological father's obligation is limited to providing living support and a mandatory will. The conclusion of this study emphasizes the importance of determining origin as an instrument for the legal protection of children in the national legal system, especially regarding the rejection of the marriage *itsbat* application.

Keywords:

Origin of the child,
biological father,
marriage status,
position of the child,
marriage of *sirri*.

This is an open access article under the [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license.

INTRODUCTION

Marriage is one of the historical events in the journey of human life. Every married couple generally expects a harmonious home life and recognition of their marital status¹. Marriage not only changes the social status of the couple but also their legal status². In religious law, marriage is seen as a sacred bond that contains the values of worship and morals³. Its existence is not only intended to unite two people in a relationship of body and mind, but also as a form of obedience to the teachings that are believed to maintain benefits⁴.

Marriage, according to Islam, is considered a *mitsaqan ghalizhan* or a strong covenant, which legally binds couples to care for each other's rights and obligations⁵. The validity of

marriage is an important aspect because it affects various rights inherent in the couple, such as inheritance rights, child custody rights, and access to *gono-gini* property⁶. Islam requires the existence of an *akad* (*ijab qobul*), *wali*, witnesses, and the two prospective brides as the main elements in the validity of the marriage⁷. The fulfillment of these requirements ensures the validity of the marriage. ⁷

Law Number 1 of 1974 concerning Marriage (Marriage Law) stipulates that the validity of marriage must be in accordance with applicable provisions and followed by the registration of the marriage to obtain legal recognition. Marriage registration provides benefits and rejects harm⁸. The purpose of registration is as evidence and to ensure legal certainty for the husband and wife while protecting their rights and those of their children⁹. Because marriage has quite broad legal consequences, registration becomes an administrative obligation as part of the order of state life¹⁰.

However, the validity and recording have caused a polemic in society. Article 2, paragraph (1) of the Marriage Law emphasizes that the validity of marriage is if it is carried out in accordance with religion and custom. This means that for the Muslim community, *nikah sirri* or religious marriage in accordance with Islamic *sharia* is considered valid. They hold the view that marriage registration is not part of the pillars or conditions of the validity of the contract from the perspective of Islamic religious *fiqh*¹¹. Although legally valid according to religion, *nikah sirri* has not been recognized by state law because it does not have a marriage book as written evidence¹². This is further emphasized in Article 2, paragraph (2) of the Marriage Law in conjunction with Article 5 of the Compilation of Islamic Law (*KHI*) which requires the registration of marriages. ¹²

One of the legal consequences of *nikah sirri* that is not recorded is on marital status in population data. Such conditions make it difficult for couples to obtain administrative rights, civil rights, and other legal rights¹³. One direct impact is on the status of children born from unregistered marriages. Children from *sirri* marriages often do not have valid proof of a relationship with their father. As a result, children's civil rights are hampered and potentially not fully guaranteed by law. Although they can still obtain a birth certificate, the certificate only includes the mother's name without the father's identity. This refers to the provisions of Article 43 of the Marriage Law in conjunction with Article 100 of the *KHI*.

Legal mechanisms such as *itsbat nikah* are provided to overcome the problem of unregistered marriages or *nikah sirri*, as stipulated in the provisions of Article 7, paragraph (2) of the Compilation of Islamic Law¹⁴. However, these mechanisms are not always effective and do not guarantee comprehensive legal protection for children. In examining the application for marriage *itsbat*, the judge will evaluate the validity of the marriage to be annulled. The rejection of the *itsbat* application by the Religious Court results in the child's legal status being unclear, and the civil relationship with the father will be lost. Remarriage or *i'adah nikah* is also not a solution for the position of the child who has been born.

Previous research related to *itsbat nikah* has been conducted by Ahmad Fauzi, with results showing that although *itsbat nikah* is intended for couples married before 1974, in reality, *itsbat nikah* is still carried out for couples who marry after 1974¹⁵. This means that the research is more focused on the authority of the Religious Court in resolving the case of the incoming marriage *itsbat* application. Other previous research was conducted by Juwita and Suriani, which analyzed the judge's considerations in determining the status of children based on the case of the Range Religious Court Number 110/Pdt.P/2023/PA. Kis, where the child born to a *sirri* marriage couple was approved, so their position became that of a biological child, with the consideration that the *sirri* marriage had been carried out legally according to Islamic religious law¹⁶. In the research conducted by this researcher, the aim is to develop and continue the two previous studies.

The researcher sees that the authority of the Religious Court may reject the application for *itsbat nikah* when it is considered not in accordance with religious law, resulting in new problems for the position of children born from *nikah sirri*. Therefore, the urgency of this research lies in the importance of strengthening legal protection for children born to married couples whose *itsbat*

applications are rejected by the court. When the law focuses only on the marital status of the parents, the child can become a victim of an inflexible system. The child is unlikely to choose who is born from whose womb and whether the result is a legal relationship or not. The state is obliged to ensure that every child continues to have their full rights without discrimination. This study aims to analyze the legal consequences of the rejection of *itsbat nikah* for the status of children and identify legal remedies that can be taken to ensure the protection of children's rights through the determination of the child's origin.

RESEARCH METHODS

The normative juridical approach is appropriate because this research focuses on the analysis of written legal norms, such as laws, regulations, and court decisions¹⁷. This approach allows for the study of legal principles relevant to the legal consequences of the rejection of *itsbat nikah* on the status of children born from *sirri* marriage. The principle of child protection is the main foundation because the focus of the study is more on ensuring the rights of children born from unrecorded marriages so that they can continue to receive legal recognition and protection, without discrimination against the status of their parents.

Secondary data was obtained through literature studies in the form of legal materials¹⁸. Primary legal materials include Law Number 1 of 1974 concerning Marriage and its amendments, the Compilation of Islamic Law, the Population Administration Law, and relevant court decisions. In addition, secondary legal materials such as legal literature, scientific articles, and legal expert opinions are also used to strengthen the analysis.

Qualitative analysis techniques are carried out by interpreting the content of legal norms and examining their conformity with evolving legal facts, such as court decisions or administrative practices¹⁹. The goal is to understand how norms are applied and their impact on the legal protection of children in cases of the rejection of *itsbat nikah*. The results of the analysis are presented in the form of a descriptive narrative to describe the problem in a complete and objective way. Drawing conclusions is carried out in a deductive manner, namely by drawing generalizations based on logical reasoning from general legal provisions to formulate answers to specific legal problems. This technique is used to formulate normative and argumentative solutions to the problem of the position of children related to the rejection of marriage *itsbat*.

RESULTS OF RESEARCH AND DISCUSSION

***Itsbat nikah* in Ensuring the Certainty of Sirri's Marriage Law and the Position of Children**

The absence of a marriage certificate in the *sirri* marriage often faces legal obstacles. From a religious point of view, *nikah sirri* remains valid as long as it is in accordance with the sharia, but without official registration, the marital status is not administratively recognized by state law. Article 7 paragraph (1) of the Compilation of Islamic Law states that the valid proof of marriage is the marriage certificate of the Marriage Registrar.²⁰

Without a marriage certificate, marriage is not recognized in the state's administrative legal system. This raises various problems, especially when there are disputes in the field of family law such as inheritance rights or the division of property. The state provides a solution for couples who want to obtain a marriage certificate through the *itsbat nikah* mechanism that legalizes an unregistered marriage. Article 7 paragraphs (2) and (3) of the KHI affirms that couples who do not have written evidence of marriage can submit an application to the Religious Court²¹ for *itsbat*.

After the determination, the couple can take care to obtain official documents in the form of a marriage certificate. This document is essential for accessing public services, such as updating Family Cards and making child birth certificates. Marriage certificates are also the legal basis for managing inheritance, divorce, and guardianship rights. Therefore, the registration of *sirri* marriage through *itsbat* is highly recommended. The benefits of *itsbat nikah* are very real for family life.

The requirements for applying for *itsbat nikah* are quite specific. The marriage must have been carried out in accordance with Islamic law and not contrary to laws and regulations. The marriage has also not been recorded due to administrative reasons or other factors beyond the fault of the spouse. Evidence such as witnesses, certificates, or statements from religious leaders can be used to support the application. The judge will assess the feasibility of the application based on the facts submitted. After the determination, the couple will obtain a marriage certificate from the authorized agency. Thus, marital status becomes legal in the country.

One of the important impacts of *itsbat* is protecting the position of children. Children of unregistered marriages often experience administrative discrimination. For example, the father's name cannot be listed on the birth certificate. This has an impact on inheritance rights and other civil relationships. Through ²³ *itsbat*, the status of the child becomes clear in the eyes of the law. Article 50 of Presidential Regulation Number 96 of 2018 concerning Requirements and Procedures for Population Registration and Civil Registration stipulates that the registration of child endorsement must be attached with a statement of the validity of the parents' marriage. Article 50 paragraph (2) of Law No. 24 of 2013 which partially amends Law No. 23 of 2006 also affirms the recording of child endorsement during the marriage of the parents is valid according to the Marriage Law.

Thus, *itsbat nikah* is a legal solution provided by the state to ensure legal certainty for marriages that have not been registered. This mechanism not only affirms the legality of the conjugal relationship, but also protects the rights of children and offspring. The position of children born to a *married* couple will obtain legal clarity after the determination of *the marriage certificate* ²⁴. This determination is the basis for parents to apply for the registration of their child's status at the Population and Civil Registration Office in the form of issuing a new family card. Article 56 of the Administrative Law emphasizes that other important events can be requested to be recorded after there is a determination from the court. Although the term child legalization is not explicitly mentioned in this article, its meaning has been explained in the explanatory section that child legalization is included in the important event that requires a legal basis from the judicial institution. It is clear that the determination of *itsbat nikah* opens up legal access for children to obtain full civil status.

Thus, the status of the children of *the marriage couple* who have been confirmed through *itsbat nikah* becomes clear and legally protected. The process of registering the legalization of children at the Disdukcapil is a logical continuation of the determination of *itsbat* ²⁵. Through this mechanism, the state carries out its mandate to guarantee the rights of children without discrimination. The protection of children is not only the responsibility of the family, but also a constitutional obligation of the state. Therefore, it is important for every couple whose marriage has not been recorded to immediately take *Itsbat nikah* in order to obtain complete legal clarity. ²⁶

Legal Consequences of Refusal of *Itsbat Marriage* for the Status of Children

The essence of *itsbat nikah* is to provide legal recognition by the state for marriages that were previously religiously valid, but have not been officially recorded. *Itsbat nikah* cannot be done without paying attention to the terms and conditions, both in terms of religion and state law. In this case, the Religious Court will examine several important aspects, such as the suitability of the marriage conditions according to the Islamic religion and the legality of the marriage as stipulated in Article 7 paragraph (3) of the KHI. The judge may reject the application ²⁷ *for marriage* if it is proven that it does not meet the provisions of formal law or material law. As decided by the East Kalimantan Penajam Religious Court in case Number 374/Pdt.G/2020/PA. The PNJ who rejected the lawsuit *for itsbat nikah* accumulation of divorce lawsuit due to *nikah sirri* which was carried out was not in accordance with the requirements and pillars of Islam. In addition, the decision Number 49/Pdt.P/2021/PA. The MKM also rejected the application *for itsbat nikah* with the consideration that the *nikah sirri* carried out was not in accordance with the

terms and pillars of the Islamic religion so that the ratification of the child that had been born was also rejected. The similarity of the two decisions is the absence of a legal guardian.

The rejection of *itsbat nikah* has a significant impact on the position of children. Islamic law views that marriage that fulfills the harmony and conditions, including the presence of guardians, witnesses, and *ijab kabul*, gives birth to a *nasab* relationship between the child and the father. *Nasab* is an important basis in determining inheritance, guardianship, and alimony. According to the Shafi'i madhhab, a child who is the result of adultery does not have sex with his biological father. *Nasab* can only be determined if the marriage between the father and mother was legally carried out before the marriage of a husband and wife. Children born from extramarital relationships are only married to their mother. As a result, there are no inheritance, guardianship, or alimony rights from the biological father.^{28 29}

The Hanafi school has a similar view but is looser under certain conditions. If there is *syubhat* (doubt) in the marriage or association, and the relationship is considered to be a legally valid marriage, then the child can be attributed to the father. However, if adultery is blatant and there is no *syubhat*, then *nasab* cannot be established. Therefore, it is important to ensure that there are³⁰ *sharia elements* that strengthen the relationship. The Maliki and Hambali schools also reject the determination of the child's destiny to the biological father if there is no valid marriage because it is categorized as an act of adultery. The result of adultery does not determine the fate even if it is later continued to carry out marriage.³¹

If the application for *itsbat nikah* is rejected, then the four madhhabs will generally reject the determination of *nasab* to the biological father. The rejection means that the marriage contract is not valid. Therefore, children do not have a civil relationship with their father according to Islamic religious law. The Indonesian Ulema Council (MUI) added that *nikah sirri* does not meet religious *sharia* is seen as an act that is prohibited in religion.³²

MUI considers that *nikah sirri* that violates the provisions of the terms and conditions of marriage is an adulterous relationship that is prohibited by religion so that the child does not have sex with his father. This view is based on the principles of Islamic law contained in the Qur'an, Hadith, and the *ijtihad* of the scholars that sexual relations outside of marriage are immoral. Even though the birth is in or after marriage, religious *sharia* affirms that the status of the relationship between the parents and the birth of a child from conception outside of marriage is not in accordance with the father because of the result of adultery.^{33 34}

These religious views have equality in the national legal system, especially in the Marriage Law which also stipulates the classification of children based on the legality of the parental relationship. The Marriage Law classifies the position of children into two types. First, a legal child is a child born in or as a result of a legal marriage, as stipulated in Article 42 of the Marriage Law. Second, children born out of wedlock as mentioned in Article 43 paragraph (1) of the Marriage Law, only have a civil legal relationship with their mother and their mother's family. This means that a child born from a legal marriage has a relationship with both parents. Meanwhile, children born from an illegitimate marriage only have a *nasab* relationship with their mother and mother's family.^{35 36}

When the application for *itsbat nikah* is rejected, the consequence is that the marital relationship is considered to have never existed in the perspective of state law. In such a situation, children born from a *sirri marriage* do not meet the element of "born in marriage" as referred to in Article 250 of the Civil Code. As a result, the husband of the mother is not automatically recognized as the legal father of the child. The legal status of the child shifts to an out-of-wedlock child as stipulated in Article 280 of the Civil Code. Thus, the child from *Sirri's* marriage whose application for *itsbat* was rejected only has a legal relationship with his biological mother. He cannot obtain inheritance rights from his biological father, cannot be under the guardianship of his father, nor can he obtain legal protection from his father's family. The child loses access to the civil rights that would have been inherent if the marriage had been legally recognized.

Legal Protection of the Status of Children due to *Sirri's* Marriage Rejected by *Itsbat*

The rejection of *the marriage itsbat* application often creates legal uncertainty for couples who marry in a *formal manner*. In such situations, it is recommended that the couple remarry legally according to the provisions of religion and the state. Remarriage is recommended for couples who realize that the previous marriage is not only not valid according to the state, but also not valid according to religion. Couples can avoid continuing sinful acts due to a relationship that has not been legally recognized. Remarriage is a way to restore the legal status of a couple who were previously invalid and *halal*.³⁵

Remarriage or *i'adah* nikah carried out according to religion and state can provide legal certainty for the status of the couple's relationship. With remarriage, the status of the relationship becomes *halal* and legal. However, it does not protect the position of the child who has been born, because the marriage is recorded in the implementation of the remarriage. That is, remarriage eliminates the previous marriage by registering a new marriage. The position of children who have been born during *Sirri's* marriage³⁷ is still considered only as the mother's child.

Children are entitled to the same protection and recognition. Law Number 23 of 2002 concerning Child Protection which has been updated through Law Number 35 of 2014 has become an important legal basis. This law emphasizes that children must receive maximum protection from the family, society, and the state. The main principle of child protection is the best interests of the child. This principle requires that every decision or action related to children pay attention to the long-term impact on their growth and development. Children must continue to grow up in a safe and supportive environment. When a parent's marital status is not legally valid, the existence of the child is often not recorded as part of the family by the state. Therefore, it is important to have legal guarantees that are able to protect children's rights as a whole, especially related to their civil status.³⁸

Article 103 of the KHI is the legal basis regarding the proof of the origin of children due to the absence of a birth certificate as the main evidence to determine the relationship between children and parents. Interested parties can submit an application for origin to the Religious Court. The court is empowered to conduct a careful examination of all evidence submitted. This examination aims to ensure that the child in question really has a civil relationship with the party who claims to be his or her parents in accordance with Article 55 paragraph (2) of the Marriage Law. Once conviction and legal considerations are obtained, the court will issue a determination of the origin of the child.³⁹

The determination of the origin of the child does not look at the marital status of the parents. However, if the marriage is carried out in *accordance* with religious law, then the determination of the origin of the child results in the status of the child as a legal child in accordance with Article 42 of the Marriage Law *in conjunction with* Article 99 of the KHI. In this case, the child has the same rights as a child born from a registered marriage. On the other hand, if¹⁶ *the marriage is* not valid according to religion or does not meet the legal requirements, the determination of origin only gives the legal effect that the child is recognized as an out-of-wedlock child. This means that the child can have civil rights related to his father, such as the right to be recognized in official documents, the right to inherit as an illegitimate child, and the right to maintenance, even if there is no recognition of *nasab* in the religious sense.

Determination of the origin of the child can be submitted even if the marriage is not valid according to religion or country. The Constitutional Court Decision No. 46/PUU-VIII/2010 opens up opportunities for children out of wedlock to establish a civil relationship with the biological father, if the blood relationship can be scientifically proven, for example through DNA tests. This ruling expands the civil rights of out-of-wedlock children, such as inheritance, alimony, and the inclusion of the father's name on the birth certificate. Although the *nasab* according to religion cannot be attached to the father, the state still provides a legal mechanism to protect the rights of civil children through the determination of origin.⁴⁰

The determination of the origin of children from the Religious Court is the basis for the Population and Civil Registration Office in issuing birth certificates. Regarding the rejection of *itsbat nikah*, if the court states in its decision that there is a civil relationship between the child and the biological father, then the Disdukcapil can and will include the name of the biological father in the birth certificate. On the other hand, if there is no determination by the court or the court rejects the application, then the Disdukcapil will only include the mother's name on the birth certificate. Therefore, marital status is not the only basis for the inclusion of the father's name, but can be replaced by a valid and convincing court decision.⁴¹

The inclusion of the father's name on the population document does not automatically change the status of the child to a legal child according to the marriage law. This means that biological fathers are not the same as biological fathers. The biological father is only recognized genetically not legally or religiously. Therefore, the determination of the origin of the child is only the official legal basis that administratively strengthens the relationship between the child and his biological father⁴². Fatwa Number 11 dated March 10, 2012 of the Indonesian Ulema Council stipulates that the biological father is obliged to meet all the life needs (maintenance rights) of the child who have been determined the origin and obtain a mandatory will if the biological father dies.⁴³

CONCLUSION

The mechanism of *itsbat nikah* should be a solution for married couples. However, not all *itsbat* applications can be granted, especially if they do not meet the requirements for marriage according to Islamic law. The rejection of *itsbat nikah* has a direct impact on the legal status of the child from a *sirri* marriage. The child's status is not that of a legal child, but rather as a mother's child. As a result, the child is not entitled to inheritance, guardianship, or the inclusion of the father's name in the population document.

Determining the origin of children is a legal remedy that can be taken when the marriage is rejected. This designation recognizes the biological relationship between a child and their biological father. Although it does not change the status of a child to a legal child, this determination provides a legal basis for identity registration and civil protection of children. Children can still obtain a population document that contains the names of both parents. This process is an important step to ensure that children continue to have access to basic rights without discrimination.

The determination of the origin of children reflects the role of the state in safeguarding the best interests of children. The state is there to ensure that children do not become victims of parental negligence or ignorance. Clarity of identity and legal protection are rights that must be guaranteed from the moment a child is born. The legal system needs to provide more space for children to continue to obtain legal guarantees, even if they are born from relationships that are not officially recorded. Legal certainty through the determination of origin is part of the state's responsibility in creating fair protection for every child.

REFERENCE

1. Mawardi M. Problematika Perkawinan di Bawah Umur. *Jurnal Analisa*. 2012;19(2). www.mediaindonesia.com/read/2011/01/03/19
2. van Weeren R, de Moor T. Counting couples: The marriage banns registers of the city of Amsterdam, 1580–1810. Social and economic history. *Research Data Journal for the Humanities and Social Sciences*. 2021;8(3):1-45. doi:10.1163/24523666-06010002
3. Adharsyah M, Sidqi M, Aulia Rizki M. Pernikahan dalam Perspektif Hukum Islam. *Jurnal Syariah dan Ekonomi Islam*. 2024;2(Juni):44-53.
4. Ali NBB, Ramli AB, Ahmad HB. Maqasid Shariah in Family Institutions: Analysis of the Prenuptial Course Module in Malaysia. *Mazahib Jurnal Pemikiran Hukum Islam*. 2020;19(2):247-280. doi:10.21093/mj.v19i2.2567

5. Khusairi H, Mandala I. Perkawinan Adat: Analisis Hukum Dan Sistem Perkawinan Di Kerinci Dalam Perspektif Hukum Islam. *Istinbath: Jurnal Hukum dan Ekonomi Islam*. 2022;21:227-436. <http://www.istinbath.or.id>
6. Andri GY, Nandar AP, Wibisono B, et al. Marriage legalization: Preserving the customary marriage tradition of the ethnic Chinese community in Cirebon City. *Interdisciplinary Social Studies*. 2024;4(1):10-20. <https://iss.internationaljournallabs.com/index.php/iss>
7. Djuariah IMGYAMSiG. *Buku Ajar Hukum Perkawinan Dan Waris*. Deepublish; 2022.
8. Bariah O. rekonstruksi pencatatan perkawinan. *Jurnal Ilmiah Solusi*. 2015;1(4):20-29.
9. Kumari N, Ram R, Shekhar C. Determinants of under-registration of marriage among women in India: An exploratory study in Jhunjhunu district of Rajasthan. *Clin Epidemiol Glob Health*. 2022;14. doi:10.1016/j.cegh.2022.100976
10. Ghafur F, Zul F, Kanggas H, Lahuri S Bin. Kedudukan Pencatatan Perkawinan Dalam Hukum Islam Dan Hukum Positif Di Indonesia. *Syari'ah: Journal of Indonesian Comparative of Syari'ah Law*. 2020;3(2):219-231.
11. Mulya A, Elimartati. Fenomena Pelaksanaan Akad Nikah Baru Pada Pelaku Nikah Siri Perspektif Hukum Keluarga Islam. *Jurnal Integrasi Ilmu Syari'ah*. 2022;(3):511-519.
12. Ratnawaty L. Kedudukan Nikah Sirri Menurut Hukum Positif Indonesia. *Yustisi*. 2015;(2):13-28.
13. Latupono B. Pencatatan Perkawinan Di Indonesia Dikaitkan Dengan Good Governance. *Sasi*. 2018;24(2):150-160.
14. Yusriyah. Melegalkan Perkawinan Siri dan Perkawinan Campuran Melalui Isbat Nikah (Studi di Kabupaten Banyumas). *Alhamra: Jurnal Studi Islam*. 2020;1(1):69-80.
15. Nur Khoirin YD. Itsbat Nikah Solusi nikah Siri. <https://jatengdaily.com/2021/itsbat-nikah-solusi-nikah-siri/>.
16. Purnama J, Suriani. Pertimbangan Hakim Terkait Penetapan Asal Usul Anak dan Akibat Hukum Anak yang Lahir dari Perkawinan yang Tidak Dicatatkan. *Keadilan: Jurnal Fakultas Hukum Universitas Tulang Bawang*. 2025;23(1):109-127. <https://www.kompas.com/tren/read/2021/09/2>
17. Soekanto S, Mamudji S. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. 17th ed. Raja Grafindo Persada; 2015.
18. Suteki, Taufani G. *Metodologi Penelitian Hukum (Filsafat, Teori, Dan Praktik)*. Rajawali Press; 2020.
19. Muhaimin. *Metode Penelitian Hukum*. Mataram University Press; 2020.
20. Sanjaya UH, Faqih AR. *Hukum Perkawinan Islam*. Gama Media; 2017.
21. Harwati T, Muhasim A, Ahmad M. *Akses Keadilan Bagi Janda Kawin Siri Terhadap Hak-Hak Pasca Perceraian (Studi Kasus Di Lombok NTB)*. Sanabil; 2016.
22. Faishol I. Pencatatan Perkawinan Dalam Hukum Kekeluargaan Di Indonesia. *Jurnal Ulumul Syar'i, Juni*. 2019;8(2):1-25. <http://kbbi.web.id/catat>,
23. Zakaria E, Saad M, Keluarga PH, Fai-Umj I. Nikah Sirri Menurut Hukum Islam dan Hukum Positif. *Kordinat: Jurnal Komunikasi Antar Perguruan Tinggi Agama Islam*. 2021;XX(2):249-264. <http://www.pa-rembang.go.id/9-artikel/90-fenomena-nikah-sirri-dalam-sebuah-negara->
24. Ardani MFB, Suhadi M. Analisis Yuridis Isbat Nikah terhadap Status Hukum Anak Hasil Nikah Siri Berdasarkan Kompilasi Hukum Islam. *Indonesian Journal of Law and Justice*. 2024;1(4):7. doi:10.47134/ijlj.v1i4.2212
25. Muhamad Arul Pramudi Utama. Pengesahan Anak Luar Kawin Sebagai Anak Sah: Tinjauan Keabsahan. *Terang : Jurnal Kajian Ilmu Sosial, Politik dan Hukum*. 2024;1(1):343-360. doi:10.62383/terang.v1i1.142

26. Nur Mohamad Kasim. Interelasi Pernikahan Sirri, Itsbat Nikah dan Pencatatan Nikah Menuju Legalitas dan Kepastian Hukum. *Jurnal Hukum PRIORIS*. 2022;10(2):93-104. doi:10.25105/prio.v10i2.17012
27. Wagian D, Sahrudin, Arifin Dilaga Z. Syarat-Syarat Pengajuan Itsbat Nikah Menurut Ketentuan Pasal 7 Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991 di Desa Senteluk Kecamatan Batulayar. *Jurnal Risalah Kenotariatan*. 2021;2(1):203-215. <https://doi.org/10.29303/>
28. Mutiarany M, Ramadhani P. Penolakan Isbat Nikah Dalam Penetapan Pengadilan Agama (Studi Kasus Penetapan Nomor 0108/Pdt.P/2018/PAJT). *Binamulia Hukum*. 2021;10(1):79-90. doi:10.37893/jbh.v10i1.388
29. Husni ZM, Emilia R, Handayani L, Putri DF. Analisis Status Anak Luar Kawin Terhadap Orang Tuanya: Studi Komparatif Antara Hukum Positif Dan Hukum Islam. *Hakam: Jurnal Kajian Hukum Islam*. 2021;1(1):1-12.
30. Shadiq Sandimula N. Status dan Hak Anak Luar Nikah Perspektif Madzhab Hanafi. *An-Nizam: Jurnal Hukum dan Kemasyarakatan*. 2020;14(1):55-65.
31. Attas NH. Status Anak Zina Menurut Mazhab Syafi'i dan Hambali. *Jurnal Ar-risalah*. 2024;4(2):71-83.
32. Arisman. Fatwa MUI tentang Nikah Dibawah Tangan Perspektif Sosiologi Hukum Islam. *Jurnal Hadratulah Madaniah*. 2021;8(11):33-48.
33. Lagus W, Azwar Z. Kajian Ulang Tentang Kepastian Hukum Status Anak di Luar Nikah (Analisis Fatwa Majelis Ulama Indonesia dan Akibat Hukumnya). *Malrev: Madani Legal Review*. 2024;8(2):89-109. doi:10.33650/jhi.v5i1.2261
34. Noviarni D. Kedudukan Anak Luar Kawin Dalam Pandangan Hukum Islam. *Ainul Haq: Jurnal Hukum Keluarga Islam*. 2023;3(1):79-92. www.ejurnal.an-nadwah.ac.id
35. Lestari NWSE, Sudiarmaka K, Ardhya SN. Tinjauan Yuridis Terkait Pengakuan dan Pengesahan Anak Luar Kawin Menurut Hukum Positif (Studi Putusan Nomor 45/Pdt.P/2021/PN Bli). *Komunikasi Yustisia*. 2022;5(2):575-586.
36. Al Amruzi F. Nasab Anak dari Perkawinan Siri. *Al'Adl: Jurnal hukum*. 2022;14(1):1-19.
37. Khairani, Maya Sari C nanda. Pengulangan Nikah Menurut Perspektif Hukum Islam (Studi Kasus di KUA Kecamatan Kota Kualasimpang). *Samarah: Jurnal hukum Keluarga dan hukum Islam*. 2017;1(2):397-415.
38. Anwar M, Wijaya MR. Fungsionalisasi dan Implikasi Asas Kepentingan Terbaik Bagi Anak yang Berkonflik dengan Hukum: Studi Putusan Pengadilan Tinggi Tanjung Karang. *Undang: Jurnal Hukum*. 2020;2(2):265-292. doi:10.22437/ujh.2.2.265-292
39. Aziz H. Perlindungan Hukum Bagi Anak Dalam Memperoleh Akta Kelahiran Berdasarkan Prinsip-Prinsip Perlindungan Anak. *Lex Jurnalica*. 2018;15(1):56-66. <http://pontianak>.
40. Abid H, Rohaedi E, Kusnadi N. Kedudukan Anak Luar Kawin Pasca Putusan Mahkamah Konstitusi Nomor 46/PUU-VIII/2010. *PALAR (Pakuan Law Review)*. 2022;8(4):129-140. doi:10.33751/palar.v8i4
41. Yuniarlin P. Kedudukan Anak yang Lahir Dalam Perkawinan Siri Setelah Perkawinan Orang Tuanya Dicatatkan di Kantor Urusan Agama. *UNES Journal of Swara Justisia*. 2023;7(3):1085-1096. doi:10.31933/ujsj.v7i3
42. Ramadhan WF. Penetapan Asal Usul Anak Yang Lahir Di Luar Perkawinan Dan Akibat Hukumnya Ditinjau Berdasarkan Hukum Kekeluargaan Islam (Studi Kasus Penetapan Pengadilan Agama Jakarta Selatan Nomor: 298/PDT.P/2020/PA.JS). *Indonesian Notary*. 2022;4(2).
43. Arto AM. *Hukuman Ta'zir Mewajibkan Ayah Biologis Memberi Bagian Dari Harta Waris Untuk Anak Luar Nikah Dan Penyelesaiannya Di Pengadilan Agama*.