

## Status And Position Of Children Born In A Valid Marriage According To The Law

**Agustin Leni Magdalen Rohi Riwu**

Fakultas Hukum Universitas Persatuan Guru 1945 NTT

**Seheslon Killyon Bessie**

Fakultas Hukum Universitas Persatuan Guru 1945 NTT

Korespondensi penulis: [lennyaugusten@email.com](mailto:lennyaugusten@email.com)

**Abstract.** Children born in a valid marriage according to the Rote tradition sometimes have their status not recognized in society if the relationship between the parents and the family is not harmonious or if problems occur in the marriage process which has an impact on the child's relationship with the biological father and the father's family. The aim of the research is to determine the status of children and the position of children born in a legal customary marriage according to the customary law of the Rote indigenous community in the inheritance system. The results obtained: giving a dowry (belis) will create a continuous reciprocal relationship between both sides of the family, the status and position of children born in valid marriages according to Rote customary law, because if the relationship between the parents is not harmonious then the child's status is not recognized as the child of the biological father so he cannot claim his rights as an heir. The parties involved have a role and function to make an agreement that does not burden either party, and provides a sense of justice for each party, so that the dispute can be resolved amicably. does not destroy the order of traditional values in society.

**Keywords:** Status, Position, Children, Legal Marriage

### INTRODUCTION

Marriage does not only unite a man and woman in a house/family. Marriage always carries legal consequences for both the wife and husband who are legally married. In the marriage law that applies in Indonesia, various legal consequences have actually been regulated, including, for example, regarding the rights and obligations of each party during the marriage, their responsibilities towards children, consequences for assets, both joint assets and individual assets. as well as the legal consequences for third parties.

Another thing, understanding the legal consequences is also closely related to the possibility of divorce. Because, even though a marriage is actually a physical and spiritual bond to make each husband and wife happy for life. However, in reality, problems often arise that cannot be resolved by both parties. And finally the marriage had to end/break up due to divorce. This bad possibility was never imagined by the two couples. If a divorce occurs, of course it will also bring its own legal consequences. There will arise, for example, problems regarding shared assets, child custody, and the impact on third parties.

Marriage in Indonesia is declared valid, as regulated in Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning

Marriage, "If it is carried out according to the laws of each respective religion and belief, and registered according to statutory regulations. valid invitation."

Customary marriage laws depend on the pattern of traditional community structure. Among indigenous communities in various regions, different kinship systems apply, so that members of one kinship have different rights and obligations. The problem is, to what extent the existing marriage laws can be implemented perfectly in society.

Another problem is that marriages for those who have reached the age of 21 years can be carried out without parental permission, so if young men and women have reached the age of 21 years, they can leave their parents' house to get married without their parents' consent. Then nowadays, mixed marriages often occur, marriages that occur between members of communities with different customary laws. The implementation of these laws and regulations for indigenous communities is relatively different from marriage for other communities. This difference occurs as a consequence of the kinship system that applies in the customary order of these traditional communities.

Children born in a legal marriage according to traditional communities have a customary legal relationship with their father and mother. In connection with the blood relationship between one person's offspring and another, the offspring, namely the offspring and the parents who inherited them, have a relationship in society.

Regarding the legal relationship between children and their parents, there are differences between one region and another. This difference is caused by the kinship system of each region. However, for society, heredity is an essential element for kinship. In family relationships, it is known that there is a patrilineal lineage (descendants of the father). In matrilineal lineage (mother) and parental or bilateral lineage (father and mother).

The Constitutional Court made an important decision Friday 12 February 2012 regarding the status of children outside of marriage. Article 43 paragraph (1) of Law No. 1/1974 concerning Marriage is amended and states that "children born outside of marriage have a civil relationship with their mother and their mother's family and with a man as their father which can be proven based on science and technology and/or tools. other evidence according to the law of blood relations, including civil relations with his father's family." With this decision, children resulting from an unregistered or illegitimate marriage have the right to receive their rights from their father, such as living expenses, birth certificates and inheritance.

This is what happens in traditional communities, that children born in a legal marriage based on custom sometimes have their status not recognized in society if the relationship between the parents and the family is not harmonious or if problems occur during the marriage

process, this will have an impact on the child's relationship with the biological father and the father's family. If a child is born in a legal customary marriage according to local traditions and wisdom recognized by the community, the child has the right to use the father's surname, but the problem that often arises is that children born in a valid marriage according to customary law do not use their father's surname, so that In the future, this child will not be able to claim his rights as a child... this is because society's awareness and compliance with the values of customary law and tradition has begun to shift along with developments over time.

The problem to be solved is: What is the status and position of children born in a legally valid customary marriage? Objective: to determine the status of children born in a customary marriage which is valid according to law, to determine the position of children born in a customary marriage which is valid according to inheritance law.

## **LITERATUR REVIEW**

### **Description of Marriage in the Law Review**

Definition of Marriage According to Law of the Republic of Indonesia No. 1 of 1974 concerning Marriage in Article 1 is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on the belief in the Almighty God.

By "inner and outer ties" is meant that marriage is not only sufficient to have an inner and outer bond alone, but must have both." That birth bond expresses the existence of a legal relationship between a man and a woman to live together as husband and wife. The inner and outer bond is an important thing in marriage, this shows that according to the law the purpose of marriage is not merely to fulfill one's desires. Therefore, it is necessary to have regulations that determine what requirements must be met for a marriage to take place in addition to regulations regarding the continuation and termination of a marriage.

Before the enactment of Law no. 1 of 1974, there are many differences regarding the meaning of marriage between groups that are subject to the Civil Code and groups that are subject to Islamic Law.

Article 26 of the Civil Code states that marriage is only viewed from the perspective of its relationship with civil law. In line with Article 26 of the Civil Code is Article 1 of HOCI (Huwelijks Ordonnantie Christn Indonesians) which stipulates that regarding marriage the law only pays attention to civil relations. Meanwhile, adherents and groups that comply with Islamic law interpret marriage as a religious act. However, after the enactment of Law No. 1 of 1974, there were similarities regarding the meaning of marriage. According to

Abdurrahman, the definition of marriage in Article 1 of Law No. 1 of 1974 is not only a legal act, but also a religious act.

In Islamic law, marriage or *syara' nikah* is a contract of handover between a man and a woman with the aim of mutually satisfying each other and to form a *sakinah* household and a prosperous society. Fiqh experts say, *zawwaj* or marriage is a contract which as a whole contains the words; *inkah* or *tazwij*. This is in accordance with the words written by Zakiyah Darajat and friends who provide the following definition of marriage:

"A contract that contains legal provisions regarding the permissibility of sexual relations with the words marriage or *tazwij* or the meaning of both

Traditional marriage is a bond of living together between a man and a woman, which is communal in nature with the aim of obtaining the next generation so that the life of the community or clan does not become extinct, which is preceded by a series of traditional ceremonies.

In customary law, marriage is not a personal matter of the person carrying out the marriage, but is also a matter of family, tribe, community and caste. Marriage means separation from one's parents and henceforth continuing one's parents' life line. In a tribe, marriage is an effort that causes the tribe to continue in an orderly manner.

### **Child Description**

Purpose of the present Convention, a child means every human being below the age of 18 years, unless under the law applicable to the child, majority is attained earlier. (What is meant by a child in this Convention is any person under the age of 18 years, unless under the law applicable to children it is determined that the age of majority has been reached earlier).

Meanwhile, the definition of a child in Law Number 13 of 2003 concerning Employment, is that a child is anyone under 18 (eighteen) years of age.<sup>5</sup> And also the definition of a child in Law No. 17/2016 concerning the Second Amendment to Law no. 23/2002 concerning Child Protection, that a child is someone who is not yet 18 (eighteen) years old, including children in the womb.

In the legal system in Indonesia, especially according to the Child Protection Law, a child is "a person who is not yet 18 (eighteen) years old, including children who are still in the womb." This classification is especially important in legal and court processes in Indonesia, where a person Criminals who are categorized as children will be tried in special courts called Children's Courts.

## **Children's Rights**

A child cannot be separated from his rights and obligations. Children are an interesting topic of discussion because children are a state asset in the future, children are the nation's next generation who must be looked after by all groups. So there needs to be protection and guarantees for the good of a child. The aim of child protection is to guarantee the protection of children and their rights so that they can live, grow, develop and participate in human dignity, so that children are protected from violence.

Children's Rights. A child needs guidance, guidance and protection from parents, teachers and those closest to him in order to create a noble personality because a child cannot control his own actions, both feelings and thoughts.

Children's rights are built from a specific definition of rights, contained in Article 4 of Law no. 35 of 2014 concerning child protection, states that "every child has the right to live, grow, develop and participate, appropriately in accordance with human dignity, and to receive protection from violence and discrimination".

## **RESEARCH METHODOLOGY**

This research was conducted in Manulai Village, Alak District, Kupang City. The research uses empirical juridical research methods.

There are also aspects in this research, namely:

- a. Marriage Procedures in accordance with Applicable Law.
- b. Status and position of children born in a valid marriage according to law.

Data are relevant/relevant facts. Meanwhile, the data source is the subject where the data is obtained from research carried out intensively, in detail and in depth to obtain the data.

The data collection that will be used by the author in this research is library research and interviews.

The population in this study was 10 parties related to the research title. The sample was taken using non-random purposive sampling, totaling 10 people.

The data obtained will be processed in several stages, namely: Editing process, data classification and data tabulation, which contains various data that has been coded according to the required analysis. The data obtained from the research results will be analyzed "qualitatively".

## **DISCUSSION**

### **Legal Marriage According to Customary Law in Manulai Village**

Marriage regulations between one indigenous community are different from other indigenous communities, between one ethnic group is different from another ethnic group, between those who are Muslim are different from those who are Christian, Hindu and others. We now have Marriage Law No. 1 of 1974, which is a national law that applies to every color of the Republic of Indonesia. In fact, due to differences in local customary law, it often gives rise to disputes between the parties concerned.

Marriage in Indonesia is declared valid, as regulated in Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, "If it is carried out according to the laws of each respective religion and belief, and registered according to statutory regulations valid invitation.

In the provisions of the Marriage Law, before the parties enter into a marriage, they must first be notified and recorded by a marriage registrar. Then the marriage takes place in front of the marriage registration officer accompanied by a marriage guardian and two witnesses. After the marriage takes place, the bride and groom sign the marriage certificate which is legal proof of marriage. The marriage certificate is also signed by the marriage guardian, two witnesses and a marriage registrar's employee. This is also the case with marriage procedures carried out by indigenous peoples in Indonesia, especially those who are Muslim. However, before Indonesian customary communities based the provisions of Islamic law in the implementation of marriages, the events before the marriage took place were carried out according to customary law which was usually presided over by the traditional head as guardian according to the structure of their respective customary legal communities.

Due to the values that exist in traditional communities which relate to the purpose of the marriage and relate to the community, the process of carrying out the marriage must be regulated by customary rules in order to avoid embarrassing deviations and violations which will ultimately bring down the dignity and honor of the family..

In customary law, marriage is not a personal matter of the person carrying out the marriage, but is also a matter of family, tribe, community and caste. Marriage means separation from their parents and henceforth continuing their parents' life line. In a tribe, marriage is an effort that causes the tribe to continue in an orderly manner. In society (association), marriage is an important event that results in the entry of new citizens who take full responsibility for their association. In caste, marriage is an important event, because castes in (former) society often maintained their position by holding their own orderly marriages.

The meaning of marriage in the Rote traditional community in Manulai Village is a life value that concerns family honor and kinship in social and state life, so the process of carrying out a marriage must fulfill the requirements determined by customary law, in order to avoid unwanted deviations and violations so that can bring down the honor and dignity of the family and kinship (based on the results of the interview).

Marriage in the Rote Indigenous community in Manulai Village, also refers to the principle mentioned above as a result of an interview with local community figure Mesak Stefanus (aged 63), namely that the main requirement must be "those who want to marry must *basuka dolo* (love each other)", then the man -the man must stay "*lu,u*" in the woman's house for 2 to 3 days with a blanket, the blanket is placed at the head of the bed, if this has happened repeatedly then the woman's family must question the man's seriousness - the man, and if the answer is that he wants a serious relationship with the woman then the woman's family should ask the man's family to come and straighten out their son's intentions, this process is called "knocking on the door. So the second condition after the parties mutually *Basuka* must knock on the door. Knocking on the door is the initial procession of a traditional Rote wedding.

*Sasaok* is a type of traditional ceremony that is still maintained and carried out by the Rote people which aims to maintain and preserve local culture resulting from ancestral heritage which is full of moral messages. The stages in carrying out a traditional marriage for the Rote traditional community in Manulai Village are based on the results interview with Mr. Daud Ndun, *sasaok* is a form of ritual ceremony carried out with a series of very sacred processes that every prospective husband and wife must go through, going through the *lu'u inak* stage (introduction stage), the *natane inak* stage (proposal stage), the *nggani eik* stage (inauguration stage) and the *mbede dode* stage (delivery stage). Each stage has its own speech and each speech has a form, function, meaning and value that must be maintained and respected by every married couple which has been approved by custom and cannot be separated by anyone except death.

One of the elements of marriage is the payment of dowry or *belis* which is included in the marriage ceremony. Wedding processions have procedures that vary according to traditions in society, and each culture has its own way of interpreting the dowry. However, there is one similarity in understanding that dowry always has material and immaterial meaning.

Likewise, in the wedding customs of the Rote community in Manulai Village, giving *belis* is something that must be fulfilled as one of the conditions of marriage.

The meaning of belis or dowry is as a replacement for a woman who has died in the tribe (Leo) for her parents and as a sign of gratitude to the woman's family who have allowed their child to move to a man's place. Apart from that, it is an opening for new family relationships and gives value to a woman, which has an important value in the series of physical and spiritual bonds for husband and wife. The form of belis in the form of livestock, land, gardens, mamar and several objects such as tetafa (spear and sword), kokoek (substitute for breast milk) and dode diku (balas belis) has a function as a means of validating marriages, has an economic function, a social function, a moral function and symbol of women's status which is meaningful as recognition of the dignity of a woman who is valued and respected by giving belis.

Traditional marriages in the Rote Tribe in Manulai Village involve a long process regulated by customary rules that have been in effect for generations within the community. The process includes the proposal stage, protection of the belis, collection of the belis by the man's family, payment of the belis, and customary recognition of the marriage. In choosing a partner, Rote men must pay attention to their future wife's beauty, weaving ability, social characteristics and ability to manage money. (based on an interview with Mesak Stefanus (63 years)

In a traditional wedding event in the traditional Rote community in Manulai Village, there will be a reciprocal relationship of giving a dowry (belis) from the man's family to the woman's family, where the man's family will give a number of dowries in the form of animals, buffalo, pigs, goats and sheep. For the gift of dowry (belis) from the man's family, the woman's family will give a number of goods or objects in return for the gift of belis (dode diku) from the man's family, here a continuous reciprocal relationship is created between both sides of the family, At this wedding ceremony there is an exchange system which has the binding and moving power of the Rote traditional community.

### **Status and Position of Children Born in a Legal Marriage According to Law**

A legitimate child is a child who is born as a legal consequence of the implementation of a legal and official marriage based on applicable laws and regulations and the child is the result of a husband and wife couple who was then born to the wife. When the marriage carried out is a marriage that is valid according to religious law and state law, the marriage will produce children who have the status of legitimate children, both according to religion and applicable law. If the child is born before the legal marriage of the parents, then the child receives legal status as a legitimate child. This definition means that before the mother was fertilized and



carried the child, it was on the basis that a legal marriage was entered into and the birth of the child was related to a legal marriage.

In connection with the position of children in the eyes of the law, the terms legitimate children and illegitimate children are known. We can see this in the provisions of articles 42-49 of Law Number 1 of 1974 which provides a definition of children in terms of a child's position in the eyes of the law as follows :

1. Legitimate children Legitimate children are children born in or as a result of a valid marriage. What is meant by a valid marriage is if the marriage is carried out according to the religious laws and beliefs of the parties entering into the marriage.
2. Out-of-wedlock children. Children born out of wedlock In the explanation of article 186 of the Compilation of Islamic Law, it is stated that what is meant by children born out of wedlock are children born outside of a valid marriage or as a result of an illegitimate relationship. This means that the marriage carried out does not meet the harmony and legal requirements of marriage according to religious provisions or the relationship is carried out outside the bonds of marriage (adultery).

In legal provisions and based on religious law. In this case, children born from ordinary marriages will find it easier to maintain kinship relations between their parents and family. Children in an ordinary marriage will not face problems such as guardianship issues or inheritance rights, because here the child has a clear status. Children who are conceived and born in a natural marriage will fully receive their rights and obligations. The child will receive the obligations of his father and mother, such as providing support, clear guardianship, obtaining inheritance rights, receiving complete care from both parents and having a clear civil relationship with his father and mother. Children who are conceived and born in an ordinary marriage or a marriage that is in accordance with religious law and applicable law will get inheritance rights in the highest rank among other groups of heirs, will get social rights or a good social environment because the child is a legally and religiously legitimate children who will later gain a respectable status in society.

The child will get the right to alimony, the right to alimentation here is according to Article 46 of Law Number 1 of 1947 concerning Marriage which states that "alimentation is a reciprocal relationship between the child and the parents which does not only involve alimony but also regarding caring for the parents if they need help." . The right to have the father named on the birth certificate and other rights

Thus, the author can conclude that the position of children in the eyes of the law depends on the marital status of their parents. In a legal marriage, children have a civil relationship with their father and mother, while children born outside a legal marriage only have a civil relationship with their mother and family. So that children born outside of a legal marriage are only recognized as the mother's child, and not the father's child. Even though it was clear that the man in question had impregnated his mother and thus brought her into this world. This of course will affect the rights and obligations of parents towards their children and vice versa. For example, the loss of a father's rights as guardian over his daughter and the loss of mutual inheritance rights between parents and their children.

### **Status and Position of Children Born in a Legal Marriage According to Law**

In connection with the blood relationship between one person's offspring and another, the offspring, namely the offspring and the parents who inherited them, have a relationship in society. Regarding the legal relationship between children and their parents, there are differences between one region and another. This difference is caused by the kinship system of each region. However, for society, heredity is an essential element for kinship. In family relationships, it is known that there is a patrilineal lineage (descendants of the father). In matrilineal descent (mother) and parental or bilateral descent (father and mother), this also occurs and can be found in marriage according to the Rote traditional community in Manulai Village.

The position of children according to Rote customary law in Manulai Village has the most important position in every traditional community. According to the parents, the child is seen as the next generation, the child is also seen as a container where all the parents' hopes for the future must be poured out, seen as the protector of the parents in the future when the person is no longer physically able to earn a living on their own. Children are expected to be substitutes or successors of the family in terms of breadwinners and protectors of the family.

For some of the Rote Indigenous People in the Manulai sub-district who adhere to the patrilineal system, children are seen as assets in their household life because children born in a valid marriage according to the Rote traditional system are the successors of the clan from the lineage of the father and his family and if the child is If a boy is born into the marriage, it will be the pride of the father's family. This is because they are also the ones who look after the inheritance of their parents and relatives. The traditional expression is: *Bonggi tala na tamahena, rae tala na takabani*". This means that we give birth to be our hope, we give birth to be our support.

Therefore, from the time the child is still in the womb, until he is born, and even later in his further growth, in traditional communities there are many traditional ceremonies which are religio-magical in nature and whose implementation sequentially follows the physical growth of the child, all of which have the aim of protect the child and the mother who is carrying it from all dangers and disturbances and later after the child is born, so that the child can be transformed into a child who can fulfill the parents' hopes.

Based on Rote customary law, after a marriage occurs, the husband and wife must have the responsibility to take care of, maintain and educate their children as well as possible, whether biological children, adopted children, stepchildren and illegitimate children. There are differences in the legal relationship between children and parents, from one region to another. This difference is caused by the kinship system of each region. If we look at the origin of the child in question, this greatly differentiates the position and rights of these children. However, biological children, illegitimate children, stepchildren and adopted children have the same rights according to the law, namely to obtain supervision, care and education from their parents. However, in the matter of dividing inheritance assets between biological children, illegitimate children, stepchildren and adopted children receive different and unequal shares or based on their shares or portions.

The position of biological children in the inheritance of inheritance is very important, because biological children are the ones who will inherit all of their inheritance. The relationship with the position of biological children in customary inheritance law can be seen from the existing kinship systems, namely the patrilineal kinship system, matrilineal kinship system, and parental or bilateral kinship system. In a patrilineal society that adheres to male lineage, the position of sons is very prominent compared to daughters, so that sons are the successors of the lineage and the heirs of their parents/father. Boys are the successors of their father's descendants drawn from one original father, while girls are prepared to become other people's children who will strengthen other people's descendants. Therefore, the position of daughters is not as the successor of the lineage and not as an heir.

In the Rote customary law community, the position and arrangements are also based on the structure of the customary community concerned and the applicable form of parental marriage. In a society with a patrilineal kinship structure which tends to carry out honest marriages, where the wife is generally included in the husband's kinship group, the position of the child is linked to the aim of passing on the offspring along the male line, so there is the possibility of a family not having sons. or having no children at all, appointing a daughter to the status of a son or appointing someone else's son to be the successor of the lineage whose

position is equal to one's own children. Thus, in a patrilineal family/household, there are various kinds of children, such as legitimate children who do not have the same position as illegitimate children, biological children who have different positions because their mothers' positions are different.

The purpose of marriage according to Rote custom is to look for children, as is known in traditional language: "Danggan sangga bunak, sao sangga anak" - meaning trade for profit, marriage for children. Children are important in a marriage because they are the successors of the lineage and family name. The existence of the kinship system as their world must continue to be maintained in order to continue the clan. In this regard, Hadikusuma (2003) states that when marriage occurs, the husband and wife have the obligation to obtain offspring who will be the successors to the lineage of their parents and relatives. If a wife cannot produce children, then the relatives can insist that the husband look for another wife or adopt a relative's nephew to be the successor of the family in question.

In Manulai Subdistrict, there are several phenomena that can be a reference source for further researchers who will research the position of children in a marriage that is valid according to customary law, especially Rote customary law, where children are born from a marriage that is valid according to Rote customary law in the Subdistrict. Manulai, the position of the child depends entirely on the relationship between the parents and the family.

In this way, it affects the status and position of children born in marriages that are valid according to customary law, because the status of these children becomes ambiguous in society after the termination of the traditional marriage relationship between their parents. According to an interview with Hanok Bola, the child can have the status of the child of his biological father as long as the father and his family acknowledge the child's existence, so that the child can be used as an heir.

Meanwhile, according to the results of an interview with Yusak Bessie, if a valid marriage according to Rote custom has broken up, and the woman's family returns the items handed over at the time of masok Bessie, or what is meant by the woman's family returns the belis, then the man's family cannot have relations again with the woman's family, so that children born in valid marriages according to Rote customs cannot have their existence recognized by the biological father and his family.

Another opinion was put forward by Hanok Bola, that children born from valid marriages according to Rote customs can be recognized by the biological father and his family, but this does not necessarily make the child the heir of the father, because the child will get a

share in the system. what inheritance if the other heirs allow it and the portion they are entitled to is small, depending on the willingness of the other heirs.

Based on the above, the author can conclude that the relationship between parents really determines the status and position of children born in valid marriages according to Rote customary law, because if the relationship between the parents is not harmonious then the child's status is not recognized as the child of the biological father so that cannot claim his rights as an heir. Meanwhile, children whose parents have a harmonious relationship can have their status as children recognized, but they can become heirs if there is the willingness of the other heirs

## **CONCLUSION**

1. Marriage is a legal event, the consequences of which are regulated by law or an event that has legal consequences. Events are said to be "circumstances" and "events", so the attitude of action in law is a legal event. Marriage is a legal event if the marriage is a valid marriage. The validity of marriage is regulated in Article 2 of Law no. 1 of 1974 which formulates: (1) Marriage is valid if it is carried out according to the laws of each religion and belief. (2) Every marriage is recorded according to the applicable laws and regulations.
2. The status and position of a child in the eyes of the law depends on the marital status of his parents. In a legal marriage, children have a civil relationship with their father and mother, while children born outside a legal marriage only have a civil relationship with their mother and family. So that children born outside of a legal marriage are only recognized as the mother's child, and not the father's child. Even though it was clear that the man in question had impregnated his mother and thus brought her into this world.

## **Suggestion**

Traditional marriages in the Rote tribe in Manulai sub-district involve a long process which is regulated by customary rules that have been in effect for generations within the community, so the author's suggestion is that community leaders in Manulai sub-district must make these rules in the village regulations so that they can provide legal certainty. for the Rote indigenous community in Manulai Village.

## **BIBLIOGRAPHY**

- Anonimous. (1994). Kamus besar bahasa Indonesia. Balai Pustaka Departemen Pendidikan dan Kebudayaan.
- Ghazaly, A. R. (2003). Fiqih munakahat. Kencana.
- Hadikusuma, H. (1999). Hukum perkawinan Indonesia. CV Mega Jaya Abadi Mandar Maju.
- Hadisuprpto, P. (2010). Delinkuensi anak: Pemahaman dan penanggulangannya. Selaras.
- Huraerah, A. (2006). Kekerasan terhadap anak. Nuansa.
- Marsaid. (2015). Perlindungan hukum anak pidana dalam perspektif hukum Islam. Maqasid Asy-Syari'ah. Noerfikri.
- Pide, A. S. M. (2014). Hukum adat Fahulu, kini dan akan datang. Prenada Media Group.
- Saleh, K. W. (1976). Hukum perkawinan Indonesia. Ghalia Indonesia.
- Soekamto, S. (2014). Metode penelitian hukum. Uipress.
- Sugiri. (1999). Aspek hukum perlindungan anak. Bumi Aksara.
- Ter Har. (1999). Asas dan susunan hukum adat (Soebakti Peoponoto, Trans.). Pradya Paramita.
- Tihami, & Sahrani, S. (2014). Fiqih munakahat (kajian fiqih nikah lengkap). Rajawali Pers.
- Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan.
- Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak.
- Utomo, L. (2016). Hukum adat. Rajawali Press.
- Yulia, S. (2016). Hukum adat. Unimal Press.