


A Position Of The Birth Certificate For Child Borne A Sirri Marriage

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Article Info	ABSTRACT
<p>Keywords: Birth Certificate, Children, Sirri Marriage.</p>	<p>A birth certificate is a right for every child. Every child has the right to receive a birth certificate, therefore even fathers and mothers who are in unregistered marriages have children's rights protected by the state. People who want to arrange a birth certificate can come directly to the Dukcapil office or arrange it online. If the parents are not legally married then the birth certificate will contain a phrase stating that the child born from the marriage has not been registered. The formulation of the problem in this thesis is what is the mechanism for registering birth certificates for children resulting from unregistered marriages after the enactment of Law Number 24 of 2013 concerning Population Administration and Minister of Home Affairs Regulation Number 109 of 2019 concerning Forms and Books used in Population Administration in North Labuhan-batu Regency, what are the rights of those born as a result of sirri marriages with the issuance of birth certificates in North Labuhan-Batu Regency, what is the role of the Population and Civil Registration Service of North Labuhan-batu Regency in registering Birth Certificates for children resulting from sirri marriages. This paper described Through the use of Statement of Absolute Responsibility Letter (SPTJM) as an alternative to a marriage certificate, this service seeks to guarantee children's civil rights, including the right to legal identity. Despite facing various challenges and dilemmas, this service continues to try to balance legal compliance and protecting children's rights, while providing services and information to the community about procedures that can be taken to legalize marital status. Thus, the Population and Civil Registration Service plays an important role in ensuring that every child, including those born from unregistered marriages, can obtain a birth certificate and the rights that accompany it, even though there is still the potential for administrative difficulties in the future due to the parents' unregistered marital status. formally.</p>
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INTRODUCTION

Provisions of Article 1 of Law Number 1 of 1974 concerning Marriage (Law No. 1 of 1974), states that marriage is a bond inner relationship between a man and a woman as husband and wife with a purpose forming a happy and eternal family (household) based on Belief in the one and only God. From the definition above it is clear that in A marriage has 2 (two) aspects, namely:

1. Formal (legal) aspect: this is stated in the phrase "inner and outer bond", meaning that marriage, apart from having the value of an outward (visible) bond, also has an inner bond which can be felt, especially by both parties;
2. Socio-religious aspect: the words "forming a family" and "almighty God" mean that marriage has a very close relationship with spirituality, so that not only physical elements but also spiritual elements also have an important role as manifestations of religious teachings.

Examining further the definition of marriage above, there are 3 (Three) elements of marriage in it, namely:

1. Inner and outer ties
2. Between a man and a woman
3. With the aim of forming a happy and eternal family (household), and based on the Almighty God.

Marriage is a whole contract aspect contained in the word *nikah* and is a sacred ceremonial greeting as well related to promises to God Almighty, Meanwhile, marriage is a sacred part of life, because it must pay attention to the norms of society. *Sirri* marriage, namely a marriage carried out by the woman's guardian with a man and witnessed by two witnesses, but not reported or not registered at the Religious Affairs Office (KUA). The term *sirri* marriage or secret marriage is already known among the *ulama*. It's just that the meaning of *sirri* marriage which was known in the past is different from the meaning of *sirri* marriage today. In the past, what was meant by *sirri* marriage was a marriage in accordance with the pillars of marriage, and the conditions were according to the *Shari'ah*, except that the witness was asked not to reveal the occurrence of the marriage to the general public, to the community, and automatically there was no *walimatul-ursy*.

The *sirri* marriage known to Indonesian society today is a marriage performed by a guardian or deputy guardian and witnessed by witnesses, but not carried out in the presence of a Marriage Registrar as an official government official or not registered at the Office of Religious Affairs for those who are Muslim or at the Office of Civil Registry for those who are not Muslim.

Sirri marriage is also called underhanded marriage. *Sirri* marriage only requires the presence of the bride's guardian, consent, dowry and two male witnesses and does not need to involve officers from the Office of Religious Affairs. local. *Siri* marriages are usually carried out because both parties are not ready formalize or enliven it with a reception. Apart from that, the reason is usually to prevent falling into things that are prohibited by religion. Law Number 1 of 1974 concerning legal marriage according to religion however invalid according to the law, because it does not have legal force can be used as authentic proof that a marriage has taken place. The impacts of *sirri* marriage are:

1. *Siri* marriages have a very detrimental impact on wives and women in general, both legally and socially. Legally the wife is not considered a legal wife, has no rights living and inheritance from the husband if he dies, and the wife is not entitled to mutually beneficial assets in the event of separation, because by law, the marriage is considered to have never occurred. Meanwhile, socially, it will be difficult for wives to

socialize because women who enter into unregistered marriages are often considered to be living in the same house as men without marriage (aka cohabiting) or are considered to be mistresses.

- Regarding children, the invalidity of unregistered marriages according to state law has a negative impact on the status of children born in the eyes of the law, namely that the status of children born is considered as illegitimate. As a consequence, the child only has a civil relationship with the mother and the mother's family. This means that the child has no legal relationship with his father in Article 42 and Article 43 of Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law Article 100. In his birth certificate his status is considered an illegitimate child, so the name of the mother who gave birth to him is included. Information in the form of status as an illegitimate child and the absence of the father's name will have a very deep social and psychological impact on the child and mother. Then, the unclear status of the child before the law means that the relationship between father and child is not strong, so that one day the father may deny that the child is not his biological child. What is clearly detrimental is that children are not entitled to the costs of living and education, living and inheritance from their father.

The invalidity of a private marriage without complying with state law also has a negative impact on the status of the child being born who is considered to be illegitimate children only have a civil relationship with the mother and family Mother. Children will also have difficulty getting a birth certificate because of one of them the requirement for making a birth certificate is to attach a family card made based on the Marriage Certificate of the child's parents. According to Article 42 Law Number 1 of 1974 concerning Marriage. "Legitimate child is a child born in or as a result of a valid marriage."

After the policy of the Minister of Home Affairs Number 09 of 2016 concerning SPTJM, ownership of birth certificates increased until July 2023, namely 0-18 years old numbered 202,955 (98.37%) and the total ownership of birth certificates was 524,599 (54.10%) increase which is good and quite significant. This can be seen in the data obtained that a marriage between RA and EL has occurred sirri, and a daughter named SD was born. The information contained in the draft excerpt of the Birth Certificate states that SD is indeed the child of the RA and EL couple, whose marriage, according to the statement, has not been registered in accordance with statutory regulations. However, according to Law number 24 of 2013 as stated in Article 49 paragraph (1) concerning Population administration states that in order for a child's birth certificate to be made, acknowledgment by the father and approval by the child's mother is required. This is also supported by data obtained from the Population and Civil Registration Office of North Labuhanbatu Regency which can be seen in the following table:

Table 1. Birth Certificate Ownership Development Report At the North Labuhanbatu Regency Disdukcapil Office Age Category 0-18 Years

		0-18 Years				
No	Year	Amount	Own	%	Not yet Own	%
1	2017	167,954	90,847	54.09%	77,107	45.91%

0-18 Years						
No	Year	Amount	Own	%	Not yet Own	%
2	2018	195,240	143,781	73.64%	51,459	26.36%
3	2019	214,550	192,706	89.82%	21,844	10.18%
4	2020	204,643	188,020	91.88%	16,623	8.12%
5	2021	212,702	199,141	93.62%	13,560	6.38%
6	2022	222,221	212,213	95.50%	10.00	4.50%
7	2023	206,311	202,955	98.37%	3,356	1.63%

Based on this, research was conducted with the title "The Position of Birth Certificates for Children Born from Sirri Marriages (Study at the Population and Civil Registration Service of North Labuhanbatu Regency).

Literature Review

Mechanism For Registration Of Birth Certificates For Children Sirri Marriage Results

Marriage in Indonesian comes from the word marry, which is then given the prefix "per" and the suffix "an". The term that is the same as the word marriage is nikah, if the prefix "per" is added and the suffix "an" becomes marriage. Marriage or marriage is defined as an agreement between a married man and a woman.⁵³From a linguistic point of view, the word marriage comes from the word "kawin" which is a translation from Arabic, namely "marriage".⁵⁴According to Marriage Law Number 1 of 1974 Article 1, it is stated that marriage 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 (household) based on the belief in the Almighty God. The definition of marriage as stated in Marriage Law Number 1 of 1974 Article 1, if detailed, there are elements in it, namely:

1. There is a man and a woman.
2. Physical and spiritual ties.
3. There is a certain goal, namely forming a happy and eternal family.
4. Based on the Almighty Godhead.

Based on the results of interviews conducted by researchers with the respondents above, there are several factors behind the occurrence of unregistered marriages, namely as follows:

1. Sirri marriages occur because of a relationship that is not approved by the parents of both parties or one of the parties or vice versa, sirri marriages occur due to pressure and coercion from parents to marry according to their parents' choice.
2. Sirri marriages are carried out because of an illicit relationship or infidelity.
3. Sirri marriages are carried out on the grounds that they do not have children from their first wife.
4. Sirri marriages are carried out under the pretext of avoiding the sin of adultery.
5. Sirri marriages are carried out because the couple feels they are not ready materially and socially.
6. Sirri marriage is often placed as an option when someone wants to engage in polygamy for a number of reasons.=

7. Sirri marriages are carried out because the couple does not know and does not want to know the legal procedures.
8. Sirri marriages are carried out to avoid costs and complicated administrative procedures.
9. Sirri marriages are carried out for reasons of interfaith marriage. Usually one of the partners is willing to convert to Islam to gain legitimacy his marriage.

All these reasons lead to the position that sirri marriage is seen as an easier way to make the husband and wife relationship legal.

Marriage Registration As A Condition For The Validity Of A Marriage According To Law Number 1 Of 1974 Concerning Marriage.

Marriage registration is one of the principles of national marriage law which originates from Article 2 paragraphs (1) and (2) of Law Number 1 of 1974 concerning Marriage. The existence of the principle of marriage registration determines the validity of a marriage, meaning that apart from following the provisions of each religious law or religious belief, it is also a condition for the validity of a marriage.

Registration of marriages at the Dukcapil District is stages continuation after the marriage takes place in a religious procession or ceremony custom. The benefits of registering non-Muslim marriages include For recognize the validity that a husband and wife couple are legally registered in the eyes law so as to obtain legal certainty and protection for the rights of husband and wife. The status of children born is legally recognized and is also made easier take care of population documents such as birth certificates and child custody.

The requirements for marriage registration are quite easy done, Applicants need to prepare the following documents:

1. Photocopy of certificate of marriage from a religious leader or believer in God Almighty;
2. Color photographs of husband and wife;
3. Spouse's e-KTP/KK;
4. KTP of 2 (two) witnesses;
5. For widows or widowers due to divorce, attach a photocopy of their partner's death certificate; or
6. For widows or widowers due to divorce, attach a photocopy of the divorce certificate.
7. Marriage Agreement made before a Notary (if any).

Regarding the registration mechanism, the Population and Registration Service North Labuhanbatu Regency Civil Service collaborates with site managers worship to carry out marriage registration services for his congregation in respective places of worship. Marriage registration for residents who are Muslim is a requirement for state life only. "If a marriage is not registered, even though the marriage is valid according to the teachings of religion or belief, the marriage is not recognized by the state, as are all the consequences arising from the marriage.

If a marriage has been solemnized before a marriage registrar, the marriage is deemed to have legal force or in other words, the marriage event has been recognized by the state so that all legal consequences arising from a marriage that has been solemnized before a

marriage registrar are also recognized and have legal certainty. both by law and by the state.

Marriage registration aims to ensure marriage order in society. This is an effort regulated through legislation, to protect the dignity and sanctity of marriage and more specifically women and children in domestic life. Through marriage registration as evidenced by a marriage certificate of which each husband and wife receive a copy, if there is a dispute or dispute between them or one of them is irresponsible, the other can take legal action to defend or obtain their respective rights.

Because with this deed, husband and wife have authentic proof of their actions the law they have done. In accordance with the provisions of Article 2 of Government Regulation Number 9 of 1975, the Law governing marriage registration is stipulated, namely:

1. For those who are Muslim and carry out their marriage according to the Islamic religion, registration is carried out by a Registrar's Officer as intended in Law Number 32 of 1954 concerning Marriage, Divorce and Reconciliation Registrars (Article 2 paragraph (1). This matter is regulated in Chapters II and III, IV Minister of Religion Regulation Number 3 of 1975 in Articles 5 to Article 17).
2. In accordance with the provisions of Article 2 paragraph (2), for those who are not Muslim and who enter into a marriage according to their religious beliefs, marriage registration is carried out by a Marriage Registrar at the Civil Registry Office.

Government Regulation Number 9 of 1975 determines that procedures Marriage registration is carried out as specified in Articles 3 to with Article 9 of Government Regulation. In other words for those who carrying out a marriage according to the Islamic religion, registration is carried out at the office Religious Affairs (KUA), are generally carried out at the same time as the ceremony marriage contract because the marriage registrar from the KUA was present at the marriage ceremony the. Meanwhile, for those who are Catholic, Christian, Buddhist, Hindu, record keeping It was done at the Civil Registry Office after the bride and groom had done it marriage according to their respective religions. For example, for those who adhere to the Catholic or Christian religion, first of all bride carry out a wedding procession in the church, bringing proof (marriage certificate) of church before the marriage is registered at the local Civil Registry Office.

Birth Certificate Registration Mechanism For Children Resulting From Sirri Marriages

Form of state recognition of the existence and legal status of A person's identity regarding name, place and date of birth, who their parents are and their nationality is through a birth certificate. Children who do not have a birth certificate are less protected about their whereabouts and future and have difficulty accessing public services and are vulnerable to criminal acts, including trafficking and child marriage. Regarding making a birth certificate, the requirements include the parents' marriage certificate. If the parents' marriage is not registered so that it cannot be proven by a marriage certificate, this will create obstacles in obtaining a child's birth certificate. Because without a marriage certificate, the marriage is considered to have never existed.

Parents also need to sign a statement called a Statement of Absolute Responsibility (SPTJM) of Truth as a Husband and Wife Couple, which contains a statement that it is true that they are married. This policy is the state's effort to accelerate the production of birth certificates due to the fact that there are still many children in Indonesia who do not have birth certificates, especially due to the absence of their parents' marriage certificates. So, by signing the SPTJM, the birth certificate can include the father's name without going through the court determination process, which usually takes a long time. What is meant by SPTJM Truth as a Husband and Wife Couple is a statement made by the biological parents/guardians/applicants with full responsibility for their status. Year 2018 regulations regarding SPTJM were also regulated in Presidential Decree Number 96 of 2018 concerning Requirements and Procedures for Resident Registration and Civil Registration is:

a. Article 33:

Birth registration of Indonesian citizens must meet the following requirements:

1. Birth certificate;
2. Marriage book/excerpt from marriage certificate or other valid evidence;
3. Family Card (KK) and
4. Resident Identity Card (KTP-e1)

b. Article 34:

Residents can make a Statement of Absolute Responsibility for the correctness of the data with the knowledge of 2 witnesses in the case of:

1. Does not have a birth certificate; and/or
2. "Don't have a marriage certificate/excerpt from a marriage certificate or other valid evidence, but the relationship status in the KK shows that they are husband and wife."

Birth certificate made based on SPTJM Truth as Married couples will produce a birth certificate with additional sentences which explains the marital status of the child's parents which reads " the marriage has not been registered in accordance with statutory regulations." Matter

If the registration is to be carried out outside the place of residence of the child's mother, the applicant fills out the Birth Certificate Form by submitting a birth certificate from a doctor, midwife or birth attendant and showing the mother's ID card to the Implementing Agency. The Civil Registration Officer at the implementing agency records the birth certificate in the register and issues a birth certificate extract. If it is deemed to have met the requirements, then based on this data a report is made using the online system and then printing is carried out. After the birth certificate is printed, it is handed over to the authorized official to be initialed, and then handed over to the Head of the North Labuhanbatu Regency Population and Civil Registration Service to be signed. After it has been signed by the Head of the Population and Civil Registry Service, the birth certificate is handed over to the person concerned to use according to their needs.

Online birth registration is registered in the same KK (Family Card) as the resident whose birth will be registered and is carried out in a place that has internet access which is done by:

1. The applicant registers or fills out a birth certificate at <http://www.dukcapil.kemendagri.go.id/jasaonline> to obtain access rights as a user of the birth registration application.
2. Applicants who have obtained access rights fill out the form in the birth registration application and upload the following requirements:
 - a. Birth certificate from the doctor/midwife/birth attendant
 - b. Marriage certificate/marriage book excerpt
 - c. Passports for non-resident Indonesian citizens and foreigners
3. Applicants who have filled out the birth registration application form and completed the requirements will receive proof of application
4. Officers at implementing agencies verify and validate application data using the database/biodata stored in SIAK (Copulation Administration Information System)
5. After data verification and validation, the civil registration official at the implementing agency signs and issues the Birth Certificate register
6. Civil registration officials at implementing agencies require electronic signatures on birth certificate extracts
7. The officer sends a notification via electronic mail to the applicant
8. The applicant can print an extract of the signed birth certificate electronically by civil registration officials.

The birth certificate can only be printed once, but if an error occurs in the printing, the applicant can report it to the implementing agency via electronic mail. Registration of children's birth certificates at the Population and Civil Registry Service of North Labuhanbatu Regency before and after the Constitutional Court Decision there is no difference, but it is very influential, namely that the name of the parents listed on the child's birth certificate if the parents do not have a marriage certificate (without a marriage certificate) is not the father but the mother. The following is some data related to the registration of children's birth certificates at the Population and Civil Registry Service of North Labuhanbatu Regency

Table 2. Children With Birth Certificates Listed In The Names Of The Father And Mother In North Labuhanbatu Regency 2019-2023

NoYear	Birth certificate In Your Name	Birth certificate In the Name of Mother	Amount
1 2019	4,470	10	4,480
2 2020	4,483	-	4,483
3 2021	62,017	15	62,032
4 2022	74,533	6	74,539
5 2023	91,077	25	91.102

Based on the data above, it shows that there is an impact of marriage without a marriage certificate on their children, when a husband and wife cannot prove their marriage, the name of the mother as parent will be listed on the child's birth certificate when registering or registering the birth. The highest registration of birth certificates for children

resulting from unregistered marriages at the North Labuhanbatu Regency Population and Civil Registration Service will occur in 2023, this is due to increasingly active outreach regarding birth certificates using (phrases) or using SPTJM so that many people are starting to register birth certificates. for children born from sirri marriages and people who register birth certificates are not only newly married couples married sirri but also married couples who have married sirri under 2023. There are three reasons why birth registration is important, namely as follows:

1. Birth registration is a formal recognition of the existence of a child, individually against the state in law.
2. Birth registration is an important element of national planning. For children, it provides a demographic baseline from which effective strategies can be formed.
3. Birth registration is a way to safeguard other children's rights, for example identification of children after war, abandoned or kidnapped children, so that children can know their parents (especially if born out of wedlock), so that they have access to facilities or infrastructure under state protection within the legal age limit. (for example: employment, and in the juvenile justice system) as well as reducing or reducing the possibility of selling babies or infanticide.

METHOD

Children as a result of a marriage are a very important part of their position in a family according to Islamic marriage law. A legitimate child is a child who is considered born from a valid marriage between a father and mother and the legitimacy of a child in Islam determines whether or not there is a fatherly relationship (nasab) with a man.

Positive law in Indonesia differentiates between legitimate descendants and illegitimate descendants. Legitimate offspring is based on the existence of a legitimate marriage, in the sense that one is a descendant of the other based on birth in or as a result of a legitimate marriage, such children are called legitimate children while illegitimate offspring are descendants that are not based on a marriage. Legally, people call such children illegitimate children.¹⁴³ According to Law No.1 of 1974 concerning Marriage, there is a distinction between legitimate and illegitimate offspring:

1. Legitimate descent is regulated in Article 42 of Law no. 1 of 1974 concerning Marriage states that a legitimate child is a child born in or as a result of a valid marriage.
2. Illegitimate parentage is regulated in Article 43 of Law no. 1 year 1974 Concerning Marriage that:
 - a. Children born outside of marriage only have a civil relationship with their mother and her mother's family.
 - b. The position of the child in number 1 above is further regulated in Denial of children by the husband is regulated in Article 44 of Law no. 1 of 1974:
 - 1) A husband can deny the child's legitimacy if he can prove that his wife has committed adultery and the child is the result of that adultery.

- 2) The court makes a decision regarding whether the child is legitimate or not at the request of the interested party.

The legal consequences of the above provisions include, among other things, that children outside of wedlock are considered only to be the children of the mother who gave birth to them. Another legal consequence is that the biological father is not bound by any responsibility towards the illegitimate child even if it is known that the man is the biological father of the illegitimate child.

Sirri marriage is a marriage that is only carried out according to Islamic law without being subject to applicable laws and regulations, namely Marriage Law No. 1 of 1974, regarding the arrangement of joint property in marriage, it is only based on Islamic law. For the purposes of living together, worldly wealth is needed which can be used by husband and wife to finance their daily life, together with his children. This worldly wealth is called marital property or family property.

Sirri marriage is a marriage performed by the woman's guardian with a man and witnessed by two witnesses, but is not reported or registered at the Religious Affairs Office (KUA). Usually those who become victims are the result of this unregistered marriage, which usually arises when there are problems, conflicts and interests in the form of denial of the marriage being carried out under the hand and it is not uncommon for children born in the marriage to not be recognized

In practice, marriages that occur in society do not fully comply with the law, this is where cases of unregistered marriages or underhand marriages spread and become a phenomenon in themselves. Sirri marriages or underhand marriages are marriages that are not recorded by the Marriage Registrar (VAT). Marriages that are not under VAT supervision are considered religiously valid, but do not have legal force because they do not have proof of a valid marriage according to the applicable laws and regulations. Another opinion states that a sirri marriage or underhand marriage is a marriage that is carried out without fulfilling the requirements and procedures of statutory regulations. Sirri marriage causes many disadvantages, compared to the advantages, namely:

1. The advantage is that if the sirri marriage is carried out according to religious guidance, then the husband and wife relationship is valid, meaning that adultery is avoided and costs are saved.
2. Disadvantages/weaknesses:
 - a. A husband can act arbitrarily, for example he can divorce his wife without going through a legal process.
 - b. If a husband leaves his wife for a long time and before leaving her the husband does not divorce her, the wife cannot sue for divorce in court because of the marriage certificate and if the wife marries, the wife is polyandry or has more than one husband and this is prohibited by religion and the Marriage Law.
 - c. If the husband dies, the wife and children born from an unregistered marriage cannot claim inheritance, the children can only inherit the property of the mother who gave birth.

- d. Children born from sirrih marriages are considered illegitimate children by state law.
- e. For children who have a birth certificate, only the name of the mother who gave birth to them is written on the certificate, so it has a big impact on the child's psychology.

Children born in unregistered marriages, even if they are children is a legitimate child, but does not have authentic evidence that can confirm that the child is legitimate from both parents. This has a negative impact on the child's life in the future, the child's rights can be violated, such as the child does not have the right to inherit from his father according to state law, even though according to religion the child has the right to this. So legal efforts are needed so that the child obtains the status of a legitimate child of both parents.

Children's rights are human rights that must be guaranteed, protected and fulfilled by parents, families and communities, the government and the state, and regulated in Law Number 35 of 2014 concerning Child Protection that Children's rights include being able to live, grow, develop and participate fairly in accordance with human dignity and respect get protection from violence and discrimination, personal identity since birth, receive protection from discrimination or economic exploitation sexual, neglect, cruelty, violence and abuse, injustice and other treatment. Regarding children's rights, these are regulated in Law Number 1 of the Year 1974 Concerning Marriage which states the rights of children:

1. Children have the right to be cared for and educated by their parents as well as possible. (Article 45 paragraph (1))
2. Children have the right to be under the authority of their parents as long as they are not deprived of their authority. (Article 47 paragraph (1))
3. Children have the right to be represented by their parents regarding all legal actions inside and outside the court (Article 47 Paragraph (1)).
4. Children have the right to receive maintenance costs from their parents even if their parents have their authority revoked. (Article 49 paragraph (2))

RESULT

Obstacles to the Population and Civil Registration Service of North Labuhanbatu Regency in registering birth certificates for children resulting from marriage *Siri*

The North Labuhanbatu Regency Population and Civil Registration Service was first formed based on North Labuhanbatu Regency Regional Government Regulation Number 5 of 2011 concerning the Establishment of the Organizational Structure and Work Procedures of Regional Technical Institutions. The North Labuhanbatu Regency Population and Civil Registration Service was first established in May 2009 at Jl. Major Siddik No.13 Aek Kanopan, Kualuh Hulu District, North Labuhanbatu Regency. However, on February 10 2015, the Population and Civil Registration Service of North Labuhanbatu Regency moved to Jalan Lintas Sumatera, Sidua-dua Village No. 01 South Kualuh District, North Labuhanbatu Regency.

The Population and Civil Registration Service of North Labuhanbatu Regency is an institution that assists the Regent in carrying out supporting functions for government

affairs in the field of population administration which is the authority of the region and assistance tasks given to the district in the field of population administration based on the principle of autonomy and assistance tasks. Law Number 24 of 2013 concerning Population Administration is a mandatory matter of the Population and Registration Service civil affairs in terms of population administration matters which include population registration and civil registration and one of which is the registration of birth certificates for children resulting from unregistered marriages.

The issuance of a marriage certificate or marriage book is a constitutive element (which gives rise to) marriage. Without a recorded marriage certificate, legally it is considered that there is no marriage or no marriage. The Compilation of Islamic Law also provides formulations regarding valid marriages and provisions for orderly marriages. Article 4 of Law no. The Compilation of Islamic Law confirms that marriage is valid if it is carried out according to Islamic law in accordance with Article 2 paragraph 1 of Republic of Indonesia Law Number 1 of 1974 concerning Marriage. as the idea put forward by Akmal that children born from a valid marriage are the responsibility of both parents, and with the Constitutional Court decision No.46/PUU-VIII/2010, registering a child's birth certificate becomes easier when it can be proven that it has enter into a legal marriage."

Birth registration is important for the person concerned and for the country, because with regular birth registration various problems can be resolved, for example population growth can be identified, this will help the government in determining policies related to population problems. According to Erni Yunita, Head of the Department's Civil Registration Services Division Population and Civil Registration of North Labuhanbatu Regency, there are three reasons why birth registration is important:

1. Birth registration is a formal recognition of the existence of a child, individually to the state and the child's status in law.
2. Birth registration is an important element of national planning. For children, it provides a demographic basis from which effective strategies can be formed.
3. Birth registration is a way to safeguard other children's rights, for example identification of children after war, abandoned or kidnapped children, so that children can know their parents (especially if born out of wedlock), so that they can get access to facilities or infrastructure under state protection within the legal age limit (for example : employment, in the juvenile justice system) as well as reducing or possibly selling babies.

Arranging a birth certificate or birth certificate is actually not a problem which is difficult and complicated. The government even encourages every new citizen get the birth of a child to immediately take care of the birth certificate and not procrastinating too long. However, this recommendation is actually the opposite ktek in the field.

Difficulties will occur if the Family Card does not match father's and mother's data. Even though various possibilities can happen to the Card Inappropriate family (KK). The father or the mother (or both) perhaps not yet included in the Family Card (KK) list because his name is still registered in another Family Card (KK)(Domicile) before he gets married,

The policy of the Population and Civil Registration Service of North Labuhanbatu Regency is to be sure that the child is truly the child of the parents of the person reporting the birth certificate, so before the birth certificate is processed, in the parent's family card column, as one of the main requirements in making the birth certificate, the name has been added. the child whose birth certificate is to be made as the child of his parents. This has to be done, apart from covering the shame of having given birth to a child without a legal marriage as mentioned above, also so that the child can obtain their constitutional rights, including fulfilling the administrative requirements for entering school when the child later enters. school, where one of the conditions is that the child must have a birth certificate.

Apart from the reasons above, there are also other reasons that encourage or motivate mothers who give birth to children without a legal marriage hiding the true identity of their child when their birth certificate is made at the Population and Civil Registry Service of North Labuhanbatu Regency, namely the opinion in society that children born out of wedlock are illegitimate.

An obstacle that is always experienced by North Labuhanbatu Regency Population and Civil Registration Service Officers is that when the Officer goes to the village to check data in the field, the Village Head in the place in question lives never objects to the birth certificate made by the Population and Civil Registration Service In fact, actual information regarding the status of the child whose birth certificate was made was not even conveyed. Because the officers did not know the actual situation, in the end the birth certificate was deemed to be in accordance with the actual situation, meaning that the information contained in the birth certificate, including data regarding the biological parents of the child for whom the birth certificate was made, was deemed to have no problems.

Usually, if it is later discovered that the birth certificate that has been issued by the North Labuhanbatu Regency Population and Civil Registration Service turns out to be a forgery of identity, the birth certificate will immediately be withdrawn. However, the problem will become difficult when the child who has a birth certificate already has a diploma because the certificates issued are adjusted to the number of students who graduate, so automatically the certificates will also be withdrawn because of the issue of identity fraud. intended, then the child will definitely lose his diploma, because there are no longer blank diploma forms that can replace the child's diploma.

Administration relating to birth certificates is now based online, including in this case in North Labuhanbatu Regency, so that every birth certificate that has been issued cannot possibly be withdrawn, because it will definitely disrupt the system. In fact, the Department of Population and Civil Registration of North Labuhanbatu Regency could prosecute criminally based on Articles 93 and 94 of Law Number 24 of 2013 concerning Population Administration that anyone who orders and/or facilitates and/or manipulates population data and/or population data elements as intended in Article 77 shall be punished with imprisonment for a maximum of 6 (six) years and/or a fine of a maximum of IDR 75,000,000.00 (seventy-five million rupiah)

Efforts Of The Department Of Population And Civil Registration Of North Labuhanbatu Regency In Overcoming Barriers To Registration Of Birth Certificates For Children Resulting From Marriage *Siri*

Law Number 1 of 1974 concerning Marriage is stipulated as determining whether a marriage is valid or not in accordance with the provisions of Article 2 paragraph (1), and for Muslims it is Islamic law, namely Munakahat Law, but since the issuance of the Compilation of Islamic Law (KHI), then KHI established by the Government as a reference or guideline for marriage cases. In accordance with the principles adopted in Law Number 1 of 1974 concerning Marriage, this Law also requires the registration of marriages before a Marriage Registrar Officer to ensure order, marriage administration and legal certainty for the parties entering into a marriage in order to form a *sakinah* family and in order to provide legal protection for the fulfillment of the rights of the wife and children, especially regarding the division of inheritance, recognition of the status of children and if there are problems, the wife has a strong legal basis to sue her husband.

The legal obligation to register marriages imposes duties and authority on Marriage Registrar Officials, to record marriages and administer them in marriage certificates and reconciliation registration books. Apart from that, marriage registration is an important event from the population administration aspect, so that a marriage certificate is an authentic document in the administration system. Efforts to overcome the problem of the legal position of children resulting from unregistered marriages are:

Asking *sirri* married couples to use the procedure so that the *sirri* marriage becomes a legal marriage, namely by registering it with the marriage certificate. For those who are Muslim, but cannot prove that a marriage occurred with a marriage certificate, they can apply for a marriage *itsbat* (marriage determination/validation) to the Religious Court (Article 7 of the Compilation of Islamic Law), however this marriage *Hisbat* is only possible if it concerns a divorce settlement.

The application for a marriage *itsbat* must be voluntary without any elements dispute, it is said so because the result of the application is declaratory (declaring) or *constituitoire* (creating) and not punitive. During the trial, the Religious Court Judge will examine and declare whether or not the unregistered marriage is valid, in the form of a marriage *itsbat* determination.

The determination of the marriage law will be used as a legal basis for the Office of Religious Affairs to issue a marriage certificate by including the date of the previous marriage. However, if it turns out that the judge declares that the previous marriage is invalid, then the Office of Religious Affairs will remarry the husband and wife. If children are born during a marriage and if you already have a marriage certificate, you must immediately apply for the children's birth certificates to the local Civil Registry Office so that the child's status is valid in the eyes of the law. If processing the child's birth certificate has passed 14 (fourteen) days as specified, you must first submit an application for the child's birth registration to the local District Court. Thus, the child's status on the birth certificate is no longer an illegitimate child.

Remarriage

Remarriage is carried out like marriage according to the Islamic religion. However, a marriage must be accompanied by a registration of the marriage by an authorized marriage registrar (KUA), while for non-Muslims, remarriage is carried out according to the provisions of the religion they adhere to. The marriage must be registered in front of the official authority, in this case at the Civil Registry Office. Marriage registration is important so that there is clarity on the status of the marriage. However, the status of children born in unregistered marriages will still be considered illegitimate children, because remarriage does not apply retroactively to the status of children born before the remarriage took place. Therefore, in birth certificates, children born before remarriage remain illegitimate children, whereas children born after remarriage have the status of legitimate children born in marriage.

As for the method that can be taken if children have been born in an unregistered marriage, this can be followed by child recognition, namely recognition made by the father of children born outside a legally valid marriage. Basically, child recognition can be done by both the mother and the father. However, based on Article 43 of Law no. 1 of 1974 which essentially states that children born out of wedlock have no civil relationship with their father, so to obtain a new civil relationship, a father can acknowledge the child. However, child recognition can only be done with the mother's consent, as regulated in Article 284 of the Civil Code.

CONCLUSIONS

The conclusion of this paper are: The birth certificate registration mechanism for children resulting from unregistered marriages is based on Law Number 24 of 2013 and Minister of Home Affairs Regulation Number 109 of 2019 in North Labuhanbatu Regency, that parents can use a Statement of Absolute Responsibility (SPTJM) of Truth as a Husband and Wife Couple as a substitute for a marriage certificate to register a child's birth certificate, by completing the requirements in the form of a birth certificate, parents' KTP, mother's family card, and SPTJM signed by the parents and known by 2 witnesses, then the registration process can be done offline at the Population and Civil Registration Service or online, and the birth certificate issued will include the names of the father and mother with the additional phrase "whose marriage has not been registered in accordance with the provisions of the laws and regulations". Rights born from a sirri marriage with the issuance of a birth certificate in North Labuhanbatu Regency that children born from a sirri marriage have the right to obtain a birth certificate even though their parents do not have a marriage certificate, by using a Statement of Absolute Responsibility (SPTJM) of Truth as a Spouse Wife as a substitute for a marriage certificate, so that the child can obtain the same civil rights as the child. legal rights, such as the rights to a name, citizenship, maintenance, education and inheritance rights, even though the birth certificate will include the additional phrase "whose marriage has not been registered in accordance with the provisions of the laws and regulations", which can have an impact on difficulties in administering the child in the future. The Population and Civil Registration Service of North Labuhanbatu Regency

plays an important role in registering birth certificates for children resulting from unregistered marriages, despite facing various challenges. They are responsible for processing birth certificate applications, but are often faced with a dilemma when dealing with cases of children from unregistered marriages. The Service seeks to strike a balance between compliance with legal requirements and the need to protect children's rights. They provide services and information to the community about procedures that can be taken, such as marriage registration or remarriage, to legalize the parents' marital status. Apart from that, they also verify data and collaborate with related parties such as the Religious Courts and the Office of Religious Affairs to facilitate the birth certificate registration process. Despite facing obstacles, this Department continues to strive to ensure that every child obtains legal identity through a birth certificate, while maintaining the integrity of the population administration system.

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