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# Juridical Review of Marriage Registration Under Hand

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Marriage registration is not a requirement for a valid marriage, but is an effort to create administrative order. The statement of Absolute Responsibility (SPTJM) contained in the Minister of Home Affairs Regulation Number 9 of 2016 is the government's attempt to provide a solution to the problem of population administration, where there are still many people who do not have population documents. Based on this policy, people who carry out unregistered marriages can make a family card using the SPTJM as a substitute for a marriage certificate. So this study aims to determine the status of marriage registration after the Minister of Home Affairs Regulation Number 9 of 2016, as well as the legal consequences arising from the use of SPTJM for unregistered marriage partners. The research method used is normative, carried out by examining library materials or secondary data coupled with interviews. The research results that need to be considered are that the SPTJM doesn't legalize the occurrence of a marriage, but only speeds up the process of collecting population administration data at the Population and Civil Registry Service. Therefore, registration of marriages is important so that people have legal certainty regarding their marital status.

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## 1.Introduction

Marriage is something bond institutionalized body and soul \_ in A a strong and recognized institution religiously and legally . Wedding held with human purpose \_ own legitimate family \_ Good in a way law and religion for reach happiness in undergo life . Objective from carry out marriage in Islam is obey the command of Allah SWT and His Messenger who is something the value of worship , namely build family prosperous as something solid ties , demanded \_ For make benefit for society as well as the nation in general .

Law regarding Marriage in Indonesia is regulated in Constitution Number 1 of 1974 concerning Marriage , mentioned in article 1 which reads “ Marriage is bond born inner between a man with a woman as husband wife with objective form happy and eternal family \_ based on Almighty Godhead \_ Esa ”. That matter explain that marriage is A causal bonds \_ a man and one woman unite , okay in a way physical ( birth ), namely existence husband and wife in One House stairs , nor in a way inner ie feeling each other cherish , love , and have between One with others.

Condition legitimate from marriage arranged in Article 2 paragraph 1 of the Law Number 1 of 1974 concerning Marriage which reads “ Marriage is legitimate if done according to the laws of each religion and belief That ”. That matter clarified in explanation on Constitution Number 1 of 1974 concerning marriage that “ no There is outside marriage \_ the laws of each religion and belief that 's appropriate with 1945 Constitution ”. Then Article 2 paragraph ( 2) reads " Each marriage noted according to regulation current regulation " . About recording marriage No become condition legitimate something marriage , however if marriage the No recorded then the state does not can protect rights civil law contained therein . \_

Marriage who does not recorded so marriage the categorized as as a marriage under hand , so marriage the No own proof authentic that can be prove that has happen marriage . That matter will give quite an impact Serious for partner That Alone as well as House the stairs will built furthermore . This matter related with fulfillment the rights that arise from connection marriage like right civil , obligation giving livelihood and distribution right heir .

Marriage practices below No become something the thing that new in

society , however moment This the more often discussed after appearance Minister of Home Affairs Regulation Number 9 of 2016 concerning Acceleration Enhancement Scope Ownership Deed Birth . In the Minister of Home Affairs Regulation there is governing regulations \_ about acceleration ownership card family for marriage society \_ Not yet recorded with using a Statement Letter Absolute Responsibility (SPTJM ) , so matter the give rise to confusion as well as give rise to problem new to public .

## 2. Research Method

Study This use method study normative , that is something procedure study scientific For find truth based on logic science from side normative . Done with method research material References or secondary data . In study This writer use Constitution Number 1 of 1974 Concerning Marriage and Minister of Home Affairs Regulation Number 9 of 2016 concerning Acceleration Enhancement Scope Ownership Deed Birth which is embodiment from rule law or regulation legislation and use as guidelines .

## 3. Results and Discussion

### **Position Recording Marriage Based on Constitution Number 1 in 1974 and After There is Minister of Home Affairs Regulation Number 9 of 2016**

#### **a) According to Constitution Number 1 of 1974 Concerning Marriage**

Indonesian positive law regulates about recording marriage in Article 2 paragraph (2) of the Law Number 1 of 1974 that " everyone marriage noted according to regulation current regulation " . In art before , that is Article 2 paragraph (1) explain that " marriage is valid , if done according to laws of each religion and belief That " . Provision in chapter the state that No There is the marriage took place outside from religious law and belief from the parties involved \_ marriage , appropriate with 1945 Constitution .

In Article 2 paragraph (2) of the Law Number 1 of 1974 has element that marriage is something deed law , then from That marriage must recorded for compliance to the rights that arise from marriage the can protected Constitution Marriage . With thereby recording marriage

becomes very important although No determine legitimate or or not something marriage , however recording marriage state that has happen something incident marriage .

Recording marriage nature administrative , but role from recording marriage is as proof authentic that has implemented it legal marriage \_ with proven by a marriage certificate . Whereas the marriage took place in accordance religious provisions and without noted stay legal , however matter the felt Not yet Enough For can prove that has held something marriage , because incident marriage proven with marriage certificate which is proof authentic happen something marriage . So that thing that happened consequence from No recorded it marriage someone , if later day arise something conflict or No fulfillment rights and obligations in marriage that , then marriage that is not recorded No can protected by law Marriage .

marriage certificate is one of them document important that is necessary owned by the couple husband wife who has legitimate Marry . In the marriage certificate is listed Name husband and wife as well as documents It's important to explain about has happen marriage between husband with wife as well as matter the recognized by the state. Deed marriage works as proof authentic has happen something legal marriage and make \_ deed marriage as document important in do marriage .

So from That meaning from recording marriage that is nature administrative and not something decisive thing \_ legitimate or or not something incident marriage . It's legal something marriage that is if marriage the done in accordance with the laws of each religion and belief . However \_ position recording marriage according to Article 2 paragraph 2 of the Law Number 1 of 1974 concerning Marriage obviously very important , because That marriage that is not registered at the Religious Affairs Office (KUA) for those who are Muslim and at the Disdukcapil Office for those who are religious other than Islam, then existence from marriage the considered No there is by country, and not have strength law in front of law positive in Indonesia, so matter the result marriage That No can protected by law Marriage .

**b) According to Minister of Home Affairs Regulation ( Permendagri ) Number 9 of 2016 concerning Acceleration**

### **Enhancement Scope Ownership Deed Birth**

Condition making card family new ones stipulated by the Surakarta City Dukcapil Disukcapil in it include a Statement Letter Absolute Responsibility (SPTJM ) for replace requirements that are not can filled with society . There is several SPTJM that apply to the Surakarta City Dukcapil Office , one of which is namely SPTJM marriage / divorce Not yet recorded as being used For replace quote deed marriage / marriage certificate . Based on results interview with Mrs. Ika Merdiana as Sub Coordinator Data collection Resident Disdukcapil Surakarta City on November 2 2022 that use of SPTJM in service administration population aim For connect access fulfillment rights administrative resident For can own card family . Problems that exist in the service process administration population is public difficulty For fulfil condition form deed marriage / marriage certificate due his marriage Not yet recorded . So that the use of SPTJM is felt capable answer problem requirements that are not can provided by the community .

However , the use of a Statement Letter Absolute Responsibility \_ like That worried will the more fertilize marriage practices below hand , because public will think that urgency to marriage book already No important Again If all service population still can enjoyed although partner the No own deed marriage . Besides Therefore , the use of SPTJM is assessed has seize authority institution Justice in matter determination ( isbat ) of something marriage that is not recorded . Because of the problem marriage Not yet recorded should can resolved with method submit application marriage isbat at the Religious Court , so that the SPTJM is considered it's not the right solution For can own card family .

Although Thus , based on results interview with Mrs. Ika Merdiana as Sub Coordinator Data collection Resident Disdukcapil Surakarta City that example case from use of SPTJM marriage / divorce Not yet recorded at the Surakarta City Dukcapil Disdukcapil carried out by the couple husband wife who has age and class elderly . Whereas to still couple \_ aged young , the Surakarta City Dukcapil Disukcapil does not recommend using SPTJM marriage / divorce Not yet recorded . That matter because For avoid impact bad that would be happen if No recorded marriage . Related matter the Disdukcapil Surakarta City more suggest that couples who are still young For do marriage in accordance with Constitution compared to marriage below \_ hand .

Position recording marriage after exists Minister of Home Affairs Regulation Number 9 of 2016 , namely marriage still must recorded in accordance with Constitution Number 1 of 1974 concerning Marriage . In the Minister of Home Affairs Regulation this , Statement Letter Absolute Responsibility (SPTJM ) Truth as partner husband wife No can become proof authentic to it's legal something marriage . In principle , SPTJM is not something form validation to marriage , however only speed up the data collection process administration population at the Population and Records Service Civil . However , innovation acceleration data collection resident the give impact law from there is a new status on the card family namely “ marrying Not yet recorded ” for couples who don't can show their marriage certificate .

### **Legal Consequences \_ from There is Minister of Home Affairs Regulation Number 9 of 2016 against Married Couple Under Hand**

Something marriage is legitimate if has done according to the laws of each religion and belief , apart from That Marriage is a must too recorded in accordance with regulation current regulation . \_ That matter has mentioned with clear in Constitution Number 1 of 1974 concerning Marriage . So that use of Statement Letter Absolute Responsibility (SPTJM ) as alternative For can make card family for partner husband a wife who doesn't own deed marriage , it feels not enough correct or not is the right solution for problem the .

Use of Statement Letters Absolute Responsibility (SPTJM ) marriage / divorce Not yet recorded as condition possible complement \_ replace marriage certificate , have quite an implication big to making card family . Society will feel more free For choose recorded his marriage or No recorded his marriage . That 's what's worrying tend will push public For No recorded marriage them , as well can fertilize marriage practices below hand . Because with No recorded marriage , society will still can make card family . So that public evaluate as if urgency from recording marriage No too important Again .

Consequence emerging laws \_ from a Statement Letter Absolute Responsibility \_ is the existence of marital status new “ Unregistered Marriage ” in Card Family . That matter impact for couples who marry below \_ hand as well as confusing public That Alone . is from the "Unregistered Marriage " status of the marriage from partner the can

own certainty law and protected by law Marriage . Moreover in Compilation of Islamic Law Article 6 paragraph (2) also states that marriages performed outside \_ \_ supervision Employee Marriage Registrar , then marriage the No own strength law .

Based on reason that , position marriage with the status “ Unregistered Marriage ” no can protected by law Marriage , because marriage the No recorded to authorized official who causes it marriage the No recognized by the state. That matter result regulation Nor do other laws can applied if happen something problem law in marriage below \_ hand . Because it happened incident marriage the No can proven Because No own deed marriage . With thereby make position marriage with the status “ Unregistered Marriage ” shown on the card family The same very No can made base footing For do deed law . So the status "Marriage has not been registered " means problem new which is consequence from the validity of the existing SPTJM in Minister of Home Affairs Regulation Number 9 of 2016.

So from that 's important own inside marriage certificate A marriage is For ensure rights from a wife and children born to him . Recording marriage is a necessary process \_ done if has do legal marriage . \_ Registered marriage \_ will have a clear marital status as well as all something can accountable in a way law . If happen something events that are not desired later day , then partner husband wife the will more easy For do action law with existing documents \_ clear .

Marital status "Married Not Registered " is considered only as alternative temporary that the state is obliged give protection and recognition to determination of personal status and legal status from every incident population that occurs . But in matter This is the Department of Population and Records Civil No get married or validate something marriage the with the status “Marriage Not Registered ” on the card family . So that to partner husband wife who has get married below hand will more Good if submit application marriage isbat at a religious court . If application the granted so will issued decision the court stated that marriage the set as legal marriage \_ so that own certainty law as well as strength clear law \_ with the status " Registered Marriage " in card family . Effort the felt more administrative and appropriate with Article 7 KHI concerning marriage isbat , compared with make a Statement Letter Absolute Responsibility (SPTJM ) then in Card Family noted with marital status "Marriage Not Registered ".

#### 4. Conclusion

Based on results research and discussions that have been carried out described in chapter before , then writer interesting conclusion to study This as following :

1. Note taking marriage No become condition legitimate marriage , p the in accordance with Article 2 paragraph (1) of the Law Number 1 of 1974 Concerning Marriage . Position recording marriage only become obligation administrative evidence \_ that marriage has happen in accordance with Constitution Proven marriage \_ with marriage certificate . Importance recording marriage is so that the state can give protection , compliance and enforcement to which rights \_ arise from connection marriage like rights civil , obligation giving livelihood and rights heir .
2. Statement Letter Absolute Responsibility (SPTJM) contained in Minister of Home Affairs Regulation Number 9 of 2016 is solution to problem administration population . However , society \_ need know that SPTJM does not validate happen something marriage , but only speed up the data collection process administration population at the Population and Records Service Civil . So , if partner the Not yet recorded his marriage but want to own marriage certificate , filing application marriage isbat ( marriage validation ) is felt more administrative and constitute the best solution .
3. On implementation use of SPTJM marriage / divorce Not yet not recorded in the Surakarta City Dukcapil Disukcapil recommended used by couples aged young , so Not yet There is example case use of SPTJM by older couples young . The Surakarta City Dukcapil Disdukcapil recommends that older couples young do marriage in accordance with Constitution Marriage compared to get married below hand For avoid impact bad from marriage that is not recorded .

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