



**DETERMINATION OF THE GUARDIAN OF
MARRIAGE AT THE RELIGIOUS
AFFAIRS OFFICE OF NORTH
PADANGSIDIMPUAN
SUB-DISTRICT**

THESIS

*Submitted To The State Institute For Islamic Studies Padangsidimpuan
As A Participal Fulfillment Of The Recuirement For Graduate Degree
Sharia And Achieving A Law Degree (SH)*

Written By:

PUTRI NUR AISYAH

Reg. no. 1710100005

**AHWAL AL SYAKHSIYYAH STUDY PROGRAM
SYARIAH AND LAW FACULTY
STATE INSTITUTE FOR ISLAMIC STUDIES
PADANGSIDIMPUAN**

2021



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THESIS

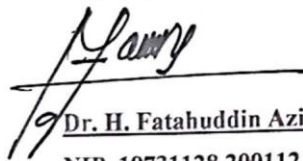
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2021



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Attachment : 7 (Seven) Attachments)

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At.
Padangsidempuan

Assalamualaikum Wr.Wb.

After reading, reviewing and providing suggestions for improvement as necessary to Putri Nur Aisyah's Thesis entitled: **“Determination Of The Guardian Of Marriage At The Religious Affairs Office Of North Padangsidempuan Sub-District”**, then we declare that this thesis has been accepted to fulfill part of the requirements in obtaining a Bachelor of Law (SH) in the field of Ahwal Al-Syakhshiyah at the Faculty of Sharia and Law at IAIN Padangsidempuan.

For that, in the not too distant future, we hope that the brother can be called to account for his thesis in the Munaqosyah trial.

Thus we convey, for the attention and cooperation of the parents, we thank you.

Wassalamua'laikum Wr.Wb.

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
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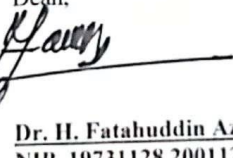
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**Has Been Accepted To Fulfill One Of The Tasks
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Bachelor Of Law (SH)**



Padangsidempuan, 13 September 2021
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ABSTRACT

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Guardianship in marriage is important. In Article 19 of the KHI it is stated that a marriage guardian is a pillar that must be fulfilled so that the bride and groom can get married. However, basically there is no official regulation from the Ministry of Religion on how to determine marriage guardians at the Religious Affairs office. KUA as an institution responsible for all Islamic religious affairs, including marriage, has a tough task in determining marriage guardians for girls born from marriages outside of their parents' marriage. This must require caution and thoroughness in order to avoid mistakes. Therefore, researchers are interested in further researching how the implementation of the determination of marriage guardians in the KUA of North Padangsidempuan Regency and what is the basis of the KUA of North Padangsidempuan District in determining marriage guardians in cases of child marriages out of wedlock.

The research used in this research is field qualitative research, namely research conducted by collecting primary and secondary data. Research data that becomes primary data is data obtained directly from research subjects, namely the results of interviews with KUA North Padangsidempuan District including the Head of KUA North Padangsidempuan District and Functional Heads. While secondary legal materials for researchers are obtained from laws and regulations, books, articles, expert opinions, and other sources deemed relevant and related to this research. Data collection techniques were carried out by interview, and document study. The data is processed by identification, clarification and analysis techniques to get the final conclusion.

The results of this study are,, the *firstly* process of determining marriage guardians in Kua Padangsidempuan District consists of 5 stages, namely Examination of Marriage Requirements Documents, Calling Prospective Bride and Groom, Calling Guardians of Marriage (Parents of the Prospective Bride), Giving advice or direction by KUA (Wali Nikah). , Last Question from KUA North Padangsidempuan District and Determination of Marriage Guardians. *The two* legal bases used by the KUA of North Padangsidempuan District in determining marriage guardians if there is a case of a prospective bride who is a child from a pregnant marriage are the basis for Munakahat fiqh.

Keywords : Determination, Guardian Of Marriage, KUA

FOREWORD



Thank God, we pray to Allah Subhanahu Wata'ala who has given time and health to the author to conduct research and put it into the thesis. Sholawat and greetings to the Prophet Muhammad SAW. who has guided his Ummah from the dark ages to the bright days as it is today.

This thesis entitled “Determination Of The Guardian Of Marriage At The Religious Affairs Office Of North Padangsidimpuan Sub-District” This program is structured to complete assignments and fulfill the requirements to achieve a Bachelor of Law (S.H) degree at the Ahwal Al Syakhshiyah Study Program, Padangsidimpuan State Islamic Institute.

The author is well aware that in writing this thesis there are still many shortcomings and it is still far from perfect, as well as many obstacles faced by the author due to limited knowledge. However, thanks to the guidance and suggestions of the supervisor, this thesis was finally able to be completed.

With the completion of this thesis the author would like to thank profusely to:

1. Mr. Dr. H. Ibrahim Siregar, M.C.L, as Chancellor of IAIN Padangsidimpuan, to Mr. Vice Chancellor for Academic and Institutional Development, Mr. Vice Chancellor for General Administration, Planning and Cooperation, Mr. Vice Chancellor for Student Affairs and

Cooperation and the entire academic community of IAIN Padangsidempuan.

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9. Special thanks to myself who have struggled against ego, laziness and uncertain moods during the writing of this thesis and I am proud that I have succeeded in fighting all this time.
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Hasibuan), and lastly to twin Pakka (Juliana Putri Pasaribu and Sri Masyuli Manulang).

Finally, by surrendering and asking for the blessing of Allah Subhana Wata'ala, the author hopes that this thesis will be useful, especially for writers, readers and the wider community.

Padangsidempuan, July 2021

Author

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GUIDELINES FOR ARABIC-LATIN TRANSLITERATION

1. Consonants

Arabic consonants in the Arabic writing system are denoted by letters in this transliteration, some are denoted by letters, some are denoted by a sign and some others are denoted by letters and signs at the same time. The following is a list of Arabic letters and their transliterations with Latin letters.

Arabic	letters Latin letters	letters	Name
ا	Alif	Not denoted	Not denoted
ب	Ba	B	be
ت	Ta	T	te
ث	· a	·	es (with dots above)
ج	Jim	J	je
ح	ḥa	ḥ	ha (with dots below)
خ	Kha	Kh	kadan ha
د	Dal	de	
ذ	Zai	Zet	

ذ	Zai	z	Zet
ر	ra	r	er
ز	Sin	S	Ice
س	shin	Sy	ice and ye
ش	SAD	S	(with a dot below)
ص	Dad	D	de (with a dot below)
ض	ta	t	te (with dot below)
ط	ṣa ṣ	zet	(with dot below)
ظ	'ain	∴	Inverted comma above
ع	Gain	G	Ge
غ	Fa	F	Ef
قا	Qaf	Q	Ki
ق	Kaf	K	Ka
ك	Lam	L	El
ل	Mim	M	Em
م	Nun	N	En

و	Wau	W	We
هـ	Ha	H	Ha
ء	Hamzah	.. '..	Apostrophe
ي	Yes	Y	Ye
ي			

2. Vowels

Arabic vowels such as Indonesian vowels, consist of a single vowel or monophthong and double vowels or diphthongs.

a. Vocal Solo is a single vowel Arabic emblem a sign or a vowel

transliteration as follows:

Signs	Name	LetterLatin	Name
	Fathah	A	A
	Kasrah	I	I
و	dommah	U	U

b. Duplicates are double vowel vowel Arabic emblem in the form of a combination of a vowel and letter, transliteration in the form of a combination of letters as follows:

Signs and letters	Name	Combined	Name
ي.....	fathah and yes	Ai	a and i
و.....	fathah and wau	Au	a and u

c. *Maddah* is a long vowel whose symbol is in the form of vowels and letters, the transliteration is in the form of letters and signs as follows:

Character and	Name	Letter and Signs	Name
ا.....ى	fathah and alif or yes	-	a and top line
ى... ..	Kasrah and yes		i and the line under
و....	dommah and wau	-	u and the line above

3. *Ta Marbutah*

There are two transliterations for *Ta Marbutah*.

a. The living *Ta Marbutah* is the living *Ta Marbutah* or gets the *harakat fathah, kasrah and dommah*, the transliteration is / t /.

b. *Ta Marbutah* is dead *Ta Marbutah* which dies or gets breadfruit, the transliteration is / h /. If in a word that ends in *Ta Marbutah* followed by a

word that uses the article al, and the reading of the two words is separate, then *Ta Marbutah* is transliterated as ha (h).

4. Syaddah (Tasydid)

Syaddah or *tasydid* which in the Arabic writing system is denoted by a sign, a sign of syaddah or a sign of *tasydid*. In this transliteration the *syaddah* sign is denoted by a letter, which is the same letter as the letter marked the *syaddah*.

5. Clothing

Words The article in the Arabic writing system is denoted by letters, namely: ة. However, in transliteration the article is distinguished between the article followed by the *syamsiah* letter and the article followed by the *qamariah* letter. a. An article followed by a *syamsiah* letter is an article followed by a *syamsiah* letter transliterated according to its sound, namely the letter / l / is replaced by the same letter as the letter immediately followed by the article. The article that is followed by the letter *qamariah* is the one that is followed by the letter *qamariah* which is transliterated according to the rules outlined in front and according to the sound.

6. Hamzah

It is stated in front of the Arabic-Latin Transliteration List that the *hamzah* is transliterated with an apostrophe. However, it lies only in the middle and at the end of the word. If the hamzah is put at the beginning of the word, it is not represented, because in Arabic it is alif.

7. Word Writing

Basically, every word, whether *fi'il*, *isim*, or letter is written separately. For certain words that are written in Arabic letters which are commonly coupled with other words because there are letters or vowels that are removed, in this transliteration the writing of these words can be done in two ways: words can be separated and can also be chained.

8. Capital Letters

Although in the article system the capital letters are followed in Arabic, they are not recognized, in this transliteration they are also used. The use of capital letters as what applies in EYD, including capital letters are used to write the first letter, the name itself and the beginning of the sentence. If that personal name is passed by the article, then what is written in capital letters remains the first letter of the self-name, not the initial letter of the article. The use of the initial capital letter for Allah only applies in Arabic script, it is complete, and if the writing is put together with other words so that there is a letter or vowel that is omitted, the capital letter is not used.

9. Tajwid

For those who want fluency in reading, this transliteration guide is an integral part of the science of recitation. Therefore, the formalization of this transliteration guideline needs to be accompanied by recitation guidelines.

Source: Religious Literature Research and Development Team. *Arabic-Latin Transliteration Guide*. Fifth Print. 2003. Jakarta: Project for the Study and Development of Religious Education Literature

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CHAPTER I

INTRODUCTION

A. Background Of The Problem

Allah SWT creates living things in pairs. One of the goals of marriage is to preserve offspring. Preservation of offspring occurs when there is reproduction that occurs between the two of them through the process of marriage. Marriage is the law that has been established by Allah SWT so that the husband and wife relationship is valid and is not considered adultery. In Islamic teachings, adultery is a major sin. Because marriage is a way out to avoid adultery, causing relationships between fellow humans to become more orderly.¹

The word 'marriage' is found in the Qur'an 23 times, which generally means gathering. In addition, the Qur'an uses the word *Zawwaja* and the word *zauwj* which are repeated 80 times, which means a partner. Therefore, marriage is identical to a partner. As contained in Surah Az-Zariyat Verse 49, Allah says:

وَمِنْ كُلِّ شَيْءٍ خَلَقْنَا زَوْجَيْنِ لَعَلَّكُمْ تَذَكَّرُونَ ﴿٤٩﴾

means: "And everything We have created pairs that you remember the greatness of God"²

¹Bacrul Ilmi, *Pendidikan Agama Islam Untuk Sekolah Menengah Kejuruan*, (Bandung: Grafindo Media Pratama, 2007), p.50.

²Departemen Agama Republik Indonesia, *AlQuran and Terjemahannya*, (Jakarta: Cv Publisher J-ART), p.520.

Marriage or marriage in Islam is a doctrine that is based on Al- Qur'an and Sunnah in various ways to express it. Marriage requirements in Islam are caused because humans have a tendency towards the opposite sex, as Allah says in Al-Imran verse 14:

زَيْنَ لِلنَّاسِ حُبُّ الشَّهَوَاتِ مِنَ النِّسَاءِ وَالْبَنِينَ وَالْقَنَاطِيرِ الْمُقَنْطَرَةِ مِنَ
الذَّهَبِ وَالْفِضَّةِ وَالْخَيْلِ الْمُسَوَّمَةِ وَالْأَنْعَامِ وَالْحَرْثِ ذَلِكَ مَتَاعُ الْحَيَاةِ
الدُّنْيَا وَاللَّهُ عِنْدَهُ حُسْبُ الْمَآبِ ﴿١٤﴾

means: "lovely cite the (view) of human devotion to what is desirable, namely: women, children, treasures of gold, silver, horses, animals livestock and paddy fields. That is the pleasure of living on earth, and with Allah is a good place to return (heaven)."³

Based on the natural human instincts that God has given and provided, and that instinct should not be eliminated or left alone, but managed as well as possible.⁴In the marriage law, namely Law Number 1 of 1974 jo Law Number 16 of 2019, it is explained that marriage (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 Almighty God⁵. whereas in the Islamic Law Compilation (KHI) marriage according to Islamic law is a very strong contract or *mitsaqan ghalizhan* to obey Allah's orders and

³ *Ibid.*, p.50.

⁴ M Dahlan, *Fiqih Munakahat*, (Yogyakarta: Deepublish, 2015), p.5.

⁵ Tim Redaksi BIP, *Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 Tentang Perwinan* (Jakarta : Bhuana Ilmu Populer, 2017), p.2.

carry out it is worship.⁶

Based on the definition of marriage above, marriage is a very important thing in human life, because through a legal marriage, legal descendants will also be born. However, marriage here is not without rules alone. Especially in Islam, a marriage is said to be valid when it meets the conditions and is in harmony with a marriage. As for the terms and conditions of a marriage as contained in the Islamic Law Compilation (KHI) article 14, namely to carry out a marriage must fulfill the following harmonious marriages⁷

- a. Prospective husband
- b. Prospective wife
- c. Guardian of marriage
- d. Two witnesses
- e. *Ijab* and The *qabul*

Consent guardian of marriage as one of the pillars of marriage has an important role during the marriage contract procession, namely during the *Ijab* (offering) process. Therefore, a marriage without a marriage guardian is invalid. As contained in article 19 of the Islamic Law Compilation (KHI), which reads: "Marriage guardian is a pillar that must be fulfilled by a prospective bride who acts to marry her off".⁸

⁶Seri Pustaka Yustisia, *Kompilasi Hukum Islam*, (Yogyakarta : Putaka Widyatama, 2006), p.11.

⁷*Ibid.*, p.15.

⁸*Ibid.*, p.17.

In Indonesia, as a follower of the Shafi'i School, the guardian of marriage is very important in a marriage. The guardian of marriage referred to here is a close relative of a woman, namely her father in the absence of her father, can be replaced by her grandfather, (father of father). The guardian of marriage is called a guardian of marriage *mujbir* (force). Forcing the meaning here is the father who has the right to become a guardian of marriage to marry off his daughter. If there is no father (dead / missing), then the father of the father (grandfather) has the right to be the guardian of marriage for the granddaughter.⁹

However, along with the times in the current era, problems have emerged that were previously a step, but have become commonplace in people's lives. For example, in the case of women who are pregnant outside of marriage. In Article 53 paragraph 1,2,3 which reads: "A pregnant woman outside of marriage can be married to a man who impregnates her and the marriage can be carried out without waiting for the birth of her child first. And to carry out a marriage when a pregnant woman does not require remarriage after the child is born".¹⁰

The phenomenon of extra-marital pregnancy is not a new thing in society. But the problem is what if the child born to a woman who is pregnant outside of marriage is female. As time goes by, the children will grow and develop into teenage girls and then get married. Then, who has the right to be the guardian of marriage. *Nasab* guardian or guardian of judges.

⁹Mohd Idris Ramulyo, *Hukum Perkawinan, Hukum Kewarisan, Hukum Acara Peradilan Agama, dan Zakat*, (Jakarta: Sinar Grafika, 1995), p.2.

¹⁰Seri Pustaka Yustisia, *Op.Cit.*, p.29.

In terms of determining the guardian of marriage for adultery children, Shafi'i. Having the child born after six months from the marriage of his mother and father, the child is sent to his father. If the child is born before six months, then the child is given service to the mother.¹¹ Therefore, if the child born is female, then it does not have a national guardian who has the right to marry her. Meanwhile, in KHI Article 99 and Law No. 1 of 1974 Marriage, it is stated that a legal child is a child born in or as a result of a legal marriage. So in this case every child born in a marriage bond can be passed on to his father. Meanwhile, according to Shafi'i, legitimate children are only children born as a result of a legal marriage.

The North Padangsidempuan District KUA as an institution that is responsible for all matters of the Islamic religion including marriage in the working area of the North Padangsidempuan District, has quite a heavy duty in determining the guardian of marriage for girls born as a result of pregnancies outside the marriage of their parents.

In terms of determining a marriage guardian is not an easy thing, it requires care and caution in order to avoid lies by parents (fathers) who claim to have the right to marry off their children, when in fact he has no right to marry off his child because the child is not on behalf of him. KUA of North Padangsidempuan District, there have been 444 marriages in 2020. Until now, there are three cases of guardian of marriage who admit that they are not

¹¹Kudrat Abdillah and Maylissabet, *Sejarah Sosial Status dan Hak Anak di Luar Nikah*, (Pamekasan: Duta Media Publishing), p. 19.

a legal guardian for their children, namely those that occurred in March, Losung Batu Village, Mei WEK II Village, August Panyanggar Village.

To further examine the phenomenon above, the authors are interested in examining this phenomenon with the title “**Determination Of The Guardian Of Marriage At The Religious Affairs Office Of North Padangsidempuan Sub-District**”

B. Limitation Of Problems

In order for the discussion in this study to be more focused, the author limits the focus to the determination of the marriage guardian in the district head. North Padangsidempuan regarding female *catin* from outside marriage so that the female *catin* can be married off to her future husband, what are the basic considerations of the KUA of North Padangsidempuan Subdistrict and how is the mechanism in choosing the female *catin* marriage guardian.

C. Limitation Of Terms

To avoid misunderstandings and to facilitate understanding of the scope to be discussed and interpreting the title in this study, the authors provide limitations, namely:

1. Determination

According to the Big Indonesian Dictionary (KBBI) Determination is a process, method, act of determining, determination, restrictions.¹²

¹²<https://kbbi.web.id/pengertian-penentuan>, di akses pada tanggal 12 Desember 2020, Pukul 21:19.

2. Guardian

According to the Big Indonesian Dictionary (KBBI) A guardian is a person who according to law (religion, custom) is entrusted with the obligation to take care of the orphan and his assets before the child grows up. However, the guardian referred to in this research is a person who according to law has the right and obligation to take care of all the needs of his child.¹³

3. Marriage

According to the Big Indonesian Dictionary (KBBI) is a marriage bond (contract) carried out in accordance with legal provisions and religious teachings.¹⁴

D. The Formulation Of Problems

The formulation of problem the research are:

1. How is the determination of the guardian of marriage in KUA of North Padangsidempuan Subdistrict?
2. What are the basic considerations of the KUA of North Padangsidempuan Subdistrict in determining the guardian of marriage in KUA of North Padangsidempuan Subdistrict?

¹³Tinuk Dwi Cahyani, *Hukum Pernikahan*, (Malang: University of Muhammadiyah Malang, 2020) p. 15.

¹⁴<https://kbbi.web.id/pengertian-penentuan>, di akses pada tanggal 12 Desember 2020, Pukul 21:19.

E. Research Objectives

In accordance with the problems described above, this study aims to:

1. know the determination of the guardian of marriage in KUA Padangsidempuan sub-district north.
2. know the basic considerations of the North Padangsidempuan sub-district KUA in determining the guardian of marriage.

F. Research Benefits

The benefits of this study are aimed at:

1. For researchers, namely as a condition for completing studies to obtain an academic degree in the field of Ahwal Al-Syakhshiyah, Padangsidempuan State Institute of Religion.
2. For the alma mater, namely to add to the literature as material for further research.
3. For the community, in order to better understand the nature of a marriage and make it a field of worship.

G. Relevant Research

To find a discussion in the writing of this thesis, the author deepens the material by discussing theses that have previously discussed similar issues but there are other factors that distinguish them. Among these studies are:

1. Aidatus Silvia (NIM 12210144) Sharia Faculty Student, Al Ahwal Al-Syakhshiyah Study Program, Maulana Malik Ibrahim State Islamic University Malang, with the research title "*Pandangan Penghulu Kantor Urusan Agama Kecamatan Mojowarno Jombang Terhadap Keabsahan*

Wali Ayah Biologis Bagi Anak Hasil Luar Nikah”Marriagewhile in this thesis discusses the determination is an absolute authority that must be carried out by the KUA and must be carried out in accordance with the procedures stated in the law. However, it is different from what has happened at KUA Mojowarno Jombang to determine a guardian in a pregnant marriage. not checked in detail.¹⁵

2. Jumaidi (NIM 1321010019) Student of the Sharia Faculty, Ahwal Al-Syakhshiyah Study Program, Raden Intan State Islamic University, with the research title *"Penetapan Wali Hakim Sebagai Pengganti Wali Adhol Menurut Hukum Positif dan Hukum Islam"*. As for this thesis discusses the determination of the guardian of marriage as a substitute for guardian adhol and its legal status according to positive law and Islamic law. Where the conclusion of this study is the transfer of guardianship rights from the lineage to the guardian of the judge because the guardian adhol implemented in the KUA Way Halim District, Bandar Lampung City is carried out through the mediation route between the father and daughter, but the father as the guardian of the nasab is still reluctant to marry his child for more reasons. Therefore, the KUA recommends that the prospective bride file a lawsuit before the religious court. Then the legal status of the judge's guardian as a substitute for adhol's guardian according to positive law is based on the Compilation of Islamic Law

¹⁵Aidatus Silvia, *"Pandagan Penghulu Kantor Urusan Agama Kecamatan Mojowarno Jombang Terhadap Keabsahan Wali Ayah Biologis Bagi Anak Hasil Luar Nikah"* (Thesis which published) Faculty of Sharia, Al Ahwal Al-Syakhshiyah Study Program, Islamic University Negeri Maulana Malik Ibrahim Malang, 20016, p.7.

Article 23 Paragraph 2 where the change of guardian of marriage from guardian of lineage to guardian of judge caused by guardian adhal or reluctance can only be done after a religious court ruling. Meanwhile, according to Islamic law it is based on Al-Qur'an surah An-Nur (24) verse 32 in which there is an order to marry a man and woman alone who deserve to be married.¹⁶

Looking at the two previous studies that the author has mentioned above, the author can conclude that the same research discusses marriage guardians, but what distinguishes it lies in the object of research, namely in the author's research examining the implementation of determining the marriage guardian at KUA of North Padangsidempuan Sub-district.

¹⁶Jumaidi, "*Penetapan Wali Hakim Sebagai Pengganti Wali Adhol Menurut Hukum Positif dan Hukum Islam*", *Thesis*, (Lampung: Raden Intan State Islamic University, 2019), p. 79-80

CHAPTER II

THEORETICAL DESCRIPTION

A. The Meaning Of Guardianship

Guardianship in Islamic *fiqh* literature is called *al-walayah* (*al-territory*). While etymologically it has several meanings. Among them are love (*al-mahbbah*) and help (*an-nashrah*). Verse 61 of surah at-taubat also means the power of authority (*as-sulthah wal-qudrah*) as in the expression of *al-wali*, namely people who have power. The essence of *al-walayah* (*al-territory*) is "*tawally al-amr*" which means managing or controlling something.¹⁷

As for what is meant by guardianship in the terminology of jurists as formulated by Wahbah Al-Zuhayli in the book Muhammad Ammin Suma "the power or authority that a person has to directly performs an action on his own without having to depend (be bound) on the permission of others. The person who manages or controls a contract / transaction can be said to be a guardian. As in the paragraph "*fa-yumlil waliyyuhu bil- adli*. The word *al-waliyy muannastnya al-waliyyah* which literally means love, close friend, friend, who helps, allies, followers, caregivers and people who take care of someone's case.¹⁸

¹⁷Abdul Rahman Ghazaly, *Fiqh Munakahat*, (Jakarta: Prenada Media Group, 2019), p.123.

¹⁸Muhammad Amin Suma, *Hukum Keluarga Islam di Dunia Islam*, (Jakarta: PT Raja Grafindo Persada, 2005), p.134.

Guardianship in a general sense is anything related to a guardian. And guardian has many meanings, including:¹⁹

1. A person who according to law (religion, custom) is entrusted with the obligation to take care of an orphan and his assets, before the child is an adult.
2. Caregivers of the bride at the time of marriage, namely those who make the marriage vows with the groom.
3. The pious (holy), the spreader of religion.
4. Head of government and so on.

The meanings mentioned above must of course be adjusted to the context of the sentence. The guardianship referred to here is guardianship in marriage.

In KHI article 1 h, guardianship is the authority given to a person to take a legal action as a representative for the interests and on behalf of a child who does not have both parents, or parents who are still alive are not capable of taking legal actions²⁰. As for the person who has the right to become a guardian for the interests of his child in Islamic law, namely the father. The reason is because the father is of course the closest person, ready to help, even the one who has been caring for and supporting his children. However, if there is no father, the guardianship can be replaced by another close family.

¹⁹Abdul Rahman Ghazaly, *Fiqh Munakahat*, (Jakarta: Prenadamedia Group,2003), p.123.

²⁰Seri Pustaka Yustisia, *Op.Cit.*, p.10.

Some scholars, especially from the Hanafiah, distinguish guardianship into three groups, namely guardianship of the soul (*al-walayah alan-nafs*), guardianship of property (*al-walayah alal-mal*), and guardianship of property and life at the same time (*al-walayah alan nafsi wal-mali man'an*). Guardianship in marriage is classified into *al-walayah 'alan nafs*, namely guardianship related to supervision (*al-isyraf*) of matters related to family matters such as marriage, care and education of children, health, and activities of children (family) who have rights. supervision is basically in the hands of the father, or grandfather and other guardians.²¹

The guardian is the closest person to the line of the line, the path of cause (like guardian of a judge), and the path of *ashobah*. Meanwhile, apart from *ashobah*, that is, people receive a definite share in inheritance (*dzawil furus* or *dzawis shares*) and *dzawil arham*. So it can be concluded that the guardian of marriage is the person who will marry the woman to the man who has proposed to her. The position of guardian for the bride and groom is something that must and is not valid if the marriage contract is not carried out by the guardian. As found in the Quran An-Nur, verse 32:

وَأَنْكِحُوا الْأَيْمَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ۚ إِن يَكُونُوا فُقَرَاءَ

يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ ﴿٣٢﴾

means: "and marry it people who are still single among you and also the - those who are worthy (married) from hambah-servants of your male

²¹ Muhammad Amin Summa, *Op.Cit.*, p.135.

and female servants. If they are poor, Allah will give them the ability, with his grace, and Allah is vast (his gift), then knowing ²²

And in the hadith narrated from Abu Burdah, Ibn Abu Musa from his father said that Rasulullah SAW said:

لَا نِكَاحَ إِلَّا بِوَلِيِّ ، وَالسُّلْطَانُ وَلِيُّ مَنْ لَا وَلِيَّ لَهُ

Meaning: *"It is not legal to marry unless (married) by the guardian (History of Ahmad and Imam Four)*²³

In Islamic law, this guardian must be on the side of the bride. This means that if there is no guardian of the bride in the marriage, then the marriage is considered invalid. For this reason, the person chosen to be the guardian must comply with the conditions set. The requirements to become a guardian according to Islamic law are: ²⁴

1. Fair.
2. Islam.
3. Baligh.
4. Male.
5. Freedom.
6. Not wicked, or apostate.
7. Not in *ihram Hajj* or *Umrah*.
8. Be sane (not crazy or having a disability in mind)

²²Departemen Agama Republik Indonesia,p.350.

²³Al Hafizh Ibn Hajar Al Asqalani, *Terjemah Bulughul Maram*, (Semarang : CV Toha Putra Semarang, 1994),p.499.

²⁴Rizem Aizid, *Fiqh Keluarga Terlengkap*, (Yogyakarta: Laksana, 2018), p. 100.

9. By volunteering himself, not compulsion.

10. No muftis or withholding power over their assets.

Those are the conditions that must be met to become a marriage guardian. If a wali does not meet these requirements, it means that the marriage is not valid. Regarding the position of the guardian of marriage as a condition of marriage, the scholars have different opinions. Cleric from the Maliki and Shafi'i schools stated that guardianship of marriage is a legal condition of marriage. Which means that the marriage is invalid without a marriage guardian. Meanwhile, the Imam of the Abu Hanifah, Zufar, Asy-Shya'bi and az-Zuhri schools have a loose opinion. According to these scholars, a woman may marry without a guardian on the condition that her husband is equal (*kufu*).²⁵

B. Types of Marriage Guardian

In marriage law, there are 4 types of guardian, namely: ²⁶

1. Guardian *Nasab*

Guardian *Nasab* is guardian taken from the family based on the lineage. The word *wali nasab* means marriage guardian who has a *nasab* relationship with the bride. Examples of *nasab* guardians are biological brothers, one father, uncle and their descendants according to the patriline line (male). However, regarding who the guardian of the lineage has the most right to become a guardian, the scholars differed imam Malik, for example, argues that guardianship is based on *ashabah*.

²⁵*Ibid.*, p.101.

²⁶Rizem Aizid, *Op., Cit.*, p.102.

According to Imam Malik, the most entitled guardians are in the following order:²⁷

1. Boys to the bottom are more important.
2. Dad gets to the top.
3. Brother as mother.
4. Just as a man.
5. Boys from siblings only and
6. Grandparents from the father's side upwards.

Another opinion states that grandparents are more important than brothers and that their children are brothers. This opinion was expressed by Al-Mughini. The reason is because the grandfather was the origin, then the uncles from the father's side, according to the order of brothers down to the bottom, then the former master (*al-maula*), then the ruler.

But of those opinions, *Jumhur Ulama* establishes guardian sequence as follows:²⁸

1. Father.
2. His father's father (grandfather) continues to top.
3. The brother of the same mother one father.
4. Sauadarah maleAhad the same father.
5. Sonmale brother his half-same mother.
6. The boy's brother had the same father
7. Boy of boy brothersame mother same.

²⁷*Ibid.*, p.103.

²⁸*Ibid.*, p.105.

8. The father-son of boys brothermen had the same father.
9. The boys form boy of boy brothers same mother same.
10. The boys form The father-son of boys brothermen had the same father.
11. The brother of the father, the same mother his.
12. Father's brother, just as dad
13. Boy from The brother of the father, the same mother his.
14. Boys from Father's brother, just as dad
15. Boys from Boy from The brother of the father, the same mother his and so on.

That is the opinion of *Jumhur Ulama* about the order of lineage guardians. When summarized, the Guardian *nasab* consists of three groups, namely the father onward upward, brothers down, and the father's brother downward.

Nasab guardians themselves are divided into two types, namely guardian *aqrab* (near) and guardian *ab'ad* (far). Guardian *aqrab* is the most important than the guardian of *ab'ad*. guardian *Aab'ad* new can become a guardian if a guardian *aqrab* is not there. Or if the guardian *aqrab* is in a condition like non-Muslim, wicked, immature, crazy, and dumb / deaf. Then the guardian of the *ab'ad* can replace him.

2. Guardian Judge

Guardian judge is a guardian who comes from the judge. As for the guardian of the judge is the head of government, caliph (leader), ruler, or

qadhi marriage who is authorized by the head of state to marry a woman who is a judge. If these people are not, then the guardian of the judge can come from prominent people in a society. However, this guardian can only be used in the marriage of a community if:²⁹

1. There is no guardian *nasab*
2. Lineage guardian there are not enough requirements for a guardian *aqrab* or guardian *ab'ad*
3. Guardian *aqrab* is unseen or goes on a two-day journey
4. Guardian *aqrab* imprisoned or cannot be found
5. Guardian *aqrabis* vanity
6. Guardian *aqrab* is convoluted or makes it difficult
7. Guardian *aqrab* is *ihram*
8. Guardian *aqrab* himself who wants to marry
9. The woman who wants to marry is crazy, but adult and no *mujbir* guardian.

The provisions for the guardian of the judge are not to marry a woman who has not reached maturity, both parties who are not religious, without the permission of the woman who wants to marry, and are outside their territory. So in that case, the guardian of the judge is prohibited from marrying her off.

²⁹*Ibid.*, p.111.

3. Guardian *Tahkim*

Guardian *tahkim* are guardians of marriage who are appointed by the prospective husband or wife. The requirements of the guardian of *tahkim* are if the guardian of the lineage is not available, the guardian of the line is unseenor has traveled as far as two days of travel, there is no representative, and there is no *qadhi* or employee who registers marriage, divorce, and reconciliation. So, if the two previous types of guardians (guardian *nasab* and guardian judge) do not exist, then guardian *tahkim* is allowed.³⁰

4. Guardian *Maula*

Guardian *Maula* is the master of a slave who wants to get married. So, if there is a woman who is under his control (as a slave), the male master may be her guardian.³¹

Whereas in KHI Article 20 paragraph 2 states there are only two types of marriage guardians, namely: ³²

1. *Nasab* guardian, namely guardian whose guardianship is based on blood relations, guardian *ab'ad*.
2. Guardian judges are guardians whose guardianship rights arise because the parents of the bride refuse (*adhal*) or do not exist, or for other reasons so that the authorized guardian candetermine their rights.

³⁰*Ibid.*, p.115.

³¹*Ibid.*, p.116.

³²Justisia Literature Series, *Op.Cit.*, p.17.

The compilation of Islamic Law article 21 provides more details about the guardian of the lineage. Guardian *nasab* is grouped into four parts, namely the first group is a group of male relatives straight upward, namely the father, the paternal grandfather, and so on. The second group is the relatives of biological brothers or siblings and their male offspring. The third group is the uncle's relatives, namely the father's siblings, their siblings and their male offspring. The fourth group is the biological brothers of the grandfather's siblings and their male descendants.³³

C. Status Of Children Out Of Marriage

1. Status Of Children Out Of Marriage in *Fiqh*

In terms of legal children are children born from a legal marriage between a boy and a girl. The validity of a child will determine the lineage relationship with a man who becomes his father. *Nasab* can only occur and is obtained in three ways, namely through legal marriage, through fasid marriage, and through sexual intercourse. According to Muhammad Abu Zahrah, a child can be said to be legitimate and can be served by his parents must meet three requirements, namely the minimum birth of a sixth child. months of marriage, the existence of sexual relations, and is the result of a legal marriage.³⁴

In the terminology of *fiqh*, the term "child out of wedlock" is not found. *Ulama fikih* uses the term children born out of marriage with adultery children. Adultery children are children born as a result of an

³³*Ibid.*, p.18.

³⁴Kudrat Abdillah, *Status Anak di Luar Nikah Dalam Perfektif Sejarah Sosial*, Jurnal *ar-rainy.ac.id*, Vol 1 Number, 1 April 2016, p. 53.

illegitimate relationship. An illegitimate relationship is a bodily relationship between two people who are not bound by the marriage relationship and do not meet the requirements and harmony.

Children outside of marriage can be divided into two kinds. First, the child who is fertilized is not in a legal marriage, but is born in a legal marriage. According to Imams Malik and Shafi'i, children born after six months from the marriage of their mother and father, the child is given service to their father. If the child is born before six months, then the child is sent to the mother. This is different from the opinion of Imam Abu Hanifah that children outside of marriage are still served by their father as legitimate children. Second, the child who is fertilized and born outside of a legal marriage. The status of unmarried children in the second category is equalized with adultery and li'an children. Children born in this category have legal consequences:³⁵

1. Do not have a lineage relationship with their father, but have a nasab relationship with their mother. The father has no obligation to provide for the child, but biologically is the child. So the relationship that arises is only human, not legal.
2. Not mutually inheriting property from his father, because the lineage relationship is one of the causes of inheriting.
3. A father cannot be a guardian for an out of wedlock child. If the child out of wedlock happens to be a woman and is an adult and then

³⁵*Ibid.*, p.56.

gets married, then she is not entitled to be married by her biological father.

2. Status of Children Out of Marriage in compilation of Islamic Law

In the compilation of Islamic Law is described about legal children (children born in a legal marriage), as listed in the Compilation of Islamic Law, Article 99 which reads that legal children are:³⁶

1. Children who born as a result of legal marriage.
2. The result of fertilization of husband and wife outside the womb and born by the wife.

Childrenborn outside the provisions of Article 99 of the Compilation of Islamic Law are considered children out of wedlock. In Islamic law and the Civil Code, an illegitimate child has no lineage with his biological father. Children out of wedlock only have a civil relationship with their mother and her mother's family. It is emphasized in the Islamic Law Compilation Article 100 which states that “children born outside of marriage only have a family relationship with their mother and their mother's family wedlock”³⁷

A child is considered a legitimate child or an illegitimate child can be seen from the origin of his or her birth. Proof of the origin of a child is regulated in Article 103 of the Compilation of Islamic Law. With

³⁶Kompilasi Hukum Islam, Pasal 99

³⁷Kompilasi Hukum Islam, Pasal 100

proof of origin, it can be easily determined the legal status of the child as a legal child or illegitimate child.³⁸

³⁸ Kompilasi Hukum Islam, Pasal 103

CHAPTER III

METHOD OF RESEARCH

A. Location and Time Of Research

This research was conducted in KUA of North Padangsidimpuan Subdistrict which is located at Haji Muhamad Syukur Soritua Harahap Sadabuan Street, Padangsidimpuan and the time of this research starts from November 2020 to May 2021.

B. The Types of Research

Type of research used in this research is field research, which was conducted at KUA of North Padangsidimpuan Subdistrict. With the object of study on the problem of how to determine the guardian of marriage, what is the legal guideline for the KUA of North Padangsidimpuan Subdistrict in determining the guardian of marriage.

C. The Problem Approach

Approach used is sociological empirical juridical approach. For this reason, research is needed which is a main plan in the development of science. The sociological empirical juridical approach, namely research on legal identification (unwritten law), is intended to find out unwritten laws based on applicable laws in society. By using this approach, the writer will describe the implementation of the determination of the marriage guardian at the KUA of North Padangsidimpuan Subdistrict.

D. Types of Data

The data needed in this study are:

a. Primary Data

The primary data sources are the results of interviews regarding the implementation of determining the first daughter of marriage at KUA of North Padangsidimpuan Subdistrict.

b. Secondary Data Sources

Namely data obtained through other parties, the researcher does not directly obtain from the research subject. Researchers use this data as supporting data related to the implementation carried out by the KUA of North Padangsidimpuan Subdistrict on the determination of marriage guardians. This data is obtained from laws and regulations, books, articles, opinions of experts, and other sources that are considered relevant and related to research. this.

E. Data Collection Techniques

To obtain the necessary data, the authors use the following methods:

a. Interview method

Interviews were conducted to obtain information related to research. Interviews were conducted with, among others:

1. The head of the KUA, which includes how to determine the marriage guardian. and what are the basic considerations used by the KUA of North Padangsidimpuan Subdistrict.
2. Functional Headman, which includes how to determine the marriage

guardian. and what are the basic considerations used by the KUA of North Padangsidimpuan Subdistrict.

b. Documentation

Namely looking for data about things or variables in the form of notes, transcripts, books, newspapers, magazines, meeting minutes, and so on. The author uses this method to obtain documents related to the implementation of marriage determination at the KUA of North Padangsidimpuan Subdistrict.

F. The Validity Testing Of Data

A technique is needed to determine the validity of the data by means of triangulation. The triangulation used in this research is source triangulation and technique triangulation. Triangulation in this research by checking the information or data obtained through one informant and another who are still related to one another, namely : The Head Of KUA, and Headman And the technical triangulation is done by checking information or data between the result or interviews and document.

G. Data Analysis

Data analysis in this study is a qualitative analysis for data processing and analysis adapted to the nature of the data obtained from qualitative.

Qualitative data analysis techniques are as follows:

1. Collect all available data from various sources, namely interviews, e-mails, personal documents, official documents and pictures.
2. Editing data, which is organizing data editors into a systematic arrangement of sentences.

3. Data reduction, is checking the completeness of the data to be searched which is still lacking and overriding irrelevant ones.
4. Describe the data systematically related to the processing of qualitative data according to the topic of discussion. deduction is summarizing all data descriptions in a few sentences that are short, concise and clear understanding.
5. Drawing conclusions, namely summarizing the discussion of the data into several short and dense sentences so that they can be understood.

H. Structure Of Thesis

In order to get a clearer picture in writing this thesis, it is arranged into five chapters. Between one chapter and another are closely related. The details of the above are as follows:

Chapter One Background of the problem, subject matter, research objectives, affirmation of terms, literature review, research methods and writing systematics.

Chapter Two The concepts of marriage and guardianship, which consist of understanding, basic legal guardianship, pillars and guardianship requirements, the origin of the child according to the perspective of fiqh.

Chapter Three Research Methods Section contains location an time of research, the types of research, the problem approach, types of data, data collection techniques, the validity testing of data, data analysis, structure of thesis.

Chapter Four Part of the analysis is about the strategy of the KUA of

North PadangsidempuanSubdistrictin determining the guardian of marriage, then what is the legal basis for the consideration of theKUA of North PadangsidempuanSubdistrict in determining the guardian of marriage.

Chapter Five Closing which contains conclusions from the results of the overall discussion and suggestions.

CHAPTER IV

RESEARCH RESULTS

A. Profile of the Office of Religious Affairs in North Padangsidempuan Sub-District

1. Brief Overview of the Religious Affairs in North Padangsidempuan Sub-District

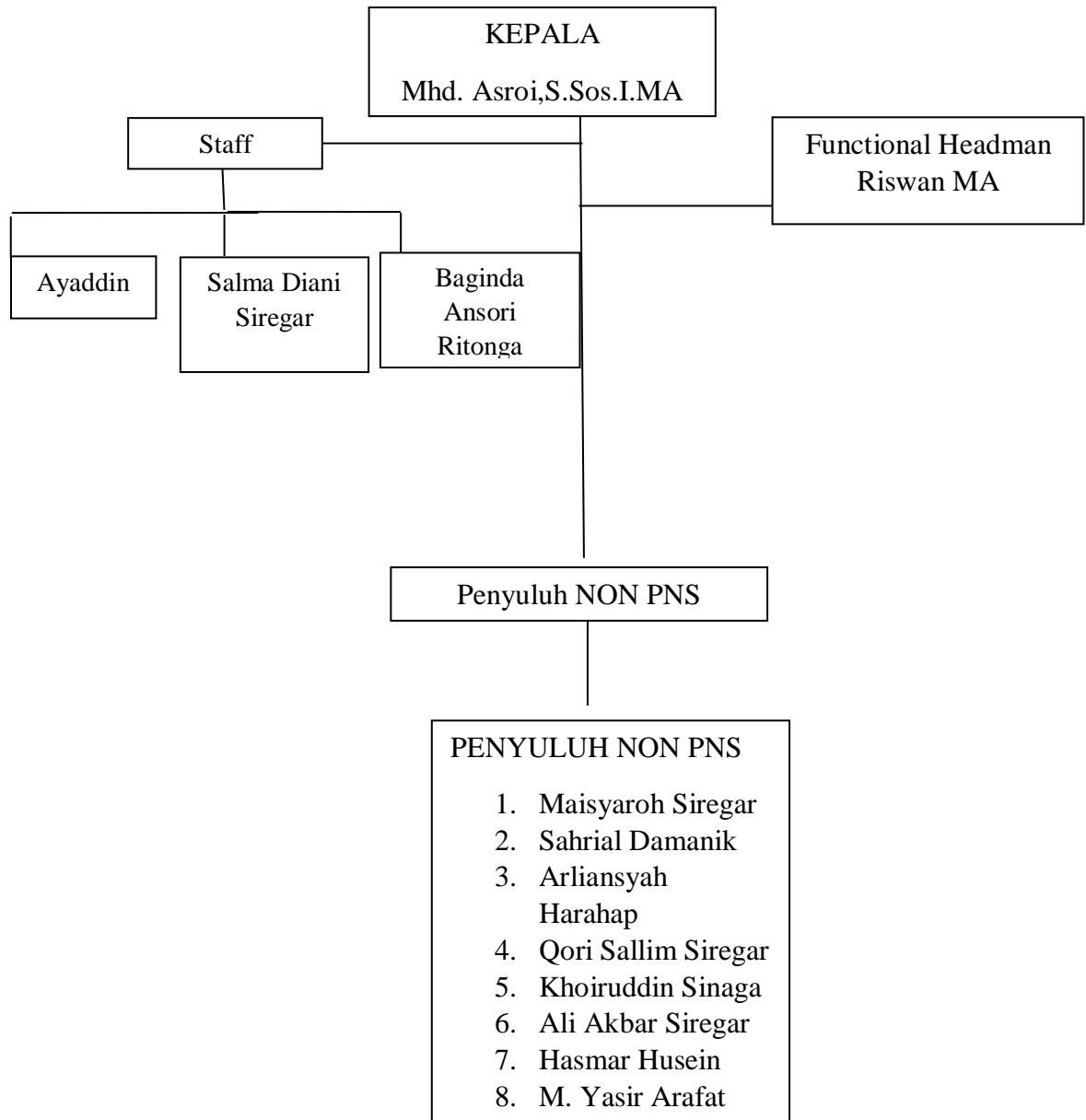
Ministry of Religion which is one of the Government Agencies whose duties and functions have been regulated in the Decree of the Minister of Religion of the Republic of Indonesia Number 1 of 2001 article 2, namely : "The Ministry of Religion has the task of assisting the President in carrying out some of the government's duties in the religious sector". The Regency / City Ministry of Religion Office is one of the work units stipulated in the Decree of the Minister of Religion Number 373 of 2002 concerning the Organization and Administration of the Regional Office of the Ministry of Religion at Regency / City in articles 64 and 82 KMA Number 373 of 2002, it states that: Office of the Ministry of Religion has the responsibility to carry out the duties and functions of the Provincial Ministry of Religion in the Regency / City area based on the policies of the Head of the Regional Office of the Provincial Ministry of Religion and the prevailing laws and regulations. Meanwhile, at the sub-district level, the duties and functions of the Ministry of Religion are carried out by the Head of the District Office of Religious Affairs.

Marriage services at the Office of Religious Affairs (*nikah hall*) have been carried out well since ancient times in accordance with the provisions of Islamic law. After the Ministry of Religion was established, approximately four months after Indonesia's independence, "the day of the Ministry of Religion was established on January 3, 1946, which until now has been commemorated as a charity day for the Ministry of Religion was officially stipulated by the Decree of the Minister of Religion Number 6 of 1956 dated March 1, 1956. signed by Minister of Religion ad interim Mohd Sarjan . Since the inception of this ministry, services and registration of marriage have improved, because it has been arranged in such a way as to the government's performance, the Head of the Office of Religious Affairs as part of the government element has provided guidance on marriage services according to the times in his time.³⁹

³⁹Masyhuri, ikhlas beramal, nomor 61 tahun XIII, (jakarta: pimpinan redaksi majalah, 2010), hlm. 61.

2. Organizational Structure at the Office of Religious Affairs, North

Padangsidempuan District



3. Business Focus / Main Duties Office of Religious Affairs in North Padangsidempuan District

a. Duties

Based on the Decree of the Minister of Religion of the Republic of Indonesia Number 517 of 2001 concerning the organization of the District Office of Religious Affairs, the duties of the Office of Religious Affairs are "To carry out part of the duties of the Regency / City Ministry of Religion Office in the field of Islamic affairs in the district area"⁴⁰

b. Functions

To carry out some of the tasks referred to above, the Office of Affairs:⁴¹

1. Religion carries out the following tasks:
2. Organizing Statistics and Documentation.
3. Organizing ADM and Office Household.
4. Recording of Referred Marriage based on Law No.I Year 1974.
5. As the Official of the Endowment Pledge Deed (PPAIW).
6. Carry out coaching about the mosque.
7. Holding counseling / counseling for Sakinah Village, Post Hajj
8. Coordinating the management of zakat.
9. Person in charge of State Finance at KUA.

⁴⁰Ibid.,p.62.

⁴¹Ibid.,p.63.

10. Fostering Cross-Sectoral Cooperation and Religious Institutions
in the District area.

c. Objectives

In carrying out the above mission, the KUA of North Padangsidempuan District formulates the following objectives:⁴²

1. Professional and exemplary service implementation
2. Realization of Online SIMKAH-Based Services
3. Implemented "Task of BP4 Kecamatan (Suscatin)
4. Increasing Quality of Manasik Guidance Hajj
5. Increase in the number of waqf parcels
6. Increasing the optimal facilities for KUA in North Psp District
7. Increasing the Quality of Cross-Sectoral Cooperation
8. Increasing Monitoring of Halal Products and the Establishment
of Ibadah Homes mentioned

d. Targets

The objectives of the above are: "Realization of Marriage Services who are integrated professionally and exemplary"⁴³

4. Efforts to Achieve Goals

In an effort to achieve the goals and objectives that have been set, the Head of the North Psp District KUA makes program policies, among others:

⁴²Ibid.,p.64

⁴³Ibid.,p.65.

1. Conducting human resource development in the ranks of KUA Psp. Utara
2. Recruitment of Tutors Professional Hajj rituals
3. Prepare facilities and infrastructure ng adequate.
4. Holding P3N Routine Meetings with all KUJA officials
5. SIMKAH Online-based Kepenghuluan Services Performance program for the next 5 years:
 1. Improving the quality of Human Resources for Employees/ Assistant
 2. Pengulu 2. Development of Online SIMKAH Network
 3. Installation of Raning Text, Wedding Services, AC
 4. Installation Blok Sport KUA Psp Utara
5. Potential of North Padangsidimpuan District KUA
 - a. Strategic Geografis

Seeing the location of the North Padangsidimpuan District Religious Affairs Office in the heart of the District Capital, it is even across the road from the Sadabuan Community Health Center which is also a flashlight for public services in the health sector so that it makes its existence easy to reach and seems to be visited by the community in solving problems kaganmaan in general, especially what is related to the laws of marriage (*Munakahat*). The background of this strategic location is very convincing that its potential can be developed in the

future, also supported by environmental conditions that are easy to access the Internet network.

b. Human Resources The

following are the data of the State Civil Servants who are assigned to the Office of Religious Affairs in the North Padangsidempuan District as community service personnel.

Names of KUA Employees of North Padangsidempuan District

No	Nama/NIP	Pangkat Gol	Position	TGL Tugas	KET
1	2	3	4	5	6
1	Mhd. Asroi, S.Sos.I NIP 198006272006041011	Penata III/c	Head	03-04-2013	
2	Riswan, MA NIP. 196512312000031035	Penata Tingkat I III/d	Headman	15-06-2015	
3	Ayaddin NIP 197710192006041011	Penata III/b	Staf	05-05-2018	
4	Salma Diani Siregar NIP 196808171989031005	-	Staf	01-09-2015	
5	BagindaAnsoriRitonga	-	Staf	01-09-2015	

B. Determination Of The Guardian Of Marriage At The KUA Of North Padangsidempuan Sub-District

The process of determining the guardian of marriage in the KUA of the Padangsidempuan sub-district consists of 5 stages, namely:

1. Examination of Marriage Requirements Documents

Requirements documents is an early stage before the determination of marriage guardians is carried out. examination of the marriage requirements documents before the marriage ceremony is carried out, the

substitute registers the marriage will at the KUA where the consent is held before 10 working days. At this stage, all documents regarding marriage requirements are checked for correctness. Examination of the marriage requirements file carried out by the North Padangsidempuan KUA officer includes Data Verification and Completeness of the requirements and pillars of marriage. The files examined by the KUA Padangsidempuan Utara are the same marriage requirements files in general, as stated in PMA Number 20 of 2019 concerning Marriage Registration CHAPTER II Article 4, namely:⁴⁴

1. Marriage cover letter from the village/kelurahan the residence of the bride and groom.
2. Photocopy of birth certificate or birth certificate issued by the local village/kelurahan.
3. Photocopy of ID card/receipt of electronic ID card registration certificate for those who are 17 (seventeen) years old or married.
4. Copy of family card.
5. Marriage recommendation letter from the local sub-district KUA for prospective brides who will marry outside the sub-district where they live.
6. Approval of the bride and groom.
7. Written permission from parents or guardians for the bride and groom who have not reached the age of 21 (twenty one) years.

⁴⁴PMA NO 20 Tahun 2019 tentang Pencatatan Pernikahan BAB II Pasal 4

8. Permission from a guardian who maintains or cares for or from a family that is related by blood or supervisor, in the event that both parents or guardians as referred to in letter g die or are unable to express their will.
 9. Permission from the court, in the event that parents, guardians, and administrators are not present.
 10. Court dispensation for prospective husbands who have not reached the age in accordance with the provisions of Law Number 1 of 1974 concerning Marriage.
 11. Permission letter from superior or unit if the bride-to-be is a member of the Indonesian National Armed Forces or the Indonesian National Police.
 12. Stipulation of polygamy permit from the religious court for husbands who wish to have more than one wife.
 13. Divorce certificate or a quote from the divorce record book or divorce record book for those whose divorce occurred before the enactment of Law Number 7 of 1989 concerning Religious Courts.
 14. The death certificate or death certificate of the husband or wife is drawn up by the village head or village head or an official at the same level as the deceased widow or widower.
2. Calling the prospective bride and groom

After checking the marriage requirements file, and the marriage registration has been completed, then the next stage is the summoning

of the prospective bride and groom, both female replacement candidates and male replacement candidates to the Office of Religious Affairs, North Padangsidimpuan sub-district. At this stage the prospective groom and bride are called by the KUA officer of North Padangsidimpuan District to be asked who will be the marriage guardian, in the marriage whether there is still a guardian *lineage* or there is no longer a lineage guardian who has the right to be a marriage guardian. If the lineage guardian is no longer there, the marriage uses a judge guardian. However, if the guardian of the lineage is still there, the guardian of the lineage has the right to be the guardian of the marriage. Because the position of guardian judge will fall if the guardian lineage is still there.⁴⁵

3. Calling the Guardian of Marriage (Parents of the Prospective Bride)

The prospective bride mentions her marriage guardian, an examination of the marriage guardian is carried out. If there is no longer a lineage guardian who has the right to marry her, a judge's guardian is appointed as a marriage guardian in her marriage. However, if the marriage guardian uses the *lineage of* guardian, then the parents of the prospective bride (marriage guardian) are called to ask him directly whether it is true that the potential successor is his biological child, or there are things that prevent him from becoming a marriage guardian and marrying off his child. For example, whether his child (the bride) is the

⁴⁵Interview with Mr. Riswan, (KUA Marriage Registration Officer, North Padangsidimpuan District), On Tuesday 27 April 2021, 10:40 am at KUA North Padangsidimpuan District.

result of his actions with his legal wife after the marriage contract is held or the child was his fault in the past before the marriage contract was carried out (a child of adultery) or whether the child is his adopted child. As stated in Article 99 of the KHI that a legitimate child is a child born in or as a result of a legal marriage and the result of a husband and wife's legal actions outside the womb and born by the wife.

At this stage the KUA officer of North Padangsidimpuan District asked face to face to the parents of the bride-to-be about the origin of her child (the bride-to-be). In terms of asking questions to the parents of the bride-to-be (marriage guardians), the KUA tries to ask the bride's origins carefully but firmly. This is done so that the parents of the prospective surrogate are not offended by the KUA's questions and the KUA hopes that the parents of the bride-to-be can answer questions honestly.⁴⁶

4. Giving advice or direction by the KUA (guardian of marriage)

After the marriage guardian examination is carried out, namely after the parents of the prospective bride (marriage guardian) come to the KUA of North Padangsidimpuan District to ask the origin of their child, then At this stage the KUA of North Padangsidimpuan District provides direction or advice to the parents of the bride and groom (wedding guardian) regarding the validity of the marriage guardian as one of the conditions and pillars of marriage. What will happen if the marriage guardian of his child is not valid and what is the marital status of the

⁴⁶Interview with Mr. Riswan, (KUA Marriage Registration Officer, North Padangsidimpuan District), On Tuesday 27 April 2021, 10:40 am at KUA North Padangsidimpuan District.

child if his child's marriage guardian is not legal in Islamic law. Because if the guardian of marriage in his child's marriage is not a legal guardian of marriage in Islam, then his child's marriage is also not a legal marriage and if he has descendants, his descendants are also illegitimate.

The advice or direction carried out by the North Padangsidempuan KUA is aimed at nothing other than so that parents (marriage guardians) know the validity of the marriage guardian and do not play with the marriage contract so that if there are parents (marriage guardians) who want to lie, then he will rethink his actions and cancel his bad intentions.⁴⁷

5. Last Question from KUA North Padangsidmpuan Regency and Determination of Marriage Guardian.

After KUA North Padangsidmpuan gave advice and direction to the parents of the prospective bride and groom, North Padangsidmpuan KUA asked the marriage guardian whether it was true that he had the right to marry his child. If it is true that he has the right, then he is determined to be a marriage guardian for his child or known as a lineage guardian. However, if there is a marriage guardian who is not entitled to marry off his child, the North Padangsdimpuan KUA will immediately determine the guardian of the judge as his child's marriage guardian.

If the examination of the file has been completed, the marriage can be carried out after 10 days from the announcement of the marriage

⁴⁷Interview with Mr. Riswan, (KUA Marriage Registration Officer, North Padangsidimpuan District), On Tuesday 27 April 2021, 10:40 am at KUA North Padangsidimpuan District.

registration by the marriage registrar. Marriage contracts that are carried out using a judge's guardian are the same as lineage guardians.

According to Mr. Asroi, the appointment of a marriage guardian at the North Padangsidimpuan KUA is done by asking directly the parents of the bride and groom (marriage guardian) then giving advice/directions to the parents of the prospective bride (wedding guardian) regarding the validity of the marriage guardian as a condition and harmony in marriage, whether What will happen in child marriage if the marriage guardian is not valid, what is the marital status. This is done to prevent parents (marriage guardians) who claim to have the right to marry off their children even though in Islam they do not have the right to marry their children and to raise awareness of the legality of marriage guardians. as a condition and pillar of marriage with parents (marriage guardians).⁴⁸

North Padangsidimpuan KUA had a similar case where the parents of the bride and groom (wedding guardian) came to the Head of North Padangsidimpuan KUA and admitted their actions the day before the marriage contract was held. If there are parents of the prospective bride (wedding guardian), exist or claim to be not legal guardians of marriage, the North Padangsidimpuan KUA will immediately determine the guardian of the judge as marriage guardian. The guardian of the judge is a marriage guardian appointed by the Minister of Religion or an official

⁴⁸⁴⁸Interview with Mr. Asroi, (KUA Marriage Registration Officer, North Padangsidimpuan District), On Tuesday 27 April 2021, 10:40 am at KUA North Padangsidimpuan District.

appointed by him, who is given the right and authority to act as a marriage guardian.

In Indonesia, the guardian judge is the assistant to the president then the president delegates or delegates to the Ministry of Religion Office (KEMENAG), then the ministry of religion appoints the sub-district head of KUA as guardian judge in accordance with PMA No. 30 of 2005 concerning Guardian Judges. The guardian judge can only act as a marriage guardian if the lineage guardian is absent or impossible to attend or the place of residence is unknown or unseen or adlal or reluctant. In the event that the guardian is adlal or reluctant, the guardian of the judge can only act as a marriage guardian after the decision of the Religious Courts regarding the guardian is made. The Head of the District KUA is appointed as guardian judge, if the prospective wife does not have a line guardian, the line guardian does not meet the requirements, is not present or in any case determined by the court. decision.

Meanwhile, according to Mr. Riswan, the determination of the marriage guardian of the prospective bride is asked directly to the parents of the bride and groom. Is it true that the bride-to-be is really her biological child, or is there something preventing her from marrying off her child. Because according to Mr. Riswan honesty is the most important thing when you want to start something, especially in terms of marriage. Marriage is a sacred thing, because humans carry the name of

Allah SWT into the wedding reception. Therefore, marriage is not a game. And don't forget, Mr. Riswan also gives advice or direction to the parents of the prospective bride (marriage guardian) regarding the validity of the marriage guardian as a condition and harmony in the household with the hope that the prospective bride's parents (wedding guardian) will answer their questions honestly.

So if there are parents of the prospective bride and groom who are not entitled to marry their children as guardians of the lineage, the guardian judge will act as guardian of marriage. The head of the sub-district religious affairs office has the right to be the guardian of the judge. The factors that cause the guardianship of judges are:⁴⁹

1. Because the prospective bride does not have or has expired her guardianship
2. Because her guardian is adhol
3. Because her guardian is far away
4. Because the guardian cannot be found (jail)
5. Because His guardian is performing Umrah or Hajj
6. Children born out of wedlock

⁴⁹Interview with Mr. Riswan, (KUA Marriage Registration Officer, North Padangsidempuan District), On Tuesday 27 April 2021, 10:40 am at KUA North Padangsidempuan District.

c. Legal Basis for Determination of The Guardia Of Marriage At The KUA North Padangsidimpuan Sub-district

At The KUA Of North Padangsidimpuan Sub-district, if there is a case of the prospective bride being a child from an out-of-wedlock pregnancy, the parents of the prospective bride (*nasab* guardian) are not entitled to marry their child and the guardian of the marriage is guardian of judge. This basis is supported by the opinion of Ibn Rusyid. Stating that:

"The majority of scholars agree that adultery children are not subject to obscenity (service) to their fathers except for children born during the period of ignorance as narrated from sayyidina Umar bin al-Khaththab ra, and in this case there is a difference between friends "(HR IBNU RUSYID).

According to Mr. Muhammad Asroi, as the head of the North Padangsidimpuan District KUA, the guardian of marriage for the child bride candidate from the result of a pregnant marriage, the judge's guardian has the right to be the guardian of the marriage. This is in accordance with *Fiqh Munakahat*.⁵⁰

According to Mr. Riswan, as a Marriage Registration Officer, in determining the marriage guardian of the child bride from a pregnant marriage, it uses the basis of fiqh, namely using a judge's guardian as the guardian of the marriage.⁵¹

⁵⁰Interview with Mr. Muhammad Asroi, (Head of North Padangsidimpuan District KUA), on Tuesday, April 27, 2021, at 10:40 am at KUA Padangsidimpuan Utara District.

⁵¹Interview with Mr. Riswan, (KUA Marriage Registration Officer, NorthPadangsidimpuan District), on Tuesday, April 27, 2021, at 10:40 am at KUA Padangsidimpuan Utara District.

So it can be concluded that the opinion of the head of the North Padangsidempuan District KUA and North Padangsidempuan District KUA Marriage Registrar Employees agreed that if there is a case of a child bride candidate from a pregnant marriage, the guardian of marriage who has the right to marry her is the guardian judge in accordance with the legal basis in Fiqh.

d. Analysis of the Determination of The Guardians of Marriage at The KUA Of North Padangsidempuan Sub-District

Marriage in Islam is a sacred thing because in its implementation we carry the name of Allah SWT. Therefore, we as Muslims should not make marriage a game but instead make it a field of worship. As contained in the Islamic Law Compilation, marriage is *mitsaqan gholidhan* (great agreement) which is realized in practice as a strong contract. Marriage is a sunnatullah that is mandatory for humans in order to fulfill biological needs and clarify offspring. A lawful marriage will produce legal inheritance and vice versa, an illegitimate marriage will produce illegitimate offspring.⁵²

Guardianship in marriage is very important. Marriage guardian is one of the pillars and conditions of marriage. As stated in Article 19 of the Islamic Law Compilation:

"Marriage guardian in marriage is a pillar that must be fulfilled for the prospective bride who acts to marry her off"⁵³

⁵²Bacrul Ilmi, Op.Cit,hlm.51.

⁵³Kompilasi Hukum Islam Pasal 19

If a marriage guardian in a marriage does not exist, then the marriage is considered invalid because of legal flaws. in practice. This provision is based on the words of the Prophet hadith of Aisha RA history:

أيما امرأة نكحت بغير إذن وليها فنكاحها باطل, فنكاحها باطل, فنكاحها باطل, فإن دخل بها

فلها المهر بما استحلت من, وإن اشتجروا فالسلطان ولي من لا ولي لها

Meaning: "Any woman who marries without the permission of her guardian, her marriage is falsehood, her marriage is falsehood, her marriage is falsehood. If someone interferes with her, then the woman has the right to get a dowry, so that she is legalized against her genitals. If they are stranded (do not have a guardian), then the ruler is the guardian for whom (women) do not have a guardian. "

The Indonesian state, which is a follower of the syafi'i school of guardianship, is a condition for the validity of marriage, if the marriage is without a guardian, the marriage is invalid. The guardian of marriage is the guardian of the lineage, but if there is no guardian of the line, the guardian of the judge is appointed. The guardian of the judge is the *assistant* president's then the president delegates or delegates to the Office of the Ministry of Religion (KEMENAG), then the ministry of religion appoints the head of the sub-district KUA as guardian of judges in accordance with PMA No. 30 of 2005 concerning Guardian Judges. The guardian of the judge can act if:⁵⁴

- a. no nasab guardian
- b. the place of the guardian of the Nasab is unknown (unseen)

⁵⁴Pasal 23 ayat (1) KHI

c. wali adhol (reluctant)

In the process of determining the actual marriage guardian to date the Ministry of Religion has never provided instructions to ask about the status of girls, especially the eldest daughter who wants to get married. The KUA only takes the initiative itself in determining the guardian of marriage, namely by directly asking the guardian of marriage and providing health / direction to the guardian of marriage regarding the legality of the guardian of marriage.

In Indonesia, there is a law that regulates the issue of guardianship in marriage, namely in the Compilation of Islamic Law (KHI), Law No.1 of 1974 concerning marriage and specifically regarding guardian of judges regulated in the Regulation of the Minister of Religion of Indonesia Number 30 of 2005 concerning guardian of judges.

As for the Compilation of Islamic Law regarding guardian of judges, it is regulated in article 23 which states: ⁵⁵

1. A new guardian of judge can act as guardian of marriage if the guardian of the line is absent or impossible to present him or his place of residence is not known or is invisible or adlal or is reluctant.
2. In the event that the guardian is adlal or reluctant, the guardian of the judge can only act as the guardian of marriage after a ruling by the Religious Court regarding the guardian is made.

Based on article 53 verses 1, 2 and 3, the Compilation of Islamic Law (KHI) on Pregnant Marriage states: ⁵⁶

⁵⁵KHI Pasal 23 ayat 1 dan 2

1. A woman who is pregnant outside of wedlock can be married to a man who impregnated her.
2. Marriage with a pregnant woman referred to in paragraph (1) can be carried out without waiting for the birth of her child first.
3. By taking place when the woman is pregnant, there is no need for remarriage after the child is born.

As for legitimate children in the Compilation of Islamic Law Article 99 paragraph 1 and 2 it is explained :⁵⁷

1. a child born in or as a result of a legal marriage
2. the result of a lawful husband and wife's act outside the womb and born by the wife.

Then in article 100 that: "Children born outside of marriage only have a lineage relationship with their mother and their mother's family"

As for proving the origin of the child, the Marriage Law regulates it in article 55 and the Compilation of Islamic Law Explaining in article 103 the contents are the same, namely:

1. The origin of a child can only be proven by a birth certificate or other evidence.
2. If the birth certificate of other evidence as stated in paragraph (1) does not exist, the Religious Court may issue a decision regarding the origin of a child after conducting a thorough examination based on valid evidence.

⁵⁶Kompilasi Hukum Islam, Pasal 59 ayat 1, 2, dan 3

⁵⁷Kompilasi Hukum Islam, Pasal 99 ayat 1, dan 2

3. On the basis of the ruling of the Religious Court as referred to in paragraph (2), the birth registration agency that is in the jurisdiction of the Religious Court issues a birth certificate for the child concerned.

The articles above imply that children born as a result of pregnant marriage only have a civil relationship with the mother and the mother's family because they were made before the existence of marriage. Therefore, children from out of wedlock cannot be handed over to their fathers but only assigned to their mothers

The determination of the guardian of marriage by asking the parents of the prospective bride (guardian of marriage) and giving advice or direction to the guardian of marriage about the validity of the guardian of marriage with the aim of giving awareness to the guardian of marriage about the legality of the guardian of marriage as a pillar in marriage. According to the author, this method is less effective because it only relies on the honesty of the marriage guardian without any other written evidence such as the birth certificate of the bride and groom and the marriage book of the prospective bride's parents which will be more effective in detecting the lies of the guardians of marriage. As explained above in article 55 paragraph 1 KHI, the origin of a child can be proven by a birth certificate. So that if there is a case of a pregnant married child, it can be immediately determined using a judge's guardian.

The process of determining a marriage guardian at the KUA of North Padangsidempuan Sub-District has five stages, namely Examination of

marriage requirements, calling the prospective groom and bride, calling the guardian of marriage, giving advice or direction by the KUA of Padangsidempuan Utara Sub-district to the parents of the prospective bride (guardian of marriage) and the last question from the KUA of North Padangsidempuan Sub-District and determination of the guardian of marriage. In this case, according to the author, the KUA of North Padangsidempuan Sub-district applies the principle of احتياط *ihiyath* (prudence) when trying to determine a marriage guardian for the prospective bride. Because if there is an error in determining the marriage guardian and the marriage guardian is not a valid marriage guardian, the marriage is invalid so the marriage becomes Fasakh. Fasakh is an annulment of marriage due to reasons that do not allow the marriage to continue, for example, a defect or damage to the marriage, whether it is lacking conditions or pillars in the marriage or after the marriage has taken place.

So the actions of the North Padangsidempuan Sub-District KUA in determining the guardian of marriage if there is a case of a child bride candidate from a pregnant marriage is correct and in accordance with the existing regulations as described above. That children born outside of marriage only have a civil relationship with their mother and their mother's family, including in the case of guardianship using a judge guardian when the child is about to get married.

However, in terms of the process of determining the guardian of marriage according to the author, it does not have a strong legal basis.

Because basically there are no regulations governing the determination of the guardian of marriage for a prospective bride who wants to get married and until now the Ministry of Religion has never provided instructions to ask about the status of the eldest son who is about to marry and to know the origin of the child and determine the guardian for the bride. .

e. Analysis of the Legal Basis of Determination of The Guardian Of Marriage Guardians in KUA Of North Padangsidimpuan Sub-District.

In the process of determining the guardian of marriage at KUA Padangsidimpuan Sub-district, by asking the parents of the prospective bride (guardian of marriage) and giving directions or advice to the guardian of marriage regarding the legality of the guardian of marriage as a condition and harmonious in marriage. When there is a case of a prospective bride who is the result of a pregnant marriage, the guardian of the judge will immediately be appointed as her marriage guardian. This is in accordance with the legal basis of fiqh.

In the fiqh munakahat which has become agreed upon by the priests of the school of thought that the shortest possible time for womb is 6 months. So if a girl is born less than 6 months, then a guardian of Judge is used. As contained in the Qur'an Surah Al-Ahqaf verse 15:

وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ إِحْسَانًا ۖ حَمَلَتْهُ أُمُّهُ كُرْهًا وَوَضَعَتْهُ كُرْهًا ۗ^ط
 وَحَمْلُهُ وَفِصْلُهُ ثَلَاثُونَ شَهْرًا ۚ حَتَّىٰ إِذَا بَلَغَ أَشُدَّهُ وَبَلَغَ أَرْبَعِينَ سَنَةً

قَالَ رَبِّ أَوْزِعْنِي أَنْ أَشْكُرَ نِعْمَتَكَ الَّتِي أَنْعَمْتَ عَلَيَّ وَعَلَىٰ وَالِدَيَّ وَأَنْ
 أَعْمَلَ صَالِحًا تَرْضَاهُ وَأَصْلِحْ لِي فِي ذُرِّيَّتِي ۗ إِنِّي تُبْتُ إِلَيْكَ وَإِنِّي مِنَ
 الْمُسْلِمِينَ ﴿١٤﴾

means: And We commanded man to do good to his parents. His mother had conceived him with difficulty, and gave birth to him with difficulty (anyway). Pregnancy to wean her for thirty months, so that when she (the child) is an adult and reaches forty years of age she prays, "O my Lord, give me instructions so that I can be grateful for Your blessings that You have bestowed upon me and to both people. my parents and so that I can do good deeds that You are pleased with, and give me goodness that will flow to my children and grandchildren. Verily I repent to You and truly, I am a Muslim. "

And surah al-Luqman verse 14:

وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ وَهْنًا عَلَىٰ وَهْنٍ وَفِصْلُهُ فِي عَامَيْنِ أَنْ
 أَشْكُرْ لِي وَلِوَالِدَيْكَ إِلَيَّ الْمَصِيرُ ﴿٤٦﴾

means: And We charged the human (in order to do good) to his parents. His mother had conceived him in a state of increasing weakness, and weaned him at the age of two. Thank me and your parents. Only to Me is your return.

Both of these verses by ibn Abbas and agreed upon by the scholars, it is interpreted that the first verse shows the grace period to contain and wean it is 30 months. The second verse explains that weaning it after the baby is fully fed takes 2 years or 24 months, meaning that the baby takes 30-34 months = 6 months in the womb.

Therefore, if the baby is born less than 6 months according to fiqh based on the Qur'anic letter Al-Ahqof verse 15 and Surat Luqman Verse 14, which is the agreement of the Mahzab priests, it cannot be related to its kinship to its mother, even though it is in a marital bond. legitimate. He only has a lineage to his mother and his mother's family.

If the view of fiqh is analyzed regarding this legal child, it can be understood that the legal child is started from the fertilization of the cell (ovum) by sperm which occurs in the womb of the prospective mother and this fertilization must take place in a legal marriage, and this is where the legal child is determined. Therefore, Islamic law states that in order for a child to be considered the legal child of the mother's husband, that child must be born at least 6 months after marriage.

So it can be concluded that the legal basis used by the KUA Padangsidempuan Utara District if there is a case of a prospective bride who is a child of a pregnant marriage they agree to use a judge's guardian. this is in accordance with the legal basis of fiqh which the author has described above. Because the child who is the result of a pregnant marriage does not have a nasab relationship to his father, but to his mother, therefore the father cannot be the guardian of marriage in his marriage.

CHAPTER V

CONCLUSIONS AND SUGGESTIONS

A. Conclusion

Based on the research results and descriptions of several CHAPTERS above, the writer will conclude as an answer to the problem of determining a marriage guardian in KUA, of North Padangsidimpuan Sub-District. The conclusions that can be drawn from what the authors have described above are as follows:

1. The process of determining the guardian of marriage at the religious affairs office of north Padangsidimpuan Sub-District is carried out by asking the parents of the prospective bride (guardian of marriage) whether it is true that the prospective bride is correct. biological child or is there something preventing her from marrying off her child. Then the religious affairs office of north Padangsidimpuan Sub-District gives advice or direction to the parents of the prospective bride (guardian of marriage) regarding the legality of the guardian of marriage as a condition and harmony in marriage, what will happen to her daughter's marriage if the marriage guardian is not valid, then what is the status of her marriage. Health care or this directive is carried out with the aim of giving awareness to the guardian of marriage about the validity of the guardian of marriage and to avoid lying by the guardians of marriage. Then if there is a case of a prospective child bride from a pregnant marriage, it will be immediately determined using the judge's guardian.

So it can be concluded that the process of determining the guardian of marriage in the North Padangsidimpuan District KUA does not have a strong legal basis but is only an initiative from the North Padangsidimpuan District KUA, because until now there has been no law regulating the process of determining the marriage guardian for the prospective bride. the eldest who wants to get married and the Ministry of Religion has not provided any instructions regarding the problem of determining the guardian of marriage if there is a case of a prospective child bride from a pregnant married

2. The legal basis used by the the religious affairs office of north Padangsidimpuan Sub-District in determining the guardian of marriage if there is a case of a prospective bride who is a child of a pregnant marriage is the basis of *Munakahat fiqh*. Because the child does not have a family relationship with his father, but only to his mother. Therefore, the guardian of the marriage is the guardian of the judge and the father cannot be the guardian of marriage.

B. Suggestions

Based on the results of the author's research above, it can provide the following suggestions:

1. For parties who will carry out marriage, they should know and understand more about guardianship in marriage, because the guardian of marriage is one of the pillars and conditions of marriage.

2. For the Office of Religious Affairs (KUA), North Padangsidempuan District, in the process of determining the guardian of marriage, they want to be even more aggressive in determining the guardian of marriage for the prospective eldest bride to marry. How much more effective it is to determine the guardian of marriage through other written evidence such as matching the birth certificate of the bride and groom and the marriage book of her parents without having to wait for the guardian's awareness to speak the truth.
3. To the Government, especially the Ministry of Religion, to provide strict regulations regarding the process of determining the marriage guardian of the prospective eldest bride to marry, so as not to cause confusion for the Office of Religious Affairs as a Marriage Registrar in carrying out its duties.
4. For readers, the results of this study can be used as reference material for further research to make it even better

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CURRICULUM VITAE



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B. Education Background

1. Graduated from Kindergarten Namira Pandan (2003-2004)
2. Graduated from State Primary School 3 Pandan (2005-2011)
3. Graduated from State Junior High School 1 Pandan (2011-2014)
4. Graduated from Aliyah Madrasa Sibolga (2014-2017)
5. State Institut for Islamic Studies Padangsidempuan (2017-2021)

INTERVIEW GUIDELINES

1. If someone wants to get married, who will determine the guardian, whether it is the father or from the catin side?
2. How can you ensure that the marriage guardian of the prospective bride is the one who has the right to marry off her daughter?
3. Has there ever been a marriage with a guardian who is not entitled to become a marriage guardian? How many times and when does it occur before or after the contract?
4. If there is a guardian who is not entitled, what is your next action?
5. If there is a case that the bride-to-be is a child from a pregnant marriage, who has the right to marry her off?
6. What is the meaning of guardian judge according to the KUA of North Padangsidimpuan Sub-district?
7. What are the factors that cause marriages using judges?
8. What is the basis for your consideration in determining a marriage guardian in the case of a child bride from a pregnant marriage?

ATTACHMENT



Interview With The Head Of The KUA Of the North Padangsidimpuan Sub-District, Mr Muhammad Asroi



Interview With The Headman Of The North Padangsidimpuan Sub-District, Mr Riswan.



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Lampiran : -
Hal : **Mohon Bantuan Informasi
Penyelesaian Skripsi.**

21 April 2021

Yth, Kepala Kantor Urusan Agama
Kec. Padangsidempuan Utara

Assalamu'alaikum Wr.Wb.

Dengan hormat, Dekan Fakultas Syariah dan Ilmu Hukum Institut Agama Islam Negeri Padangsidempuan menerangkan bahwa:

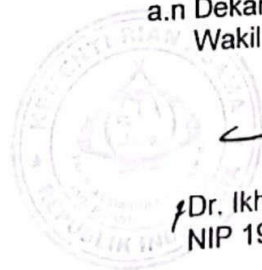
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adalah benar mahasiswa Fakultas Syariah dan Ilmu Hukum IAIN Padangsidempuan yang sedang menyelesaikan Skripsi dengan judul "Determination Of The Guardian Of Marriage At The Religious Affairs Office Of North Padangsidempuan Sub-District".

Sehubungan dengan itu, dimohon bantuan Bapak untuk memberikan data dan informasi sesuai dengan maksud judul skripsi di atas.

Demikian disampaikan, atas kerjasamanya diucapkan terima kasih.

a.n Dekan
Wakil Dekan Bidang Akademik




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Sifat : Biasa
Lamp. : -
Hal : **Surat Keterangan Telah Melaksanakan
Penelitian**

Kepada Yth,

Dekan Fakultas Syariah dan Ilmu Hukum IAIN Padangsidimpuan

Dengan Hormat,

Menindaklanjuti surat Dekan Fakultas Syariah dan Ilmu Hukum IAIN Padangsidimpuan Nomor: B-383/In.14/D.1/TL/00/04/2021 Tanggal 21 April 2021, tentang Mohon Bantuan Informasi Penyelesaian Skripsi dengan Judul "**Determination Of The Guardian Of Marriage At The Religious Affairs Office Of North Padangsidimpuan Sub-District**" atas nama :

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Fakultas/Jurusan : Syariah dan Ilmu Hukum / Al-Ahwal Al-Syakhshiyah
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Bahwa nama tersebut di atas benar telah melakukan penelitian di Kantor Urusan Agama Kec. Padangsidimpuan Utara Kota Padangsidimpuan.

Demikian keterangan ini diperbuat kepada bersangkutan untuk dapat dipergunakan
perluanya.

Padangsidimpuan, 03 Mei 2021
Kepala

Muhammad Asroi Saputra, S.Sos.I., M.A.
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