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Practice of Itsbat Marriage Application in Cidokom Village, Rumpin Subdistrict, Bogor Regency

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ABSTRACT

Registration of marriages is important for the creation of orderly administration, especially in the case of marriage certificates, other functions as well as one of the prerequisites for obtaining civil rights so as to avoid prejudice and misperceptions that can lead to legal records. One of the absolute competencies of the Religious Courts is itsbat marriages (nikah itsbat) which has the purpose of requesting marriage legalization so that it has legal force for couples who are married according to religion and do not yet have proof of a marriage certificate. This study has the aim of examining the submission of itsbat marriage in Cidokom Village, Rumpin District, Bogor. This community service uses the PAR method by planning observing then carrying out activities. Based on the results of the first research, Itsbat marriage is an application for marriage legalization that is submitted to the court to declare the marriage valid and has legal force based on Article 7 compilation of Islamic law. In accordance with the provisions above, itsbat marriage can only be filed through the Religious Courts, in the area where the applicant lives, not through the Office of Religious Affairs (KUA). Second, the legal consequences of holding foreign marriage constituencies are not much different from the legal consequences arising from marriages in Indonesia, namely the emergence of rights and obligations of husband and wife, rights and obligations of parents and their powers, guardianship rights and legal consequences that arise. others caused by marriage. This legal consequence arises when the registration of marriages on religious marriages is legal in the eyes of Indonesian law, namely by issuing a marriage certificate court decision in the form of a Marriage Certificate for marriages between husband and wife that have been carried out according to religion.

1. Introduction

Marriage is a ritual that must be passed when a pair of prospective bride and groom will start their household life in a marriage bond as husband and wife who are legal and official. Legitimate in the sense that it is carried out in accordance with the provisions of the religion (shari'a) adhered to by the bride and groom, and official in the sense that it is registered in the state population administration system, and is accompanied by the issuance of a document in the form of a Marriage Book which is a guide for each husband and wife. For bride and groom who claim to adhere to the Islamic religion, as stated on their KTP (Resident Identity Card) at the time of marriage, the registration of the marriage is carried out by a marriage registrar from the local KUA (Office of Religious Affairs).

Completing state papers is easy for some citizens who are affluent and orderly in administration, so the formalization of the marriage is not a problem. For some wealthy members of the community, the wedding ritual has been sanctified and formalized into a solemn ceremony which took place at the city's Grand Mosque, and by presenting important religious/community figures to act as Witnesses for Marriage, Readers of Marriage sermons, and speeches another and so on. However, there are some members of the community who are deficient, for example, who are not well off or lack education, so they are forced to be disorganized in their administration, starting from not having an identity card or family card, and ending with the absence of marriage certificates and birth certificates for children born out of wedlock. the marriage certificate. Situations like this are often found without exception in Kampung Pabuaran Tutul Rw. 09 Cidokom Village, Rumpin subdistrict, Bogor Regency. This village is inhabited by residents who are the majority lacking in administration as mentioned above. So this community service helps the community in completing the marriage administration according to the law.

2. Methods

The mentoring method used in this community service is PAR (*Participatory Action Research*) aims to make the Cidokom community aware of procedures filing marriage. In this PAR, TPA (Quran education park) service providers and stakeholders work hand in hand find problems and find solutions to find out the procedures for submitting records wedding. PAR has several characters (Qomar et al., 2022).

First, PAR is dedication starting with the activity of the residents to become a target group. Citizens as the topic is not the bow. Furthermore, In PAR, the researcher is a person involved in it, not outside it. Stage Next, PAR means the accumulation of exclusive research and action carried out in a participatory manner with a purpose to improve people's lives (Muhtarom, 2019). Fourth, PAR aspires to increase citizen participation in an intelligent manner in programmed activities, so that what is the direction can be realized.

The PAR method used in this service is manifested using several stages including

First, Planning. Planning is carried out after taking into account the concrete conditions of Bogor residents using SWOT analysis (Salinitas et al., 2019). Problems are analyzed based on, strengths weaknesses, opportunities and threats that could occur, it is necessary to have the participation of all related parties.

This plan includes strategies for solving problems faced by Bogor residents. Then, Action, Bogor residents apply the rules that have been designed and are supported and devoted as function executor. Third, observe, by looking at and describing the successes, weaknesses, and lack of strategies and processes used to solve problems that exist in environment. Likewise supporting elements and barriers that are recognized during activities going on (Rahmat, 2019). Fourth, reflect the struggle in dealing with things that are problems are integrated and tested, strengths, weaknesses, as well as the success of strategies and methods in looking for common threads to untangle a problem that has arisen in society earlier. Awareness as well as testing whose end point is in a plan (plan) similar to the main core, namely tackling problems that arise in society, both of which have not been completed at the beginning also

needs to be used in deciphering the red threads that arise so that people know the procedure how to apply for itsbat marriage.

In this community service activity, there were 28 married couples who participated, while the institutions involved were Village stakeholders, religious courts (Pengadilan Agama/ PA), and religious affairs offices (Kantor Urusan Agama/KUA) where this activity was carried out on 6 December 2019.

3. Results and discussion

Marriage Isbat is an application for legalization of marriage submitted to the court to be declared valid marriage and has the force of law. Usually, this trial is held for couples who the marriage has not been registered by the state, lost the marriage book, or married before the law. The marriage is valid (Salinitas et al., 2019). The applicant is asked to fill out a form for submitting an isbat hearing, paying court fees, waiting for court summons, presenting evidence and witnesses, and finally accept the court decision. (Sururie, 2017). The purpose of registering marriages is to the interests of the state administration, so that the rights arising from marriage are for example the creation of birth certificates, family cards, and so on that require a marriage certificate as proof of existence a marriage can be guaranteed. Marriage needs to be regulated so that arbitrariness does not occur authority (Zaidah, 2014).

If the marriage is not recorded, what kinds of problems can it cause? before the marriage occurs the conditions of the bride and groom are legally valid or there are obstacles that forbid the marriage or because it is forced, or there are other things that causing the marriage to be invalid because of an error regarding the determination of the marriage guardian (Zainuddin, 2022). Therefore, in order to avoid such losses, it is necessary to have recording (Faishol, 2020). In the provisions of KHI (Compilation of Islamic law) Articles 4-10, marriage is not only required meet the requirements and pillars of marriage but also must fulfill legal administrative provisions which is recorded in the marriage record as evidenced by the Marriage Certificate (Fadul, 2019). The reason is for orderly marriage (Article 5). Article 4 Marriage is legal, if carried out according to Islamic law in accordance with article 2 paragraph (1) of Law No. 1 of 1974 regarding marriage (Jannah et al., 2021). Article 5 paragraph one is married in order to ensure orderliness in marriage for the Islamic community every marriage must be recorded while paragraph two Registration of marriages referred to in paragraph (1), carried out by employees of the Marriage Registrar as stipulated in the Law Invite No. 22 of 1946 in conjunction with Law no. 32 of 1954.

Article 6 in paragraph one reads: To fulfill the provisions in Article 5, every marriage must held before and under the supervision of a Marriage Registrar. Between two marriages which is carried out outside the supervision of the Marriage Registrar does not have legal force (Quthny et al., 2022). From the explanation of the article above, of course, the act of registering a marriage can be useful especially for the bride and groom. Marriage is valid if it is carried out according to religion and belief but in order to obtain legal force, of course, registration This marriage is the only way to get recognition for marriage which was carried out by the bride and groom (Ma'arif, 2019). Because of the importance of registering marriages then the servant carries out mass marriage isbath activities, carried out in several stages. That is stage the audience and socialization stage before the implementation of the isbath session, as well as advocacy after the impleme isbat session (Rodliyah, 2013). The first thing we did to start this activity was we coordinated with several

Institutions concerned in order to avoid conflict or other things that are not desired and expedite the course of its implementation in the future. As for the Institutions

These include: First, the Village Apparatus of Cidokom. of course as the target location for Isbath implementation The first time we visited Cidokom to hold an audience was the Cidokom village. We met several village officials, including Mr. Dedi, as Kasi Kesra.



Figure 1. Audience with Cidokom residents

From him, we received information that many families had not have complete population administration such as KTP, KK (Family member card), child's birth certificate, marriage book and other. Especially regarding marriage books, most people don't have one yet families who were married before 2006. And became an obstacle to administration other residents and what little we got from the available information, in 2008 it happened fake marriage books in bulk in Rumpin sub-district, and including Cidokom village were affected from the incident, so that it became traumatic for most of the Cidokom community.

Leave from this trauma, government officials did not stop to remind us to have to carry out thorough socialization before its implementation. The village administration is also very supportive this program. With this, the programs we offer are the main support for its implementation the desire of the Cidokom village government to regulate community admittance. Second hearing conducted with the Cibinong Class 1A Religious Court



Figure 2. Photo of the audience with the Young Registrar of the Court of Appeal for PA Cibinong

The Cibinong Religious C absolute authority to settle Islamic civil cases, one of which is isbath marriage. Kindly relatively the jurisdiction of PA (Religious court) Cibinong is the entire area in Bogor Regency which is spread over 40 districts, and one of them is Rumpin District, of which Cidokom village is a part from the administrative area. With the absolute and relative authority mentioned above, then Cibinong Class 1A Religious Court is one of the vital parts to support the implementation of the marriage isbath which will be carried out in the Cidokom village.

It didn't stop there after hearings in Cidokom village, we continued to open talks with the court to find information relating to the requirements of prospective marriage itsbat, files, court techniques and other supporting preparations. As for the requirements that must be completed photocopies of KTP husband and wife which is sufficiently legalized at the post office; Photocopy of family card; Prepare two witnesses, try who witnessed the marriage or was present at the wedding.

By filling in the witness data form given by PA (religious court) Cibinong; Make a letter of submission for Isbath Marriage Application for each participant. The next party is the Rumpin District Religious Affairs Office. After permission from the village, We received Cidokom and had an audience with PA Cibinong, then we would have an audience with the parties KUA Rumpin, as its area of authority in the supervision and implementation of marriages, divorces, and refer to all areas of Rumpin sub-district including Cidokom village.



Figure 3. Hearings with the KUA

After the stage of hearings with interested parties and obtaining permission from the related to the implementation of the marriage istbath. The next stage is to socialize to the community Cidokom. The method we use is to approach village officials at the RW and RT levels, as well as people who became a figure in the village. At first we went to the head of the RW to convey aims and objectives, as well as introducing the procedure of marriage isbath.

Then the implementation is carried out at the Cidokom village. We received positive responses and responses well even though we felt traumatized about the marriage book again, but we tried to provide responses to address these fears. On the other hand, we received suggestions to attend the weekly recitation routine to socialize and provide information on itsbat marriage to the people who attended. From this stage, we got twenty-eight pairs of prospective marriage participants



Figure 4. Implementation of itsbat marriage

After the prospective mass marriage isbath participants completed the requirements, we submitted them to PA Cibinong on November 21 2019. From there we received information that the field isbath session would be held on December 6 2019. However, out of twenty eight pairs of participants who registered themselves to attend mass marriage isbath trial, there were four couples who were unable to attend during the trial day.

4. Conclusions

For residents of Cidokom village who have not registered a marriage, we assist in the implementation of Itsbat marriage. This is a legal effort so that these residents obtain protection and legal certainty whose procedures are as regulated in Article 7 KHI. That is, itsba marriage can only be submitted through the Religious Court in the local area, not through the Religious Affairs Office (KUA). The implementation of the Mass Isbat Marriage activity in Cidokom village was carried out in several stages, including 1) the hearing stage which was carried out with the relevant agencies, namely the Cidokom Village stakeholders, the Rumpin Religious Affairs Office, and the Cibinong Religious Court. 2) the socialization stage, namely directly to the Cidokom village community both door to door and through the routine recitation of the ladies and gentlemen. 3) advocacy, a) accompanying 28 pairs of candidates for mass isbath marriage participants, b) following up on administrative equipment from each candidate, c) registered with PA(religious court) Cibinong, d) attending itsbat marriage hearings scheduled at the Religious Court, and 4 couples who did not participate, were declared invalid. e) receiving the judge's decision, then we submit the decision to the Rumpin KUA, as a condition for making a marriage book. f) Nikah Book Printing, g) marriage books are received and given directly to participants in the mass Itsbath marriage in Cidokom village.

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6. Authors Note

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7. References

- Faishol, I. (2020). Implementasi Pencatatan Perkawinan di Indonesia (Studi atas Undang-Undang Perkawinan No. 1 Tahun 1974). *Ulumul Syar'i : Jurnal Ilmu-Ilmu Hukum Dan Syariah*, 8(2), 1–25. <https://doi.org/10.52051/ulumulsyari.v8i2.53>
- Rodliyah, N. (2013). Pencatatan Pernikahan Dan Akta Nikah Sebagai Legalitas Pernikahan Menurut Kompilasi Hukum Islam. *Pranata Hukum*, 8(1), 25-33
- Jannah, S., Syam, N., & Hasan, S. (2021). Urgensi pencatatan pernikahan dalam prespektif hukum islam dan hukum positif di indonesia. *Jurnal Penelitian Dan Pemikiran Keislaman*, 8(2), 197.
- Ma'arif, T. (2019). PENCATATAN PERNIKAHAN (Analisis dengan Pendekatan Qiyas, Istihsan, Sadd al-Dzari'ah, Masalahah Mursalah dan Hukum Positif di Indonesia). *Asas*, 11(01), 119–141. <https://doi.org/10.24042/asas.v11i01.4647>
- Muhtarom, A. (2019). Participation Action Research dalam Membangun Kesadaran Pendidikan Anak di Lingkungan Perkampungan Transisi Kota. *Dimas: Jurnal Pemikiran Agama Untuk Pemberdayaan*, 18(2), 259. <https://doi.org/10.21580/dms.2018.182.3261>
- Qomar, M. N., Karsono, L. D. P., Aniqoh, F. Z., Aini, C. N., & Anjani, Y. (2022). Peningkatan Kualitas Umkm Berbasis Digital Dengan Metode Participatory Action Research (Par). *Community Development Journal : Jurnal Pengabdian Masyarakat*, 3(1), 74–81. <https://doi.org/10.31004/cdj.v3i1.3494>
- Quthny, A. Y. A., Muzakki, A. & Zainuddin. (2022). Pencatatan Pernikahan Perspektif Hukum Islam dan Undang-Undang Nomor 1 Tahun 1974. *Asy-Syari'ah : Jurnal Hukum Islam*, 8(1), 25–40. <https://doi.org/10.55210/assyariah.v8i1.765>
- Rahmat, A., & Mirnawati, M. (2020). Model participation action research dalam pemberdayaan masyarakat. *Aksara: Jurnal Ilmu Pendidikan Nonformal*, 6(1), 62-71.
- Salinitas, P., Berbeda, Y., Salinity, A. T. D., Ikan, T., Jagung, T., Dan, D. H., Niode, A. R., Irdja, A. M., Dipelihara, Y., Happa, D., Imbangan, P., Dan, P., Pakan, E., Rohma, A., Arief, M., Soedjiwo, N. ade fredyarini, Santia, I., Rizki, A., Purbomartono, C., ... Mada, U. G. (2019). Dosen STAI Denpasar Bali. 1. *Jurnal Moderat*, 2(1), 1–11. http://juliwi.com/published/E0101/Paper0101_39-45.pdf
- Sururie, R. W. (2017). Isbat nikah terpadu sebagai solusi memperoleh hak identitas hukum. *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 17(1), 113. <https://doi.org/10.18326/ijtihad.v17i1.113-133>
- Zaidah, Y. (2014). Isbat Nikah Dalam Perspektif Kompilasi Hukum Islam Hubungannya Dengan Kewenangan Peradilan Agama. *Syariah Jurnal Hukum Dan Pemikiran*, 13(1). <https://doi.org/10.18592/syariah.v13i1.170>
- Zainuddin, A. (2022). Legalitas Pencatatan Perkawinan melalui Penetapan Isbat Nikah. *Al-Mujtahid: Journal of Islamic Family Law*, 2(1), 60. <https://doi.org/10.30984/ajifl.v2i1.1942>