

The Urgency of the Judge's Decision on the Marriage Itsbat Application As a Solution to Obtain Legal Identity Rights

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Abstract

Marriage without a marriage certificate will have many consequences related to the various rights of the wife and the right to provide for the children born from her mother's womb, both material and immaterial that must be received in marriage, as well as rights to property owned while in the marriage. Marital life itself, as well as matters relating to rights relating to third parties. Such a marriage situation will experience problems when dealing with marriage documents as authentic proof of marriage. In this context the breakthrough of its bat marriage law which was never found in Law Number 1 of 1974 was appreciated by the Compilation of Islamic Law / KHI precisely in the provisions of article 7 paragraphs (1), (2), (3) and technically formulated by the procedural guidelines chapter in PA/Society, that the rules for legalizing marriage/ itsbat marriage, are made based on marriages held based on religion or not being recorded by the authorized VAT. Responding to the legal needs of Muslims regarding ownership of a marriage book, namely for married couples who are married religiously but whose legal certainty is doubtful in the eyes of the law. The law of marriage referred to in this study is the legalization of marriages by the Religious Courts according to their respective jurisdictions. The determination of its validity of marriage by the Surabaya religious court is very urgent for legal certainty of husband and wife marriages that have not been registered at the Office of Religious Affairs (KUA).

Keywords : *Marriage Itsbat , Marriage Without Marriage Book, Marriage Certificate .*

A. INTRODUCTION

1. Background Behind

Marriage in _ seen as something deed initiating law _ as exists contract / bond (ijab – qabul) between party candidate husband and candidate wife

according to established procedures _ implemented it centuries start before Indonesia had legislation marriage until legalization Constitution Number 16 of 2019 above change Constitution Number 1 of 1974 concerning Marriage Regulation Government Number 9 of 1975 concerning Implementation Constitution Number 1 of 1974. Arrangement law This is effort realize life have a family or home steps of sakinah , mawaddah and warahmah as well as avoid potency neglect family because one _ party leave party other or negligent to responsibility family . However thereby reality in society Still Lots found marriage people Islam especially those that take place post enactment Constitution Number 16 of 2019 above change Constitution Number 1 of 1974 concerning Marriage is not recorded with the employee Marriage Registrar / VAT Office Religious Affairs / KUA with various causes and reasons so that they do not have a marriage certificate or marriage book .¹

Surabaya Religious Court Especially and Bangkalan Religious Court two of them The Religious Court in East Java got it achievements case itsbat marriage is enough tall the numbers under amount divorced sue and divorce divorce during this year 2023 . Achievements number itsbat marriage occupies ranking third the there must be a reason and background various backgrounds _ variety as well as how implementation inspection the matter until amar the judge 's decision dropped can conclude urgency the judge 's decision application itsbat marriage according to law perspective law Indonesian Islamic Marriage . There are 4 (four) reasons Why case itsbat marriage is necessary discussed and thoroughly .

¹ Siti Dalilah Candrawati . University Islam State Sunan Ampel Surabaya. “ Urgency Judge's Determination on the Application Itsbat Marriage In PA. Lacquer In Perspective of Indonesian Islamic Family Law ” *Maqasid Journal Islamic Law Studies* /Vol. 12, no. 1, 2023, p. 1-13.

First , itsbat marriage in PA Surabaya and PA Bangkalan is need law for life married family _ does not yet have legality , specifically need protection right husband wife and rights child .²

Second , awareness law the people of Surabaya and Bangkalan to importance document wedding need appreciated Because document official form issued letter / deed _ authorized State institutions / agencies it provides certainty law for interest consequence law marriage both personally and institutional .

Third , quantity case application itsbat marriage in PA Surabaya and PA Bangkalan including ranking ten big among _ PA ranks in East Java during month January-July 2023, overview This is indicator exists interests of the parties related solving legality problems the marriage took place in East Java

Fourth , determination itsbat marriage by PA constitutes mandatory procedural mechanisms taken by previous couples _ Marry However do not have a marriage certificate / marriage book , because matter This done simply For benefit marriage and consequences the law Good about husband , wife , children , and ownership treasure riches family as well as other related matters .

Affirmation apparently related to the word Itsbat Nikah No found in regulation legislation marriage Good in Law no. 1 of 1974 in conjunction with PP No. 9 of 1975, also deep Presidential Instruction No. 1 of 1991 concerning Compilation of Islamic Law which is guidelines implementation law family Indonesian Islam regulates, among other things about marriage .

Article 2 paragraph (1) Law no. 1 of 1974 emphasizes " marriage is VALID if held according to law each religion and belief , meanwhile article 2 paragraph (2) . arranging “ marriage noted according to regulation applicable

² Abdul Azis Salim Basyarahil , *Demands Marriage and Marriage* , Jakarta: Gema Human Press, 1994, p. 40.

legislation " registration _ marriage become condition administrative , apart That embodiment order There are lots of laws too the benefits .³

There is two system contrary law _ productive the , in one side Constitution has arrange importance recording marriage , but on the other hand its absence reference the marriage registration from source law Islam . Because it does not There is order exemplified directly _ Rasulullah SAW, then matter the bring consequence to opportunity ongoing , just a marriage comply with the procedures wedding as discussed _ in the books of fiqh , namely simply fulfil aspect terms and conditions of marriage however ignore rule recording , conditions like here it is walk Keep going from time to time and always can found the amount when his request filed in PA, like just an iceberg appeared on the surface but at the bottom layer the amount very Lots . The facts are various districts and cities in East Java _ We meet marriage in a way Islam is not recorded requested itsbat marriage in religious court . Two of them are PAs in Java East gets it achievements number Itsbat Marriage is enough many in East Java are PA Surabaya and PA Bangkalan during 2022-2023 .⁴

Marriage is not recorded with all the cause and the reason in essence is violation law positive , that is violate governing legislation _ recording . Various the term referred to to marriage that is not recorded known as " sirri marriage " or under marriage hand , therefore part public considered This is a normal thing , because marriage is considered affairs personal simply , it has no impact social , even as part public considered hereditary culture . This matter No fully right , because existing society _ progress natural his mind Certain consider important reporting wedding sirri the For requested certainty the law to officials who have authority determination its validity .⁵

³Siti Dalilah Candrawati , *Law Marriage Islam in Indonesia* , Surabaya, UIAN, 2014, p 31.

⁴ *Ibid* , p. 33.

⁵Abdul Muhaimin As'ad, *Treatise Marriage* Surabaya : Bright Star , 2005, p. 26.

With thereby recording marriage required For avoid application religious law and belief in a way piece by piece For legitimize A marriage , temporary life House ladder post marriage No in accordance with objective marriage meant .⁶ Including consequence the law to rights child For obtain certificate birth that contains his biological father's name . Therefore _ That the way to go implemented so that a existing marriage _ taking place However Not yet recorded to the VAT authority is application itsbat marriage / legalization of marriage to religious courts covering its jurisdiction . Determination itsbat marriage carried out by religious courts aims For give certainty law to child born to a _ wedding sirri . Determination This is what happens when a marriage is issued by a religious court base For recorded marriage partner husband wife / partner by employee marriage registration at the Religious Affairs Office , and then the KUA will publish marriage book or quote marriage certificate .⁷

Itsbat marriage for application legalization of the proposed marriage to Religious Court for stated it's legal marriage to have strength law .⁸ Application itsbat marriage filed to court religion/PA by the parties in marriage that is not can prove his marriage with

Base determination itsbat marriage by religious court . The parties can to employee office marriage registration religious affairs for request his marriage the recorded and issued the marriage book , then used base For make deed birth children born and results _ wedding sirri the as well as interest other laws _

With finished itsbat marriage and so on marriage recorded on the appropriate KUA marriage certificate domicile the That so husband 's

⁶D. Y. Witanto, *Law Family Rights and Position Children Outside Married After The MK Decision Concerning the Material Review of the Law. Marriage* , 2019, p. 228

⁷ *Ibid* . h. 225

⁸ Supreme Court of the Republic of Indonesia, *Guidelines Implementation Administration and Duties Religious Courts , Book II*, Jakarta: Directorate General of the Religious Courts , 2015, p. 143.

marriage wife seen have certainty _ law . Because of his marriage has been registered official from they get marriage book as well post marriage certificate Issuance of PMA Number 20 of 2019. Certainty law This become very important for A life marriage For obtain right identity law in Indonesia. Bagir Manan mention certainty law as device law a capable country ensure rights and obligations a country. Certainty law / rechtszekerheid is also a guarantee for public that everything will treated State based regulation law No with arbitrary .⁹

Law as gathering mark from norm society is written about and treated with set penalty for those who don't obey , as product politics , then law face dominant interests _ in processes and institutions processes and institutions (*ius constituendum*) applicable law _ moment This will law for the past to come come (*ius constitutum*) by cause that's face law can seen from How law formulated , enforced and how law formulate it for the future .¹⁰

Realize that itsbat marriage as solution For obtain right identity law very needed by the couple husband wife / partner whose wedding only sirri . For protect and provide usefulness .

To marriage they as well as For protect consequence laws that arise later _ day . Like for example children and property together . So in accordance the principle of “ personality religious Islam ” The only Religious Court /PA given institution _ authority For mentions marriage, unfortunately PA 's authority limited by article 49 of the Law Number 7 of 1989 which has been changed with Constitution number 3 of 2006 and the last changed by law Number 50 of 2009 Concerning Religious Courts and explanations , PA only given authority

⁹ As quoted by Siti Dalilah Candrawati . Sunan State Islamic University Ampel Surabaya. “ *Urgency Judge's Determination on the Application Itsbat Marriage In PA. Lacquer In Indonesian Islamic Family Law Perspective* , p. 5.

¹⁰ Abdul Manan and Ahmad Kamil, *Application and Implementation of Guidance and Control Patterns Administration Secretariat Religious Courts and High Religious Courts* , Jakarta: Al-Hikmah Foundation, 2011, p. 88.

do itsbat marriage against the marriage took place before enactment Constitution Number 1 of 1974 concerning Marriage . However the facts on the ground the marriage requested itsbat marriage to PA in general is the marriage was carried out post enactment Constitution Number 1 of 1974 concerning Marriage .

In line with interest itsbat the marriage article 7 paragraph (2) of the Compilation of Islamic Law states that “ deep matter marriage No can proven with Marriage certificate , yes submitted itsbat his marriage to Local Religious Court . Furthermore article 7 paragraph (3) which makes it clear that itsbat marriage that can submitted to Limited Religious Courts about things ;

- (a) There is marriage in frame solution divorce ;
- (b) Disappearance marriage certificate ;
- (c) There is doubt about legitimate or one or the other condition marriage ;
- (d) There is marriage took place before enactment Law no. 1 of 1974;
- (e) Marriages carried out by those who do not have obstacle marriage according to Law no. 1 of 1974.

Basically _ objective main application case itsbat marriage submitted by the parties to PA Surabaya is as obtain right identity law on legality incident existing marriage _ held a number of last year / month _ religiously (Islam) or in Language public often called with The term sirri marriage is good they as partner husband wife who does not have children or those who already have children . With thereby This is description clear that partner husband wife who has Marry religiously however _ Not yet registered with the local KUA which has they straight away , both those who are married himself by father as guardian lineage or guardian represent to other people (taukil guardian) usually to kyai or modin . Although thereby when explored very reason _ background submission application Itsbat married to PA. Surabaya _ many

kinds of. In general case itsbat the marriage because tradition operate incident the marriage took place religiously or _sirri with all reason background behind as mentioned below _ This :¹¹

1. Abandonment procedure marriage dispensation as impact on change age worthy marry in Constitution marriage . Beginning The minimum age for marriage is 16 (six twelve) years for Woman changed be a minimum of 19 (nineteen) years , then his choice is a religious marriage or what is called a sirri marriage .
2. Proximity with device head village / district so that partner husband married wife _ sirri Can get Card Family (KK) though don't have a marriage certificate yet .
3. Partner husband wife already have a Resident Identity Card (KTP), however his marriage Not yet registered with the KUA.
4. Arranged marriage _ or forced by both parents _ partner or family they during they Still age young .
5. Moment management letter registration marriage only stop until sign hand Head Village Just a letter No continued up to the KUA because distance travel between House with KUA is enough Far . They also admit it constrained cost transportation , as well cost registration of considered marriages Enough weighing up to hundreds thousand rupiah let alone must Pay via designated bank .
6. It's possible exists application itsbat marriage for interest smuggling law , including :¹²

¹¹ Abdurrahman,,,, *of Islamic Law in Indonesia* , Jakarta: Akademika Pressindo , 2014, p. 30.

¹²Ahmad Rofiq ,,, *Islamic Law in Indonesia* , Jakarta: PT King Grafindo Persada , 2015, p. 35.

- a. For interest legality polygamy sirri .
 - b. Interest legality marriage sirri done _ with a real person Still become husband or another man's wife .
 - c. Interest legality wedding sirri with a real widow Still during the iddah period at the time wedding series the took place .
 - d. Interest legality of sirri marriage whereas Once Marry registered person who is proven to also have a deed divorce , or Once divorce However No showing deed the divorce when sirri married That .
7. Application itsbat deep marriage frame management Hajj/ Umrah documents , so the wife requires it departure to land holy must accompanied husband as the mahram .
 8. Application itsbat deep marriage frame interest administration population like deed birth child as school registration requirements , attachments document wages allowance wife / husband / children as well as needs document bank transactions .
 9. Application itsbat deep marriage frame solution divorce husband wife . In matter This his request No made in a way separately but become One unity in decision divorce .¹³

Various background behind the author mentioned above _ Actually No formulate in posita applicant , who becomes base application itsbat marriage, however revealed at the moment the judge when the noble judge ask background behind reason so wedding applicant attributed . Everything That culminates in the event of a religious marriage or formal marriage sirri Petitioner I and Petitioner II, have Marry but No report to the KUA so his

¹³ *Ibid* , p. 44.

marriage Not yet recorded in the deed get married and marriage book issued by the local KUA just one left party . It could be they showing letter below _ under hand or Photo document his marriage sirri That . The judge considered this as proof the beginning , no decisive evidence _ certainty law existing marriage _ happen that and neglect marriage registration _ because Still many presumption public that religious marriage or unregistered marriage as religiously valid marriage without _ consider consequence law in long term against rights wife as well as children born _ from wedding the .

There are examinations of 500 (five hundred) cases itsbat married in PA Surabaya during implemented in 2022-2023 hearings in the office and outside office (trial around). That way Actually has fulfil provisions of PERMA Number 1 of 2015 concerning service integrated hearing around district courts and religious courts / tribunals syar'iyah in frame publishing marriage certificate and deed divorced . This method is also intended For bringing the Judicial Institution closer to public . Policy the taken Because the judge 's decision application Itsbat Nikah by the religious court for consideration purposes benefit for people Islam . In context This itsbat marriage is seen very beneficial very for people Islam For look after document personal requirements required by the authorized agency as well as guarantee members protection certainty law to each partner husband wife , incl protection regarding the status of the child born from marriage sirri such , and against consequence the law will appear Then . From reality This is also the Director General Badilag make it as *justice for all* , especially for public poor Muslims and those who are marginalized in form hearing around No paid inside _ as well as abroad at the level root grass (*grassroot*) at once help public find solution condition ownership marriage book for those who have Marry but Not yet do registration at the KUA.¹⁴

¹⁴ Abdus Thanksgiving Widodo, SH. , MH ., *Registrar Surabaya Religious Court* , Interview Live , Surabaya, 26 July 2023.

Completion case itsbat marriage because the reason has been writer mentioned above _ held in a way yourself (one case) with method volunteer as application submitted by the applicant (husband wife) while For reason neglect procedure marriage dispensation then solution held without accumulate with case marriage dispensation , because wedding sirri which is still being carried age the has fulfil provision condition harmonious marriage according to legislation Already happened , that is No need submit two application dispensation age but Enough One application Itsbat just get married .

2. Formulation Problem

- 1) What urgency Judge's decision on Integrated marriage isbat by the Religious Court ?
- 2) How the process implementation *itsbat marriage* integrated as solution obtain right identity law in Indonesia ?

B. DISCUSSION

1. Urgency Judge's Determination of Integrated Marriage Isbat by the Religious Court

In law positive in Indonesia, term itsbat marriage indeed No found in law marriage in Indonesia, both Law Number 1 of 1974 and PP Number 9 of 1975. However for Muslims itsbat marriage is regulated in article 7 KHI begins paragraphs (2), (3), and (4) are also regulated by the Republic of Indonesia Supreme Court Decree Number 012/KMA/SK/II/2007 which states that rule legalization of marriage or itsbat marriage is made on base exists the marriage that took place based on religion or No recorded by VAT. Itsbat Nikah is seen as A breakthrough many laws _ give mark benefit to partner husband wife and consequences law his marriage Good about right wife as well as right children born _ from marriage These are also consequences other laws such as right on treasure riches as treasure together if happen farewell Because divorce life or

Because death of one party can obtain right his heir . In perspective law Islamic families in Indonesia can stated various matter concerning urgency determination *Itsbat Nikah* for applicants who have _ religious marriage or *sirri* marriage However Not yet registered with the KUA as well other related parties :¹⁵

First : determination *itsbat* marriage by PA judge Surabaya is answer on need law society that has Marry religiously however _ No recorded in quote marriage certificate or don't have a marriage certificate because of course moment incident wedding happen they Not yet report to the KUA. *Itsbat* marriage can seen as door emergency for road go out solution problem registration of Muslim marriages in Indonesia is not yet available regulated by law Marriage nor law positive others , but KHI has appreciate need law This , article 7 paragraph (1) confirms marriage only can proven with Marriage Certificate made by the employee Marriage Registrar (VAT) is medium paragraph (2) continues that in matter marriage No can proven with Marriage Certificate , yes submitted *itsbat* his marriage to Religious courts .¹⁶

Second : that the judge 's decision request the marriage certificate submitted by the parties No There is other interests except simply For ensure validity incident ever marriage _ taking place during this , because That key main proof is information two witnesses , can also be added wife's statement (pledge) . as applicant II that he truly Marry with applicant I. Although thereby presence two witness Don't only just formality . The statements given by the witnesses are below oath should truly can confirmed strength the law by the judge who examines and can accountable in a way worldly - *ukhrawi* , don't until There is presumption Just a Religious Court institution giver stamp validity marriage, in matter this is a real judge thorough and careful in examination of the witnesses presented . Under oath that has been be spoken

¹⁵ Enas Nasruddin , *Regards Itsbat Nikah* , Jakarta: Al-Hikmah, 2010, p. 20.

¹⁶ *Ibid*, p. 21 .

that , the judge expected can ensure that the witnesses is a real person has Marry Islamically , as well know truth life House ladder they walk harmonious even in between they some have _ blessed child .¹⁷

Third : Responding possibility happen smuggling law by the parties in inspection case Itsbat Nikah, then the key lies in the accuracy and caution of the judge within give consideration law and make amar determination , because matter This has clear the rules in letter 6(e) KMA/032/SK/IV/2006, that For avoid exists smuggling law and polygamy without procedures , Religious Courts / Courts Sharia must be careful in handle application itsbat marriage. The KMA's mandate is very important important For enforcement fair law , although judges have discretion independent in determine law in drop punishment . This has also been done The referees PA Bangkalan and PA Sampang paid attention not to considered violate KMA regulation Number 032/SK/IV/2006.

Fourth : decision itsbat marriage matters with One party (can tried outside _ office) and one judge, constitute example change law Indonesian Islamic family voluntary and decision nature affirmative . which is legitimate , isn't it? trials and disputes , moreover part big place marriage held outside _ office or hearing around use method prodeo (free/free) which means Reign . service for public with average difficulty and income low . In fact , when done research , visits to hearing traveling is also approved by PA Surabaya, come along as well as in case itsbat marriage and average origin from families who don't know law especially related ones with law . management business , and situations economy they . They are classified as poor released Because cost court . Procedures _ solution case through examination in a religious court with a single judge sitting on the bench as well as presenting applicant and witness in a way together outside _ trial (examination through telephone) is

¹⁷ *Ibid*, p. 22.

standard implementation . justice as intended in Constitution Number 14 of 1970 guarantees justice can enforced with easy , fast and cheap .

Fifth : know reason happen marriage pressing for protection law to the marriage took place according to Islam however Not yet registered with the KUA. Therefore _ that , everything related problems _ with various regulation related legislation _ with rights wife and children as well as rights other parties involved will get protection law , marriage certificate or have a marriage certificate authority law as valid document _¹⁸.

2. Implementation Process Integrated Marriage Itsbat As a Obtaining Solution Right Legal Identity in Indonesia

Procedure Review to recording marriage together The same with the review process Isbat marriage in general . Difference decision Isbat unregistered marriage with decision Confirmation other is in paragraph (1). Isbat marriage contract held in a way together in a way collective If usual marriage isbat done in a way secretly , (2) Implementation The stakeholders is Religious Courts , Ministry of Religion/KUA, government regional / Disdukcapil , meanwhile Marriage isbat only covers religious courts , (3) Where In carry out marriage together , organization confirmation can use court Religious Courts , however often displayed outside _ courtyard in form hearing around as you can held at level government area , building all round uses , regions and other representative places congregation , place held meeting Confirmation usually carried out in court and (4) there is case special other For example registration recorded in the joint marriage book only just a marriage certificate .¹⁹

¹⁸ *Ibid*, p. 25.

¹⁹ Ramdani Wahyu Sururie . Sunan State Islamic University Mountain Jati Bandung. " *Integrated Marriage Isbat As a Obtaining Solution Right Legal Identity* " Ijtihad, Journal Discourse on Islamic Law and Humanity /Vol. 17, no. 1, 2017, pp. 113-133.

In form voluntarily, the judge can form one and another calling Can done together, whereas Isbat Nikah often used in a way voluntary and controversial, the judges meeting the No completely killed. Confirmation wedding celebrated at the event from court (mobile court) as per KMA Decree number 26 of 2012 concerning Standard Operational Religious Courts, chapter G states "All However the case can brought to district court because limitations Work district court, case the can resolved submit lawsuit to court area, one of them is the Isbat marriage (validation / revocation marriage) for marriage that is not registered with the KUA. In short, marriage is A trial Integrated with organization Confirmation wedding normal, you can use your own _ For pay, earn payment Regional Government, Prodeo or DIPA for Religious Courts. However in a way general, Members who follow unity Confirmation is those who don't strength financial. Still only those who can afford it buy it The religious court whose house it is Far Can get profit from the congregation Attached is marriage certificate.

Specifically Perma no 1 of 2015 regulates provision meeting Confirmation marriage unite in Article 12, namely: First, Problems The marriage contract is served by the Religious/ Syar'iyah Court with not quite enough answer addition, decision For agree wedding nature volunteer; Second, the court Confirmation wedding is still couple _ life in a way furtively (and who) if There is other thing; Third, if one _ or second partner died, submit application No can make marriage certificate and services addition; Fourth, inspection marriage certificate available done in service addition by one judge; Fifth, the trial process is outside court made based on applicable provision; _ Sixth, run In presiding, the judge is assisted by 1 (one) deputy clerk, 1 (one) interpreter confiscate / interpreter confiscate substitute and at least 1 (one) officer administration; Seventh, invite losing candidate _ amount you can use notifications and boards bulletin government area district court or court media other have; Eighth, implementation tests and functions addition like test applicable provision; _ Ninth, service addition Possible

included with . Service help law by post and/ or b. meeting official Clear that in Perma Policy This arrange policy about implementation Confirmation Marriage Integration rules are not arranged . Parma especially It says , meeting Individual marriage isbat done only in form ask (in volunteer) where to apply is partner . If just the husband Want to submit or wife , then wife or husband still become defendant .²⁰

Appear Problem This controversial . In matter This No will given in matter confirmation wedding . Unity . This including if one _ or both of them have it No Can dead in work extra . In accordance existing agreements and provisions _ in Book II regulates that “ system administration application marriage certificate submitted by one partner debate in subdue wife or disobedient husband _ Application as defendant , his income form decision and opposing the decision can appeal and review return basic Therefore _ it should _ use Facility Wedding Integrated Itsbat that legalizes his marriage it's not those who do it only one (husband or wife only) because matter This Can just happen marriage No recorded Because polygamy . Because , from global situation , Isbat nikah will be open possibility development practice marriage No recorded , then the judge must do it think hard For make wedding as priority will bring kindness , or even loss , for internal organs family Amount Religious courts, among others , have enforce contract marriage together Surabaya Religious Court , Bangkalan Religious Court and Sampang Religious Court in the province East Java . At the Religious Court in Surabaya, Isbat planned ceremony marriage celebrated at the time meeting organization between company . Meeting Structuring general seen by representatives Badilag , representative from the Ministry of Worship , Chairman Religious Court , representative Service Humanity and Notes Civil (Disdukcapil) donated by the Australia-Indonesia Partnership for Justice (AIPJ), group from

²⁰ Ahmad Rashid Roihan , *Religious Court Procedural Law* , Jakarta: Raja Grafindo Persada , 2003, p. 18.

the Center for Child Protection Studies (PUSKAPA) insurance unemployed , employee sub-district and sub-district heads .

In meeting the formed unit task technical responsible answer on implementation plans on the ground , started with manager general and staff technical other . After that formed committee For Conference Marriage Registration , and then Activity social started from method chairman committee organizations that have many sub-districts were established in many subdistrict For employ they participants have several criteria based on Perma number 1 in 2015. There is also interaction social via the Surabaya Religious Court and Regional Government website In . That is Disdukcapil . Various work posters participant will follow Addition marriage certificate , namely : a) Photocopy of husband / wife's KTP (2 books); b) Photo of guardian's ID card (2 copies); c) Photo ID card witness (2 books); d) photo identity 2x3 (8 pages); e) Information about date and time born from public or midwife ; Together with DIPA, the Surabaya Religious Court supports it case the with financial assistance from government area . (Interrogation with Pansek Surabaya Religious Court , Abdus Thanksgiving Widodo, SH., MH 26 July 2023). For condition submission application itsbat own marriage as well following :²¹

1) Applicant submit application confirmation integrated in the region law religious courts which include place residence Applicant ; 2). Applicant complete condition submission itsbat with moreover formerly make letter application (assisted by POSBAKUM), then prepare condition like ; FC KTP of the Applicant / Applicants , Certificate No registered wedding from the KUA, and known / validated SKTM until level sub-district (letter application must attach soft files in CD); 3). File registration the submitted to officer Table 1 Religious Court , then given number things and made letter determination

²¹ Abdus Syakur Widodo, *Registrar Surabaya Religious Court* , Interview Live , Surabaya, 26 July 2023.

liberation cost case (prodeo). 4). After that case accepted by Table 1, then clerk through officer table 1 announced in board announcement namely the " Status Period " for 14 days . 5). If No There is rebuttal file Then continued to Chairman Religious Court via clerk . Clerk pointing clerk substitute and chairman court determine determination panel of judges (PMH). The panel of judges then set Determination of the Session Day (PHS), and ordering JSP to do calling .

After all document application the complete and done done examination , then stage next done inside inspection _ the judge with stages as following : a). On the day trial that has been determined by the parties come to room hearing with bring tool proof written and witnesses . b). Inspection case with a single judge (because marriage isbat is administrative inspection). C). If application granted so assembly will emit copied determination _ to the KUA and Disdukcapil stages application Integrated marriage isbat Because submitted in a way volunteer for the trial process very simple . Hearing First begins , after advised The panel of judges then read letter application applicant , after read on question Chairman Tribunal , applicant state stick to his pleas , then hearing next with evidence . _ Usually a proof event preceded with give chance to applicant submit proof written , then applicant order submit witness witness .²²

Description above _ show that system inspection application marriage isbat is ex - parte . This means the inspection process the judge only unilateral that is applicant myself , and usually There is two applicant , applicant I husband , and applicant II are wife . No There is the other party is acting as against For argue proposition application . No thereby case in application legalization of marriage contentious , that is applicant involve other people as respondent for example wife previous and / or experts inheritance husband

²² Abdus Syakur Widodo, *Registrar Surabaya Religious Court* , Interview Live , Surabaya, 26 July 2023.

applicant . Systems and principles the inspection different . If request marriage approval is submitted in a way contentius , system the inspection held in a way contradictoir , as long as it is at trial First or trials furthermore attended by both split party litigants (petitioner and respondent)

C. CLOSING

1. CONCLUSION

Based on description above _ can stated conclusion as following :

- 1) Legal basis urgency the judge 's decision Integrated marriage isbat is Regulation Supreme Court Number 1 of 2015 concerning Service Integrated Hearing Around District Court and Religious Court / Court Sharia in Frame Publishing Deed Marriage , Marriage Book and Deed Birth . Seen from substance Perma the arrangement Integrated marriage isbat done with principle service easy , that is capable overcome bureaucracy ownership right identity complicated laws _ with convenience service through involvement bureaucracy related , ie Religious Courts , KUA and Disdukcapil . Besides There are also breakthroughs _ laws owned by Perma _ This namely the judge who examined it case Isbat marriage is permitted with a single judge and bailiff can do calling in a way collective ;
- 2) Background behind enforcement Integrated marriage isbat Because minimal public access service obtain identity law whereas document identity law the very important for access to services other in the form of access to education , health and the economy . Without identity law form marriage certificate , one child No will obtain deed birth and partner husband wife No Can send to school his children and so on . Whereas objective from Integrated marriage isbat This as form not quite enough the state's answer is giving certainty and protection law for public . Besides that is , integrated marriage isbat give benefit and benefit for

partner husband wife ; integrated marriage isbat process reflect on experience a number of The Religious Court showed that Integrated marriage isbat held in a way fast with one day one service principle . The judge single , calling process in a way collective , place hearing flexible and cost free is type services provided by the state to public with pattern *integrated service* (service integrated) or Religious Courts , KUA Disdukcapil ,,, above implementation Integrated marriage isbat This right obtain identity law form marriage certificate becomes easy acquired / owned so that Integrated marriage isbat is solutions provided by the state to public obtain certainty law .

2. SUGGESTION

Based on discussion in journal above _ This so writer provide advice on title journal This Urgency Judge's Determination on the Application Itsbat Marriage as a Solution to Obtain Right Legal Identity As Following :

- 1) To Surabaya Religious Court is expected For Can still apply implementation hearing around itsbat marriage, as for implementation the marriage itsbat is carried out in sub-districts in Surabaya , because Certain Still many do it _ marriage sirri and no recorded , or not on itsbat right , to minimize it number marriage that is not recorded by state (sirri marriage) as well Keep going give the best service For society , and necessary exists more budget _ great order for the trial around This Can carried out and continued continues For years upcoming .
- 2) To public how good do something wedding in accordance regulation applicable laws _ so that it can be recorded and officially recognized by the state. As well as getting certainty law and protection law For husband, wife , and children in marriage sirri .

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