

ABSTRACT

Muhazir, 07,210,031. Article 44, paragraph 1 of the act No. 1 of 1974 on marriage in the perspective of Act No. 23 of 2002 on the protection of children and the Islamic law, Department of Al-Ahwal al-Syakhshiyah. Faculty of Islamic law, The State Islamic University Maulana Malik Ibrahim of Malang. **Supervisor:**, Ahmad Izzuddin, M.HI.

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Li'an provisions has previously set in Al-Quran and al-Hadith to make Muslim easy in overcoming divorce caused husband's charges, on it process Islamic law is formulated into a rule as it is established into the marriage law, Act No. 1 of 1974, especially about the *Li'an* that set down in article 44 paragraph 1 and what it is described in al – Quran dan al- Hadist.

Article 44 paragraph 1 of Law No. 1 of 1974 which explicitly notes on *Li'an* of the child conceived by his wife, this is a matter that has far reaching consequences for the clarity lineage of child conceived by his wife, *Lian* in this article is not complete as Islamic law and it is not relevant as well as what has been mandated by Law No. 23 of 2002 concerning child protection which guarantees the right of the child both from the aspect of clarity parents, psychically and economically, at least if there is no accountability *Li'an* from biological father to responsible for the child, although it is clear that the child can not get their rights as legitimating of children, but with the rules that ensnared the liability of her biological father, so there is sanction in the form of accountability juridical responsible for the survival of the child either in the form of economic, education and maintenance. The purpose of this research is to understand and analyze the article 44 paragraph 1 in the perspective of Law no 23 of 2002 on the protection of children and Islamic law.

This research is kind of analysis of literature descriptive, which reveals the contents of the legislation that has been systematically presented. This method aims to gather data and information which sports many books, magazines laws, legal articles, and documents - other documents, in legal research, this kind of research is called normative legal research, legal research or library legal research.

From the results of this study concluded that it is necessary to add or supplement the provisions of Article *Li'an* in order to be clear, and also how to run the rights of children are missing because it is caused *Li'an* and legal procedures, which further guarantees the right of the child so it needs to make correlation between Act No. 1 of 1974 Article 44, paragraph 1 with Islamic law and Law No. 23 of 2002 concerning child protection in the form of protecting the rights of children who lost both the right caused *Li'an* even in the form of psychic or physical.