

## ABSTRACT

Farahi, Ahmad, 2011, The Role of Penghulu in Determination of Rights Status as Guardian For a Daughter Who was Born as a Result of Pregnancy Outside of Marriage. (Case studies at KUA District of Sawahan Sub-Province of Madiun), Thesis, Majority of Al-Ahwal Al-Syakhshiyah, Faculty of Syari'ah, Islamic State University Maulana Malik Ibrahim of Malang.

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Marriage that has been preceded pregnant prospective wife that commonly called by marrying pregnant was an event that has happened so often in the work area KUA District of Sawahan Sub-Province of Madiun. Marrying pregnant judged with legality because marrying pregnant suitable with Compilation of Islamic Law (KHI) in Indonesia which is the Fiqh Indonesia. The problems that will arise as result of the marriage which has preceded the pregnant prospective wife is the determining the rights status as guardian in the marriage, when the child who contained was female. This study presents a contradiction between Islamic fiqh with UU. No. 01/1974 and KHI. Islamic fiqh provides the provisions that children who was born from marrying pregnant events, only have a civil relationship with her mother and her mother's family. So if she is a girl, her father was not entitled to become a guardian in her marriage. In other side, UU. No. 01/1974 and KHI have different opinions that the child is legitimated for her parents. That means the father has the right to be guardian in her marriage.

From the problem above, Researchers want to know how the penghulu KUA District of Sawahan decides the rights status as guardian for the girl who was born due to pregnancy outside of marriage and what the legal basis of penghulu KUA District of Sawahan in determination of rights status as guardian for a daughter who was born as a result of pregnancy outside of marriage.

This research included in the study field research using qualitative method. which this study focuses on data collection from the informants which predetermined. The approach that used in this thesis research is descriptive-qualitative because the data that researchers needed is informations that do not need to be quantified.

The results of this study are that the rights status as guardian of girls who were born as a result of pregnancy outside of marriage of his parents, the penghulu KUA District of Sawahan gives the right to the guardian judge. Because the children who was born from marrying pregnant events, only have a civil relationship with her mother and her mother's family. This study also proves that although UU. No. 01/1974 and KHI is the main references for the penghulu as the registrar employee marriage (PPN), who assigned in KUA District of Sawahan Sub-Province of Madiun, they prefer the opinion of fiqh in resolving the problem of Determination of Rights Status as Guardian For a Daughter Who was Born as a Result of Pregnancy Outside of Marriage than UU. No. 01/1974 and KHI.