

ABSTRACT

Najma Fairus, SN 10210060, 2014. *The opinion of Muhammadiyyah and Nahdlatul Ulama' of Malang city toward Indonesian Islamic scholar Council's (MUI) fatwa No. 11, 2012 about the position and the treatment of adultery children*. Thesis. al-Ahwal al-Syakhshiyyah Department, Syaria Faculty, Maulana Malik Ibrahim State Islamic University of Malang. Advisor: Dr. Hj Mufidah, Ch, M.Ag.

Keyword: Islamic scholar's opinion, *Fatwa*, Adultery children

Indonesian Islamic scholar Council (MUI) issued a *fatwa* about adultery children which do not have a descent relationship to man who caused the pregnancy. This case is motivated by the Constitutional Court's(MK) decision which is considered contrary to Islamic law. The decision stated that adultery children have a civil relationship to their own biological father through scientific evidence. However, according to Mohammad Mahfud M.D that Constitutional Court's(MK) decision does not contrast to Indonesian Islamic scholar Council's (MUI) *fatwa* and Islamic law because the word of "lineage" and "civil" are not similar to both of decisions. Related to this phenomenon, the researcher conducts this research to know the opinion of Islamic scholar in Malang city of Indonesian Islamic scholar Council's (MUI) *fatwa* about the law toward adultery children no. 11, 2012 and to know the argument of Islamic scholar of Malang city about the treatment of law to them.

This research is committed in Malang city using empirical method and the data collection is descriptive qualitative, whereas the approach of this research is phenomenological. Most of the data are acquired from primary data which is collected from informant through direct interview to Islamic scholar who had been appointed previously. Moreover, it is supported by secondary data source within analyzing the result of research.

Therefore, the result of this research delivers some conclusions; first, several of Islamic scholars agree that Constitutional Court's(MK) decision and Indonesian Islamic scholar Council's (MUI) *fatwa* have similar purpose, generally. Second, they also agree with the conduction of material test which is committed by Constitutional Court (MK). Hence, men who cause adultery children do not escape from their responsibility. Nevertheless, one of Islamic scholars does not agree with the application of Constitutional Court's(MK) decision to adultery children, because the background of that decision is not about adultery children but it is children of unregistered marriage.