

ABSTRACT

Muharam Pua Tingga, Studen ID Number 09210042, 2014. *The views of Islamic Religious Leaders on Guardianship Rights for the Girls Born Due to Pregnancy Outside of Marriage (The Case Study in Ende, Flores, East Nusa Tenggara)*. Thesis. Al-ahwal Al-shakhsiyyah Department, Sharia Faculty, the State Islamic University of Maulana Malik Ibrahim of Malang. Supervisor : Ahmad Izzudin, M.H.I.

Key Words: Guardians of Marriage, Mating Pregnant

In social life, the marriages had been preceded by adultery, it means when conducted the marriage ceremony, in the bride already pregnant with of the groom, a wedding like this in the KHI is called the mating pregnant. The problems that will arise as a result of a marriage that had preceded the bride's pregnancy is when a child was born in female, how the determination of the rights status as guardian for the girls. Islamic Jurisprudence giving provision that the children, who are born from the mating pregnant, her lineage is only to her mother, while in the Act. 1 In 1974 and KHI said this child is the legitimate child of both parents. Its means that his father has rightful become guardian of marriage to this child.

This Research is aimed to know how the point of view of Islamic Scholars in Ende about the guardian right of women who were born as a result of a mating pregnant the legal basis of Islamic Scholars in determining the guardian of marriage for girls was born due to pregnancy outside marriage (mating pregnant) .

This study used qualitative methods, this study is a descriptive - qualitative approach, the data are collected in the form of primary data and secondary data and interviews conducted with technical documentation then the data is edited, checked and carefully prepared and arranged then analyzed.

The results of the study according to the Islamic Religious Leaders in Ende, the guardian of girl who were born as a result of pregnancy outside marriage is her biological father , as long as the man who impregnates a woman is responsible for her married before the child born. The legal basic of the determination of guardians for the girls who were born as a result of pregnancy outside marriage viewed the Islamic leaders in Ende is the republic indonesia constitution number 1 and KHI stated that legal's child is a child born in or a result a legal marriage.