

ABSTRAK

Saedah, Lusti. 11210060. 2015. *Results of the Rights of the Child Marriage The Difasakh By panel of judges Perspective 23 of 2002 on the Protection of Children (case study case number: 1507 / Pdt.G / 2014 / PA.MI)*. Malang. Thesis. Subject Al-Ahwal Al-shakhsiyyah. Faculty of Sharia. State Islamic University of Maulana Malik Ibrahim Malang. Advisor: Dr. H. Isroqunnajah M.Ag

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Marriage is a common and accepted practice in all His creatures, both humans, animals and plants. It is a way chosen by God as a way for His creatures to breed and preserve his life. Marriages that have met all the conditions and rules of marriage and have been listed according to the legislation in force, the marriage is deemed valid by the law and the law of Indonesia. Initially valid marriage in the eyes of the law and sometimes religious canceled or broken (fasakh) by the person concerned (one pair apostate) or by the competent authority (judge). When his parents' marriage fasakh, what about the fate of their children. Difasakh marriage, could lead to the rights of children are not met

The focus of this study was to determine how the opinion of the judges on the status and rights of children of the marriage are in fasakh by the Religious Courts as well as to determine the child rights perspective of Law No. 23 of 2002 on Child Protection

As this study used a qualitative approach and the type of empirical research. While the data used is in the form of primary and secondary data conducted by interview, and documentation, which kemudiian carefully processed and then presented in the form of descriptive.

The judges explained that the marital status of the child is still a child who difasakh legitimate, it refers to the Marriage Act No. 1 Year 1974 On Marriage Chapter XI Article 42: "The child is the legitimate child born in or as a result of legitimate marriage". Meanwhile, regarding the rights of children of the marriage difasakh is the same as the child of divorce divorce and children whose parents are still intact or not divorced. And the rights of the child should still be fulfilled, until the child enters adulthood and may be responsible for himself. As seeing and understanding the rights of children according to Law No. 23 of 2002 on Child Protection, the rights of children of the marriage which difasakh still included. within the meaning of the child does not mention the limits on children.