

LEGAL REVIEW OF INHERITANCE RIGHTS OF CHILDREN BORN OUT OF WEDLOCK DUE TO PREGNANCIES OUT OF WEDLOCK IN THE PERSPECTIVE OF ISLAMIC LAW

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This study aims to determine the legal status of children born out of wedlock due to pregnancy out of wedlock and position inheritance rights of children out of wedlock in the perspective of Islamic law. The research method used in writing this thesis is a normative legal method with data collection techniques viz library research. The data obtained will be analyzed in order to provide clear understanding of the results of research conducted by the author. Based on the results of this study it can be seen that the legal status of children born out of wedlock due to pregnancy outside marriage according to Islamic law. The status of a child out of wedlock is a child who does not have a family relationship with his father, but has a family relationship with his mother. His father didn't have an obligation to provide for the child, but biologically it was his child. As for the inheritance rights of children outside of marriage in the perspective of Islamic law; According to Islamic law only has hereditary relationship with her mother and family on her mother's side. The recommendation of this research is that there must be efforts from various parties to socialize to the community how important it is to maintain promiscuity among many young people resulting in pregnant women out of wedlock, resulting in negative impact, both for the woman herself and her family, especially the child she is carrying.

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INTRODUCTION

Marriage is something in human life that is considered important. A household can be established through marriage, people who get married are expected to be able to build their household according to the rules of life and norms that exist in society. Husband and wife in their household life always have a relationship so that they can get a successor generation in the form of offspring. They live in one house so that it can be called a family, the family is the smallest part of a human group, humans can group into an organization and become a nation. In a family, the most expected thing is to be able to build a household forever and to always be blessed by Allah SWT. [1]

In Islam there are laws that are used to regulate human life so that humans living in the world are always given peace and harmony between people. One of the laws is to regulate humans in aspects of the continuation of life, such as how to maintain and care for human offspring on earth by carrying out a marriage. This activity is included in the sunnatullah which is usually carried out by all creatures, such as humans, animals and plants. This activity is a way created by Allah SWT in order to maintain the existence of Muslims. [2]

Meanwhile, according to the Compilation of Islamic Law article 2, it is explained that marriage is obligatory on the basis of maintaining the existence of Muslims. Marriage is a sacred matter and is a *mitsqan ghalidhan* contract, which is a very good matter and is included in the commandments of Allah which should be carried out and carrying out this marriage is included in worship in the Islamic religion. [3]

In Law Number 1 of 1974, Marriage is a matter that will bring a great effect and influence on the life of the person who carries it out as well as for the nation and society. Therefore, the broad understanding of marriage is a physical and spiritual bond, as well as the giving of responsibility to the person who does it, so that marriage is not just an ordinary relationship but a special relationship between humans in the world and in the hereafter. [4]

In Islam, Allah commands his people to marry, this is commanded to achieve two goals of doing so. Among them are to protect descendants and to keep away from bad actions such as adultery, so that marriage can be a clean vessel for the birth of various successors to the nation and to achieve a social order that is in accordance with religious teachings. Allah strictly forbids the act of adultery, and the act of adultery, this is included as haram and is strictly prohibited by religion and hated by Allah SWT. [5]

Nowadays, there are many despicable activities such as

adultery so that marriage is carried out on the basis of covering up the disgrace. This marriage is usually carried out if the woman is pregnant outside of marriage due to adultery, this activity is a despicable activity and should not be carried out because it can damage the sanctity of the marriage activity. Currently we often find children born from adultery or the result of intimate relations outside of marriage, most of the perpetrators cover this up with various other sins whose sins are certainly manifold and ongoing. Many of them practice abortion to terminate their pregnancy with the help of doctors and midwives, and there are also those who cover it up by marrying the man who impregnated them or using someone else as a substitute for the man who impregnated them so that the disgrace is not known to the surrounding community and so that the pregnancy is considered from a legitimate marriage. [6]

Pregnant women outside of marriage are not only due to promiscuity, but sometimes there is a weak faith factor in humans themselves so that they can be tempted by Satan to do things that are forbidden by religion. Therefore, to anticipate this, character education and religious education are needed so as not to fall into sin which can lead to adultery and other acts that are forbidden by Allah SWT. [7]

Various problems that arise are not only related to the problem of adultery from the perpetrator, but also related to the act of marriage carried out by the perpetrator, but also the status of the baby that will be born which when the marriage is carried out is still in the womb. One of the main problems that arises is regarding the legal status of carrying out a marriage in a condition of pregnancy such as that condition. [8]

This is certainly very concerning, if seen from the behavior of the current young generation who are increasingly doing negative things. Free association is very rampant, an uncontrollable lifestyle such as freely committing immoral acts because it is considered normal by them. According to survey data from the National Family Planning Coordinating Board (BKKBN), currently the number of teenage girls who are no longer virgins is increasing, this condition is experienced by various big cities in Indonesia. [9]

There is no prohibition for pregnant women to marry on the basis of maintaining their status in the eyes of society and on the basis of maintaining the fate of the baby they are carrying, so that later after the baby they are carrying is born they will have the same rights and can be protected from discrimination by others. This is what causes many perpetrators of adultery to marry, this can

actually cause harm, such as causing an increase in cases of adultery that can damage life in society. According to Law No. 1 of 1974 concerning Marriage, in this Law there is no chapter or article that discusses the law on the continuation of marriage for women who commit adultery resulting in pregnancy. However, whether or not a woman who marries while pregnant due to adultery can be reviewed from the side of the conditions for marriage to be carried out according to the existing law. [10]

In article 53 of the KHI there are rules that provide rules for marriage issues during pregnancy in Indonesia, in this article there is the term *iddah* which is a term that provides marriage rules for pregnant women. This article explains that a pregnant woman outside of marriage may marry the man who impregnated her. This article does not revoke the status of adultery for the person who is getting married, even though the marriage occurs after an act of adultery that was committed before the marriage was held. Actions like this are what make the situation even more complicated, this is not including the status of the child who will be born. According to article 42 of Law No. 1 of 1974 concerning Marriage, the status of a legitimate child is a child who is born because of a legitimate marriage. In article 99 which explains the Compilation of Islamic Law, it is stated that the status of a legitimate child is a child who is born from a legitimate marriage. In article 100 of the KHI there is an exception that explains that a child born outside of marriage only has a blood relationship with the mother and the mother's family. [11]

A child is considered legitimately related to the father if the child is born from a legitimate marriage. From the various articles above, there is no clear and firm explanation related to the legitimate status of a child, but according to the verses of the Qur'an and the hadith, limitations can be given, with a legitimate marriage will also produce a child with legitimate status. [3]

The origin of the child is determined because it is an important matter, because with this determination the relationship between the child and his parents can be known. In reality, all children in this world come from the sperm of a man and it should be the man who becomes the father figure for the child who is born. Whether or not the child's status is legitimate according to civil law will always have a relationship with the woman who gave birth to him. Meanwhile, a civil relationship with the father can occur if the child is born due to marriage. [12]

According to Islamic Law, Article 53 explains that a pregnant woman can marry a man who impregnates her without waiting for the baby to be born, but if the man who impregnates her refuses to marry, then another man may be used as a substitute to marry the pregnant woman. Law 16 of 2019 concerning Amendments to Law 1 of 1974 concerning Marriage has a background in connection with the Constitutional Court of the Republic of Indonesia having issued Constitutional Court Decision Number 22/PUU-XV/2017, one of the considerations of the Constitutional Court in the decision, namely "However, when the difference in treatment between men and women has an impact on or hinders the fulfillment of basic rights or constitutional rights of citizens, both those included in the group of civil and political rights and economic, educational, social, and cultural rights, which should not be distinguished solely on the basis of gender, then such a distinction is clearly discrimination.

In the same consideration, it was also stated that the different minimum age limits for marriage between men and women not only cause discrimination in the context of implementing the right to form a family as guaranteed in Article 28B paragraph (1) of the 1945 Constitution, but also cause discrimination against the protection and fulfillment of children's rights as guaranteed in Article 28B paragraph (2) of the 1945 Constitution. [13] In this case, when the minimum age for marriage for women is lower than for men, then legally women can form a family faster. Therefore, in its decision, the Constitutional Court ordered the legislators to make changes to Law Number 1 of 1974 concerning Marriage within a maximum period of 3 (three) years, so that Law 16 of 2019 concerning Amendments to Law 1 of 1974 concerning Marriage was born. Changes to the norms in Law Number 1 of 1974 concerning Marriage cover the age limit for marriage, improvements to the norms cover increasing the minimum age limit for marriage for women. The minimum age limit for

marriage for women is the same as the minimum age limit for marriage for men, which is 19 (nineteen) years. The age limit is considered to be mature in body and soul to be able to carry out marriage in order to realize the purpose of marriage properly without ending in divorce and having healthy and quality offspring.

It is also expected that the increase in the age limit higher than 16 (sixteen) years for women to marry will result in a lower birth rate and reduce the risk of maternal and child mortality. In addition, children's rights can also be fulfilled so as to optimize child growth and development including parental guidance and provide children with access to the highest possible education.

The Constitutional Court's consideration in the decision was "However, when the difference in treatment between men and women has an impact on or hinders the fulfillment of basic rights or constitutional rights of citizens, both those included in the group of civil and political rights as well as economic, educational, social and cultural rights, which should not be differentiated solely on the basis of gender, then such differences clearly constitute discrimination." In the same consideration, it was also stated that the regulation of different minimum age limits for marriage between men and women not only causes discrimination in the context of implementing the right to form a family as guaranteed in Article 28B paragraph (1) of the 1945 Constitution, but has also caused discrimination against the protection and fulfillment of children's rights as guaranteed in Article 28B paragraph (2) of the 1945 Constitution. In this case, when the minimum age of marriage for women is lower than for men, then legally women can form a family more quickly. Due to this, in its ruling, the Constitutional Court ordered the legislators to make changes to [Law Number 1 of 1974 concerning Marriage within a maximum period of 3 \(three\) years.](#)

The change in norms in [Law Number 1 of 1974 concerning Marriage](#) covers the age limit for marriage, the improvement of norms covers by increasing the minimum age limit for marriage for women. [14] In this case, the minimum age limit for marriage for women is the same as the minimum age limit for marriage for men, which is 19 (nineteen) years. The age limit in question is considered to be mature in body and soul to be able to carry out marriage in order to realize the purpose of marriage properly without ending in divorce and having healthy and quality offspring. It is also hoped that increasing the age limit higher than 16 (sixteen) years for women to marry will result in a lower birth rate and reduce the risk of maternal and child mortality. In addition, children's rights can also be fulfilled so as to optimize the growth and development of children including parental guidance and providing children with access to the highest possible education.

METHOD

The type of research used in this study is normative legal research. [15] Namely, reviewing the approach method in order to review the views of Islamic law regarding the marriage of pregnant women and the status of children outside marriage and the inheritance rights of children outside marriage in the perspective of Islamic law. The type and source of primary legal materials are information or facts obtained through literature studies, norms, laws and regulations and other written legal sources related to the problem being studied by the author. secondary legal materials are materials that provide explanations regarding primary legal materials and can help analyze and understand primary legal materials, these materials are sources obtained from library research by tracing or studying literature, scientific works, and research results and laws and regulations that are relevant to the object being studied by the author. tertiary legal materials are materials in the form of legal dictionaries, materials from the internet and legal materials that provide explanations about secondary legal materials.

Legal material collection technique As a follow-up in order to obtain data as expected by the author which aims to reveal facts regarding the views of Islamic law on the marriage of pregnant women and the status of illegitimate children and the inheritance rights of illegitimate children in the perspective of Islamic Law and as a reference in data collection, the author collects data using a literature study technique which is carried out by studying legislation, theories and reading

scientific works that are related to the problems being studied. Legal material analysis technique The materials obtained, both primary, secondary and tertiary, which are the materials in this writing are analyzed descriptively, namely, a data analysis method that groups data obtained from literature studies, then connects them to laws and regulations, norms, scientific works and the internet so that answers can be obtained to the problems being studied. This is intended to provide a clear and directed understanding of the research results.

DISCUSSION

Legal Status of Children Born from Marriage as a Result of Unwed Pregnancy

Based on the research results from the literature review, the status of children born as a result of extramarital marriage is as follows:

According to Zainuddin Ali, Islamic law only recognizes having a kinship relationship with the mother who gave birth to the child and her mother's family. Meanwhile, the biological father (who caused the woman to become pregnant) is not recognized as having a kinship relationship, so if this happens then the child born is a child of adultery and after the mother gives birth, it is better for her to remarry the man who married her when she was pregnant. [3]

According to Imam Abu Hanifah and Syafi'i, the status of the child is that of a child of adultery, if the man who married the mother was not the man who impregnated her.

However, if the man who married his mother is the man who impregnated her, then there is a debate of opinion:

The baby is considered a child of adultery if the mother is married after the age of

The pregnancy is 4 months or more. If it is less than 4 months, then the baby is her husband's legitimate child.

The baby is a child of adultery, because it is a child born out of wedlock, even though from a linguistic perspective, the child is his child, because it is the result of the sperm and ovum of the father and the mother.

According to Amir Nuruddin, the position of a legitimate child towards both parents from a marriage outside of a legitimate marriage, he stated that a child can be said to be legitimately related to his father if he is born from a legitimate marriage, he cannot be called a legitimate child, usually called a child of adultery or a child outside of a legitimate marriage only has a relationship with his mother. [6]

According to Abd Manan, there are two types of children born out of wedlock: [16]

If the parents of one or both of them are still married to another person, then sexual relations with another woman or man result in pregnancy and giving birth to a child, then the child is called a child of adultery, not an illegitimate child.

If the parents of an illegitimate child are both single, they have sexual relations and become pregnant and give birth to a child, then the child is called an illegitimate child. The difference between the two is that children of adultery can be recognized by their biological parents, while children outside of wedlock can be recognized by their biological parents, while children outside of marriage can be recognized by their biological parents if they are married, in the marriage certificate a confession (Ekremenen) can be included at the edge of the marriage certificate. In the

Compilation of Islamic Law, especially article 99 explains the position of children which reads:

Children born in or as a result of a legal marriage

The result of a legal husband and wife's fertilization outside the womb and was born to the wife.

Furthermore, Article 100 states that children born out of wedlock only have a blood relationship with their mother and their mother's family.

The conclusion of the article above is that what can be said to be a legitimate child if born from a legitimate marriage is only related to the mother's lineage. And is not entitled to inheritance from his father if a man who did not impregnate his mother marries his mother. In general, we can say that the marriage mentioned above is considered valid by many scholars. Although there are scholars who state that the marriage is invalid. The companion of the Prophet Muhammad SAW, Ibn Abbas ra. Argues that the relationship between the two sexes that is not preceded by a legitimate marriage, is always carried out after a legitimate marriage makes the relationship initially forbidden and finally permissible, or in other words, the marriage of a person who has committed adultery with a woman, then legally marries her can be analogized with the situation of someone who steals fruit from someone's garden, then he legally buys the garden along with all its fruits. What he stole (before the purchase) is forbidden, while what he bought after the theft is permissible. The Compilation of Islamic Law in Indonesia which was declared valid by presidential instruction number 1 of 1991 as a guideline for judges in religious courts discusses the marriage of a pregnant woman due to adultery and is stated to be permissible. The article stating the permissibility of marrying a pregnant woman does not explain the status of a child born from a woman who was previously pregnant. However, the Compilation of Islamic Law in Indonesia in another article explains the status of a child. In that article it is stated that a legitimate child is a child born in or as a result of a legitimate marriage.

In the phenomenon of pregnant marriage, a controversial value will emerge. The legitimization of the child contains two contradictory elements, namely the value of goodness (Mashlahah) and badness (Mafsadah). [11]

The aspects of Maslahah are:

Children can obtain legal protection with certainty.

Children have the right to be responsible for their father if he is negligent, and both of them can inherit from each other.

Children feel equal to their friends and do not feel inferior because they have a father.

The psychological burden of mother and child is eliminated. The feeling of pride in having offspring (children) which is actually only obtained as a result of a legal marriage can be enjoyed by a married couple through pregnancy.

Covering up the family's shame, the mother did not feel humiliated as a dirty person in society because the child she gave birth to had a father who was also her husband.

Meanwhile, the Mafsadah aspect is:

Teenagers become pragmatic in their relationships with the opposite sex. This thinking leads to free sex where if pregnancy occurs, they can also get married so that their child can also be a legitimate child in the marriage.

An illegitimate child whose existence was originally not desired genealogically, comes from parents

who cannot control their lust so that they commit sins. In other words, the genes that cause negative traits from their parents will be passed down to their children. As the saying goes, "what a father has, his son also has." "The fruit does not fall far from the tree, the father also has his son." "The fruit does not fall far from the tree."

Minor public assessments can trigger brutal actions and chaos.

The illegitimacy of a child can damage and disrupt the family lineage and its cleanliness.

According to the law, children are divided into two, namely legitimate children and illegitimate children, according to article 250 of the Civil Code and article 42 of Law Number 1 of 1974 concerning Marriage, what is meant by legitimate children are children born during a marriage, or in other words can be interpreted as children born as a result of a legitimate marriage. [17] Meanwhile, illegitimate children are not explicitly explained in the articles of the Civil Code or the Marriage Law, but a-contrario illegitimate children can be interpreted as children born to a woman who is not bound by a legitimate marriage with a man. From this distinction of the status of children in law, there is a very determining element, namely a legitimate marriage. Illegitimate children in the broad sense include children born out of wedlock, children of adultery and incestuous children. While in the narrow sense, what is meant by illegitimate children is limited to children born out of wedlock only.

When viewed from Islamic law, there is something called a pregnant marriage regarding pregnant marriage explained in article 53 of the KHI, namely a woman who is pregnant outside of marriage, can be married to the man who impregnated her. Marriage with the pregnant woman can be carried out while the woman is pregnant, no remarriage is needed after the child is born. If the woman has married the man who impregnated her before the child is born, then based on article 99 of the KHI, the child is a legitimate child. This is because a legitimate child is

Children born in or as a result of a valid marriage:

The result of a legitimate fertilization of a husband and wife outside the womb and born by the wife.

Based on article 99 letter a of the KHI, it can be concluded that a child of adultery who is born after his mother is married to the person who impregnated him as regulated in article 53 paragraph (1) of the KHI is a legitimate child. Because the child was born in a legitimate marriage, not a child born outside of marriage. For children born out of wedlock according to article 186 of the KHI, they only have a relationship of mutual inheritance with their mother and their mother's family. [11] Because this child was born in a legitimate marriage, he mutually inherits not only with his mother and his mother's family, but also mutually inherits with his father and his father's family. Thus, there is no difference between this child and a child born as a result of a legitimate marriage.

Even though it refers to Islamic jurisprudence books, in fact in relation to the status of children born in marriage, the KHI does not provide limitations, as does Islamic jurisprudence. As is known, jurisprudence provides a minimum grace period of 6 months between birth and the marriage contract according to Abu Hanifah, or between birth and sexual intercourse that occurs after the marriage contract according to Malik and Syafi'i, only then can the child be given birth to his father if it is less than 6 months, this line cannot be confused. Thus, if article 99 letter a of the KHI is interpreted using the standards used by Abu Hanifah's jurisprudence, it will only be considered valid if the child is born at least 6 months after the marriage contract takes place. Because both article 53 paragraph (1) and article 99 letter a KHI aim to, among other things, protect the child in question, Malik and Syafi'i's fikh standards are more in line with this aim.

Jurisprudence explicitly states that children of adultery can inherit from their mother and the mother's family. Meanwhile, the father and the father's side of the family cannot inherit from each other. The reason put forward by jurisprudence is that there is clarity in the birth relationship

between the child and the mother through indications that the mother is actually the one carrying the child. Therefore they inherit from each other. As for the child and the father, the clarity of the lineage relationship is based on the existence of a marriage contract between the mother and child, because there are no other indications that can be relied upon.

Due to the strong relationship of blood relations, the sharia law provides rights and obligations between parents and children. The existence of a blood relationship between parents and children gives rise to the rights of children over their parents, namely the right of *radla*, the right of *hadlanah*, the right of *walayah*, and the right of sustenance.

Inheritance Rights of Children Born from Marriage Due to Pregnancy Outside of Wedlock

According to jurisprudence experts, the first person responsible for a child's support is the closest relative in the lineage and in this case the biological father.

From the description above, it is clear that the rights of children resulting from a pregnant woman's marriage to their parents according to Islamic law are that if the child is born after more than six months of pregnancy from a legal marriage between the mother and the man who married her, then all of the child's rights above are also inherent and become the responsibility in fulfilling the right to support.

Responsibility for all the child's needs, both material and spiritual, is the mother who gave birth to [11] and his mother's family, because illegitimate children only have a lineage with their mother.

Legally, a father is not obliged to provide maintenance for the child even though biologically and genealogically the child is his own flesh and blood. So the kinship relationship only takes place humanly, not legally. [18]

Legally, the biological father of an illegitimate child is not obliged to take care of and provide for the child throughout his/her life. In addition, when filling out administrative requirements that require the father's name, the illegitimate child still does not have the right to include the name of his/her biological father, even if he/she knows who the person is. So the child must still leave the father column blank.

As for the legal consequences in inheritance matters:

The expressions used by the Al-Quran to indicate inheritance can be seen in three types, namely Al-Irts, Al-Faraidah and Al-Tirkah.

Al-Irts

Al-Irts in Arabic is the masdar form of *tata warisa*, *yaritsu*, *irtsan*. The masdar form is not only *irtsan*, but also includes the words *wirtsan*, *turatsan* and *wiratsani*. The word comes from the original word *waritsa*, which is rooted in the letters *waw ra* and *tsa* which mean the basis for the transfer of property or the transfer of library

Departing from this basic meaning, the broader meaning of the word Al-Irts means the transfer of something from one person to another or the transfer of something from one people to another, whether in the form of wealth, knowledge or glory.

Al-Faraidh

The word Al-Faraidh, the plural form of the word *faraidhah*, is interpreted by *faradhiyun* scholars to have the same meaning as the word *mafrudhah*, namely the part whose content has been

ascertained or determined. It is interpreted this way because the parts have not been ascertained in content. Which is found in QS An-Nisa verse 1.

Al-Tirkah

Tirkah is everything left behind by a deceased person that is permitted by sharia to be inherited by his heirs. In the main Islamic law, the reason for inheritance is because of the marriage relationship and lineage relationship, a husband and wife can inherit because both are bound in a marriage that is permitted by Islamic law as a right obtained because of the marriage. The lineage relationship of a father and child in Islamic law is also determined by the validity or otherwise of the marriage relationship between a man and a woman who gave birth to the child. [19]

As a further consequence and not only lineage because the child of adultery with a man who illegally interferes with his mother, then they cannot inherit from each other because lineage is one of the causes of obtaining inheritance, in addition to inheriting also including inheriting from his closest relatives. Therefore, an illegitimate child, whether male or female, is recognized as having a blood relationship with his father and not from a relative of his father as his father does not inherit him, because there is no reason for mutual inheritance between the two, namely blood relationship. He is only connected in existence with his mother, as he inherits his mother's relatives and vice versa.

The norms related to the inheritance rights of illegitimate children in the complications of Islamic law are regulated in article 186 which states that children born outside of a legal marriage only have bloodlines with their mother and their mother's family, so that illegitimate children only inherit from their mother and their mother's family. The distribution of inheritance according to civil law is prioritized for people who have blood relations with the testator according to article 832 of the Civil Code:

According to the law, those who have the right to be heirs are blood relatives, both those who are legal according to the law and those who

outside of marriage, and the longest surviving husband or wife, according to the following rules.

If the blood relatives or the longest surviving spouse are no longer there, then all the inherited assets become the property of the state, and the debts of the deceased must be paid off, as long as the value of the inherited assets is sufficient for this.

The problem is children born out of wedlock and the division of their inheritance between civil law (BW) and Islamic law, because of the differences in the principles used. The relationship of a child born out of wedlock to his parents according to the law, but only a biological relationship, unless both parents acknowledge it. While according to Islamic law, the relationship of a child born out of wedlock to his parents is only to have a legal relationship with his mother, not with the man who caused his birth.

The inheritance of a child born out of wedlock in obtaining inheritance rights, if the child is recognized as legitimate by the parents who acknowledge him and if he inherits together with group I then his share is 1/3 of the share he should have received if he were a legitimate child and if he inherits with groups II and III then his share is from the entire inheritance if he is with group IV his share is from the entire property.

There has been a law regarding inheritance for a long time, although it was not originally a legal regulation but rather a customary or traditional regulation that determined what should happen to property that no longer had an owner and a simple family member replaced the previous owner.

In order to be able to inherit, there are heirs who are appointed by law and there are those who are

appointed by a will who can inherit based on the law and are divided into 4 (four) groups, namely:

Children and husband/wife,

There is a defense (kloving) of $\frac{1}{2}$ for the mother's family and $\frac{1}{2}$ for the father's family, especially for ancestors and above;

Siblings and parents;

A family in a deviant line up to 6 (six) if all of them are gone will be far from the country.

Classification of illegitimate children is divided into:

Legitimate child (child born from a legitimate marriage),

Children born out of wedlock are divided into:

An illegitimate child who is not recognized as legitimate is a child born when the man and woman are not married or are not related by blood;

Children born out of wedlock who cannot be recognized as legitimate are illegitimate children (children born where the boy and girl are blood relatives) and children of adultery, namely children of a boy and a girl where both or one of them are bound by a legitimate marriage.

These legitimate children can be recognized as legitimate and may receive inheritance, while illegitimate children who are not recognized as legitimate only have the right to living expenses.

CONCLUSION

Based on the research results and discussion in Chapter III, it can be concluded that:

The status of an illegitimate child in Islamic law is that the child does not have a blood relationship with his father, but has a blood relationship with his mother. The father is not obliged to provide for the child, but is biologically his child. So the relationship that arises is only human, not legal, not inheriting property with the father, because blood relations are one of the causes of receiving an inheritance. The inheritance rights of illegitimate children in the Compilation of Islamic Law are that children born outside of marriage only have a civil relationship with their mother and their mother's family. Regarding the amount of inheritance, it refers to the inheritance provisions contained in Islamic law. Marriage due to pregnancy outside of marriage is very broad, therefore it is hoped that further research will produce broader and more in-depth research. The discussion should always be sought for its relevance to current developments, so that the research is not only reading material but can be a reference for clear legal sources. Facing the increasingly rapid development of the era and the occurrence of moral degradation, especially among teenagers, it is hoped that parents will always instill religious values in their sons and daughters as early as possible, so that they can minimize the occurrence of marriage due to pregnancy outside of marriage.

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