

## ABSTRAK

KHImenjelaskanbahwaanakdari hasilhubunganluarnikahhanya memiliki hubungan keperdataan denganibunya.Kondisi yangdemikianitu, kontradiktifdenganUUperlindungananakNo23tahun2002yangmengaturhak-hakanakataksesjahteraan oleh keduaorang tuanyabukanibunyasaja.Terjadi biasgenderpadaKonsephukum Islam(*Fiqh*),anakluarnikah(zina)menjadi tanggungjawabibunyadenganhanyabernasab padaibunyasaja,sehinggasecara yuridisgugurkewajiban ayahnyauntukmemberikannafkah,warisan danmenjadi wali anak tersebut.Dalampraktekberacara,penulismenjumpai adanyaperkara pengakuananakregisterNomor308/Pdt.G/2014/PA.Dmkdi PengadilanAgama Demakyangmampumenjawabpersoalanmengenai perlindungananakdiluar nikah,dengantetapmenjagaamanatUUNo23tahun2002.Padaperkaratersebut, seorang laki-lakiinginmengakuianaknyayang lahirakibat hubunganseksual pranikah sehinggamemperolehhubungannasab(keperdataan)dengandirinya.

Berdasarkan pemaparan di atas, pokok masalah yang diangkat dalam skripsi iniadalahBagaimakahPutusanPengakuan Anak Nomor 308/Pdt.G/2014/PA.DmkdiPengadilanAgamaDemak?.BagaimakahAnalisisMenurut Hukum Islam Mengenai Perkara Permohonan Pengakuan Anak Nomor 308/Pdt.G/2017/PA.DmkdiPengadilanAgamaDemak?

Setelahpembahasandilakukan,penelitimempunyaikesimpulanbahwa putusanterebut semata-matabertujuanuntuk memberikanperlindungansecara aktif-ofensif terhadap jiwa anak (*hifzh an-Nafs*) yang lahir di luar nikah. Meskipun sanganak tidakadahubungan nasab dengan ayahnya,namunmajelis hakimwajibkanayahnyasecarahukumuntukmemberikannafkahsampaianak tersebut dewasa. Denganujuanke-*maslahat-an* anak, agar memperolehkasisih sayang,perawatanandanpendidikandari ayahdanibunyasecarautuhkepadaanak tersebut.Majelishakimmenetapkan keputusan tersebutberlandaskan kaidah: “*Hukumitumengikutiike-maslahat-an yangada*” (حجارلا مكحلا تحلصلابعه) kemudiandimfestasikandarikonsep*maslahahmursalah*kepada perlindungan anakluarnikah,sehinggamencerminkanhukumIslamyangmampu untukmenjawabpermasalahanummatsesuaidengantuntutanzaman(*sahihli kullizamanwamakan*).

**Kata Kunci ; Status anak, Anak diluar nikah**

## ABSTRACT

KHI (Compilation of Islamic Law) explains the child from the outcome of marriage relationship only has a civil relationship with the mother. Such a condition is contradictory to the Law on Children's Budget No. 23 of 2002 which the right of the child's rights to by both parents is not a parent. There is a gender bias on the concept of Islamic law (Fiqh), an illegitimate child (zina) is the responsibility of the mother with only berasab on the mother only, so juridically lost for the necessity of living, inheritance and become guardian of the child. In the practice of lawyers, the author encountered a case of recognition of the child register No. 308 / Pdt.G / 2014 / PA.Dmk in the Religious Court Demak able to answer questions about the provisions of children outside marriage, while maintaining the mandate of Law No. 23 year 2002. In the case That is, a man who wants to get a relationship born due to premarital sexual intercourse so as to produce a relationship of nasab (keperdataan) with himself. Based on the above explanation, the main issue raised in this thesis is how the Decision of Child Recognition Number 308 / Pdt.G /2014 / PA.Dmk in the Religious Court of Demak ?. How do you think? Islamic Law Regarding Case of Child Recognition Application Number 308 / Pdt.G / 2017 / PA.Dmk in the Religious Court of Demak?

After the discussion, researchers have the number

The verdict is solely to provide an actively-offensive content to the child's soul (hifzh an-Nafs) born out of wedlock. Although the child does not have a nasab relationship with the truth, the judges require it to legally arise to provide a living to an adult child. With the aim of the child's maslahat, in order to get the love, care and education from father and mother intact to the child. The panel of judges determined that the decision was based on the rule: "The law follows the existing maslahat" (الحجار لا مكحلا عبتي تحصلها) then manifested from the concept of maslahah mursalah to the rule of illegitimate children, thus reflecting the Islamic law that is able to answer the problem of the ummah in accordance with time of day (sahih li kulli zaman wa meal).

**Keywords;** Child status, Child out of wedlock