



Opinions and Attitudes of the Head of the Office of Religious Affairs in the City of Banjarmasin Regarding Lawsuits for Marriages During the *Iddah* Period which Have Been *Inkracht*

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ABSTRACT

This research is based on cases of marriages with an *iddah* term of fewer than 90 days but already *inkracht* as confirmed in the decision 230/Pdt.G/2022/PA.Bjm. The Head of the Office of Religious Affairs recorded the decision to continue the process. Initial observations of many Offices of Religious Affairs (KUA) in Banjarmasin show that each has a different approach to this issue. This seeks the Head of the Office of Religious Affairs (KUA)'s views on the marriage confirmation litigation during the *iddah* period, which is already *inkracht*. The Head of Banjarmasin's Office of Religious Affairs' rationale and legal foundation. This qualitative empirical legal research produces analytical descriptive data. Observation and interviews collected data. The Office of Religious Affairs (KUA) in North, West, and Central Banjarmasin has three heads. The purpose is Banjarmasin's Office of Religious Affairs Head's Opinion and Attitude. Research findings: from 3 informants who argued, the Head of the Central Banjarmasin Religious Affairs Office (KUA) attempted to confirm by examining documents related to marriage certificate issuance and coordinating with the court as a precaution in processing the marriage certificate results based on PP No. 9 of 1975 Article 6 paragraph (2). Based on Article 1 paragraph 1 of Law Number 22 of 1946, the Head of the West Banjarmasin Religious Affairs Office (KUA) believes that following court orders without confirmation or re-examination is acceptable. Based on article 24 Paragraph 1 of the 1945 Law, the Banjarmasin Religious Affairs Office (KUA) head also tends towards this. The registrar registers them if they follow the procedures. Repeat the marriage contract if ordered, emphasising that there is no confirmation.

Keywords: Opinions, Attitudes, Marriage *Isbat*, *Iddah*, *Inkracht*

ABSTRAK

Penelitian ini didasarkan pada kasus perkawinan yang masa *iddahnya* kurang dari 90 hari namun sudah *inkracht* sebagaimana dikukuhkan dalam putusan 230/Pdt.G/2022/PA.Bjm. Kepala Kantor Agama mencatat keputusan melanjutkan proses tersebut. Pengamatan awal terhadap berbagai Kantor Urusan Agama (KUA) di Banjarmasin menunjukkan bahwa masing-masing Kantor Urusan Agama (KUA) mempunyai pendekatan berbeda terhadap persoalan ini. Hal ini untuk mencari pandangan Kepala Kantor Agama (KUA) terhadap gugatan pengukuhan perkawinan pada masa

iddah yang sudah inkraht. Dasar pemikiran dan landasan hukum Kepala Kantor Agama Banjarmasin. Penelitian hukum empiris kualitatif ini menghasilkan data deskriptif analitis. Observasi dan wawancara mengumpulkan data. Kantor Urusan Agama (KUA) Banjarmasin Utara, Barat, dan Tengah mempunyai tiga kepala. Maksudnya adalah Pendapat dan Sikap Kepala Kantor Agama Banjarmasin. Temuan penelitian: dari 3 informan yang berargumen, Kepala Kantor Agama (KUA) Banjarmasin Pusat berupaya melakukan konfirmasi dengan memeriksa dokumen terkait penerbitan akta nikah dan berkoordinasi dengan pihak pengadilan sebagai langkah pencegahan dalam pengurusan hasil akta nikah berdasarkan PP No. 9 Tahun 1975 Pasal 6 ayat (2). Berdasarkan Pasal 1 ayat 1 Undang-Undang Nomor 22 Tahun 1946, Kepala Kantor Agama (KUA) Banjarmasin Barat berpendapat, mengikuti perintah pengadilan tanpa konfirmasi atau pemeriksaan ulang dapat diterima. Berdasarkan pasal 24 Ayat 1 UU Tahun 1945, Kepala Kantor Urusan Agama (KUA) Banjarmasin pun cenderung demikian. Panitera mendaftarkannya jika mengikuti prosedur. Ulangi akad nikah jika diperintahkan, tekankan bahwa tidak ada konfirmasi.

Kata Kunci : Pendapat, Sikap, Isbat Nikah, *Iddah*, Inkraht

INTRODUCTION

Humans are one of the creatures created by Allah SWT in pairs and at the same time love each other. No wonder the important moment in the journey of human life is related to marriage. This is an outward and inward interweaving between the adam (men) and women (wanita) aiming to build a family (household) that is bright and eternal until death separates them both based on the oneness of their God.[1] This definition is almost the same as Article 1 of Law No. 1 of 1974 which reads "Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on Belief in the One Almighty God." . Meanwhile, the Compilation of Islamic Law describes marriage in a very sacred sense in the form of a contract or it can be interpreted as *mitsaqqanghalidzan*, aiming to serve and carry out the call from Allah SWT.

Al-Qur'an explains about the conception of a marriage that comes from 2 key words namely able and walk around interpreted as a bond / bond of a marriage. The explanation of marriage is contained in surah Q.S An-Nur/24: 32 and Q.S Al-rum/30: 21;

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ۚ إِنَّ يَكُونُوا فُقَرَاءَ يُغْنِيهِمُ اللَّهُ مِنْ فَضْلِهِ ۗ
وَاللَّهُ وَاسِعٌ عَلِيمٌ

Meaning: "Marry those who are still single among you and also those who are worthy (married) of your slaves, both men and women. If they are poor, Allah will give them ability with His grace. Allah is Extensive (His gifts) and All-Knowing" (Q.S An-Nur/24: 32)

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً ۗ إِنَّ فِي ذَٰلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

Meaning: "Among His signs (greatness) is that He created partners for you from your own (kind) so that you feel at ease with him. He made between you feelings

of love and compassion. Indeed, in that there are signs (of Allah's greatness) for people who think." (Q.S Al-rum/30: 21)

Based on, the two verses state that marriage is half the perfection of religion. The purpose of marriage is also a long period of time, as illustrated in the five aspects of Islam namely Al Maqâshid al-Khamsah oral-Maqâsid al-Syarî'ah, namely maintaining (1) religion (*hifz al-din*), (2) soul (*hifz al-nafs*), (3) intellect (*hifz al-'aql*), (4) offspring (*hifz al-nasab*), and (5) property (*hifz al-mâl*), This was validated by other Islamic legal scientists. Another goal that is achieved in marriage is the existence of a household *sakinah*, *mawaddah*, *warahmat*. This explanation was elaborated by Hilal Syamsul and Mulia, that:

Mawaddah is defined as love Between husband and wife, including mutual sexual needs. From mawaddah springs one A sense of civility or self-help (rahmah) and serenity (sakinah).

Article 1 of Law Number 1 of 1974 states that: "Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on belief in the One Supreme God". Then in Article 2 Paragraph (1) it states "marriage is legal if it is carried out according to the laws of each religion and belief.", and Paragraph (2) explains that "every marriage is recorded according to the applicable laws and regulations". This relationship causes a contract between a man and a woman to become a potential partner to meet the needs of their kind based on the provisions of the Shari'a already stated in Islamic marriage law.

The religious rules for legal marriages are explained by the previous provisions which are so clear, but there are rules regarding the registration of marriages arranged in Law Number 1 of 1974, Article 2 Paragraph (2) relating to state governance for the benefit of women and children in particular. -children who intersect with marriage to protect their rights.

The mention that a related marriage is not registered or does not have a marriage certificate, thus making it unenforceable is also explained in Article 6 of the Compilation of Islamic Law. If problems arise from one of the spouses who does not fulfill their obligations, then the other party cannot sue the court, because the court will approve a legal marriage dispute and be proven by a marriage certificate as authentic proof, because proof can be confirmed by a marriage certificate, designed by a Registrar Marriage (VAT) is explained in Article 7 paragraph (1) Compilation of Islamic Law.

Overcoming this, shortcuts conveyed through statutory regulations regarding non-recording must pass through the Religious Courts based on a statement explaining that "If a marriage cannot be proven by a marriage certificate, the certificate of marriage can be submitted before the court" in accordance with Article 7 paragraph (2) Compilation of Islamic Law.

Efforts to get the meaning of the validity of a marriage according to the law which is channeled through a marriage decree is interpreted as a Marriage Confirmation. The Supreme Court of the Republic of Indonesia issued a decision Number KMA/032/SK/2006 regarding the benchmark for the implementation of Court Administrative Duties stating that: "Isbat marriage is the validation of a marriage that has been carried out according to Islamic religious law, but is not recorded by the authorized KUA or PPN."

Isbat marriage itself is divided into 2 parts in its application, namely those that do not place an element of contention (*voluntary jurisdiction*) that occurs in one party who has the intent of the case and is contentious.

Characteristics of things *voluntair* as follows: *First*, the filing of a case that is on one side (*for the benefit of one party only*) intended in originality to resolve civil issues for the needs of the Petitioner, with the principle that the problem is not related to the rights and needs of other people. *Second*, the matter is principled without dispute or a third person (*without dispute of differences with another party*). *Third*, no one is drawn to be an opponent, be it another person or a third party, but has a character expert, which means that this problem is absolute and purely one-sided (of the nature of expert).

Next, the *isbat* of marriage is contentious, which means that the problem consists of the applicant against the respondent or the plaintiff against the defendant if this:

- a. If there is one husband or wife to apply. This is interpreted as the applicant party, by labeling the husband or wife as the respondent;
- b. If the application is related to marriage with another party, whether it is filed by the husband or wife, that person is involved in the application;
- c. If the application is filed by a husband or spouse who is deceased by one of them, but he finds there are heirs other than the individual;
- d. If the filing of this application is submitted by a marriage guardian, heir or other related party.

The researcher found a decision on the marriage certificate number 19/Pdt.P/2020/PA.Bjm in which there was one prohibition on marriage, which was related to the problem of marriages carried out during the *Iddah*. In this decision, the panel of judges rejected the marriage certificate application. The researcher also found a decision on a marriage certificate lawsuit Number 230/Pdt.G/2022/PA.Bjm which contained one of the prohibitions on marriage, which was related to the problem *Iddah* which is less than 90 days. The decision was granted by the panel of judges and hasin force (permanent legal force) in the eyes of the law. However, here the researcher wants to know about the continuation of the marriage certificate lawsuit at the time *Iddah* if it has been submitted to the Office of Religious Affairs (KUA) for recording.

Based on initial observations at the Office of Religious Affairs in South Banjarmasin District with Mr. Drs.H Aziz Nazar as head of the Office of Religious Affairs (KUA) South Banjarmasin that^[11]: "For the marriage certificate lawsuit at the time *Iddah* to the Office of Religious Affairs regarding this decision to adjust what was ordered by the judge, if ordered to record it will be recorded as the procedure that has been in effect, but if ordered to repeat the marriage contract, the marriage will be carried out as the usual marriage contract, which means adjusting what is in the decision or ordered by the judge. Meanwhile, the Head of the Office of Religious Affairs for the city of North Banjarmasin with Mr. H.Baiturrahman, S.Ag as the head of the Office for Religious Affairs (KUA) of North Banjarmasin Sub-District argued that : "Regarding the marriage certificate lawsuit at the time *Iddah* In this case, we from the Office of Religious Affairs (KUA) keep records by studying the decision on the claim for remarriage and if there is a mistake, the Office of Religious Affairs will confirm it to the judge. appeal if there are interests related to the Office of Religious Affairs".

Based on the background of the problem, there are differences of opinion and attitudes from each Office of Religious Affairs (KUA) in the City of Banjarmasin, so the writer is interested in studying this problem more deeply, for this reason the writer will put it in a scientific writing in the form of a thesis with the title "**Opinions and Attitudes of the Head of the Office of Religious Affairs in the City of Banjarmasin Regarding Lawsuits for Marriages in the time *Iddah* which are already In force**".

LITERATURE REVIEW

a. *Iddah*

Origin: *Iddah* from on the island, which means counting. It means that a woman (the wife) counts her days and her cleaning time. So, the etymological meaning is count, taking the sentence mentioned earlier because it generally covers the count of months.

According to the opinion of the Hanafi school, *Iddah* is "the time that is decided regarding the impact of the breakup of a marriage that still has residue according to Islamic law". Like words, the act of waiting from a wife when the marriage disintegrates or doubts disappear (*syubhat*).

Most scholars also opined about *iddah* is the journey of a woman while waiting with the aim of finding the purity of her womb, to worship Allah SWT, or to go through the time of mourning for her husband's departure". *Iddah*, who do not mingle with each other in one person. Rather, there are two types. According to Hilal Syamsul, in his journal, he explained understanding *Iddah* as:

Iddah (waiting time for divorced women) is Islamic time given to a woman whose marriage ended because she divorced her husband in a revocable or irrevocable divorce (alq raj, alq bin), because her husband died, or because the marriage broke down (fasakh). When her husband apostates, etc. Rules about "iddah only" For women, not for men.

From the quote above, it can be seen that there is a waiting period for a woman, either because she is divorced or her husband dies. *Iddah* is also only intended for women, not men.

So, it can be seen that understanding *Iddah* can be interpreted with a written explanation, namely the journey of a wife in waiting for the impact of parting with her husband, whose time has been determined by Allah SWT. No time-*Iddah* adultery from the views of the Hanafi and Shafi'i Schools, but different views from the Maliki and Hambali schools of thought.

b. All kinds of *Iddah*

According to the causal factors, *Iddah* was divided into several types, including:

1) *Iddah* divorce

Iddah divorce took place due to divorce. Women in *Iddah* divorced as follows

- a) Women who have mixed or continuous menstruation *Iddah* are three menstrual periods, or three times sacred, and this is also mentioned as three times dry'. Allah SWT said Q.S. Al-Baqarah, verse 228. The details have different meanings according to several opinions among Fiqh scholars. Some say that dryness is menstruation itself. There is also the view that dry means holy, from among the Ansar, such as Imam Malik, Imam Syafi'i, and the average Madinah fuqaha. Even women have two conditions:

- (1) In terms of divorce issues in paradise (1 and 2 separation), then time *Iddah*, which must be perfected not by using the count of three menstruations but has moved to the calculation of one, has been abandoned by his soul mate,

which is four months and ten days. Because the status of the woman is still that of a wife. So, the woman actually gets it from her partner, and the wife gets it from her.

- (2) About triple divorce (talaq not), a woman only completes the perfection of her period once and does not change into *Iddah* women who have been abandoned by their partners.

Regarding mass policy transformation, *Iddah* starts counting months before counting menstruation. So, there are some circumstances that are explained: a woman refers to *iddah*-her by calculating the month because she is not menstruating, even though she is still small or has experienced a menopausal period, but when she is going through a period, *Iddah*, something happens with the discharge of menstruation, so that it is obligatory to move from a month to a menstrual count. Because the calculation of the month is an alternative to calculating menstruation.

- (1) Assume time *Iddah* with the counting of the month has ended, then menstruation occurs, and it is not obligatory for her to take the lead *Iddah* from the beginning while counting menstruation. Because menstruation appears after time
 - (2) If a female individual starts counting with menstruation or months and then gets pregnant, the *niddah*-her transforms into an *Iddah* pregnant woman, which means period *Iddah* after giving birth.
- b) Women, when they are pregnant, have their period *iddah*, which is until she gives birth to the child, whether it is due to her husband's death or divorce. Allah SWT said:

... وَأُولُتُ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ ...

Meaning: "As for pregnant women, their *iddah* period is until they give birth to their wombs." (Q.S At-Talaq/65:4)

- 2) *Iddah* was left by her husband.

There are two conditions. *Iddah* applies to women who are left by a husband, namely the condition of being pregnant or not pregnant.

- a) When pregnant

For a woman who is left by her partner to give birth, it is time *Iddah*'s hair ends after she gives birth to her child, either in the near or distant future. Allah SWT said in Q.S. At-Talaq/65: 4. The Prophet Muhammad SAW emphasised emphatically that in *Iddah* pregnant women who were abandoned by their partners after giving birth Narrated by Al-Miswar bin Makramah, who told the story of Subai'ah al-Aslamiyah, who gave birth after her partner died for half a month, at that time,

Subai'ah visited Rasulullah SAW to ask permission to marry. Then, Rasulullah SAW said, "You are *halal*; please marry someone you like." (H.R. Nasa'i).

b) Not pregnant

For a woman who is left by her partner and she does not have children, time passes (*Iddah* here is 4 months and 10 days), whether you have had sexual intercourse (*jima'*) or not and have menstruated or not. Allah SWT explains in Al-Qur'an Surah Al-Baqarah verse 234 and Rasulullah SAW said:

"It is not permissible for a woman who believes in Allah SWT. And the last day for mourning someone's death is more than three days, except for the death of her husband, which is (for) four months and ten days." (HR Bukhari and Muslim).

Therefore, the Qur'an and the Hadith are very clear in explaining that for a woman who is survived by her husband, whether she has menstruated or not, and is menstruating or not, the time of the *iddah* is 4 months and 10 days.

c. Marriage Certificate

Marriage *isbat* is a combination of two words, namely *isbat* and marriage. The two words are of Arabic origin, i.e., the roots are the words "*asbata*, *yusbitu*, and *isbatan*," which mean good or certain. Confirm noun (kb) 'means, designate, determine. When married is a form of the words "marriage" and "*zawaj*". Married with the etymology, the original (essence) is "*damm*", which means extrusion, overlapping, or gathering. *Nikah* is also metaphorical; "*wata'a*" means "together" or "*aqad*" means holding attachments. Legally (juridically), *Isbat Nikah* has application as described in Article 5 of Law No. 1 of 1974 concerning marriage. It was shown that it was a marriage before this law came into effect, namely under current law. There is a legal demand "law". Up to the dominant religious court to follow based on his request.

The interpretation of marriage certificates has been processed based on Law No. 1 of 1974, with the term "Marriage Legalisation". The Compilation of Islamic Law organised the "*Isbat Nikah*" in 1991. The definition of "*isbat nikah*" is relatively newer and more influential than the use of the word legalisation of marriage, because there is an impression that marriage requires invalid approval prior to court approval. Marriage to Muslims regarding the validity of this is the authority of the Religious Courts as stated in the elaboration of Article 49, Letter A, Number 22, Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts, and Law Number 50. The year 2009.

Marriage certificates have a way of channelling civil cases in religious courts in the form of litigation, which is divided into two parts: marriage confirmations in the form of requests that do not contain elements of dispute (*voluntary jurisdiction*) and the marriage certificate as contentment. The characteristics of the marriage certificate are in the form of a request; The problem is solely one-sided. This lawsuit or request has no dispute, and there are no other parties or third parties to serve as rivals. Explanation context *voluntair* stated in Article 25 paragraph 3 of Law No. 48 of 2009.

METHODS

3.1. Research Design

Research conducted by researchers is of the type of empirical (field) legal research, in which researchers carry out research going to locations, aiming to obtain and link data so that specific problems and the reality are obtained regarding "Opinions and attitudes of the Head of the Office of Religious Affairs (KUA) in Banjarmasin City regarding the claim on Islamic religious law marry at the time of *Iddah* which are already in force" through verbal behaviour (interview).

The approach uses a qualitative approach, which is produced in the form of data analysis and *descriptive data*, namely data presented by recorded or verbal model informants, by describing in a coherent and systematic way the facts that take place in the field.

3.2. Participants of the Study

The term "subject" refers to a person who is qualified to respond to the formulation of the problem by offering the researcher's requested information. Acting as the research subject here is the Head of the Office of Religious Affairs (KUA) in the City of Banjarmasin.

Apart from the subject, there is also the object, which is the research issue itself. The object here discusses the attitudes and opinions of the head of the Office of Religious Affairs in the City of Banjarmasin regarding the lawsuit for its *bat nikah* during the period of *Iddah*, which are already in force, which means the continuation of the process. This is how the Head of the Office of Religious Affairs (KUA) reacts.

3.3. Instruments

Instrument This research used, namely, The interview, is one of the designs for collecting data in a form of research before conducting a preliminary study in order to find a problem that must be studied beforehand. This interview was carried out in terms of the role of asking and answering directly and openly (*exclusively*) systematically to informants while referring to interview instructions, tape recorders, and documentation (subject portraits). In this study, the first data source was three informants, namely the Heads of the Office of Religious Affairs in the North, Central, and West Banjarmasin sub-districts. Second, in the form of a decision numbered 230/Pdt.G/2022/PA.Bjm, which is evidence to be used as a benchmark for the problem under study.

3.4. Data Analysis Techniques

The collection of all data obtained through data collection activities does not necessarily get what is intended from this research. Even this cannot be concluded for research purposes; therefore, it is presented in the form of a qualitative descriptive analysis based on existing theoretical studies and research frameworks. This data method analyses data by describing conditions or a phenomenon in words or phrases based on

categories to draw conclusions. After this, the researcher conducts research with the aim of solving research problems and providing descriptions related to the object of the research. Then, after that, the researcher draws a conclusion, which is the final step of a study.

RESULTS

Based on the acquisition of direct interviews with the three heads of KUA in Banjarmasin City, the researchers described the data for each informant with the following breakdown:

The opinion of the first informant said that regarding the problem regarding the marriage certificate lawsuit at the time, which is already in force, This needs to be confirmed with the court and the person concerned. Moreover, when applying for the issuance of a marriage certificate to the local KUA, he was of the opinion that we from the KUA would first check his identity, the divorce certificate, and the decision that was made to issue the marriage certificate. This is because if there are irregularities in the decision, the consequences could be for the KUA, which is affected. Therefore, according to him, there is confirmation to the relevant party (court) regarding this decision with the aim of ascertaining whether this matter was issued by the court and there is no disability, both the pillars and conditions of the marriage by the party applying for the marriage certificate.

The opinion of the second informant was that, regarding the problem that the researcher is solving, the decision to process the marriage certificate is in accordance with the existing petition so that a marriage certificate is issued. However, he said if the final result of this matter is rejected, then the remarriage will be carried out. The reason he put forward was on the pretext that the result of the decision had permanent legal force and there was no longer any need to search for the identity of the person who applied for the marriage certificate as well as aspects regarding the good marriage terms and pillars; it was no longer necessary on the pretext that the court had certainly examined this first.

There is one more thing that was stated by the informant: the West Banjarmasin Religious Affairs Office obeys what is in the decision even though there is a possibility of falsification of the testimony of the person concerned regarding the marriage certificate and the existence of a future marriage. *Iddah* is what the court should have definitely rejected regarding the marriage certificate, but it is not the competence of the Office of Religious Affairs to try to confirm this. Because there could be an examination or proof from the court regarding the marriage certificate.

Regarding the legal basis for the explanation, he said that if the judge's decision was strong (*in force*), then the Head of the Office of Religious Affairs is competent regarding the process of issuing the marriage certificate. This is in accordance with Article 1, Paragraph 1, of Law Number 22 of 1946 concerning Registration of Marriages, Divorces, and Referrals. "Marriage performed according to the Islamic religion is supervised by a marriage registrar. Divorce and Reconciliation are carried out according to the Islamic religion and are notified to the Marriage Registrar." Which means that the Office of Religious Affairs is obliged to process by issuing a marriage certificate, which is associated with the final result of the problem under study.

Regarding the legal implications for children and assets, they can be handed down to related parties and processed according to the results of the existing decision. So that there could be legal implications regarding children and assets with the issuance of a marriage certificate issued by the Office of Religious Affairs, said Mr. H.M. Yusran, the Head of the West Banjarmasin Religious Affairs Office.

The opinion of the third informant was regarding the problem regarding the marriage certificate lawsuits at the time of *Iddah*, which are already in *force*. If this is processed at the Office of Religious Affairs, he does not want to comment further on this matter because he has just encountered this case and cannot give a clear answer about it. However, according to the informant, he suggested confirming to the judge in question and to the person who submitted the marriage certificate the case that occurred in the marriage certificate lawsuit that had already been filed. *in force*, when there is awkwardness or confusion.

The informant also provided arguments in the form of a statement that read like this: "As long as there are no problems in the decision, we from the West Banjarmasin Religious Affairs Office can issue the intended marriage certificate, and the task of the Religious Affairs Office is to accept the legal product." He also gave a statement about the impact that had occurred on the marriage certificate decision that had already been made. This is if there are irregularities that are intended by the researcher. Moreover, related to *Iddah*, if the matter does have elements, then the court should reject the marriage certificate. However, it could be that there has been a divorce, one of the spouses has died, or the testimony of the person who submitted the marriage certificate. So, it may be possible for the judge to grant the marriage certificate if he looks at several factors earlier. So, the informant only commented on the connotation of the assumption or possibility that happened, so he did not want to comment more about the case that this researcher researched.

Table: 1 Research Results in Matrix Form

No.	inform	Opinions	Attitude	Reason	Legal basis
1	H. Hasby Assidiq, S. Ag, MM	Confirming with related parties, then processing the results of the marriage certificate	There is an examination of his identity, divorce certificate, and the decision that is brought to issue a marriage certificate. And can also coordinate with the court regarding this matter	Because there is often an error (copy-paste) in the decision so that there are irregularities and facts from the identity of the person concerned that there is a mistake and there is the possibility of a fake marriage certificate decision so that it is necessary to confirm	Government Regulation No. 9 of 1975 Article 6 paragraph (2), as the executor of Law Number 1 of 1974
2.	H. M. Yusran, SHI	Following the order of the decision by issuing a	By processing according to the procedure, when it is	Because the judge's decision is already strong and has the force of permanent	Article 1 paragraph 1 of Law Number 22 of 1946

	marriage certificate without confirming and checking it	ordered to law and it is not record, it is appropriate for the Office of Religious Affairs to re-examine the valid marriage certificate. <i>Iddah</i> marriage contract, then the marriage contract is repeated.	concerning Registration of Marriages, Divorces and Reconciliation
3.	H. Baiturrahman, S. Ag	Does not provide further comments in the form of affirmative answers, only suggests confirming this to related parties, but the tendency is without confirming and directly processing the results of the marriage certificate	Processing the results of the marriage certificate according to the existing procedure by registering the marriage and if asked to repeat it, this will be carried out. Because he just found this problem and if there are irregularities in it, then from him the tendency is still to follow what is ordered by the decision, but he also suggests confirming it to the relevant parties. Kitab Tuhfaz volume IV page 133 which reads: ويقبل إقرار العاقلة البالغة بالنكاح Meaning: "Accepted marriage recognition of a woman who is aqil-baligh." and Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia

Source: Data processed by researchers in 2023

Related to the Head of the East and South Banjarmasin Office of Religious Affairs, they were not willing to provide information and research data that was confirmed in the field. The Head of the East Banjarmasin Religious Affairs Office argued that he did not understand the substance of the problem from his research, while the Head of the South Banjarmasin Religious Affairs Office argued that it was not his domain to provide an answer or information in the form of opinions and attitudes that the researcher wanted to examine.

DISCUSSION

Based on the three informants who were the subject of the study, namely the Head of the Office of Religious Affairs, who gave opinions and attitudes about the process of filing a marriage certificate during the period of *Iddah* that are already in force regarding the later issuance of a marriage certificate through a marriage registration agency, namely the Office of Religious Affairs, apart from the Head of the Office of Religious Affairs mentioned, he did not comment on the issues raised by the researcher. This data analysis adjusts to the points in the problem formulation as follows:

- 1) Opinions and attitudes of the Head of the Office of Religious Affairs (KUA) regarding the lawsuit for marriage confirmation at the time of *Iddah*, which is already in force

Based on the data obtained during the research, there were differences of opinion between one informant and another. Starting from the opinions and attitudes of the Head of the Office of Religious Affairs in Central Banjarmasin regarding the lawsuit for the marriage of the period *Iddah*, which is already in force, he gave an opinion in the form of confirmation to the court with the reason to find out more about the irregularities that occurred on the marriage certificate. Has there been a marriage in the past? For this reason, it is necessary to confirm with the court and match the facts in the field so that harm does not occur in the future.

Regarding the process of issuing a marriage certificate, it is also not arbitrary, but there is a compatibility check between what is in the results of the marriage certificate and the data from the person concerned because there are many cases. *copy-paste*, which caused confusion on the part of the Office of Religious Affairs in processing the results of the marriage certificate, and there had been falsification of the marriage certificate decision, so confirmation was needed with the aim of benefiting. This is a form of ascertaining a condition or situation regarding an action, either by the individual himself or by an institution or agency. Confirmation is also used to reduce or prevent falsification of related documents or minutes of the decision. The essence of confirmation also does not reduce the validity of a decision. Rather, it is an act or careful attitude in processing authentic evidence that will be processed by the Head of the Office of Religious Affairs as an institution for registering marriages within the scope of the Islamic Religion.

Furthermore, regarding the opinion and attitude of the Head of the Office of Religious Affairs towards the marriage certificate at that time, which are already in force, the answer of fully accepting the results of the decision without any confirmation was put forward by the Head of the West and North Banjarmasin Religious Affairs Office, which explained that the judges' decision already had strong legal force so that it followed up directly on the results of the marriage confirmation without any confirmation or re-examination.

Regarding the irregularities in the results of the marriage certificate, the Office of Religious Affairs, which gave an accepting response, such as a judge's decision, ignored this because there were several possibilities that occurred in the process before the marriage certificate was received, so it is not ethical to ask again about this and fully believe. Regarding the decision that has come out of the court, it has become an essential decision if there is no legal remedy taken by the party submitting the marriage certificate, be it appeal, cassation, or review.

Regarding the background that happened at the Head of the North Banjarmasin Religious Affairs Office in relation to the legal remedy in the form mentioned above, it shows that it has something to do with the problem of annulment of marriage or the fact that documents related to the Office of Religious Affairs have been changed.

- 2) The reasons and legal basis for the opinion and attitude of the Head of the Office of Religious Affairs (KUA) regarding the lawsuit for marriage confirmation at the time of *Iddah*, which are already in force

Each Head of the Office of Religious Affairs responds to lawsuits regarding marriage certificates at the time of *Iddah* that are already in force for the part where there

is confirmation to the court for several reasons, including data compatibility between the decision and the person who wants to process the marriage certificate results to obtain a marriage certificate. When the Office of Religious Affairs confirms, copy-paste typically causes confusion. The marriage certificate findings must match the data in the field, which may have belonged to person A. After that, a phoney Isbat decision necessitates vigilance in marriage certificate processing. The rationale that blindly follows the judge's order The judge's ruling is final and binding; therefore, even if there are abnormalities, it should not be reexamined. The Office of Religious Affairs will not intercept this because it is outside their domain.

Article 1, paragraph 1, of Law Number 22 of 1946 on Marriages, Divorces, and Reconciliation provides the legal basis for each Head of the Office of Religious Affairs who completely accepts without confirmation. This page details marriage supervision and registration by the Head of the Office of Religious Affairs. Others use the clerical doctrine in Tuhfaz Juz IV, page 133, to explain:

ويقبل إقرار العاقلة البالغة بالنكاح

Meaning: "Accepted marriage recognition of a woman who is aqil-baligh."

He uses formal law in the form of an Act since Indonesia has laws. The researcher shows that if the problem is related to the performance or mechanism of the Office of Religious Affairs or related to the Offi, Article 24 paragraph (1) of the 1945 Indonesian Constitution states that the judicial power is independent to administer justice and uphold law and justice. For a just law, especially for Indonesians, the judicial power must be free from outside intervention. The clerical doctrine used as a basis and legal reason by one of the Offices of Religious Affairs as an opening way for thinking about the decision on isbat marriage is due to looking at the context of the problem being studied and tracing the track record of the issuance of the decision, which is proven using an acknowledgment from the party carrying out the isbat. Thus, the Head of the Office of Religious Affairs did not address the marriage suit issue in *Iddah*.

Due to inconsistencies between the decision and field data, the legal ground for confirmation or re-examination is linked to perceptions. copy-paste What happened to the decision? The data belonged to person B instead of person A. Thus, one must confirm to synchronise field data with the court. As mentioned in the data presentation, marriage documents have been falsified; thus, validation is needed to ensure that we are careful when processing them.

Islamic law cautions against acting on tabayyun or other confirming terms, as in Q.S. Al-Hujurat/46:6:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِن جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَن تُصِيبُوا قَوْمًا بِجَهَالَةٍ فَتُصْبِحُوا عَلَىٰ مَا فَعَلْتُمْ نَادِمِينَ

Meaning: "O you who believe, if an evil person comes to you with important news, then research the truth so that you do not harm a people because of your ignorance, which results in you regretting what you did." (Q.S Al-Hujurat/49:6)

Based on the aforesaid rationale, we should act or behave truthfully to avoid harming an action and avoiding evil (danger). Confirming the court's verdict does not mean blaming it, but rather verifying the data and the court's decision.

The proof of Maqashid Shari'ah, which one of the Imams, 'Izz al-Din bin 'Abd al-'Aziz bin 'Abd al-Salam al-Sulami (d. 660 H), created, is: "Noticing (bringing) good and rejecting mafsadat (damage/danger)".

From the arguments above, we need to pay attention to future benefits, which, if related to the opinion and attitude of the Head of the Office of Religious Affairs, confirms the problems that occur so that there will be no mafsadat (damage or danger) but will bring benefit and continuity and not damage the sanctity of the marriage.

Marriage registration involves obtaining a marriage certificate as proof of marriage. As the executor, the Marriage Registrar/Office of Religious Affairs processes the marriage certificate. Government Regulation Number 9 of 1975, Article 6 paragraph (2), requires a Marriage Registrar to investigate points a–h. This matter is for the sake of realising the continuity of marriage or the issuance of authentic evidence in the form of a marriage certificate. One of the points related to this research is point f regarding the divorce certificate, so that the marriage registrar is researching to make sure the conditions for marriage have been fulfilled and there are no obstacles in the Act.

Article 7 KHI regulates marriage certificates, and Article 7 paragraph (3) broadly explains the existence of marriages that aim to complete divorce, the loss of marriage certificates, the legality of one of the conditions of marriage, marriages before the Marriage Law, and marriages by those who are not veiled. If it is related to the case in the marriage certificate decision at the time, which is already in force, more to wanting to get the legality of a marriage so that the marriage certificate results are processed back at the Office of Religious Affairs to obtain authentic evidence in the form of a marriage certificate, Marriage registration and marriage certificates are reciprocal. All Heads of the Office of Religious Affairs agree on the marriage confirmation process, whether it is accepted or rejected, but the only difference is the confirmation beforehand, which means being more careful if there are irregularities or problems in the decision because marriage is sacred worship. Rejected marriage certificates are reissued. Even the researcher, after analysing the data, has a tendency towards Opinions and Attitudes about marriage revocation lawsuits at the time of *Iddah* that are already in force from the Head of the Central Banjarmasin Religious Affairs Office due to confirmation of the suitability of the data in the decision with the process of issuing a marriage certificate at the Religious Affairs Office, although the opinions and attitudes of the other Heads of the Religious Affairs Office. The researcher's bias towards the Head of the Central Banjarmasin Religious Affairs Office reasoned that every situation or action needs confirmation, even if there are irregularities in the decision, so it would not be wrong to confirm with related parties to continue the marriage certificate process. Q.S. Al-Hujuran/46:6 states that someone should ensure truthful news is delivered or printed. If this is connected to the research being investigated, we should recheck the decision, whether it's matching field data or paying attention to file suitability, to avoid future ugliness or danger. Allah SWT says in Q.S. Al-Fatir 35:15:

يَا أَيُّهَا النَّاسُ أَنْتُمُ الْفُقَرَاءُ إِلَى اللَّهِ وَاللَّهُ هُوَ الْغَنِيُّ الْحَمِيدُ

Meaning: "O human beings, you are the ones who need God. Only God is Rich and Praiseworthy." (Al-Fatir/35:15)

Allah SWT does not receive this advantage. Instead, His Servant benefits. Confirmation does not negate the decision because legal remedies like appeal, cassation, and review can overturn it. This confirmation preserves the sanctity of the marriage and encourages the Office of Religious Affairs to be extra attentive when issuing marriage certificates.

CONCLUSION

Based on field research with three informants from the Head of the Office of Religious Affairs in the City of Banjarmasin regarding this issue, the opinions expressed included: 1) There is confirmation from the judge or court; 2) they carry out the judge's order directly without any confirmation or re-examination; and 3) they do not give a definite answer, only a tendency to obey the judge's orders. Meanwhile, the attitude of the 3 informants, namely: 1) Examine documents, including identity, divorce certificate, and decision, and coordinate with related parties regarding the decision in order to issue a marriage certificate, 2) Continue to carry out the recording order in accordance with the decision; if the order is to repeat the marriage contract, then this is repeated without any confirmation process. 3) Adjusting to the Order contained in the decision.

The reasons and legal basis from 3 informants from the Head of the Office of Religious Affairs in the City of Banjarmasin regarding this issue are: 1) Due to the frequent occurrence of errors (copy-paste) in decisions resulting in irregularities and the fact that the identity of the person concerned is mistaken and there is the possibility of fake marriage certificate decisions, confirmation is needed. The legal basis is linked to Government Regulation No. 9 of 1975, Article 6 paragraph (2), as the executor of Law Number 1 of 1974, and slightly alludes to the argument for the *Iddah* Q.S. Al-Baqarah: 228. 2) The reason is that the judge's decision is already strong and binding, so it is not appropriate to carry out a re-examination or confirmation. The legal basis is Article 1, Paragraph 1, of Law Number 22 of 1946 concerning Registration of Marriages, Divorces, and Reconciliation. 3) Because they just encountered this problem, they only have a tendency to obey the judge's orders. The legal basis, the clerical doctrine, and the formal law in the form of Article 24 paragraph (1) of the Constitution of the Republic of Indonesia emphasize the power of the judiciary.

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