

Protection Of Children's Civil Rights In Siri Marriage: An Analysis Of Population Administration Regulations And Maqasid Sharia

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ABSTRACT: Siri marriages in Indonesia, which are often not officially registered with state institutions, have raised serious issues regarding the civil rights of children born from these marriages. Although siri marriages are considered religiously valid, the non-registration of these marriages in the state civil registration system means that children born from them face difficulties in obtaining civil rights such as recognition of their status as legitimate children, inheritance rights, and clear identity. In this context, civil registration is crucial to ensure that children's civil rights are secured. This research examines the impact of siri marriages on children's civil rights, by linking maqasid sharia principles and civil registration regulations in Indonesia. Maqasid sharia, which focuses on the protection of religion, soul, mind, offspring and property, provides the basis for the protection of children's rights, including civil rights that are not tied to the parents' marital status. This research also proposes changes or updates in Indonesia's civil registration regulations to accommodate the social and cultural conditions related to siri marriage. An approach that integrates sharia principles with state regulations is expected to provide a more inclusive solution to ensure the rights of children born from siri marriages are protected.

KEYWORDS: Child protection; Unregistered marriage; Maqasid al-Shariah

INTRODUCTION

Siri marriages, which in the Indonesian context are often referred to as unregistered marriages, have become an important issue affecting the civil rights of children born from such marriages. A siri marriage occurs when a couple marries religiously or customarily without going through the process of official registration at a state institution, which is a legal requirement in Indonesia. Although siri marriages are considered valid according to certain religious laws, they are not recorded in the state civil registry. This has a direct impact on the legal status of

children born from such marriages. Children born from siri marriages often face major problems related to their civil rights, such as recognition as legitimate children, inheritance rights, and the right to a clear identity. These children may face administrative discrimination because their parents' marital status is not registered with the government. In Indonesia, the civil registry that records marital status and births is instrumental in ensuring that children's civil rights are secured, one of which is through legal birth registration in the civil registry.

One important aspect in this context is the relationship between the positive laws of the state and the teachings of religion, particularly Islam, which is often the basis for siri marriages. From a sharia perspective, marriages conducted religiously without state registration are still considered valid, but problems arise when these marriages do not have legal recognition in the eyes of the state. Maqasid sharia, which encompasses the main objectives in Islam, such as the protection of religion, soul, mind, offspring, and property, provides a strong foundation for guaranteeing children's rights, including civil rights that should be granted regardless of the parents' marital status. Indonesia's civil registration system requires official registration to obtain civil rights. However, the loopholes in this regulation mean that many children born from siri marriages are denied their rights, both in access to education, health, and inheritance rights.

Therefore, it is important to analyse how population administration regulations can be adapted or updated to accommodate existing social and cultural conditions, including addressing the impact of siri marriage on children's civil rights. From a maqasid sharia perspective, the protection of children born from siri marriages should be a priority, especially in relation to their rights to be legally recognised, obtain a clear identity, and obtain their basic rights in daily life. Thus, an approach that integrates the administrative aspects of the state with the principles of sharia could be a more inclusive solution to guarantee the rights of children, even if their parents are married siri (Arifin, 2020)

Previous research has only discussed the impact of positive law (state regulation) or the sharia approach in isolation. This research integrates maqasid sharia, the main objectives of Islamic sharia, with an analysis of the Indonesian civil registration system, resulting in a more holistic and contextual approach to the protection of children's rights from siri marriage. While most previous studies have focussed on the validity of siri

marriage itself, not on its real consequences for children.

METHODS

This research uses the normative juridical method, which is an approach that focuses on the study of applicable legal norms, both those contained in legislation and legal doctrines developed in literature. This method was chosen because the main issues studied relate to legal certainty and the protection of children's civil rights in the context of siri marriages, which are not officially recorded in state administration. This research used several approaches, namely, statute approach, conceptual approach and Maqasid Syariah approach. The data sources in this research consist of primary legal materials, namely relevant laws and regulations, as well as secondary legal materials in the form of books, scientific journals, fatwas, and the results of previous studies. All data is analysed qualitatively, by interpreting the normative content of legal regulations and doctrines to draw argumentative and systematic conclusions.

RESULT AND DISCUSSION

Legal Provisions on Population Administration in Indonesia, Permendagri No. 9/2016, Regulating the Registration of Children from Siri Marriages

Population administration is a system that regulates the data collection, recording, and management of population information of every Indonesian citizen in a legal and integrated manner. The legal basis of population administration in Indonesia aims to provide legal certainty over the personal status and legal status of a person in society, including in terms of recording important events such as birth, death, marriage, and divorce. The main basis for regulating population administration is Law No. 23/2006 on Population Administration, which was later amended by Law No. 24/2013. This law regulates the state's obligation to record

every population event and important event of citizens without discrimination, including for children born from unregistered marriages or known as *siri marriages*. The law also emphasises that every citizen has the right to obtain legal identity documents such as birth certificates, family cards (KK), and identity cards (KTP) as valid proof of identity and legality. To support the implementation of the law, the government issued various implementation regulations, one of which is the Minister of Home Affairs Regulation (Permendagri) No. 9/2016 on Accelerating the Issuance of Birth Certificates.

This Permendagri is a concrete form of the state's commitment to guaranteeing the civil rights of children, including children born from marriages that are not registered at the Religious Affairs Office or the Population and Civil Registration Office (Disdukcapil). In this regulation, the state provides an administrative solution using a Statement of Absolute Responsibility (SPTJM) to ensure that children can still obtain a birth certificate, even if their parents do not have a marriage certificate. Thus, the legal basis of population administration in Indonesia is an important instrument in ensuring social justice and protection of citizens' rights, especially for vulnerable groups such as children from *siri marriages*. This approach is in line with human rights principles and constitutional mandates that emphasise equal recognition for all citizens (Faculty & Unsrat, 2024).

Law No. 24 Year 2013 on Population Administration is one of the most important regulations in the Indonesian state administration system, especially in terms of population data management. This law regulates the obligations of the state and society in ensuring that every individual in Indonesia is properly recorded in the population administration system, which includes recording births, marriages, divorces, deaths, and other status changes related to the population. This law was drafted with the aim of providing legal certainty over the population status of every Indonesian citizen. This includes the issue of identity

cards (KTP), family cards (KK), and birth certificates, which are the basic rights of every citizen. In this context, population administration serves not only as a means of identifying individuals, but also as a tool to guarantee civil and social rights for citizens, including access to basic services such as education, health, and legal protection. The importance of this law lies in the accountability and transparency of population data managed by the state. One of the key aspects of this law is the participation of local governments in the implementation of population administration, which ensures that the recording and management of population data is carried out properly, timely, and accurately throughout Indonesia. In addition, this law also provides protection for the confidentiality of personal data and guarantees that population data is used only for legitimate purposes and in accordance with applicable regulations. One of the important provisions in Law No. 24 Year 2013 is the regulation on the recording of important events, which includes birth, death, marriage, and divorce. The law stipulates that each of these events must be recorded in the Civil Registry, which is the legal basis for recognising the legal status of individuals in society. Birth registration, for example, is the main requirement for a child to obtain a birth certificate and a Population Registration Number (NIK), which will be the child's official identity throughout his or her life.

Law No. 24 Year 2013 also regulates the acceleration of birth certificate issuance, especially for children born in special situations, such as from unregistered marriages or known as *siri marriages*. In this case, children born can still obtain a birth certificate by using a Statement of Absolute Responsibility (SPTJM) from the parents as a substitute for marriage documents. This policy provides a way for children from *siri marriages* to obtain their civil rights, while ensuring that they are recorded in the country's population administration. Overall, Law No. 24 of 2013 on Population

Administration is a very fundamental legal basis in creating an integrated and equitable population administration system, which ensures every individual has a legal identity and is recognised by the state, as well as obtaining their basic rights with full respect for privacy and protection of personal data (Sumiati & Lestari, 2020).

Minister of Home Affairs Regulation (Permendagri) No. 9/2016 on the Acceleration of Birth Certificate Issuance is a regulation made as an implementing regulation of Law No. 24/2013 on Population Administration. This Permendagri aims to facilitate and accelerate the process of issuing birth certificates, especially for children born from siri marriages or marriages that are not officially registered with the state. This regulation is a concrete step to support social justice and equality in population administration (Alifianti et al., 2023). Permendagri No. 9/2016 on Accelerating the Issuance of Birth Certificates was issued with the main objective of simplifying and accelerating the process of issuing birth certificates, especially for children born from siri marriages or marriages that are not officially registered with the state. This regulation aims to ensure that every child has a valid identity in the population administration system, even though their parents are not legally married according to state law. In addition, the regulation also aims to protect children's civil rights, by ensuring that they retain the right to a birth certificate, a Population Registration Number (NIK), and access to basic services such as education and health. Through this regulation, the government wants to promote equality and social justice, avoid discrimination against children from unregistered marriages, and ensure harmonisation between religious law and state administration in population management (Safitri et al., 2022).

The registration of children from siri marriages is important because many children born from such marriages experience difficulties in obtaining official birth certificates. To overcome this problem, Permendagri No. 9/2016

provides a solution by allowing children born from siri marriages to remain registered in the population administration. Through this regulation, children from unregistered marriages can obtain birth certificates by using a Statement of Absolute Responsibility (SPTJM) from both parents. This SPTJM serves as a substitute for official marriage documents and ensures that the child has the right to a legal identity, such as a Population Identification Number (NIK). This registration is important to protect children's civil rights, such as access to education, health, and other public services, without discrimination related to the parents' marital status (Manurung & Lusia Sulastri, 2021). In the context of recording children from siri marriages in population administration, the Statement of Absolute Responsibility (SPTJM) is one of the important documents used to replace official marriage documents. Permendagri No. 9/2016 regulates two types of SPTJM that can be used to ensure that children from siri marriages can obtain valid birth certificates and Population Registration Numbers (NIK) (Pokok et al., 1908). A birth certificate is an important document that provides a legal identity for every child, including those born from siri marriages or marriages that are not officially registered. In this case, even if the parents do not have a registered marriage certificate, the child can still obtain a birth certificate through the use of a Statement of Absolute Responsibility (SPTJM). In the child's birth certificate, the mother's name is usually listed automatically, while the father's name can be listed if there is an acknowledgement through the SPTJM. This ensures that the child retains legal status, with guaranteed civil rights, such as inheritance rights and access to public services (Setiawan, 2017).

Obstacles Faced by Children from Siri Marriages in Obtaining Civil Rights, Especially the Right to Identity and Family Card

Siri marriage is a marriage that is legally performed according to religious

law, but is not officially recorded before the state, in this case the Office of Religious Affairs (KUA) for Muslims or the Population and Civil Registration Office (Disdukcapil) for non-Muslims. This marriage is considered religiously valid because it fulfils the pillars and conditions of marriage according to their respective beliefs but has no formal legal force in the Indonesian positive legal system because it is not recorded in the state administration. According to Law Number 1 Year 1974 concerning Marriage jo. Government Regulation No. 9 of 1975, every marriage must be registered to obtain state legal recognition. Therefore, siri marriages are not legally recognised by the state, even though they are religiously valid. This non-recognition has a direct impact on legal aspects, especially on the legal status of children born, inheritance distribution, and other civil rights. In terms of population administration, children from siri marriages often experience obstacles in birth registration, inclusion of the father's name in the birth certificate, and inclusion in the Family Card (KK). This happens because the state does not have a legal basis to recognise the husband-wife relationship, so the child born only has a legal relationship with the mother, unless legal recognition of the child is carried out. Thus, although religious siri marriages are considered valid, in the context of state law and population administration, their legal position is weak and has a significant impact on children's civil rights, especially in terms of legal identity and access to public services. For this reason, the state, through various regulations such as Permendagri No. 9/2016, is trying to provide administrative solutions so that children can still obtain protection of their rights (Gunawan, 2013).

In the Indonesian national legal system, children have a strong position as legal subjects who must be protected and guaranteed their rights. One form of such protection is through the recognition of children's civil rights, as stipulated in the 1945 Constitution, Law No. 35/2014 on Child Protection, and Law No. 24/2013 on

Population Administration. One of the most fundamental civil rights for children is the right to identity, which includes birth certificates and Population Registration Numbers (NIK). A birth certificate is the first legal evidence a child has, officially stating the time, place, and identity of the parents at the time of birth. The NIK on the birth certificate and other documents is the basis for the child to be recognised as an Indonesian citizen administratively and to access various state services, such as education, health, and social protection. In addition, children also have the right to be included in the family card (KK), as part of the legal family unit in the population system. The inclusion of children in the KK not only serves as an administrative document but also provides tangible evidence that the child is legally recognised as a family member and citizen. Without being included in the KK, children will have difficulties in accessing public services that require proof of family relationship or valid identity. More broadly, children also have the right to name, citizenship, and legal recognition, which are important parts of their identity and existence as human beings who deserve to be treated equally in the eyes of the law. The right to a name recognises a child's individual existence. The right to citizenship ensures that children have a clear legal status as Indonesian citizens, while legal recognition ensures that children are recognised and protected by the state without discrimination, including children born from non-ideal family conditions, such as siri marriage. Thus, the recognition and protection of children's civil rights is a form of state responsibility in realising justice and equality and ensuring the future of children as the next generation of the nation (Haling et al., 2018).

One of the main obstacles is the absence of the parents' marriage certificate, which hampers the process of registering the child's birth. Without an official marriage certificate, it is difficult for the child to be legally recorded in the civil registry, which affects the issuance of a birth certificate. In addition, the inclusion

of the father's name on the birth certificate is a major challenge as without an official marriage document, the father's name cannot be recorded, despite parental recognition of the child. As a result, the legal status of the child is often only recognised by the mother, while the father is not listed in the document. Difficulties also occur in including the child in the family card (KK). Children from siri marriages are often considered "illegitimate" administratively, so they cannot be included in the KK, which results in difficulties in accessing public services and other rights such as education and health. To fulfil children's civil rights, especially for children born from siri marriages, the state through Permendagri No. 9/2016 has provided solutions that allow these children to obtain legal administrative rights. One such solution is the use of a Statement of Absolute Responsibility (SPTJM). This SPTJM allows parents who do not have a registered marriage certificate to legally recognise their child, so that the child can be recorded in the population administration and gain rights to a birth certificate, a Population Identification Number (NIK), and inclusion on the Family Card (KK). Through SPTJM, both the mother and father can legally recognise their child's status, even if their marriage is not officially registered. This is an important step to ensure that children retain a legal identity and can access public services such as education, health, and other civil rights. In addition, the role of the Population and Civil Registration Office (Disdukcapil) is crucial in facilitating this registration process. The Disdukcapil's role is to provide appropriate services related to the SPTJM application, as well as ensuring that the process of registering the birth of a child runs in accordance with applicable regulations. NGOs and community leaders also play an important role in socialising children's rights, educating the community on civil registration procedures, and helping to overcome barriers at the community level. With these efforts, it is hoped that children born from siri

marriages can obtain equal civil rights, without being constrained by the marital status of their parents, and ensure they can grow and develop with equal access to state services (Hidayati, Wahyuningsih, 2021).

Maqasid Sharia perspective in viewing the protection of children's rights from unregistered marriages under state law

Maqāṣid ash-sharī'ah is a fundamental concept in Islamic law that refers to the main objectives of the enactment of Islamic law. These objectives are not only aimed at regulating man's relationship with God but also at realising benefit and justice in human life. Classical scholars such as Al-Ghazali and Ash-Syatibi formulated five main principles or *al-kulliyāt al-khams* in *maqāṣid*, namely: safeguarding religion (*dīn*), soul (*nafs*), intellect (*'aql*), offspring (*nasl*), and property (*māl*). Each of these aspects represents an important dimension of human life that must be protected and maintained. Safeguarding religion means providing freedom and guarantees to practise one's faith correctly. Safeguarding the soul involves protecting life, including from physical and psychological harm. Safeguarding intellect means encouraging education, sound thinking, and the prohibition of things that damage reason. Safeguarding offspring means guaranteeing the rights of families, children, and offspring to be born in a respectable environment and receive protection. Meanwhile, safeguarding property means regulating the ownership and distribution of wealth fairly. In the context of protecting vulnerable groups, including children from unregistered marriages, *maqāṣid* provides a strong ethical and legal framework. Islam places the child as a trust that must be protected in its entirety—its soul, honour, education, and right to identity. Therefore, any effort aimed at recording and protecting children in the state administrative system, including the

provision of birth certificates and legal identity, is in line with the *maqāṣid* principle of safeguarding offspring and ensuring the welfare of children (Indra, 2016).

One of the main objectives in *maqāṣid ash-sharī'ah* is the protection of offspring (*ḥifẓ an-nasl*). This principle emphasises the importance of maintaining the honour and continuity of the human lineage as part of the moral and legal responsibilities in Islam. This protection is not only related to the prohibition against adultery and the regulation of marriage but also includes responsibility for children born in various conditions, including from marriages that are not registered under state law (*siri* marriage). Although *siri* marriages are not administratively recognised by the state, from a *maqāṣid* perspective, children born from such relationships still have full rights to be respected and protected, both morally and socially. Islam does not condone stigmatisation or discrimination against children based on their parents' marital status. Therefore, children from *siri* marriages must still be considered part of the legitimate offspring according to sharia, if the marriage is religiously valid. The legitimacy of lineage in *maqāṣid* aims to preserve human dignity, ensuring that every child has a clear identity, a recognised lineage, as well as the right to care, maintenance, and protection. In the modern context, the protection of offspring also includes efforts to legally register children through official documents such as birth certificates, Population Registration Numbers (NIK), and inclusion in Family Cards (KK). Thus, the principle of *ḥifẓ an-nasl* in *maqāṣid* not only ensures the continuity of the family biologically and socially but also promotes justice for children in the applicable legal system, so that they can live with dignity, without discrimination, and get their full rights (Amri & Legsa, 2021).

One of the core values in Islamic teachings is justice. This principle applies not only in social and legal relations, but also in how to treat everyone fairly, regardless of background, status, or birth conditions. In the context of children, Islam rejects all forms of discrimination, including discrimination caused by the marital status of the parents. Islam affirms that every child has equal rights to love, nurture, identity, education and protection. Children should not be burdened or blamed for the conditions of their birth, including if they are born from a marriage that is not registered or recognised by the state. In the Qur'an and hadith, many verses and narrations emphasise the importance of treating children with love and guaranteeing their rights without discrimination. Morally and spiritually, discrimination against children contradicts the values of *rahmatan lil 'ālamīn* that underpin Islam as a religion that brings mercy and justice to all mankind. Therefore, children from *siri* marriages are still entitled to legal recognition, official identity, and social protection equal to other children. This justice is also a key pillar in *maqāṣid ash-sharī'ah*, which places the benefit and protection of vulnerable groups as a priority. By upholding the principles of justice and non-discrimination, the state and society are not only carrying out the mandate of sharia but also ensuring that every child can grow up with dignity and their rights are fully recognised as part of the *ummah* and citizens (Prasetio & Ida Rindaningsih, 2023).

Within the framework of *maqāṣid ash-sharī'ah*, the state has a strategic role as the representative of sharia in realising justice and benefit (*maṣlaḥah*) for all its citizens, including for children born from non-ideal family conditions, such as unregistered marriages. The state's responsibility is not only limited to carrying out administrative functions, but also ensuring the protection

of children's basic rights, without discrimination and in accordance with the values of justice in Islam. As the executor of the law, the state is obliged to formulate and implement regulations that are fair, inclusive and in favour of vulnerable groups, including children from siri marriages. One tangible form of this responsibility is through support for the issuance of legal identity such as birth certificates and Population Registration Numbers (NIK). Legal identity is not only an administrative document, but also a state tool to guarantee civil rights, access to education, health, and legal protection for every child. Policies such as Permendagri No. 9/2016, which allows the use of SPTJM (Surat Pernyataan Tanggungjawab Mutlak) as a substitute for a marriage certificate, reflect the state's commitment to realising *maqāṣid*, particularly in the aspects of protection of offspring (*ḥifẓ an-nasl*) and protection of the soul (*ḥifẓ an-nafs*). By providing administrative convenience, the state takes an active role in ensuring that every child, regardless of the background of his or her parents, still gets the rights and recognition he or she deserves. Therefore, the fulfilment of children's rights by the state is part of the implementation of Sharia in a tangible form, as well as a reflection of the system of government that upholds the values of benefit, justice, and respect for human dignity (Jufri Dewa et al., 2023).

Islam regards children as noble beings with basic rights that must be safeguarded and fulfilled, regardless of the background of their birth. Among these rights are the right to identity recognition, a good name, the right to a decent life, and protection from humiliation and inhumane treatment. In the perspective of *maqāṣid ash-sharī'ah*, the fulfilment of these rights is part of the objectives of sharia, particularly in protecting the soul (*ḥifẓ an-nafs*) and honour (*ḥifẓ al-'ird*). Recognition of a child's identity, such as name, lineage, and

official registration in state documents, is part of respecting his or her existence and dignity as a human being. Even children of unregistered marriages, in Islam, still have the right to legal recognition and fair treatment, because the mistakes or negligence of parents should not be passed on as a burden to children. In the *maqāṣid* framework, safeguarding the soul means ensuring that children can grow and live safely, healthily, and with dignity, while safeguarding honour means preventing children from social stigma, discrimination, or degrading treatment due to their family status. Therefore, measures such as the provision of birth certificates, Population Registration Numbers (NIK), and inclusion in Family Cards (KK), are not just administrative procedures, but a concrete form of implementing *maqāṣid* values in modern life.

Islam encourages society and the state to be fair and wise in their treatment of children, and to ensure that they grow up in an environment that protects their rights as whole human beings. In this way, recognising and guaranteeing children's civil rights is not only the responsibility of the state, but is also part of the implementation of the noble and compassionate teachings of Islam (Andraini et al., 2024).

The extent to which civil registration regulations reflect the principles of protecting rights

Population administration regulations in Indonesia have the main objective of guaranteeing the civil rights of every citizen, including the right to identity and legal protection. In this context, population administration plays an important role in providing legal birth certificates, Population Registration Numbers (NIK), and registration in Family Cards (KK) as official identities recognised by the state. This not only ensures legal recognition of

individuals' existence but also gives them access to various public services such as education, health, and social security. For children, especially those born from siri marriages, civil registration regulations aim to address legal gaps that may arise due to the unrecognised marriages of their parents. Permendagri No. 9/2016, for example, allows for the use of a Statement of Absolute Responsibility (SPTJM) to record the births of children in such situations, thus ensuring their right to an official identity. Another objective is to protect children's basic rights, such as the right to proper care, education, and protection from discrimination. By providing identity rights through civil registration, the state also ensures that children, whether born from legal or unregistered marriages, can receive equal social protection and civil rights. This is in line with the principles of *maqāṣid ash-sharī'ah*, which prioritise the protection of the soul (*ḥifẓ an-nafs*), offspring (*ḥifẓ an-nasl*), and honour (*ḥifẓ al-'ird*) (ABADIE et al., 1999).

To overcome the administrative obstacles faced by children from unregistered marriages, the government through Permendagri No. 9/2016 introduced a solution policy in the form of a Statement of Absolute Responsibility (SPTJM). SPTJM is an official statement made by biological parents to declare and recognise the status of their children legally, even without proof of marriage certificate. This policy is present as a form of state commitment in protecting children's civil rights, especially the right to legal identity such as birth certificates and Population Registration Numbers (NIK). In practice, there are two types of SPTJM used: first, SPTJM of the truth as a married couple, and second, SPTJM of the truth of the birth data. Through this mechanism, childbirth registration can still be done even if the parents do

not have official marriage documents, if they are willing to take legal responsibility for the statement. The presence of SPTJM not only serves as an administrative solution, but also reflects the values of justice, humanity, and non-discrimination. Children are no longer victimised by their parents' legal status and continue to enjoy their rights as citizens. This policy is also in line with the principles of *maqāṣid ash-sharī'ah*, especially in safeguarding offspring (*ḥifẓ an-nasl*) and honour (*ḥifẓ al-'ird*), as it ensures that every child gets legal recognition and protection of their dignity (Ayuniar & Ridwan, 2023).

Population administration regulations in Indonesia, especially through policies such as Permendagri No. 9/2016, have a strong alignment with the principles of *maqāṣid ash-sharī'ah*, which is the lofty goal of Islamic law. *Maqāṣid ash-sharī'ah* itself has five main objectives: protecting religion (*dīn*), soul (*nafs*), intellect (*'aql*), offspring (*nasl*), and property (*māl*). In the context of protecting children's rights, this regulation plays an important role in protecting offspring (*ḥifẓ an-nasl*) and honour (*ḥifẓ al-'ird*), two main objectives in *maqāṣid* that are directly related to identity recognition and protection of children's rights. Regulations that facilitate the registration of children's births, including using Statements of Absolute Responsibility (SPTJM) for children from siri marriages, reflect the state's efforts to safeguard children's right to life (*ḥifẓ an-nafs*) and ensure a decent life for them. This policy does not only pay attention to administrative aspects, but also moral and justice aspects in providing children with equal opportunities to obtain legal recognition, identity, and civil rights guaranteed by the state.

From a *maqāṣid* perspective, the protection of offspring is very important, as children are part of the generation that must be safeguarded for their honour and rights. The registration of children's births ensures that they are legally recognised, not only in the eyes of state law, but also in the context of humanity and Islamic law. Thus, this civil registration regulation is in line with the principles of justice and benefit, which are fundamental to the implementation of Islamic law. Furthermore, *maqāṣid ash-sharī'ah* teaches that every state action must be oriented towards fulfilling the benefits of the people, including safeguarding and protecting children who are vulnerable groups. Through civil registration, the state not only enforces administrative rights, but also carries out the mandate of sharia to maintain the dignity and protection of children's basic rights, which is in line with the values of justice and humanity in Islam (Kasdi & Kudus, 2014).

In Islam, every child, regardless of their family background or marital status, has equal rights and should not be discriminated against. The protection of children from discrimination is a highly upheld principle in Islamic law, which focuses on respecting the dignity and honour of children as part of basic human rights. Therefore, any policy or regulation concerning children's rights must ensure that no child is disadvantaged simply because of the legal status of their parents' marriage, including children born from *siri* marriages. Population administration regulations in Indonesia, particularly through the policy of Permendagri No. 9/2016, play a role in preventing discrimination against children by providing administrative convenience for children from unregistered marriages

to obtain birth certificates and Population Registration Numbers (NIK). Without this policy, such children may have difficulty obtaining legal recognition, which in turn hinders their access to basic services such as education, health and social security. Through the Statement of Absolute Responsibility (SPTJM), which allows parents who do not have legal marriage documents to register the birth of their children, the state ensures that these children can still obtain a valid legal identity. This is a tangible effort to protect children's rights and not to be treated differently just because of their parents' status. The state, with the help of an inclusive administrative system, facilitates the protection of children from unfair or humiliating treatment, by ensuring that every child has equal rights to identity and recognition. From an Islamic perspective, discrimination against children due to the legal status of their parents is unjustified. Every child has the right to grow up with dignity, to be protected, and to be recognised as a legitimate member of society. By ensuring children from *siri* marriages receive their civil rights, the state is implementing the principle of justice that is strongly emphasised in Islamic sharia. This is in line with the Shari'ah's goal of safeguarding the life (*ḥifẓ an-nafs*) and honour (*ḥifẓ al-'ird*) of children, as well as providing them with a fair opportunity to grow and develop. Thus, the protection of children from discrimination is an important step in realising a just and humane society, where every child, without exception, can enjoy their rights without any restrictions or differences in treatment based on the legal status of their parents' marriage (Fahlevi, 2015).

CONCLUSION

Population administration regulations in Indonesia, particularly through Permendagri No. 9/2016, have provided an important solution for children born from siri marriages, who were previously unregistered under state law. By introducing a Statement of Absolute Responsibility (SPTJM), this policy enables such children to obtain a birth certificate, a Population Registration Number (NIK), and be registered on a Family Card (KK). This ensures that children's civil rights are guaranteed, especially the right to identity and access to vital public services such as education and health. The existence of this regulation is in line with the principles of *maqāṣid ash-sharī'ah*, which aims to safeguard life (*ḥifẓ an-nafs*), offspring (*ḥifẓ an-nasl*), and honour (*ḥifẓ al-'ird*). The protection of children from siri marriages reflects the state's commitment to protecting their basic rights without discrimination. The state, through this administrative policy, plays an active role in ensuring that every child, regardless of their parents' legal status, has equal rights to identity, legal recognition, and social protection. However, while this policy paves the way for the fulfilment of children's civil rights, there are still challenges in its implementation on the ground, such as the lack of socialisation and social stigma that can affect community acceptance. Therefore, further efforts are needed from the government, Disdukcapil, NGOs and community leaders to increase understanding and support the process of registering children from siri marriages, to ensure the full fulfilment of their rights. Overall, the current civil registration regulations reflect fairness and non-discrimination and demonstrate alignment with Islamic values in protecting children's rights and ensuring equal rights in society. The state has a great responsibility in fulfilling the interests of children through the implementation of inclusive and fair policies, which not only provide legal clarity but also a better life for these children.

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