EXISTENCE OF REGISTERED/UNREGISTERED MARRIAGE CLAUSES IN FAMILY CARDS FROM A FAMILY LAW PERSPECTIVE

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Abstract
Family plays a central role in maintaining the stability and continuity of a nation, and marriage is the primary foundation for forming a legally recognized family. The Family Card records marital status and holds a crucial role in family administration and the legal rights of family members. However, practices in the field often do not align with the rules of recording marriages in the Family Card. This research aims to examine the influence of marriage clauses in the Family Card on the legal status of marriage from the perspective of family law, as well as its impacts in the social context. Using a normative legal research method, with a legislative approach and data from relevant legal documents, this study contributes to understanding and addressing family law issues in Indonesia while adapting to the diverse social and religious realities of the community. The research findings show that recording marriage in the Family Card has a significant impact from the perspective of family law in Indonesia. Recorded status in the Family Card provides legal certainty, better legal protection, and easier access to rights and benefits. Conversely, "Not Recorded" status can create legal uncertainty, obstacles in obtaining rights and benefits, and a higher risk of legal consequences in divorce and inheritance rights. The social impacts of the existence of marriage clauses recorded or not recorded in the Family Card are diverse. Recorded marriages create positive social recognition, family support, and easier access to social programs, while unrecorded marriages can result in social stigma, discrimination, and uncertainty regarding the rights of children born from such marriages.

1. INTRODUCTION

The family is an element of society that has a central role in maintaining the stability and continuity of a nation. It has an important role in maintaining harmony and justice in relationships between family members (Nikmatul, 2021). In this context, marriage is the main basis for forming a family that is valid in the

eyes of the law. Marriage is an institution that is strictly regulated by various laws and regulations in various countries (Duffield, 2020) including Indonesia. One aspect that is quite interesting to research in family law is the existence of marriage clauses that are registered or not recorded in the Family Card (*Kartu Keluarga or KK*). Family law is a branch of law that has a central role in regulating relationships between individuals in the family context. Indonesia, as a country with a society rich in cultural, religious and ethnic diversity, has a diverse and complex family law system (Puri & Arifin, 2019). One of the results of marriage registration is recording the marriage in the Family Card, an administrative document that is very important in population administration in Indonesia. This document plays a central role in the administration of family and social identity. In Article 1 number (13) of Law Number 23 of 2006 concerning Population Administration, a Family Card is defined as a population document that contains the legal population data of a person or group of people according to law. The family card includes important data such as name, date of birth, religion and marital status of family members. The KK also records whether a person's marriage has been registered or not. This creates a distinction between registered and unregistered marriages, which has significant legal implications.

This difference is of primary concern in this research because it has a significant impact on various aspects of life, including legal rights and obligations, inheritance, child custody, and many other aspects. Even though regulations for recording marital status in Family Cards already exist, practice in the field is often not in line with these legal provisions. Some marriages are not registered in the Family Card, which then raises questions regarding the existence and legal implications of the marriage clause having the status of being registered or not being recorded in the Family Card. Therefore, this research will dig deeper into how this marriage clause operates in daily practice and what its impact is from a family law perspective.

2. RESEARCH METHOD

This research aims to examine the influence of the registered/unregistered status of the marriage clause in the Family Card on the legal status of marriage from a family law perspective. Marriage clauses are information regarding marital status included in the Family Card, such as date of marriage, name of partner, and marriage certificate number. This research will also examine the social impact of marriage clauses with registered/unregistered status in the Family Card within the framework of family law. To support this analysis, the research will refer to a number of relevant laws and regulations.

In this context, this research will outline several relevant research questions. *First*, what is the influence of the registered/unregistered status of the marriage clause in the Family Card on the legal status of the marriage from a family law perspective? *Second*, What is the social impact of the marriage clause with

registered/unregistered status in the Family Card within the framework of family law? It is hoped that this research can make a significant contribution to the development of family law in Indonesia. By understanding the existence of marriage clauses in Family Cards, we can identify legal issues that need to be fixed and create better solutions to problems that arise. In addition, this research can also provide a clearer view of how family law in Indonesia can better adapt to the various social and religious realities that exist in society. In this research, researchers used normative legal research methods to examine the existence of registered or unregistered marriage clauses in family cards from a family law perspective. Normative legal research methods are used to analyze relevant legal texts, such as laws and regulations relating to marriage and family cards. The approach used in this research is a statutory approach. This approach aims to understand and analyze legal norms related to marriage and family cards that exist in statutory regulations. With this approach, researchers can examine whether there are legal provisions governing registered or unregistered marriage clauses in family cards. The data sources used in this research are legal documents related to marriage and family cards, such as laws, regional regulations, court decisions, and related legal literature. These legal documents will be a reference for reviewing existing regulations and legal interpretations relating to the existence of registered or unregistered marriage clauses in family cards. For data collection, researchers will review relevant legal documents and select those that best suit the research objectives. Data obtained from these legal documents will be analyzed using relevant data analysis techniques. The data analysis techniques used include content analysis or text analysis.

3. RESULTS AND DISCUSSION

The Effect of Registered or Unregistered Status Clauses on Marriage from a Family Law Perspective

Registered/Unregistered Status: recording marriage clauses in a Family Card can have a significant influence on the legal status of a marriage from a family law perspective in Indonesia. This is related to the laws and regulations that regulate marriage registration, marital status, and the legal impact of that status. Marriage registration has an important role in Indonesian family law. This is regulated in Article 1 paragraph (1) of Law Number 1 of 1974 concerning Marriage (UUP), which explains that marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family based on Belief in the one and only God. This underlines that marriage is not just a social bond, but also has a deep spiritual dimension. To carry out a legal marriage in Indonesia, a couple must fulfill certain requirements regulated in the UUP. These requirements include reaching the specified minimum age, not being in a previous valid marriage, and meeting other requirements determined by law. This aims to ensure that marriage takes place on

a strong legal basis and in accordance with the values held by Indonesian society (Usman, 2017). Another important process that must be carried out after marriage is marriage registration. Article 34 of the UUP explains that a marriage will be considered valid if it is carried out in accordance with the religious laws, beliefs or beliefs of each partner, but must also be registered in the marriage registration register maintained by the local Religious Affairs Office. This means that, apart from the spiritual and cultural aspects, there are also legal aspects that must be fulfilled to give a clear legal status to the marriage.

Registration of marriage at the local Religious Affairs Office is a crucial step because this will provide valid legal evidence of the marriage (Diala, 2021). It also allows governments and other institutions to recognize and regulate the rights and responsibilities of married couples. Marriage registration in the Family Card has an important influence in the administrative and legal context in Indonesia. A Family Card is an administrative document that contains information about family members, and it is included in the category of official documents that have legal force in various matters (Alif Utama et al., 2023). Therefore, when a marriage is recorded in the Family Card, this indicates that the husband and wife are officially recognized as a family in the eyes of the law. Regulations regarding Family Cards can be found in Government Regulation Number 24 of 1997 concerning Population Registration and Civil Registration. In article 19 paragraph (1) of the regulation, it is explained that the head of the family has an obligation to report events that occur to his family members to the Civil Registry Registrar. One of the events that must be reported is marriage. The consequence of registering a marriage in a Family Card is an increase in the legitimacy of the family's status in the eyes of the law. This means that husband and wife couples who have officially registered their marriage have a strong legal basis in various administrative matters, such as licensing, inheritance, and other rights related to marital status. Apart from that, marriage registration also helps clarify the relationships between family members in the Family Card, thereby facilitating the identification process and overall family administration (Latupono, 2018).

Marriage registration in a Family Card has several important legal impacts, including:

a) Legal Certainty

Marriage registration in the Family Card has an important role in providing legal certainty regarding marital status in Indonesia. The existence of a Family Card as official proof of marital status has a significant impact on various transactions and legal matters. This can be used to ensure inheritance rights. When one of the husband or wife dies, the Family Card can be used as proof that the couple is legitimate and has the right to inheritance in accordance with the provisions of inheritance law in Indonesia (Aljarofi, 2019). Apart from that, the Family Card also plays a role in insurance rights. If

one of the couples recorded on the Family Card has an insurance policy, then this marriage registration can be the basis for a valid insurance claim. In the event of an accident or death, the insurance company can refer to the Family Card as proof that the couple is legitimate and has the right to an insurance claim. Apart from inheritance rights and insurance rights, the Family Card can also be used for various other rights arising from marriage, such as joint ownership of property or child custody rights.

b) Legal Protection

Legal protection is an important aspect of married life. One important step in ensuring legal protection for husband and wife couples is to register their marriage in a Family Card. This action is not just a mere formality, but also has significant implications in a legal context. When a marriage is registered in the Family Card, the husband and wife are officially recognized as legal partners in the eyes of the law. This means that any problems or disputes that arise in the marital relationship can be resolved on a strong legal basis. The couple has official documents proving their marital status, so they can fight for their rights with more confidence. Apart from that, the Family Card is also evidence that is recognized by courts and other legal institutions. In situations where there is a dispute between a husband and wife which results in legal proceedings, the Family Card will be the main evidence to show that the marriage is valid (Wali, 2023). This provides a strong basis for resolving marital disputes through legal channels, such as courts or dispute resolution institutions. Thus, the legal protection provided by marriage registration in a Family Card is very important for husband and wife couples. This provides them with legal certainty and access to a fair legal process if they face problems in their marriage.

c) Access to Rights and Benefits

Marriage registration in the Family Card has important significance in providing husband and wife access to various rights and benefits provided by the state or other institutions. One of the main benefits of marriage registration is that it gives husband and wife access to joint health facilities. In this way, they can get the necessary medical care and health facilities together, thereby improving the quality of life and family welfare. Apart from that, marriage registration also has an impact on the residence rights of foreign couples who marry Indonesian citizens. In this case, marriage registration allows the couple to obtain the same residence permit. This is important in supporting survival together and facilitating social integration for the couple.(Mahera et al., 2022) Not only that, marriage registration also opens the door for husband and wife couples to access various other social and economic rights. For example, they can apply for social assistance programs or economic rights such as inheritance and joint insurance.

Then, Registered/Not Registered Status in the Family Card refers to

whether information regarding the husband and wife's marriage has been officially included in the Family Card or not. The influence of Registered/Unregistered status can greatly influence the legal status of marriage from a family law perspective. In this context, the influence of these two statuses will be discussed.

a) Status Registered on Family Card

Registered Status in the Family Card indicates that the husband and wife's marriage has been officially registered in the Family Card by the local Religious Affairs Office. This means that the couple has carried out marriage registration procedures in accordance with applicable laws and regulations. This status provides strong legal certainty regarding the validity of the marriage in the eyes of Indonesian law.

Positive influences that can be seen from the status of being registered in the Family Card include:

1) Certainty of Legal Status

Certainty of legal status is very important in the context of marriage. One important factor that provides legal certainty is Registered Status (Wiyono & Darusman, 2019). In the context of marriage law, Registered Status is real and concrete evidence that shows that a marriage is legally valid. This has very important implications, especially when a dispute or divorce occurs. The Family Card, which is an official document, has a central role in recording a person's marital status. This document not only records personal information, but also records essential information about the marriage, such as the wedding date and the names of the spouses. This family card is concrete evidence that strengthens that the marriage has been legally solemnized in accordance with applicable regulations. In times of dispute or divorce, this Family Card becomes a strong legal basis for determining marital status and avoiding legal uncertainty that may arise.

2) Better Legal Protection

Better legal protection is given to husband and wife couples whose marital status is recorded in the Family Card. This Family Card becomes a solid basis in terms of law and conflict resolution in their marriage. When there are disputes or problems in marriage, the Family Card functions as legal evidence that confirms their marital status in the eyes of the law. The existence of this Family Card has great benefits because it can significantly facilitate the legal process and resolve conflicts that may arise in the relationship between husband and wife (Amalia et al., 2022). This has great benefits because it can facilitate legal processes and conflict resolution.

3) Access to Rights and Benefits

Status registered in the Family Card has a significant positive

impact on husband and wife's access to the rights and benefits provided by the government or other institutions (Nugroho, 2022). The Family Card is official proof that confirms their marital status. This is especially important in the context of mixed marriages, where a foreign citizen marries an Indonesian citizen. With a registered Family Card, the couple can easily prove their marital relationship, thereby simplifying the administrative process related to the foreign couple's residence permit in Indonesia. Regulations regarding marriage registration in Family Cards can be found in Article 5 of Government Regulation Number 24 of 1997 concerning Population Registration and Civil Registration.

b) Status Not Recorded in Family Card

Status Not Registered in the Family Card indicates that the husband and wife's marriage has not been officially registered in the Family Card by the local Religious Affairs Office. This can be caused by various factors, such as non-compliance with recording procedures, lack of understanding of the importance of recording, or other administrative reasons. However, from a family law perspective, this status can cause several problems.

The effects of Unregistered status on the Family Card, include:

1) Legal Uncertainty

Legal uncertainty is a serious problem that can arise when a marriage is not registered in the Family Card. This creates an ambiguity about the validity of marriage in the eyes of Indonesian law. Husband and wife couples who choose not to officially register their marriage are not aware of the legal consequences that arise. One problem that can arise is when there is a dispute or legal problem. Without official registration, the couple has no legal evidence that can be used to prove their marital status. This could become a serious problem if one day they have to face legal problems such as child custody, division of assets, or divorce. This legal uncertainty can complicate the judicial process and result in injustice for one of the parties (Umar, 2019).

2) Obstacles in Obtaining Rights and Benefits

Husband and wife couples who have status Not Registered on the Family Card face various obstacles in obtaining the rights and benefits they should receive from the government or other institutions (Riska, 2021). One of the main obstacles is the difficulty in obtaining residence permits for foreign couples who marry Indonesian citizens. This licensing process is often complicated and time consuming, even if they are legally husband and wife. Incomplete or invalid documents such as Family Cards that do not record their marital status can be a major obstacle in obtaining the residence permit needed to live together in Indonesia. Apart from that, husband and wife couples who are not registered on the Family Card also

experience difficulties in accessing joint health facilities. Many health programs or medical facilities require husband and wife couples to be able to prove their marital status through official documents such as Family Cards. Without this document, they are charged higher costs or even denied access to the health services they would be entitled to as legal partners.

3) Risk of Legal Consequences

Unregistered Status can increase the risk of serious legal consequences, especially in the context of divorce or other disputes between husband and wife. When a marriage is not officially registered, the couple will face a number of legal challenges that they need to resolve. One of the main problems that arises is uncertainty regarding the validity of their marriage in the eyes of the law (Ginting & Sudantra, 2014). In a divorce situation, one of the parties can contest the marriage on the grounds that their marriage is invalid because it was not officially registered. This can be a big problem because it requires convincing evidence to prove the validity of the marriage in court. This process is often complicated and time consuming. Husband and wife must collect various documents and witnesses to prove that they have lived as husband and wife, even though their marriage is not registered. Apart from that, if it is not registered, couples also face difficulties in obtaining legal rights such as child custody, division of joint assets, and other benefits that are usually given to legally married couples.

It can be concluded that marriage registration in the Family Card has a significant influence in the perspective of family law in Indonesia. Registered Status in a Family Card provides legal certainty, better legal protection, and easier access to rights and benefits. On the other hand, Unregistered status can create legal uncertainty, obstacles in obtaining rights and benefits, as well as a greater risk of legal consequences in divorce and inheritance rights. Therefore, it is important for husband and wife couples to understand the importance of registering marriages in the Family Card and following the registration procedures correctly in accordance with applicable laws and regulations. In this way, they can ensure that their marital status is legally recognized in the eyes of the law and can take advantage of the rights and protections available in the context of Indonesian family law.

The Social Impact of the Existence of a Registered/Unrecorded Marriage Clause in the Family Card

Apart from having an impact from a family law perspective, the impact from a social perspective of marriage clauses with registered or unregistered status in the Family Card within the framework of family law is an issue that has significant consequences in society and the applicable legal regulations.

Legal Impact of Marriages Registered in Family Cards:

Marriages registered in the Family Card have a significant social impact. This impact includes the following aspects:

a) Social Recognition

Social recognition has an important role in human life, especially in the context of marriage. One concrete example of this social recognition is when marriage is recorded in the Family Card. When a marriage is legally valid and registered, this often has a positive impact on society. Married couples who are legally legal tend to receive greater support and recognition from their families (Suartina, 2014). Families usually feel more confident and comfortable with a legal marriage, and this can create stronger bonds between couples and their families. Apart from family, friends also tend to provide greater support to married couples whose marriages are legally registered (Subchi et al., 2021). Legal marriage creates trust in the relationship, and this often makes friends feel more confident in supporting and acknowledging the relationship. The wider community also has a more positive view of married couples who are legally married. This can be reflected in a variety of ways, from everyday interactions to more formal forms of social recognition.

b) Social Stigma

Social stigma is a serious problem that is often faced by couples who are not registered on the Family Card. On the other hand, this couple is often faced with society's views that doubt the legality of their relationship. They can be considered legally illegitimate partners, although the reasons for not registering them in the Family Card can vary, such as administrative or cultural issues. The social consequences of this stigma can be very detrimental to the couple (Disantara, 2021). One of the impacts is ostracism, where they are considered as people who are not worthy of being taken into account in their community. Such isolation can isolate partners from much-needed social support in everyday life. Apart from that, social stigma can also lead to discrimination. Couples who are not registered on the Family Card face difficulties in accessing basic services and rights, such as education, housing or health services. This discrimination can have a significant negative impact on their quality of life. Society often labels them as individuals who violate social norms, even if the reason for their non-registration is not their own choice (Vatter, 2020).

c) Children's Rights

Children's rights are an important aspect in the legal system that regulates individual rights in society, and one group that needs special protection is children born from marriages registered in the Family Card. This protection is important because these children have clearer rights and are socially protected (Muhaimin, 2021). In this context, it is important to recognize them as legally valid children. This recognition gives them a clear

legal identity and lays a solid foundation for their other rights (Dewi et al., 2022). Apart from legal recognition, children born from marriages registered in the Family Card also have the right to clear identity. This includes the right to know and be recognized as the child of both parents. This identity is important in children's social and psychological development, and gives them a sense of certainty and security about their origins. Identity also helps them in building healthy relationships with their parents. Apart from identity, these children also have the right to support from both their parents. This right includes financial, emotional and social support.

d) Participation in Social Programs

Participation in social programs is an important indicator in determining the welfare of a family. In this case, married couples registered on the Family Card have more opportunities to participate in various social programs aimed at families. The Family Card is an official document that records legally valid family members, and its existence makes it easier for the government to identify families who need assistance (Tyas & Herawat, 2017). One of the main benefits of the Family Card is that it facilitates the process of identifying and verifying beneficiary families in social programs. By having data officially recorded in the Family Card, married couples can more easily access social assistance provided by the government. These programs include financial assistance, food, health, education, and more that are critical to improving family well-being. Apart from that, the Family Card also allows the government to design more effective and targeted welfare programs. The data contained in the Family Card can be used to identify families who are in a vulnerable condition or require special attention.

Then, marriages that are not registered in the Family Card also have social impacts that need to be considered:

a) Lack of Social Recognition

Lack of social recognition is one of the problems often faced by couples who are not registered on the Family Card. Spouses who do not have official status in government documents may be considered legally illegitimate spouses. The first impact of this lack of social recognition is social stigma which can affect their relationship with their family. Families feel uncomfortable or even reject these couples because of their lack of official status. Additionally, a lack of social recognition can also affect a couple's relationships with their friends. Friends don't understand or feel hesitant to accept this couple into their social circle because of their unclear status. This can make partners feel isolated or make it difficult to build strong social connections outside of their relationship. Furthermore, a lack of social recognition can also influence how these couples are treated by society at large (Dillah, 2023).

b) Stigma and Discrimination

Stigma and discrimination are two serious problems that are often faced by couples who are not registered on the Family Card, especially in conservative societies. This condition creates additional stress for the couple and can have a negative impact on their emotional and psychological well-being. Social stigma is a problem that often haunts couples who do not have official status on the Family Card. In conservative societies, traditional social norms often require formal marriage as a prerequisite for being recognized as a legal partner (Čehulić, 2021). When these couples do not meet these standards, they are often seen as violators of these social norms, which can cause them to receive negative stigma from family, friends, or even the surrounding environment. Apart from that, discrimination is also a serious threat for couples who are not registered on the Family Card. They may face discrimination in various aspects of life, such as in obtaining public services, housing, or employment. This discrimination not only creates practical obstacles in the couple's daily life but also damages their self-esteem and increases the risk of mental health problems.

c) Children's Rights

The lack of clarity regarding the rights of children born from marriages that are not registered in the Family Card is a serious problem that can have a social and psychological impact on them. This condition often occurs when their parents are not legally married or are hampered by various legal problems. As a result, these children often do not have clear access to their rights. When their parents separate, these children face difficulties in determining the custody or support they deserve. Without official documents identifying them as children of a particular marriage, this process can become complicated and conflict between parents can increase, which in turn can have a negative impact on the well-being of the children. In addition, the psychological aspects of these children can also be affected (Sukiati & Bancin, 2020). They will feel marginalized or not legally recognized, which can lead to feelings of low self-esteem and a problematic identity. Uncertainty about their rights can also create a sense of insecurity that impacts their psychological and emotional development.

It can be concluded that the social impact of the existence of marriage clauses that are recorded or not recorded in the Family Card is very diverse. Registered marriages create positive social recognition, family support, and easier access to social programs, while unregistered marriages can result in social stigma, discrimination, and unclear rights of children born from such marriages. Social recognition strengthens bonds in society, while social stigma can isolate unregistered couples and hinder their access to basic services and rights. Children's rights are also very important in this regard, with registered marriages providing clear protection, while unregistered marriages create uncertainty that can damage their development. Additionally, participation in social programs

also influences family well-being, with the Family Card helping to identify families in need of assistance.

4. CONCLUSION

Marriage registration in the Family Card has a significant influence in the perspective of family law in Indonesia. Registered Status in a Family Card provides legal certainty, better legal protection, and easier access to rights and benefits. On the other hand, Unregistered status can create legal uncertainty, obstacles in obtaining rights and benefits, as well as a greater risk of legal consequences in divorce and inheritance rights. Therefore, it is important for husband and wife couples to understand the importance of registering marriages in the Family Card and following the registration procedures correctly in accordance with applicable laws and regulations. The social impacts of the existence of marriage clauses that are registered or not recorded in the Family Card are very diverse. Registered marriages create positive social recognition, family support, and easier access to social programs, while unregistered marriages can result in social stigma, discrimination, and unclear rights of children born from these marriages. Social recognition strengthens bonds in society, while social stigma can isolate unregistered couples and hinder their access to basic services and rights. Children's rights are also very important in this regard, with registered marriages providing clear protection, while unregistered marriages create uncertainty that can damage their development. Additionally, participation in social programs also influences family well-being, with the Family Card helping to identify families in need of assistance.

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