

Asas personalitas keislaman bagi anak luar kawin non muslim atas pembatalan perkawinan orang tua muslim berdasarkan UU nomor 1 tahun 1974 tentang perkawinan dan hukum Islam : analisis putusan Pengadilan Agama Tasikmalaya nomor 1699/Pdt.G/2009/PA.Tsm = Islamic personality principle for outside mating non muslim against muslim parents marriage is based on act no 1 year 1974 about marriage and islamic law case study Tasikmalaya Religious Court no 1699/Pdt .G/2009/PA.Tsm / Dani Mulya Tasdik

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Abstrak

ABSTRAK

Skripsi ini berisi tentang Asas Personalitas Keislaman bagi anak luar kawin non muslim terhadap perkawinan orang tua muslim berdasarkan analisis putusan Pengadilan Agama Tasikmalaya Nomor: 1699/ Pdt.G/ 2009/ PA.Tsm. Pokok permasalahan membahas asas personalitas keislaman terhadap kedudukan anak luar kawin non muslim atas pembatalan perkawinan orang tua muslim. Penelitian ini adalah penelitian yuridis-normatif dimana sumber data diperoleh dari data sekunder dan data primer. Hasil penelitian menunjukkan bahwa putusan pembatalan perkawinan oleh Pengadilan Agama Tasikmalaya yaitu asas personalitas keislaman berlaku bagi anak luar kawin non muslim yang disahkan, namun terdapat syarat-syarat tertentu yang harus dipenuhi, terlebih apabila anak luar kawin yang disahkan berbeda agama dengan orang tuanya, ia harus secara sukarela menundukkan diri kepada kekuasaan lingkungan peradilan agama sesuai dengan ketentuan Undang-Undang Nomor 7 Tahun 1989 tentang Peradilan Agama.

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ABSTRACT

The thesis about Islamic personality principle for outside mating non muslim against muslim parents marriage is based on the analysis of the court ruling religion Tasikmalaya No: 1699/ Pdt.G/ 2009/ PA.Tsm.Principal issues addressed the basic personality of the Islamic position against children outside mating non muslims over the annulment of the marriage of muslim parents. This research is the judicial-normative research where the source data used the primary data and secondary data. The results showed that the annulment of the marriage of court of Tasikmalaya, religion is the basis of the Islamic personality applies to children beyond mating non muslim passed. But, it should be with the conditions are met, especially the child outside the mating of different religions have with parents. He should voluntarily subjecting themselves to the authority of the religious courts in according with the provisions of the law number 7 in 1989 about the religious courts.