

Akibat hukum terhadap istri dan anak dalam kawin kontrak menurut Hukum Perkawinan Perdata di Indonesia : studi kasus kawin kontrak di Kampung Warung Kaleng, Desa Tugu Selatan, Kec. Cisarua, Kab. Bogor = Legal consequences to wife and child in temporary marriage according to Civil Marriage Law in Indonesia : case study of temporary marriage in Kampung Warung Kaleng, Desa Tugu Selatan, Kec. Cisarua, Kab. Bogor

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Abstrak

[<b> ABSTRAK</b><br> Perkawinan adalah sah menurut Undang-Undang Nomor 1 Tahun 1974 apabila dilakukan sesuai dengan agama dan kepercayaannya masing-masing serta dicatatkan di kantor pencatatan perkawinan. Dalam perkembangan masyarakat sekarang ini munculah istilah kawin kontrak, dimana perkawinan dilaksanakan dalam jangka waktu tertentu, dan adanya imbalan materi bagi salah satu pihak, serta ketentuan-ketentuan lain yang diatur dalam suatu kontrak atau kesepakatan tertentu. Hal tersebut menjadi permasalahan yang diangkat dalam penelitian ini. Utamanya metode yang digunakan dalam penelitian ini adalah yuridis normatif, dengan menggunakan metode analisis kualitatif, sehingga akan menghasilkan suatu data deskriptif, yaitu data yang melukiskan keadaan obyek atau peristiwa yang diteliti. Penelitian ini juga dilengkapi dengan studi kasus kawin kontrak yang terjadi di Kampung Warung Kaleng, Desa Tugu Selatan, Cisarua, Bogor melalui beberapa wawancara. Kawin kontrak berakibat pada tidak diakuinya istri dalam kawin kontrak sebagai istri yang sah, serta anak yang dilahirkan akibat perkawinan kontrak digolongkan sebagai anak luar kawin. Diperlukan upaya hukum untuk mencegah kawin kontrak, seperti upaya pemerintah memasukkan Rancangan UndangUndang (RUU) Hukum Materiil Peradilan Agama tentang Perkawinan ke dalam program legislasi nasional 2010-2014 yang melarang praktek kawin kontrak, atau diperlukan upaya hukum lainnya seperti membuat para pihak dalam perjanjian kawin kontrak tersebut mempunyai kedudukan yang seimbang.<hr>

<b>ABSTRACT</b><b>

Marriage is legally recognize according to Indonesia?s 1974 Marriage Law if it is performed according to the religion of the two parties and were listed in the marriages registry office. In society development of today's came the term of temporary marriage, where the marriage performed in a certain period, and any material rewards for one of the parties, and other provisions that was arranged in particular contract or agreement.. This becomes the issue raised in this study. In this study, the method used is empirical juridical, using methods of qualitative analysis, so it will generate some descriptive data, data that describes the state of

the object or event under study. This study also equipped with case study of Temporary Marriage in Kampung Warung Kaleng, Desa Tugu Selatan, Cisarua, Bogor by doing some interviews. Temporary Marriage resulting in derecognition of wife in that marriage as a legitimate wife and the children born in temporary marriage are classified as child born out of wedlock. Legal action is required to prevent the temporary marriage. Such as government efforts to enter the draft Law about Materil Law in Religious Court about Marriage into National Legislation Program (Prolegnas) 2010-2014 that prohibiting the practice of temporary marriage. Also needed the other legal action to make the parties in that temporary marriage have the balance position; Marriage is legally recognize according to Indonesia's 1974 Marriage Law if it is

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