

ABSTRACT

Muhammad Laili Sanusi, 2018. “*Local Wisdom of the Banjar Society Regarding Determination of Guardians for Daughter of Pregnant Married Couples*”, Student Thesis of Postgraduate Family Law Study Program UIN Antasari Banjarmasin. Advisor I: Prof. Dr. Ahmadi Hasan, M. Hum. and Advisor II: Dr. H. Sukris Sarmadi, SH., M.H.

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The marriage of a pregnant couple that occurs is an attempt to cover up the consequences of an illicit relationship between a man and a woman that has occurred. However, this raises several problems regarding the child born from the marriage in the future, one of which is who will be his guardian when he is born if the child is a girl.

The focus of the research in this paper is to find out how the local wisdom of the Banjar community is about knowing the marriage guardian of the daughter of a pregnant married couple and how the local wisdom synergizes with Islamic law. The aim is to find out the local wisdom of the Banjar community about synergizing the marriage guardian of the daughter of the pregnant married couple with Islamic law.

This type of research is field research using empirical juridical and phenomenological approaches to explore information about local wisdom using the methods: observation, interviews, documentation and triangulation which are finally analyzed in depth.

This study found that the tendency of the Banjarese society that has been passed down for generations to use local ulema as a reference in determining guardianship for girls born as a result of adultery. The Ulama are more dominant in their opinions by the Banjar community than the existing regulations. Determining the guardianship of the child can be done by calculating the distance between birth and marriage, if born more than 6 months then his lineage is to his mother's husband, but if it is less than 6 months then he is not allowed to be related to his husband but only to his mother and if later he will marry then his guardianship handed over to the judge.