

Hak mewaris anak luar kawin pasca dikeluarkannya putusan mahkamah konstitusi no. 46/ PUU-VIII/2010 : studi analisis penetapan no. 0156/PDT.P/2013/PA-JS = inheritance rights of the illegitimate children due to constitutional court decision number. 46/PUU-VIII/2010 : analitical research of establishment number. 0156/PDT.P/2013/PA-JS

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Abstrak

Perubahan kedudukan dan hak anak luar kawin pasca dikeluarkannya Putusan Mahkamah Konstitusi No 46/PUU-VIII/2010 memberi banyak perubahan dalam tata hukum keluarga di Indonesia. Permasalahan yang akan dikaji dalam penelitian ini adalah mengenai kedudukan dan hak mewaris anak luar kawin sebelum dan sesudah dikeluarkannya putusan Mahkamah Konstitusi No. 46/PUUVIII/ 2010 serta melihat bagaimana penerapan putusan Mahkamah Konstitusi No. 46/PUU-VIII/2010 dalam kasus serupa yaitu penetapan No. 0156/Pdt.P/2- 13/PA.JS. Penelitian ini termasuk kedalam penelitian yuridis normatif dengan menggunakan metode case and statute approach. Hasil dari penelitian ini diketahui bahwa setelah adanya putusan Mahkamah Konstitusi No. 46/PUUVII/2010 anak luar kawin dapat memiliki hak-hak keperdataan kepada ayah biologisnya. Dengan demikian, dikeluarkannya putusan Mahkamah Konstitusi No. 46/PUU-VII/2010 memberikan perlindungan hukum kepada anak-anak yang dilahirkan di luar perkawinan yang sah.

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The modification of the status and inheritance rights of illegitimate children's due to Constitutional Court No. 46/PUU-VIII/2010 give many transformation in Indonesian family law. The problems taken in this thesis are about the status and the inheritance rights of illegitimate children's before and after the Constitutional Court Decision No. 46/PUU-VIII/2010 issued and also how that Constitutional Court Decision applied in the establishment No. 0156/Pdt.P/2013/PA.JS. This is a juridical normative research by using case and statute approach. The result of this research are, by the issued of the Constitutional Court Decision No. 46/PUUVIII/ 2010 the illegitimate children can have an inheritance rights to their biological father as long as they can prove that there is a blood relation between them. So, it can be said that the Constitutional Court Decision No. 46/PUUVIII/2010 give a legal protection to the illegitimate children to have their rights.