

Akta kelahiran yang masih memerlukan penetapan dari pengadilan negeri berdasarkan Penetapan Pengadilan Negeri Nomor 07/Pdt.P/2003 = birth certificate title still required determination based determination District Court No 07/Pdt.P/2003

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Abstrak

[ABSTRAK

A dan B membina suatu hubungan bersama yang tidak terikat dalam suatu perkawinan yang sah. Hasil hubungan tersebut melahirkan anak luar kawin bernama X. X lahir berdasarkan Akta Kelahiran Nomor 924/U/PROP/2000 dengan tertulis bahwa A dan B adalah orang tua darinya. X di dalam Akta Kelahiran tersebut seharusnya tertulis nama ibunya saja yaitu B. Selain itu juga ada Penetapan 07/Pdt.P/2003/PN.KTG yang menetapkan bahwa X adalah anak kandung dari A dan B. Bagaimana pengaturan anak luar kawin dan akta kelahiran menurut peraturan perundang-undangan yang berlaku di Indonesia? mengapa terdapat akta kelahiran yang masih memerlukan penetapan dari Pengadilan Negeri? Penulis mempergunakan metode penelitian hukum normatif didukung dengan wawancara. Data Penelitian yang diperoleh Penulis bahwa A dan B tidak pernah terikat dalam perkawinan yang sah. X adalah benar anak luar kawin Akta kelahiran X dikatakan tidak terdaftar di Kantor Catatan Sipil DKI Jakarta. Penulis berpendapat seharusnya Akta Kelahiran X hanya tertulis nama ibunya saja berdasarkan Pasal 43 ayat (1) KUHPer. Masalah pembuktian kebenaran akta tersebut harus melalui suatu proses pembuktian di Pengadilan dan siapa yang mendalilkan dialah yang harus membuktikan ketidakbenaran akan isi akta tersebut. Bentuk perlindungan hukum yang bisa diberikan kepada X sebagai anak luar kawin adalah pengakuan anak. Kantor Catatan Sipil dan Pengadilan Negeri haruslah lebih teliti dalam melaksanakan ketentuan pengakuan anak luar kawin sesuai dengan yang telah diatur di dalam peraturan perundang-undangan.

ABSTRACT

A and B building a relationship that not bound together in legal marriage. The result of these relationships childbearing outside marriage named X. X was born by a Birth Certificate number 924/U/PROP/2000 in writing that A and B are the parent of X. X in the birth certificate should be written B name. There was also 07/Pdt.P/2003/PN.KTG stipulate that X is the biological child of A and B. How to setup the child outside marriage and birth certificates according to the legislation in force in Indonesia? Why the certificate of birth still Required Determination from district court? The writer use this issue using the method normatif of law analism and its support by interview. The data tell that A and B

never been married in legal marriage and X is correct the children outside marriage. The certificate of birth of X not registered in civil registry office of DKI Jakarta. The writer assume that the parent of X in the certificate of birth is B base on Chapter 43 paragraph (1) KUHPer. The problem validating certificates must be proceed by court and the person who substantiate must be prove uncorrectly on the content of the certification. Form of legal protection that can be given to X as a child outside marriage is recognized endorsment. Civil registry Office and the District Court should be more careful in carrying out the provision of recognition in accordance with the child outside of marriage that has been set in the legislation.;

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