

Hak Waris Anak Luar Kawin: Studi Kasus Putusan Nomor 169/Pdt/2021/Pt Dki, Putusan Nomor 668/Pk/Pdt/2016, dan Putusan Nomor 510/Pdt/2018/Pt.Smg = Inheritance Rights Of Children Outside Marriage: Case Study Of Decision Number 169/Pdt/2021/Pt Dki, Decision Number 668/Pk/Pdt/2016, and Decision Number 510/Pdt/2018/Pt.Smg

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Abstrak

Skripsi ini bertujuan untuk menganalisis hak waris anak luar kawin dalam konteks hukum di Indonesia dengan studi kasus Putusan Nomor 169/PDT/2021/PT DKI, Putusan Nomor 668/PK/PDT/2016, dan Putusan Nomor 510/PDT/2018/PT.SMG. Penelitian ini menggunakan metode doktrinal untuk mengkaji peraturan perundang-undangan yang berlaku serta penerapan hukum dalam putusan-putusan pengadilan terkait hak waris anak luar kawin. Penelitian ini menemukan bahwa terdapat perbedaan signifikan dalam pengaturan dan penerapan hak waris anak luar kawin di Indonesia. Anak luar kawin yang diakui oleh ayahnya memiliki hak untuk menerima warisan dari ayahnya. Namun, bagian warisan yang diterima oleh anak luar kawin lebih kecil dibandingkan anak sah jika ada ahli waris lainnya. Hukum Indonesia juga menyatakan bahwa anak luar kawin hanya memiliki hubungan perdata dengan ibu dan keluarga ibu, kecuali jika hubungan darah dengan ayahnya dapat dibuktikan melalui tes DNA. Dalam Putusan Nomor 169/PDT/2021/PT DKI, pengadilan memutuskan bahwa anak luar kawin berhak atas warisan meskipun dengan bagian yang lebih kecil. Putusan Nomor 668/PK/PDT/2016 menekankan pentingnya pengakuan dari ayah biologis untuk memberikan hak waris kepada anak luar kawin. Sementara itu, Putusan Nomor 510/PDT/2018/PT.SMG menunjukkan kompleksitas dalam penerapan hak waris anak luar kawin, terutama dalam hal pembuktian hubungan darah. Hasil penelitian ini mengindikasikan bahwa meskipun ada upaya untuk memberikan hak yang lebih adil kepada anak luar kawin, masih terdapat batasan dan tantangan dalam implementasi hak-hak tersebut. Oleh karena itu, penelitian ini diharapkan dapat memberikan rekomendasi bagi pembuat kebijakan di Indonesia untuk mempertimbangkan revisi peraturan perundang-undangan terkait hak waris anak luar kawin agar lebih sesuai dengan prinsip keadilan dan kesetaraan.

.....This thesis aims to analyze the inheritance rights of children born out of wedlock within the context of Indonesian law by examining the case studies of Decision Number 169/PDT/2021/PT DKI, Decision Number 668/PK/PDT/2016, and Decision Number 510/PDT/2018/PT.SMG. This study employs a doctrinal method to examine the applicable laws and the application of law in court decisions related to the inheritance rights of children born out of wedlock. The research found significant differences in the regulation and application of inheritance rights for children born out of wedlock in Indonesia.

Acknowledged children born out of wedlock have the right to inherit from their father. However, the portion of the inheritance they receive is smaller compared to legitimate children if there are other heirs. Indonesian law also stipulates that children born out of wedlock only have civil relations with their mother and the mother's family unless their blood relationship with the father can be proven through DNA testing. In Decision Number 169/PDT/2021/PT DKI, the court ruled that children born out of wedlock are entitled to inheritance, although with a smaller portion. Decision Number 668/PK/PDT/2016 emphasizes the

importance of recognition from the biological father to grant inheritance rights to children born out of wedlock. Meanwhile, Decision Number 510/PDT/2018/PT.SMG highlights the complexity of applying inheritance rights for children born out of wedlock, particularly in terms of proving the blood relationship. The findings of this study indicate that although there are efforts to provide fairer rights to children born out of wedlock, there are still limitations and challenges in implementing these rights. Therefore, this study is expected to provide recommendations for policymakers in Indonesia to consider revising the legislation related to the inheritance rights of children born out of wedlock to better align with principles of justice and equality.