

**EXISTENSI HAK KEPERDATAAN ANAK LUAR KAWIN
MENURUT HUKUM PERDATA, HUKUM ISLAM, DAN
HUKUM ADAT SETELAH PUTUSAN MAHKAMAH
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ABSTRACT

The child is a gift from God Almighty that is invaluable and desires for the family to continue the better offspring, explained in the Marriage Law the child is divided into 2 namely legitimate children and illegitimate children. According to the provisions of Law No. 1 of 1974 concerning Marriage Article 42 Legitimate children are children born in or as a result of legal marriage. Whereas in Article 43 paragraph (1) an illegitimate child is a child born outside of marriage who only has a civil relationship with his mother and his mother's family.

The existence of clear and directed research goals can facilitate the conduct of research. Then referring to the problem above, the objectives to be achieved in this study are as follows To find out how the legal status and civil rights of extramarital children according to Civil Law, Islamic Law, and Customary Law after the Decision of the Constitutional Court No.46 / PUU-VIII / 2010.

The type of research used in this study is normative juridical, namely the problems raised, discussed and described in this study are carried out by applying positive norms or norms. The type of normative juridical research is carried out by examining various types of formal legal rules such as laws, literature that are

theoretic concepts which are then related to the issues that are the subject of discussion.

Keywords: Civil Law, Child Protection, Extramarital Children

