

Kedudukan anak luar kawin ditinjau dari pasal 43 undang-undang nomor 1 tahun 1974 tentang perkawinan (analisis penetapan pengadilan negeri nomor: 55/PDT.P/2014/PN.JKT.TIM = Status of illegitimate child in view of article 43 law number 1 year 1974 concerning marriage (analysis to determination of district court number 55/PDT.P/2014/PN.JKT.TIM)

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Abstrak

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Perkawinan adalah ikatan lahir batin antara seorang pria dan seorang wanita dengan tujuan untuk membentuk keluarga yang bahagia dan kekal berdasarkan keTuhanan Yang Maha Esa. Penulis berasumsi bahwa salah satu tujuan perkawinan adalah untuk mendapatkan keturunan atau anak. Dalam penelitian ini pokok permasalahan yang penulis angkat adalah mengenai kedudukan anak luar kawin ditinjau dari Pasal 43 Undang-Undang Nomor 1 tahun 1974 tentang Perkawinan dan analisis terhadap Penetapan Pengadilan Negeri Nomor : 55/Pdt.P/2014/PN.Jkt.Tim. Penulis menggunakan metode penelitian hukum normatif. Pasal 43 Undang-Undang Nomor 1 tahun 1974 tentang Perkawinan menyatakan bahwa anak luar kawin hanya memiliki hubungan hukum dengan ibu dan keluarga ibunya. Tindakan hukum yang dapat dilakukan anak luar kawin memiliki hubungan hukum dengan ayah dan keluarga ayahnya adalah melalui pengakuan terhadap anak luar kawin dan pengesahan anak luar kawin pada saat perkawinan kedua orangtuanya. Dalam Penetapan Pengadilan Negeri Nomor : 55/Pdt.P/2014/PN.Jkt.Tim orang tua dari anak luar kawin tidak melakukan pengesahan terhadap anak luar kawin mereka pada saat perkawinan, sehingga meminta penetapan pengadilan negeri. Pengakuan dan Pengesahan Anak yang telah melebihi jangka waktu yang telah ditetapkan Pasal 49 dan Pasal 50 Undang-Undang Nomor 24 tahun 2013 tentang Perubahan Undang-Undang Nomor 23 tahun 2006 tentang Administrasi Kependudukan harus melalui Penetapan Pengadilan Negeri. Penulis setuju dengan pertimbangan hukum hakim dalam Penetapan Pengadilan Negeri Nomor : 55/Pdt.P/2014/PN.Jkt.Tim.

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ABSTRACT

Marriage is born inner bond between a man and a woman with the aim to a form a happy family and eternal based on one supreme divinity. The authors assume that one of purposes of marriage is to obtain offspring or children. The issue that i use is on the position of illegitimate child in view of Article 43 of Law Number 1 year 1974 concerning marriage and analysis to determination of district court number 55/Pdt.P/2014/PN.JKT.TIM. The autor uses the methode of normative legal research. Article 43 of Law number 1 year 1974 on marriage states that an illegitimate child

only has a legal relationship with mother and her family. Legal actions that can be done to an illegitimate child has a legal relationship with his father and his father's family is through the recognition and validation of an illegitimate child at the time of his parents marriage. If parents of an illegitimate child negligent conduct against an illegitimate child endorsement, can be done in state court determination as described in Article 32 paragraph 2 of Law number 26 year 2006 concerning administration of residence. In determination of district court number: 55/Pdt.P/2014/PN.Jkt.Tim an illegitimate child's parents do not approve of the marriage of their children at the time of marriage, so request a court warrant. Recognition and validation of child who has exceeded a predetermined time period Article 49 and Article 50 of Law Number 24 year 2013 concerning changes to the Law number of 2006 concerning administration of residence must go through a court warrant. Authors agree with the legal considerations in determination of district court number 55/Pdt.P/2014/PN.JKT.TIM.; Marriage is born inner bond between a man and a woman with the aim to form a happy family and eternal based on one supreme divinity. The authors assume that one of purposes of marriage is to obtain offspring or children. The issue that I use is on the position of illegitimate child in view of Article 43 of Law Number 1 year 1974 concerning marriage and analysis to determination of district court number 55/Pdt.P/2014/PN.JKT.TIM. The author uses the method of normative legal research. Article 43 of Law number 1 year 1974 on marriage states that an illegitimate child only has a legal relationship with mother and her family. Legal actions that can be done to an illegitimate child has a legal relationship with his father and his father's family is through the recognition and validation of an illegitimate child at the time of his parents marriage. If parents of an illegitimate child negligent conduct against an illegitimate child endorsement, can be done in state court determination as described in Article 32 paragraph 2 of Law number 26 year 2006 concerning administration of residence. In determination of district court number: 55/Pdt.P/2014/PN.Jkt.Tim an illegitimate child's parents do not approve of the marriage of their children at the time of marriage, so request a court warrant. Recognition and validation of child who has exceeded a predetermined time period Article 49 and Article 50 of Law Number 24 year 2013 concerning changes to the Law number of 2006 concerning administration of residence must go through a court warrant. Authors agree with the legal considerations in determination of district court number 55/Pdt.P/2014/PN.JKT.TIM.; Marriage is born inner bond between a man and a woman with the aim to form a happy family and eternal based on one supreme divinity. The authors assume that one of purposes of marriage is to obtain offspring or children. The issue that I use is on the position of illegitimate child in view of Article 43 of Law Number 1 year 1974 concerning marriage and analysis to determination of district court number 55/Pdt.P/2014/PN.JKT.TIM. The author uses the method of normative legal research. Article 43 of Law number 1 year 1974 on marriage states that an illegitimate child only has a legal relationship with mother and her family. Legal actions that can be done to an illegitimate child has a legal relationship with his father and his father's

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