

Status hukum anak hasil inseminasi buatan dan hak warisnya menurut hukum Islam dan hukum perdata Barat di Indonesia = The legal status and inheritance of the Children born through artificial insemination according to Islamic law and western civil Law in Indonesia

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Abstrak

[Skripsi ini membahas mengenai status hukum dan hak waris dari anak yang dilahirkan melalui inseminasi buatan menurut hukum Islam dan peraturan perundang-undangan di Indonesia. Bentuk penelitian yang digunakan adalah penelitian normatif yuridis dengan metode kualitatif yang menggunakan data sekunder. Berdasarkan hasil penelitian, status hukum dan hak waris anak didasarkan pada jenis inseminasi buaatannya. Menurut hukum Islam hanya anak yang dilahirkan melalui inseminasi buatan yang menggunakan sperma suami dan ovum isteri kemudian embrionya ditanamkan dalam rahim isteri saja yang merupakan anak sah, anak hasil inseminasi buatan jenis lain merupakan anak hasil zina sehingga hanya berhak mewaris dari ibunya dan keluarga ibunya saja. Menurut peraturan perundang-undangan di Indonesia, hanya anak yang dilahirkan melalui inseminasi buatan yang menggunakan sperma suami yang sudah meninggal yang berstatus sebagai anak luar kawin, anak hasil inseminasi buatan jenis lain berstatus sebagai anak sah selama wanita yang melahirkannya terikat dalam perkawinan yang sah dan tidak dilakukan penyangkalan anak oleh suaminya.

....., This thesis discuss about the legal status and inheritance of children born through artificial insemination according to Islamic law and western civil law in Indonesia. The form of research that is used in this thesis is juridical normative research with qualitative method that uses a secondary data. Based on the results of the study, to find the legal status and inheritance of children born through artificial insemination is based on the type of artificial insemination itself. According to Islamic law, only children born through artificial insemination using husband's sperm and wife's ovum then the embryo implanted in the wife's womb who count as a legitimate child, while the children that born through the other type artificial insemination is a child of adultery so he only got inheritance from his mother only. According to the regulations in Indonesia, only children born through artificial insemination using a sperm of a dead husband get status as a child of adultery, while the children that born through the other type of artificial insemination is legitimate children as long as the woman that give birth to them is in marriage and the child itself is not denied by her husband.]