

ABSTRACT

REVIEW OF THE STATUS OF ILLEGAL MARRIAGE CHILDREN AFTER CONSTITUTIONAL COURT DECISION NUMBER: 46/PUU-VIII/2010

**By
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Marriage under the applicable law in Indonesia declared valid if done according to the laws of each religion and belief and recorded according to the legislation in force. In fact in the community occurred illegal marriage which resulted in the birth of children outside of mating. Formulation of the problem in this research: First, how is the relationship legal establishment of Constitutional Court Decision Number. 46/PUU-VIII/2010 with the Marriage Act and outside the mating status of children in the Book of the Law and the Civil Law Court Decision No. What is the relationship. Constitutional Court Decision Number 46/PUU-VIII/2010 with the provisions on the prohibition of the origins searches father in the Book of the Law of Civil Law?

This study uses normative juridical approach and empirical jurisdiction. Informants consist of Religious Court Judge of Tulang Bawang Regency and practitioners. Data collected by library research and field study. The data were analyzed qualitatively.

The results showed: First, the legal establishment of Constitutional Court Decision Number. 46/PUU-VIII/2010 with the Marriage Act and outside the mating status of children in the Code of Civil Code is the status of children born outside marriage has a civil relationship with her mother and her mother's family as well as with men as a father who can be proved by science and technology and/or evidence that the force of law, has blood ties and civil relations with his father's family. Outside the married child has inheritance rights equal to the other heirs. Second, the relationship Constitutional Court Decision Number. 46/PUU-VIII/2010 with the provisions on the prohibition of the origins searches father in the Civil Code is the recognition of a child outside of mating should be done voluntarily namely recognition performed by a person in the manner prescribed by law. To be able to recognize a child outside of mating, the father or the mother and/or proxies based on authentic authority should face in the presence of a civil servant to perform recognition of the child outside the mating.

Suggested to the Religious Court to impose Court Decision on the status of children outside the mating as legitimate heirs if there is a denial of the child outside the mating of children rightful heir. It is suggested to the government and legislative council to review the Marriage Law by regulate about status of illegal marriage children and their rights to inheritance, so there is no doubt or uncertainty of legal status and position of illegal marriage children.

Keywords: Review, Status of Illegal Marriage Children, Constitutional Court Decision