

ABSTRAK

KEDUDUKAN HUKUM ANAK *BEBINJAT* PADA MASYARAKAT BALI (STUDI PADA DESA SIDOWALUYO KAB. LAMPUNG SELATAN)

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Masyarakat Bali mengenal dua istilah anak luar kawin, yaitu *anak astra* dan *anak bebinjat*. *Anak bebinjat* merupakan anak luar kawin dimana bapak biologisnya tidak diketahui serta tidak diakui. Fenomena *anak bebinjat* terdapat pada masyarakat Bali di Desa Sidowaluyo Kab. Lampung Selatan. Kelahiran *anak bebinjat* dapat menimbulkan permasalahan mengenai kedudukan hukum dan kedudukan waris. Sehingga rumusan masalah yang diangkat dari penelitian ini yakni: 1). Bagaimana kedudukan *anak bebinjat* berdasarkan hukum di Indonesia?, serta 2). Bagaimana kedudukan *anak bebinjat* berdasarkan sistem pewarisan pada masyarakat Adat Bali Di Desa Sidowaluyo?

Metode penelitian dalam penelitian hukum ini ialah metode normatif empiris melalui pendekatan deskriptif. Teknik pengumpulan data melalui kajian pustaka, observasi, wawancara serta dokumentasi.

Hasil penelitian ini berdasarkan hukum formil yaitu *anak bebinjat* hanya memiliki kedudukan dengan ibu serta keluarga pihak ibu. *Anak bebinjat* dapat memiliki kedudukan hukum dengan bapak biologisnya, akan tetapi harus dibuktikan terlebih dahulu melalui ilmu pengetahuan dan/atau alat bukti lain yang menurut hukum memiliki hubungan darah. Salah satunya dengan melakukan tes DNA. Sedangkan kedudukan *anak bebinjat* berdasarkan sistem pewarisan hukum Adat Bali tidak memiliki hubungan kewarisan dan tidak dapat diakui secara hukum dengan laki-laki yang menyebabkan kelahiran dari anak tersebut. Akan tetapi, *anak bebinjat* tetap mempunyai hak waris atas harta dari ibu biologisnya maupun dengan keluarga dari ibunya.

Kata kunci : *Anak bebinjat*, kedudukan, waris.

ABSTRACT

LEGAL STATUS OF CHILDREN BORN OUT OF EXTRAMARITAL AFFAIRS IN THE BALINESE COMMUNITY (A STUDY IN SIDOWALUYO VILLAGE, SOUTH LAMPUNG)

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Balinese people know two terms of children outside of marriage, namely Astra children and Bebinjat children. Bebinjat children are children out of marriage where their biological father is unknown and not recognized. The phenomenon of Bebinjat children is found in Balinese people in Sidowaluyo Village, South Lampung regency. The birth of Bebinjat children can cause problems regarding legal status and inheritance status. So that the research questions of the problems raised from this research are: 1). What is the position of Bebinjat children based on law in Indonesia?, and 2). What is the position of Bebinjat children based on the inheritance system in the Balinese customary community in Sidowaluyo Village?.

The research method in legal research is an empirical normative method with a descriptive approach. Data collection techniques with literature review, observation, interviews and documentation.

The results of this study are based on formal law, namely that Bebinjat children only have a position with their mother and their mother's family. A Bebinjat child can have legal standing with his biological father, but must first be proven through science tests and/or other evidence which according to law has blood relations. One of them is by doing a DNA test. Meanwhile, the position of Bebinjat children based on the Balinese customary legal inheritance system has no inheritance relationship and cannot be legally recognized by the man who caused the birth of the child. However, the Bebinjat child still has inheritance rights to the assets of his biological mother and the mother's family

Keywords: *Bebinjat child*, status, inheritance