

ABSTRACT

On 2010, the decision of the Constitutional Court regarding children out of wedlock was issued, this was motivated by the case of Macchica Mochtar who fought for the right of his son to inherit from his father, it was found that there was no justice for children out of wedlock so that it can be recognized that this is based on Indonesian regulations that have been restricting the provisions for recognition of illegitimate children so that they can be recognized, therefore the Constitutional Court gave a new decision regarding the new rules regarding the acknowledgment of illegitimate children because it was deemed that the provisions of the law applicable to illegitimate children were contrary to the provisions of the 1945 Constitution of the Republic of Indonesia. The constitution seems to provide an opportunity for children out of wedlock to be recognized, but in fact, the Constitutional Court's decision is not binding because until now the decisions given by the constitutional court have not been revised in the marriage law. The marriage law and the Civil Code have determined and explained the provisions regarding illegitimate children from recognition to ratification which refers to the Population Administration Law for illegitimate children. However, due to the small chance for illegitimate children to be recognized, the researcher wants to analyze the possibility for illegitimate children to be recognized by the Civil Code and the Marriage Law both after the decision of the constitutional court and before the decision. in the Civil Code, the Population Administration Act, and the marriage law both after and before the decision of the constitutional court. This writing uses normative juridical, starting from a juridical approach in the sense of law as a norm where there are legal issues that are discussed using legal materials, both written and unwritten laws (civil law books, administrative law, marriage laws, books, journals)

References; 21 books (1982-2018)

Keywords: Civil Relationship, Inheritance Rights, Child out of wedlock