

ABSTRACT

Clarine Felicia (01051200034)

COMPARISON OF INDONESIAN AND CALIFORNIA LAWS REGARDING THE LEGALITY OF SPERM DONATION TO HUSBAND AND WIFE FOR THE PURPOSE OF PREGNANCY

(xii+95)

Indonesia does not regulate artificial insemination by sperm donors, which creates a legal vacuum in Indonesia. A large amount of married couples hope to have children, so certainly every couple who experiences infertility will try all procedures, especially artificial insemination, to have children. In California, state law regulates procedures for artificial insemination by sperm donors which is regulated in California Family Code section 7613. In this regulation, each article regulates in detail the legal status of children, legal consequences, and the rights of the child's parents. Since California has clear and detailed laws, the author carries out a legal comparison between Indonesia and California. In Indonesia, regulations relating to assisted reproduction are written in the Health Law. Legal comparisons were also carried out to analyze the laws governing the legal status of children and the inheritance of children resulting from artificial insemination by sperm donors. The author uses normative research methods in the form of literature studies and a statutory and comparative approach. The result from this study shows that there is a legal vacuum in Indonesia about artificial insemination by sperm donors. However, Indonesia cannot transplant California law because it will cause conflict with social and religious norms in Indonesia. Even though legal transplantation cannot be carried out in Indonesia, the government must still regulate artificial insemination by sperm donors so there will be legal certainty for cases regarding this matter.

References: 51(1945-2023)

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