

ABSTRACT

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Juridical Analysis of Inheritance Distribution for Heirs with the Status of Children Born Out of Wedlock

(87 pages)

This study aims to conduct a juridical analysis of inheritance distribution for heirs with the status of children born outside of marriage under Indonesian civil law. The legal framework governing inheritance in Indonesia is primarily based on the Civil Code, which provides the rules for determining the inheritance shares of heirs. The focus of this research is on the rights of children born outside of marriage, whose inheritance entitlements differ significantly from those of children born to legally married parents. The research employs a normative legal approach, analyzing relevant legal texts, case law, and legal principles that regulate inheritance. The main issue examined is the unequal treatment of children born outside of marriage, particularly with regard to their inheritance rights from the father's estate. According to the Civil Code, children born outside of marriage are only entitled to inherit from their mother and may inherit from their father only if they are legally acknowledged by him. This provision creates a disparity in inheritance rights, as children born within a valid marriage automatically have equal rights to inherit from both parents. Through this analysis, the study identifies legal challenges faced by children born outside of marriage, especially the procedural barriers to being legally acknowledged by their fathers and the resulting unequal inheritance distribution. The findings suggest that the current legal framework does not fully protect the inheritance rights of children born outside of marriage and could benefit from reform. A proposal for legal reform is discussed, aiming to ensure equal inheritance rights for all children, regardless of their parents' marital status. This study concludes by recommending changes to the Civil Code to provide clearer, more equitable provisions for inheritance rights, ensuring that children born outside of marriage are treated equally under the law.

References : 40 (1945-2025)

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