

Abstract

The issue of children born out of wedlock has always caused issues in the society, both regarding social relations and regarding their rights and obligations. Children born out of wedlock are children from illegitimate intercourse between a man and a woman, this means a violation of the marriage provisions, where the child is actually innocent, free of sin, and should not bear the consequences of the actions of their biological parents. Consequences received by the child born out of wedlock is that the child only has a civil relationship with the mother and the mother's family. This means that the child has no legal relationship with his father, Article 42 and Article 43 of Law Number 1 of 1974 concerning Marriage. However, with the Constitutional Court Decree Number 46/PUU-VIII/2010, the legal consequences of children born out of wedlock are, the child would not only have a biological relationship with their mother, but also with their biological father, and regulate the protection of the rights of children born out of wedlock to be equal to the children who were legally born. The purpose of this research is to study and discover the legal consequences of children born out of wedlock who are not recognized as legitimate and to discover and analyze the legal protection of children born out of wedlock who are not recognized as legitimate. The research method that the author uses is normative juridical, with the consideration that the starting point of the research is the analysis of the statutory provisions. A child has their respective rights to be fulfilled by their parents, and parents are the first people who are responsible for maintaining, protecting, raising, and providing education to the child. There are times when children's rights cannot be fulfilled due to matters that their parents have neglected, yet giving a child's identity is an obligation for every parent.

Keywords: Marriage, Children Born Out of Wedlock, Child Protection.