

ABSTRAK

Penelitian ini bertujuan untuk menganalisis implikasi yuridis perkawinan siri terhadap status keperdataan anak serta pembuktian hubungan biologis melalui tes DNA dalam perspektif hukum positif Indonesia. Fenomena perkawinan tidak tercatat menimbulkan ketidakpastian hukum bagi anak, khususnya dalam hal pengakuan hubungan keperdataan dengan ayah biologisnya. Penelitian ini menggunakan pendekatan kualitatif dengan jenis penelitian yuridis normatif yang diperkaya secara konseptual dengan pendekatan studi kasus terhadap putusan pengadilan. Data dikumpulkan melalui studi dokumentasi terhadap peraturan perundang-undangan, putusan pengadilan, serta literatur ilmiah yang relevan. Hasil penelitian menunjukkan bahwa pengaturan hukum perkawinan di Indonesia masih menempatkan pencatatan sebagai syarat administratif utama, sehingga anak dari perkawinan siri berpotensi mengalami keterbatasan hak keperdataan. Namun, Putusan Mahkamah Konstitusi Nomor 46/PUU-VIII/2010 telah memperluas pengakuan hubungan keperdataan anak dengan ayah biologis melalui pembuktian ilmiah. Dalam praktiknya, implementasi putusan tersebut belum optimal akibat kendala biaya, akses, serta belum adanya standardisasi prosedur tes DNA dalam hukum acara perdata. Temuan penelitian menegaskan perlunya harmonisasi antara norma hukum, praktik peradilan, dan perkembangan ilmu pengetahuan guna menjamin perlindungan hak anak secara komprehensif. Penelitian ini berkontribusi dalam memperkaya kajian hukum keluarga berbasis socio-legal serta memberikan rekomendasi bagi pembentukan kebijakan yang lebih responsif terhadap kepentingan terbaik anak.

Kata kunci : perkawinan siri, status keperdataan anak, hubungan biologis, tes DNA, hukum positif.

ABSTRACT

This study aims to analyze the legal implications of unregistered marriages on children's civil status and the proof of biological relationships through DNA testing from the perspective of Indonesian positive law. The phenomenon of unregistered marriages creates legal uncertainty for children, particularly regarding the recognition of civil relationships with their biological fathers. This study uses a qualitative approach with a normative juridical research type enriched conceptually with a case study approach to court decisions. Data were collected through a documentary study of laws and regulations, court decisions, and relevant scientific literature. The results show that marriage law in Indonesia still places registration as the primary administrative requirement, so that children from unregistered marriages have the potential to experience limited civil rights. However, Constitutional

Court Decision Number 46/PUU-VIII/2010 has expanded the recognition of civil relationships between children and biological fathers through scientific proof. In practice, the implementation of this decision has not been optimal due to constraints on costs, access, and the lack of standardization of DNA testing procedures in civil procedural law. The research findings emphasize the need for harmonization between legal norms, judicial practices, and scientific developments to ensure comprehensive protection of children's rights. This research contributes to enriching socio-legal-based family law studies and provides recommendations for the formation of policies that are more responsive to the best interests of children.

. Keywords: unregistered marriage, civil status of children, biological relationship, DNA testing, positive law. Juridical analysis, Tortious act or unlawful act, Court decision