

ABSTRACT

Children are as a result of marriage, therefore children are very important responsibilities for their children such as educating, protecting, growing well and fulfilling their needs to adulthood. However, not all children are born from parents who make legal marriages, which are explained in article 42 paragraph (1) of the law on marriage. As for some people doing marriages under the hands or can be said that marriage is not recorded according to the applicable laws and regulations described in article 2 paragraph (1) of the law on married parents are not recorded by the state, so they are called extramarital children. So that in article 43 paragraph (1) of the law on marriage. Affirming the child born outside of marriage (out-of-wedlock child), only have a civil relationship compared to family. However, in article 28B paragraph (2) of the 1945 Constitution states: "Every child has the right to success in life, growth and development and has the right to protection from opposition and opposition". The provisions of the 1945 Constitution explain giving birth to constitutional norms every child out of wedlock also has right to his legal status and restores the same before the law. Hoping that the 1945 Constitution prioritizes legal norms in the form of justice for freedom without discrimination. After the issuance of a decision from the Indonesia Constitutional Court Number 46/PUU-VII-2010 dated 13 February 2012 related to this, it can be used to prove science and technology and/ tools reported related to research on biology where children are enlarged outside the legal marriage, the child has a civil relationship with the father and family support.

The method of this research is, by discussing sociological juridical is a research that is based on a legal provision (applicable regulations) with phenomena or interactions that occur in the field as well as in practice in accordance with what actually happened. The data sources used are library studies and field studies. Based on the above questions, the author is interested in discussing, conducting research and writing in the form of a thesis with the title: Legal Protection Against Married Children Post MK Decision Number 46/PUU-VII-2010. Regarding the formulation of the problem in this thesis, how to regulate the right of children to marry outside in the law on marriage, what is the right of children to marry outside according to the law on marriage, and how to apply rights to out of wedlock children after the decision no.46/PUU-VII-2010.

Keywords: *Child Protection Wedlock, Justice.*