

Hak Waris Anak Luar Kawin (*Astra*) Menurut Perspektif Hukum Waris Adat Bali (Studi Kasus Di Desa Kalibukbuk Kecamatan Buleleng Kabupaten Buleleng).

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Abstrak

Penelitian ini bertujuan untuk menganalisis hak waris anak luar kawin (*Astra*) menurut perspektif hukum waris adat Bali, dengan fokus pada penerapannya di Desa Kalibukbuk, Kecamatan Buleleng, Kabupaten Buleleng. Masalah utama yang diangkat dalam penelitian ini adalah bagaimana hak waris anak luar kawin diatur dalam sistem hukum waris adat Bali dan bagaimana penerapan serta pemahaman masyarakat setempat mengenai hak waris tersebut. Hukum waris adat Bali, yang bersifat patrilineal, sering kali membatasi hak waris anak luar kawin, terutama bagi anak yang tidak diakui secara sah oleh ayah biologisnya. Metode penelitian yang digunakan adalah pendekatan empiris normatif dengan studi kasus di Desa Kalibukbuk. Teknik pengumpulan data dilakukan melalui wawancara mendalam dengan tokoh adat, perangkat desa, serta masyarakat yang memiliki pengalaman atau pengetahuan terkait masalah waris. Selain itu, studi pustaka mengenai teori hukum waris adat Bali dan peraturan perundang-undangan yang relevan juga digunakan untuk mendalami permasalahan ini. Hasil penelitian menunjukkan bahwa, dalam praktiknya, anak luar kawin di Desa Kalibukbuk sering kali menghadapi kesulitan dalam memperoleh hak waris dari ayah biologisnya karena pengakuan ayah terhadap anak tersebut tidak diakui secara formal dalam hukum adat Bali. Meskipun demikian, terdapat beberapa upaya masyarakat untuk memberikan perlindungan hak waris bagi anak luar kawin melalui kesepakatan adat dan pertimbangan kemanusiaan. Penelitian ini juga menemukan bahwa terdapat perbedaan pandangan antara generasi muda dan generasi tua di desa tersebut terkait dengan hak waris anak luar kawin, yang mencerminkan perubahan dalam interpretasi dan penerapan hukum waris adat Bali. Hukum waris adat Bali secara tradisional tidak memberikan hak waris yang setara bagi anak luar kawin, terdapat dinamika dalam penerapan dan penyesuaian hukum adat tersebut seiring dengan perkembangan nilai-nilai sosial dan budaya masyarakat Bali. Oleh karena itu, perlu adanya upaya untuk memperbaharui pemahaman dan penerapan hukum waris adat agar hak-hak anak luar kawin tetap mendapatkan perlindungan yang adil dan sesuai dengan prinsip keadilan sosial.

Kata Kunci: Hak waris, anak luar kawin, hukum waris adat Bali, *Astra*, Desa Kalibukbuk.

**Inheritance Rights of Children Out of Wedlock (*Astra*) According to the
Perspective of Balinese Customary Inheritance Law (Case Study in
Kalibukbuk Village, Buleleng District, Buleleng Regency).**

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Abstract

*This study aims to analyze the inheritance rights of illegitimate children (*Astra*) from the perspective of Balinese customary inheritance law, focusing on its implementation in Kalibukbuk Village, Buleleng District, Buleleng Regency. The main problem raised in this study is how the inheritance rights of illegitimate children are regulated in the Balinese customary inheritance law system and how the implementation and understanding of the local community regarding these inheritance rights. Balinese customary inheritance law, which is patrilineal, often limits the inheritance rights of illegitimate children, especially for children who are not legally recognized by their biological father. The research method used is a normative empirical approach with a case study in Kalibukbuk Village. Data collection techniques were carried out through in-depth interviews with traditional figures, village officials, and people who have experience or knowledge related to inheritance issues. In addition, a literature study on the theory of Balinese customary inheritance law and relevant laws and regulations was also used to explore this problem. The results of the study show that, in practice, illegitimate children in Kalibukbuk Village often face difficulties in obtaining inheritance rights from their biological father because the father's recognition of the child is not formally recognized in Balinese customary law. However, there are several community efforts to provide inheritance protection for illegitimate children through customary agreements and humanitarian considerations. This study also found that there are differences in views between the younger and older generations in the village regarding the inheritance rights of illegitimate children, which reflects changes in the interpretation and application of Balinese customary inheritance law. Traditionally, Balinese customary inheritance law does not provide equal inheritance rights for illegitimate children, there are dynamics in the application and adjustment of customary law along with the development of social and cultural values of Balinese society. Therefore, efforts are needed to renew the understanding and application of customary inheritance law so that the rights of illegitimate children continue to receive fair protection and in accordance with the principles of social justice.*

Keywords: *Inheritance rights, illegitimate children, Balinese customary inheritance law, *Astra*, Kalibukbuk Village.*