

**KEDUDUKAN ANAK LUAR KAWIN SEBAGAI AKIBAT SANKSI ADAT
LOKIKA SANGGRAHA (STUDI PUTUSAN MAHKAMAH AGUNG
NO.185/K/KR/1978)**

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ABSTRAK

Penelitian ini bertujuan untuk menganalisis dan mendalami kedudukan anak luar kawin dalam hukum adat Bali, khususnya anak yang lahir dari perkawinan lokika sanggraha, serta meninjau implikasinya dalam konteks Putusan Mahkamah Agung (MA) Nomor 185/K/Kr/1978. Secara spesifik, penelitian ini berupaya mengidentifikasi pengertian, kedudukan, dan hubungan kekerabatan anak luar kawin dalam masyarakat adat Bali, baik dalam garis kekerabatan ibu maupun dalam struktur masyarakat adat secara luas. Jenis penelitian yang digunakan adalah penelitian hukum normative (hukum doctrinal) dengan meletakkan hukum sebagai norma. Pendekatan yang digunakan meliputi pendekatan peraturan perundang-undangan dan doctrinal (konseptual) untuk meninjau secara mendalam bagaimana kaidah hukum adat Bali mengenai status anak luar kawin diakui dan ditegakan. Hasil penelitian menunjukkan bahwa meskipun secara adat, anak luar kawin lokika sanggraha memiliki kedudukan yang lemah dan umumnya tidak diakui hak warisnya dalam garis kekerabatan ayah, Putusan MA Nomor 185/K/Kr/1978 mengindikasikan adanya perkembangan pemikiran hukum. Putusan tersebut memberikan pengakuan pada anak luar kawin sebagai ahli waris ibunya atau dalam konteks yang spesifik dapat memperoleh hak nafkah dari ayahnya, bergantung pada pembuktian hubungan darah dan pengakuan. Kedudukan hukum adat Bali sangat bergantung pada proses upacara adat yang dilakukan oleh orang tua, yang menentukan apakah anak tersebut dapat di-purusa-kan atau tidak. Kesimpulan menegaskan bahwa meskipun terdapat perbedaan antara hukum adat dan hukum positif (melalui yurisprudensi), rekognisi antara hak-hak dasar anak luar kawin semakin kuat, mendorong pentingnya harmonisasi antara kaidah adat Bali dengan prinsip-prinsip perlindungan anak hak asasi manusia dan perkembangan hukum nasional.

Kata Kunci : Hukum Adat Bali, Anak Luar Kawin, Lokika Sanggraha, Putusan Mahkamah Agung, Kekerabatan.

**THE LEGAL STATUS OF ILLEGITIMATE CHILDREN AS A
CONSEQUENCE OF THE CUSTOMARY SANCTION OF LOKIKA
SANGGRAHA (A STUDY OF SUPREME COURT DECISION
NO. 185/K/KR/1978)**

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ABSTRACT

This study aims to analyze the legal status and the implications of customary sanctions imposed on illegitimate children born from a lokika sanggraha relationship within the traditional Balinese community. The primary focus is a critical case study of Supreme Court (MA) Decision Number 185/K/Kr/1978. Specifically, the research investigates how the customary sanctions inherent in the lokika sanggraha offense affect the fundamental rights of the child, particularly concerning kinship ties, inheritance rights, and social standing. The research method employed is normative legal research, which treats the law as a system of norms. The approach utilizes statutory analysis (examining relevant legislation), case study (focusing on the Supreme Court Decision), and doctrinal (conceptual) analysis. Data was collected through a thorough literature review of legal materials and jurisprudence, followed by qualitative analysis. The findings indicate that under Balinese Customary Law, children born from a lokika sanggraha relationship are generally relegated to a vulnerable legal position, typically recognized only within the maternal kinship line. This status is a direct consequence of the customary sanction imposed on the unauthorized marital relationship. However, the critical study of MA Decision No. 185/K/Kr/1978 reveals significant judicial intervention and an evolution within positive law, which grants the child specific rights recognition. The Decision serves as a crucial precedent in safeguarding the child's basic civil rights, particularly concerning the right to maintenance from the biological father and the status as the mother's heir, even though their integration into the paternal kinship structure (purusa) remains restricted by customary norms. The conclusion affirms the existence of a dualism in legal interpretation between the patriarchal Balinese Customary Law and the national jurisprudence regarding the rights of lokika sanggraha's illegitimate children. The study recommends the necessity of regulatory harmonization between customary norms and national positive law to ensure maximum legal certainty and comprehensive protection for these children in Bali.

Keywords : *Balinese Customary Law; Lokika Sanggraha; Illegitimate Child; Customary Sanction; Supreme Court Decision.*