

ABSTRAK

Status hukum anak merupakan salah satu hal yang krusial sebab akan berdampak kepada anak dimasa mendatang terutama bagi anak yang lahir dari perkawinan poliandri seperti putusan pembatalan perkawinan nomor 1577/Pdt.G/2023/PA.Btl, 34/Pdt.G/2024/PTA.Yk dan 764/K/AG/2024. Akibatnya, perkawinan poliandri memunculkan ketidakpastian hukum bagi status anak yang lahir dalam perkawinan tersebut. Penelitian ini mengkaji dan menganalisis mengenai status hukum anak hasil perkawinan poliandri dan tanggung ibu dan ayah biologis setelah pembatalan perkawinan akibat poliandri.

Metode penelitian yang digunakan adalah penelitian normatif. Adapun pendekatan yang dilakukan adalah pendekatan kualitatif digabungkan dengan pendekatan perundang-undangan (*statue approach*).

Hasil penelitian ini memperoleh temuan bahwa status anak hasil poliandri dikategorikan sebagai anak tidak sah (luar kawin) menurut Hukum Islam dan Undang-Undang sebab perkawinan poliandri tidak sah secara syariat dan tidak memenuhi syarat sah perkawinan dalam Pasal 2 ayat (1) UU Perkawinan. Anak hasil perkawinan poliandri keberadaannya dianggap ada sebagai anak luar kawin. Menurut Pasal 28 ayat (2) UU Perkawinan, Pasal 75 huruf b KHI, dan Pasal 76 KHI menyatakan bahwa keputusan pembatalan perkawinan tidak berlaku surut pada anak. Namun, status anak hasil poliandri pasca pembatalan perkawinan secara hukum positif tetap dinyatakan sebagai anak sah akan tetapi, secara syariat anak tersebut hanya memiliki hubungan biologis tanpa ada hubungan nasab. Tanggung jawab ibu dan ayah biologis terhadap anak pasca pembatalan perkawinan poliandri tetap melekat meskipun pengadilan telah membatalkannya yakni ibu dan ayah biologis tetap berkewajiban memenuhi hak-hak dasar anak seperti pemeliharaan, pendidikan, dan nafkah.

Kata Kunci: Poliandri, Pembatalan Perkawinan, Status Anak.

ABSTRACT

The legal status of a child is a crucial issue as it has a significant impact on their future, especially for children born from polyandrous marriages, as evidenced by annulment rulings such as those with case numbers 1577/Pdt.G/2023/PA.Btl, 34/Pdt.G/2024/PTA.Yk, and 764/K/AG/2024. Consequently, polyandrous marriages create legal uncertainty regarding the status of children born from them. This study examines and analyzes the legal status of children born from polyandrous unions and the responsibilities of the biological mother and father after the annulment of the marriage.

The research method used is a normative study, which employs a qualitative approach combined with a statutory approach.

The findings of this study indicate that a child born from a polyandrous marriage is categorized as illegitimate (born out of wedlock) under both Islamic Law and statutory law. This is because a polyandrous marriage is invalid under religious law and fails to meet the legal requirements for a valid marriage as stipulated in Article 2, Paragraph (1) of the Marriage Law. A child resulting from a polyandrous marriage is considered to be a child born out of wedlock. According to Article 28, Paragraph (2) of the Marriage Law, Article 75, letter b of the Compilation of Islamic Law (KHI), and Article 76 of the KHI, a marriage annulment decision does not retroactively affect the child's status. However, while the child from a polyandrous marriage is considered legitimate under positive law after the annulment, they only have a biological relationship and no legal lineage (nasab) under Islamic law. Despite this, the responsibilities of both the biological mother and father remain with the child after the annulment of the polyandrous marriage. Both parents are still obligated to fulfill the child's basic rights, including their maintenance, education, and financial support.

Keywords: Polyandry, Annulment of Marriage, Child Status.