



LEGAL CERTAINTY REGARDING THE POSITION OF ILLEGITIMATE CHILDREN WHO ARE RECOGNIZED LEGITIMATELY AS SUBSTITUTE HEIRS (PLAATSVERVULLING)

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ABSTRACT

The position of illegitimate children who are legally recognized as Substitute Heirs (Plaatsvervulling) in Indonesia is still not fully regulated. The position of illegitimate children who are recognized as legal if they replace their parents still often causes conflict, especially the conflict that occurs between Article 872 of the Civil Code and the Constitutional Court Decision. Number 46/PUU-VIII/2010 which amends Article 43 paragraph (1) of the Marriage Law. The existence of this conflict will certainly give rise to legal uncertainty so this needs to be studied. This research will discuss legal certainty regarding the position of illegitimate children who are recognized as legal successors (Plaatsvervulling). This research is a normative juridical research method with the approach taken being a statutory approach. The results of the analysis of legal uncertainty regarding the position of illegitimate children who are recognized as legal substitute heirs (Plaatsvervulling) can be resolved using the principle of *lex posterior derogat legi priori*, so that the Marriage Law overrides the law of the Civil Code, so that illegitimate children have the right to become successor heirs to their parents without Look at the terms or conditions as stated in Article 873 of the Civil Code.

Keywords: *Legal certainty, illegitimate children, Plaatsvervulling.*

1. INTRODUCTION

Inheritance law is one area of private law that illustrates the many variations of Indonesian law. One of the civil laws in Indonesia that regulates inheritance is civil law, as contained in the BW/Civil Code. In Indonesia, civil law as contained in the BW/Civil Law Book is one of the private laws and regulates inheritance in Indonesia. Apart from that, there is also customary law and Islamic law which contribute to regulating inheritance law in Indonesia. In Indonesia, the issue of inheritance distribution is often debated and can lead to long-term disputes. Disputes regarding the division of inheritance often result in the breakdown of blood relations, and resolving property disputes can take quite a long time, up to years. Inheritance disputes usually arise because the heirs think that the distribution of inherited assets is not proportional according to the share of each heir. In order to resolve inheritance disputes or conflicts, inheritance law in Indonesia is still regulated by three types of law, namely inheritance law in the BW/Civil Code, Islamic inheritance law and customary inheritance law. The inheritance law used can be determined and then applied in accordance with the legal rules adopted by the testator. If the law is applied to non-Muslims of Chinese descent, the Civil Code which refers to Book II of the Civil Code is generally used. At the same time, Islamic law or customary law can be applied to Muslims. This legal diversity is becoming increasingly clear, because the inheritance laws that apply are not actually single, but will differ according to the type of society and the family system in Indonesian society.

The distribution of inheritance in Indonesia will of course be greatly influenced by the individual status of the heir. A child can be classified differently, including legitimate children,

adopted children, and illegitimate children. Often, if a child is born from an illegitimate marriage, the child can be categorized as an illegitimate child. Next, look at the provisions in Article 42 of the Marriage Law which states: "A legitimate child is a child born from and as a result of a valid marriage. Apart from this definition, it has been explained that a legal child, based on the Marriage Law, has a civil relationship with both parents, both with his mother and his father. In contrast to the definition and explanation of legitimate children, illegitimate/out-of-wedlock children, civil law only defines the meaning of children born out of wedlock or other terms (*natuurlijk kind*) as natural children. Based on the provisions in Article 42 of Law Number 1 of 1974 concerning the Basic Law on Marriage (hereinafter referred to as the Marriage Law) explains that: "A legitimate child is a child born in or as a result of a valid marriage. According to the Marriage Law, legitimate children have a civil relationship with their parents, namely a civil relationship with their mother and father.

The definition and concept of illegitimate children/children out of wedlock has not yet been explained and defined in detail, unlike legitimate children whose definition is explained directly in the Marriage Law. The definition of illegitimate children is slightly explained in article 43 of the Marriage Law which states: "Children born outside of marriage. marriage, can only have a civil relationship with the mother and her mother's family. By looking at the provisions of the two articles in the Marriage Law, we can define that there is a fundamental difference in the position between legitimate children and illegitimate children/illegitimate children, namely regarding their civil relationship with their parents. Civil Law considers inheritance law as a substantive right to the property of a deceased person. This is reflected in the provisions of Article 528 of the Civil Code. Apart from that, Article 584 of the Civil Code regulates that the law of inheritance or inheritance itself is one way of obtaining property rights. Several ways of obtaining property rights have been regulated in the Civil Code, precisely in Book Two, so that clearer regulations regarding inheritance law will be found in book II which contains Articles 830-1130 of the Civil Code. Inheritance law is a law created and formed to regulate the rights and obligations regarding all matters regarding the assets of people who have died.

Looking at the provisions in the Civil Code, one of the conditions for becoming an heir is the existence of a blood relationship or a marriage bond. A marriage between a man and a woman who then gives birth to a child will certainly result in blood ties. In BW/Civil Code, western civil inheritance law differentiates between legitimate descendants and illegitimate descendants. Illegitimate offspring are offspring born from marriages that are not legally and religiously recognized. On the other hand, legitimate descendants are descendants born from legally recognized marriages. As regulated in Article 43 Paragraph 1 of the Marriage Law, illegitimate children initially only had a civil relationship with the mother and the mother's family, but this provision has been changed by Constitutional Court Decision Number.46/PUU-VIII/2010. Before this Constitutional Court decision, children born out of wedlock had experienced a lot of suffering due to intimidation of their civil rights. Children who are not born in marriage or are illegitimate cannot receive property and civil relations from their father. However, it is now clear that children born out of wedlock will have a civil relationship with their mother, their family, and the man who can be considered their natural parent using legal, technological and scientific evidence. This is because the Constitutional Court's decision has implications for changes to the text of Article 43 (1) of the Marriage Law. In this way, there are new formulas and breakthroughs in general within the scope of family law and specifically inheritance law in Indonesia, so that in some cases children



born outside of marriage will have a civil relationship with their mother, family, and men and their families who can be appointed. as a natural parent by using legal, scientific and technological evidence as well as other evidence. Constitutional Court Decision Number: 46/PUU-VIII/2010 will certainly further emphasize the position of children born out of wedlock because in its decision the Constitutional Court, apart from being proven by science and other evidence, has no other requirements. must be fulfilled to obtain a civil relationship between an illegitimate child and his father and mother.

The research that the researcher will carry out will be related to the conflict of norms in article 872 of the Civil Code which states "The law does not give an illegitimate child any rights at all to the belongings of the blood relatives of his parents, except in the case stated in the following article. " However, it has been regulated differently in the Constitutional Court Decision Number 46/PUU-VIII/2010 which has added new things in changing the explanation of article 43 (1) of the Marriage Law) explaining that "A child born outside the bonds of marriage will have relationships and rights civil relationship with his mother and his mother's family and also with his father or biological male. This can be proven using science, technology and other legal evidence that the two of them are related by blood, including a civil relationship with his father's family." Legitimate children are based on Article 852 of the Civil Code which regulates that legitimate children will receive a share equal to the mother or father who lives the longest from the inheritance of their father or mother, while illegitimate children or children born out of wedlock based on the Civil Code regulate how to distribute the inheritance obtained by children. illegitimate/extra-marital who are recognized as valid if they inherit based on their own position, will of course be different from those obtained by legitimate children, as stipulated in Article 863 of the Civil Code which states that "If the person who dies leaves behind legal descendants according to law as well as a husband or even the wife, the illegitimate children inherit one-third of the portion they would have received, if they were legitimate children according to the law; they inherit half of the inheritance, if the person who died did not leave any descendants, nor a husband or wife, but he left behind blood relatives in the upper line, or brothers and/or sisters or their descendants, and gets three quarters if only blood relatives remain. still alive to a much greater degree."

Then Article 872 of the Civil Code regulates that: "Except for the circumstances described in the following article, the law does not give an illegitimate child any rights at all to the property of the blood relatives of his parents, except in the cases stated in the following article." Furthermore, Article 873 reads "If one of the blood relatives mentioned above dies without leaving any relatives in a degree that permits inheritance, or the husband or wife who lives the longest, then the illegitimate child has the right to claim the entire inheritance for himself, regardless of Country. Thus, children born out of wedlock cannot replace their parents as heirs or substitute heirs from the blood lineage of their parents, except in the case of the blood relatives mentioned above who die without leaving relatives of the same degree. permits inheritance, based on the meaning of articles 872 and 873 of the Civil Code. However, there is a conflict of norms because Article 872 of the Civil Code is at odds with what is further explained in the meaning of Article 43 of the Marriage Law which explains that:

1. Children born outside of marriage only have a civil relationship with the mother and the mother's family.
2. The position of the child referred to in paragraph (1) above will then be regulated in a Government Regulation.

Then the Constitutional Court Decision Number 46/PUU-VIII/2010 which has the implication that Article 43 paragraph (1) of the current marriage law must be interpreted as follows: "Children born outside of marriage have a civil relationship with their mother and her mother's family as well as with men. - the man as the father who can be proven based on science and technology and/or other evidence according to the law to have blood relations, including civil relations with his father's family." The new provisions in Article 43 paragraph (1) of the Marriage Law, which are implied in the Constitutional Court Decision Number 46/PUU-VIII/2010, mean that children born outside the bonds of marriage will be able to become heirs of both parents or become successor heirs of both people. old. There is a conflict or legal conflict in the meaning of the Constitutional Court's decision with the meaning of the Civil Code Article 872, which implies that children born outside of wedlock cannot replace their parents as heirs or substitute heirs from the bloodline of their parents. except in the event that the above-mentioned blood relative dies without leaving any relatives at a level that permits inheritance. Thus, this term explains that according to the Civil Code, children born outside a legal marriage cannot become legal successor heirs of their parents if the conditions as stated in Article 873 of the Civil Code are not met. Meanwhile, the opposite applies in the Constitutional Court Decision Number 46/PUU-VIII/2010 where it is possible for children born outside of a legal marriage to become heirs of their parents or become substitute heirs for their mother, father or family without any provisions. or conditions as reflected in article 873 of the Civil Code. This conflict of norms causes legal uncertainty in the application of the law, resulting in the failure to achieve legal certainty in related cases that will occur in the future. So, from the conflict between Article 872 of the Civil Code and the Constitutional Court Decision Number 46/PUU-VIII/2010 which amended Article 43 Paragraph (1) of the Marriage Law, it becomes a question about how legal certainty there is regarding Changing Places (Plaatsvervulling) by Illegitimate Children Who Are Recognized as Legal. Heir.

2. IMPLEMENTATION METHOD

In order to achieve the writing objectives carried out in the results of this research, the author used normative juridical research methods. The approach taken is a statutory approach. The author uses a kind of normative juridical research to compile a list of laws, rules, legal doctrines and theories that are relevant to the legal questions of the research to arrive at results and conclusions that are based on how legal certainty is regarding the change of place (Plaatsvervulling) by illegitimate children who are recognized as legitimate. As Heir.

3. RESULTS AND DISCUSSION

Legal Certainty Regarding the Position of Illegitimate Children Who Are Recognized as Legitimate Substitute Heirs (Plaatsvervulling)

Position means status, whether for a person, place or thing. In the Big Indonesian Dictionary, position is often distinguished between the meaning of position (status) and social position (social status). Position is defined as a person's place or position in a social group, while social position is a person's place in their social environment, as well as their rights and obligations. These two terms have the same meaning and are described by position (status) only. Position can also be interpreted as a person's position in having power. Where people who have power can influence their position or status in the place where they live. In this research, the object of research



is the position of illegitimate children as substitute heirs based on the Civil Code. Article 830 of the Civil Code states that inheritance only occurs due to death. So inheritance according to the Civil Code is linked to death, so there are no other legal facts. The statement that the possibility of death can only be proven by conjecture, therefore it is always possible to prove the opposite. The law provides regulations regarding the possibility that later this prejudice will be destroyed by evidence to the contrary so that the inheritance will be invalidated. The most important issue for inheritance is not only when the testator dies, in order for the testator's assets to be transferred to the heirs, these heirs must already exist at the time of the testator's death.

The rights and obligations of heirs arise after the heir dies. These rights and obligations are based on marital relations, blood relations and wills as regulated in the Civil Code, religion and customary law. However, the legatee is not an heir even though he has the right to the heir's inheritance because his share is limited to the right to certain objects without obligations. According to the provisions of Article 833 paragraph 1 of the Civil Code, all heirs automatically by law acquire ownership rights to all assets left behind by the testator. Article 874 of the Civil Code also determines that all assets left behind by the heir belong to all heirs after deducting the will based on a valid determination. The provisions of these articles are based on the principle of ancient French law, *le mort saisit le vit*, meaning that the dead adhere to the living. This principle can be interpreted that every object must have an owner. If a person dies, all their inheritance passes to their surviving heirs. The word *saisit* comes from the word *saisine* which means "turning to". The rights and obligations of a person who has died pass to the surviving heirs. Every heir has the right to demand and fight for his inheritance rights (article 834 of the Civil Code). This claim is called *hereditas petitio*, meaning the claim to obtain inheritance rights. According to the provisions of Article 1066 paragraph 2 of the Civil Code, every heir can demand distribution of inherited assets even though there is a prohibition on doing so. So it is impossible for inherited assets to be left undivided, unless it is agreed that no division will take place and this is not longer than five years.

Abdulkadir Muhammad, stated that the system adopted by the Civil Code is a bilateral individual inheritance system, meaning that each heir has the right to demand the distribution of inheritance and obtain the same share that is his right, both the inheritance from his mother and the inheritance from his father. Thus, in inheritance law it must be determined who the heir is who has the right to receive the inheritance from the testator. This has been regulated in Article 832 of the Civil Code which reads: "According to the law, those who have the right to be heirs are blood relatives, whether legal according to the law or through marriage, and the husband or wife who has lived the longest, according to the regulations. the following. If the blood family and the husband or wife who survives the longest are absent, then all inherited assets become the property of the state, which is obliged to pay off the debts of the deceased person, as long as the value of the inherited assets is sufficient to do so."

According to Abdulkadir Muhammad, he divided the heirs into 3 (three) parts, namely:

1. The real heirs consist of the testator's biological children and wife/husband. It is said to be genuine because it comes from marriage. Husband and wife and their descendants include illegitimate children, wills and substitute heirs.
2. Close heirs who are closely related to the heirs consisting of biological parents, grandparents, biological brothers/sisters, and uncles and aunts (straight line up and sideways).
3. Other heirs if the order of items a and b are missing, namely the state.

Before the Constitutional Court decision Number 46/PUU- VIII/2010, the inheritance rights of illegitimate children often became a problem. This is because there is a conflict between the Civil Code and the Marriage Law. Article 862 of the Civil Code stipulates that "If the person who dies leaves behind illegitimate children who have been legally recognized according to the law, the inheritance is divided in the manner specified in the articles of the Civil Code." Then Article 280 of the Civil Code regulates as follows: "With the recognition of a child out of wedlock, a civil relationship is created between the child and his father or mother." Based on this article, it is clear that the Civil Code recognizes the existence of illegitimate children to obtain inheritance from the heir as long as they have been legally recognized according to law, whereas in the Marriage Law it only recognizes that what is meant by legitimate children are children born in or as a result of a legal marriage. Then, Article 43 paragraph (1) of the Marriage Law states that: "Children born outside of marriage only have a civil relationship with their mother and her mother's family."

Thus, when referring to the Marriage Law, illegitimate children are not entitled to inheritance from their true father based on blood relationship, however, as time goes by, the Constitutional Court Number 46/PUU-VIII/2010 concerning the review of Law Number 1 of 1974 concerning Marriage to the 1945 Constitution of the Republic of Indonesia. In the ruling the Constitutional Court has changed the meaning of Article 43 paragraph (1) of Law Number 1 of 1974 concerning Marriage, as follows: "Children born out of wedlock have a civil relationship with their mother and their mother's family and with a man as their father who can be proven based on science and technology and/or other evidence according to law to have a blood relationship, including a civil relationship with their father's family." The legal consequences arising from the decision of the Constitutional Court, the Marriage Law cannot be contradicted any longer with the regulations in the Civil Code and has recognized the position of illegitimate children relative to their fathers in terms of inheritance in particular and in other civil legal relations in general as long as the father of the child can be proven. based on science and technology and/or other evidence, according to the law, he has a blood relationship, including a civil relationship with his father's family.

Other legal evidence here is in line with the recognition of illegitimate children contained in the Civil Code, however it is necessary to understand the requirements for recognition of illegitimate children based on the Civil Code, including:

1. Recognition of illegitimate children can be done with an authentic deed (Article 281 of the Civil Code).
2. Recognition of illegitimate children is carried out by people who are of sufficient age, namely those who have reached 19 years of age, except that underage girls are permitted to do so (Article 282 of the Civil Code).
3. Children who are not born due to adultery or blood staining (Article 283 of the Civil Code).
4. Recognition of an illegitimate child is accepted as long as the mother has consent, if the mother is still alive (Article 284 of the Civil Code).

Articles 862 to 873 of the Civil Code regulate inheritance for those born outside a valid marriage. Article 863 of the Civil Code states that: "If the deceased leaves legal descendants according to the law or a husband or wife, then the illegitimate children inherit one third and the share that they would have received, if they were legitimate children according to the law; they inherit half of the inheritance, if the deceased did not leave any descendants, husband or wife, but



left blood relatives in the upward line, or brothers and sisters or their descendants, and three-quarters if only blood relatives remained. still alive to a much greater degree.” “If the legal heirs according to law are related to the deceased in unequal degrees, then the closest in rank in the same line, determines the size of the share that must be given to the illegitimate children, even to those who have in another line.”

If a child born outside a legal marriage inherits with the first group of heirs, then the child born outside the marriage inherits 1/3 of the share. If they inherit with the second group of heirs, then they inherit with the third group of heirs, they inherit 3/4 of what they inherited. if they are legitimate children. Article 863 of the Civil Code limits the inheritance rights of children born out of wedlock to only receiving half of the inheritance, if they inherit with the family in the upward line, brothers and sisters or their descendants (second group). However, new problems have arisen regarding whether or not illegitimate children have the right to become successor heirs to their parents. There has been a conflict of norms regarding the rules regarding whether or not an illegitimate child can receive inheritance as a substitute heir. A conflict of norms occurs between Article 872 of the Civil Code which stipulates that: "The law does not give an illegitimate child any rights at all to the property of the blood relatives of both parents, except in the case stated in the following article..." Furthermore, Article 873 reads "If one of the blood relatives mentioned above dies without leaving any relatives at a level that permits inheritance, or the husband or wife who lives the longest, then the illegitimate child has the right to claim the entire inheritance for himself to the exclusion of the State. Thus, children born out of wedlock will be able to replace their parents as heirs or substitute heirs from the blood lineage of the blood family of both parents if in the case of the parent's blood family as mentioned above, they die without leaving any relatives behind. degree that permits inheritance.

The birth of the Constitutional Court Decision Number 46/PUU-VIII/2010 which has the implication that Article 43 paragraph (1) of the current Marriage Law must be interpreted as follows: "Children born out of wedlock have a civil relationship with their mother and their mother's family and with a man as their father who can be proven based on science and technology and/or other evidence according to the law to have a blood relationship, including a civil relationship with their father's family." This means that based on the article above, it is possible for illegitimate children to become heirs of their parents or become substitute heirs for their mother's and father's families. This conflict of norms causes legal uncertainty in the application of the law, resulting in the failure to achieve legal certainty in related cases that will occur in the future. So legal certainty must be created in resolving conflicting norms so that justice and benefits can accompany these problems. This conflict of norms can be resolved using the principle of legal preference and using jurisprudence, namely the Supreme Court decision no. 784 K/Pdt/2014 to resolve similar cases at a later date. The principle of legal preference that is intended and can be used in resolving this conflict of norms is the principle of *lex posterior derogat legi priori*, meaning that new laws (norms/legal rules) negate the validity of old laws (norms/legal rules). This principle can only be applied in the condition that new legal norms have an equal position, in this case the Civil Code and the Marriage Law are in the same hierarchy, so that this principle can be used to solve the norm problem in this research. So based on the principle of *lex posterior derogat legi priori*, the Marriage Law overrides the Civil Code law, so that illegitimate children have the right to become heirs in place of their parents.

Apart from using the legal principle of *lex posterior derogat legi priori*, the jurisprudence of similar cases is contained in the Supreme Court decision no. 784 K/Pdt/2014 that: "...Therefore,

BW provisions regarding family law and inheritance law must be applied *mutatis mutandis* in accordance with Law Number 1/1974 in accordance with the principle of *lex posteriori derogat legi priori*" This means that based on the Supreme Court decision above that Matters regarding family law and inheritance law regulated by BW must conform to those regulated by the Marriage Law as newer statutory regulations. So based on the principle of *lex posteriori derogat legi priori* and the jurisprudence of Supreme Court decision no. 784 K/Pdt/2014 the position of illegitimate children as successor heirs to their parents can be exercised and has the right to inheritance left by their mother and father's blood family as long as it can be proven based on science and technology and/or other evidence. according to the law, he has a blood relationship, including a civil relationship with his father's family. Sudikno Mertokusumo in his theory explains that legal certainty ensures that the law will be applied appropriately. To ensure that the law functions as a rule that must be obeyed, a strong and authoritative entity is needed to carry out legal control efforts through statutory regulations. So from the situation there is a conflict of norms in the Civil Code articles 872 and 873 of the Civil Code.

After analyzing the legal position of illegitimate children as substitute heirs in Indonesia, there is legal uncertainty due to a conflict of norms between Article 872 of the Civil Code which determines that an illegitimate child cannot become a substitute heir unless the provisions in Article 873 of the Civil Code are fulfilled, while Article 43 of the Marriage Law is possible. illegitimate children can become heirs of their parents or become substitute heirs for their mother's and father's families. Conflicts of norms can be resolved using the principle of *lex posterior derogat legi priori*, so that the Marriage Law overrides the Civil Code law, so that illegitimate children have the right to become heirs instead of their parents. Sudikno Mertokusumo in his theory explains that legal certainty ensures that the law will be applied appropriately. To ensure that the law functions as a rule that must be obeyed, a strong and authoritative entity is needed to carry out legal control efforts through statutory regulations. So, from the conflict that occurs in the Civil Code and the Marriage Law, in order to apply the law appropriately in the future, judges or law enforcers need to look at various sides, especially in relation to illegitimate children who are recognized as legitimate if they will replace their parents' position as experts. replacement heir. Supreme Court Decision No. 784 K/Pdt/2014 must become a new law that needs to be made into a strong entity in order to decide cases relating to the position of illegitimate children who are recognized as legal successors. Efforts to resolve this conflict of norms are a manifestation of legal certainty, because it is based on the theory of legal certainty that if legal certainty is achieved then justice and benefit will follow behind it.



4. CONCLUSION

The position of an illegitimate child who is legally recognized as a substitute heir in Article 872 of the Civil Code stipulates that: "The law does not give an illegitimate child any rights at all to the property of the blood relatives of his parents, except in the case stated in the following article. ." Furthermore, Article 873 reads "If one of the blood relatives mentioned above dies without leaving any relatives in a degree that permits inheritance, or the husband or wife who lives the longest, then the illegitimate child has the right to claim the entire inheritance for himself, regardless of Country. Thus, children born out of wedlock will be able to replace their parents as heirs or substitute heirs from the blood lineage of the blood family of both parents if in the case of the parent's blood family as mentioned above, they die without leaving any relatives behind. degree that permits inheritance, based on the meaning of articles 872 and 873 of the Civil Code. So it is clear that illegitimate children will only be able to replace their parents as substitute heirs if the conditions as stated in Article 873 of the Civil Code are met. Meanwhile, in the Constitutional Court Decision Number 46/PUU-VIII/2010 which has the implication that Article 43 paragraph (1) of the Marriage Law reads that "Children born outside of marriage have a civil relationship with their mother and their mother's family and with a man as their father who can be proven based on science and technology and/or other evidence according to the law to have blood relations, including civil relations with his father's family." So it is possible for illegitimate children to take the place of their parents without having to meet the requirements as stipulated in Article 873 of the Civil Code. The legal position of illegitimate children as substitute heirs in Indonesia is experiencing legal uncertainty due to a conflict of norms between Article 872 of the Civil Code which determines that an illegitimate child cannot become a substitute heir unless the conditions as stipulated in Article 873 of the Civil Code are met, while Article 43 of the Marriage Law allows children to be Unmarried people can become heirs of their parents or become successor heirs to their mother's and father's families under any circumstances without any conditions that must be met. This conflict of norms can be resolved using the principle of *lex posterior derogat legi priori*, so that the Marriage Law overrides the law of the Civil Code, so that illegitimate children have the right to become heirs in place of their parents without considering the terms or conditions as stated in Article 873 of the Civil Code.

5. SUGESTION:

The legal status of illegitimate children currently often experiences legal uncertainty and receives a bad stigma in society. The Government is advised to formulate clear regulations regarding illegitimate children that provide fair legal protection and certainty regarding the status of a child born out of wedlock and the rights they have, as well as legal certainty regarding the civil rights of illegitimate children, especially those related to with the right to inherit from illegitimate children. It's not just about inheritance rights when he inherits as himself, but also what happens if he replaces his parents as a substitute heir. To the executive and legislative branches who have the authority to make changes to the law, it is recommended that legal reforms be made regarding the position of illegitimate children as substitute heirs in the body of the Marriage Law or that government regulations be made that further regulate the position and parts of inheritance. illegitimate children if they become substitute heirs.

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