



LEGAL ANALYSIS OF THE INHERITANCE RIGHTS OF CHILDREN BORN OUT OF WEDLOCK UNDER INDONESIA AND THAILAND LAW

Haura Kamila Zahra¹, Nursariani Simatupang²

^{1,2}Universitas Muhammadiyah Sumatera Utara, Indonesia

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ABSTRACT

Illegitimate children are a social phenomenon that still occurs frequently and raises legal issues, particularly regarding the civil status and inheritance rights of children. Differences in legal systems between countries lead to differences in the treatment of illegitimate children, especially in determining their legal relationship with their parents and inheritance rights. This study discusses the criteria and inheritance rights of illegitimate children according to Indonesian and Thai law through a comparative legal approach. In Indonesian law, the status of children born out of wedlock is determined by their birth outside of a legal marriage and initially only has a legal relationship with the mother, while the relationship with the biological father only arises after recognition or proof of blood relations (Article 43 of Law No. 1 of 1974, Civil Code, and Constitutional Court Decision No. 46/PUU-VIII/2010). Meanwhile, Thai law automatically recognizes children born out of wedlock as legitimate children of the mother (Section 1546 CCC), but legal relations with the father and inheritance rights only arise through strict legitimation (Sections 1547-1548 CCC). This study uses a normative legal research method with a legislative approach, literature review, and qualitative analysis. The results of the analysis show that the main difference between the two legal systems lies in the mechanisms of recognition and legitimation: Indonesia emphasizes proof of descent and recognition to obtain inheritance rights, while Thailand requires formal legitimation for children born out of wedlock to obtain status and inheritance rights equal to legitimate children. Although different, both legal systems seek to protect the inheritance rights of children born out of wedlock.

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Corresponding Author:

Haura Kamila Zahra
Universitas Muhammadiyah Sumatera Utara
haurakamila9@gmail.com

1. INTRODUCTION

Marriage is the basis for the formation of legal relationships between husband, wife, and children in a family law system. These legal relationships give rise to rights and obligations recognized by the state, one of which is inheritance rights. Inheritance law is a legal regulation that governs the property of a deceased person, namely the transfer of that property and the consequences for those who receive it, both in terms of the relationship between them and with third parties. A marriage between a husband and wife will result in offspring [1]. Offspring here refers to the biological relationship between parents and their children. Parents give birth to their children from a legal biological relationship within the bonds of marriage.

The fact is that not all children are born from a legal marriage. Marriage, according to the legal definition in Article 1 of Law No. 1 of 1974, is “a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Almighty God” [2]. Basically, the relationship between a man and a woman is bound in a marriage that is valid according to the law. As a result, children born out of wedlock often face legal problems, particularly in terms of legal status and civil rights, including inheritance law.

In this context, it is important to understand that marriage has not only a legal dimension, but also a moral and religious dimension. Marriage in Indonesia is not only viewed as a civil relationship between two individuals, but also as a bond sanctified by religious teachings. One of the purposes of marriage is to have children, but not all marriages produce children or offspring [3]. In the case of offspring, namely the biological relationship between parents and their children, it is the offspring that is legally recognized by religious law and also by applicable laws. Meanwhile, children who have biological parents who are not bound by marriage are labeled as illegitimate children or children born out of wedlock [4]. Meanwhile, the basis for understanding marriage consists of faith, Islam, and sincerity. Islamic provisions on marriage are known as Fiqh Munakahat. The regulations that apply in a country that apply to every community in Indonesia that regulates marriage in Indonesia are regulations that explain marriage as regulated by Law No. 1 of 1974 and Government Regulation No. 9 of 1975 [5].

The legal status of children is one of the fundamental issues in family law because it is directly related to the protection of human rights, legal certainty, and the state's responsibility to ensure the welfare of children. In the context of civil law, determining the status of a child—whether legitimate or illegitimate—has broad legal implications, particularly regarding the legal relationship between the child and his or her parents, inheritance rights, maintenance, and the child's legal identity. Therefore, regulations concerning children born out of wedlock are an important indicator of the extent to which a legal system provides fair and non-discriminatory protection to children born outside of a legal marriage [6].

In social practice, the birth of children outside of marriage still often occurs due to various factors, such as promiscuity, pregnancy outside of marriage, or marriages that are not legally registered by the state. This phenomenon not only raises social and moral issues, but also gives rise to complex legal issues, particularly regarding the determination of the child's legal status. Children born out of wedlock are often in a vulnerable position due to limited legal recognition of their civil relationship with their parents, especially their biological father. As a result, they do not receive financial security, education, or inheritance rights. This condition necessitates an in-depth study of the criteria for children born out of wedlock in various legal systems, including Indonesia and Thailand, which have different regulatory characteristics [7].

In Indonesian law, the status of children born out of wedlock has historically been regulated through the Civil Code and Marriage Law No. 1 of 1974 (now also relevant to Marriage Law No. 16 of 2019 for the context of legal marriage). According to Article 43 Paragraph (1) of Law No. 1/1974, children born out of wedlock only have civil relations with their mother and her family. This means that, legally, these children do not automatically have civil relations with their biological father, including the father's obligations towards the child, if the blood relationship has not been acknowledged or proven. According to a number of literature sources, a child born out of wedlock is a child born outside of a legal marriage according to civil law (Civil Code/Marriage Law). This includes children born from relationships outside of marriage that are not registered or legally recognized by the state, such as unregistered religious marriages.

Historically, the Civil Code has distinguished between legitimate children and children born out of wedlock by emphasizing the existence of a legal marriage at the time of the child's birth. Meanwhile, the Marriage Law emphasizes that children born outside of marriage only have civil relations with their mother and maternal family, before there is recognition or proof of a blood relationship with their biological father. This provision shows that the criteria for children born out of wedlock in Indonesian law are highly dependent on the formality of marriage and legal recognition mechanisms [8].

Legal developments in Indonesia show a paradigm shift towards the protection of children born out of wedlock, particularly after the Constitutional Court Decision Number 46/PUU-VIII/2010. This decision broadens the meaning of the civil relationship between children born out of wedlock and their biological fathers as long as a blood relationship can be proven through science and technology or other legal evidence [9]. However, normatively, the status of children born out of wedlock in Indonesian law is still determined by the main criteria of birth outside of a legal marriage and the absence of legitimacy or legal recognition as stipulated in the Civil Code. This shows a tension between written norms and developments in jurisprudence in determining the criteria for children born out of wedlock.

Meanwhile, Thailand, as a country with a civil law system, also strictly regulates the status of children in the Thai Civil and Commercial Code (CCC), particularly in Book V on Family. In the CCC, the status of a child is clearly determined based on the existence or absence of a legal marriage between the parents at the time of the child's birth. A child born to a woman who is not legally married to the biological father is legally considered the legitimate child of the mother, but has no legal relationship with the father until legitimation is carried out. Thus,

the criteria for illegitimate children in Thai law focus on the legality of marriage and the procedure of legitimation as the main requirements for the establishment of a legal relationship with the father. Article 1546 of the CCC stipulates that children born out of wedlock automatically only have a legal relationship with their mother, not with their biological father. As a result, without legitimation, children born out of wedlock do not have inheritance rights from their father under Thai inheritance law [10].

In the Thai legal system, the position of children born out of wedlock in inheritance follows the main principle set forth in the Civil and Commercial Code children born out of wedlock are only recognized as children of their mother and are not recognized as descendants of their father without a specific legal process such as legitimation [11]. This legitimation process is important because under Section 1627 of the Civil and Commercial Code, children born out of wedlock who are legitimized by their fathers are treated as legitimate children in terms of inheritance law and are entitled to be considered descendants [12]. The difference in approach between Indonesia and Thailand in determining the criteria for children born out of wedlock is interesting to study comparatively. Indonesia tends to combine a formalistic approach and jurisprudential developments, while Thailand emphasizes legal certainty through a strict and structured legitimation mechanism in its laws. This study is important for understanding how each legal system defines and limits the status of children born out of wedlock, as well as how these criteria affect the legal protection of children. With this change in status, the child obtains the same legal rights as legitimate children in general, including the right to use the father's family name, receive financial support, and inherit the father's property as a Class 1 Heir as stipulated in Article 1629(1) CCC.

The author's interest in the topic of children born out of wedlock and inheritance rights is based on the continuing uncertainty and differences in legal treatment of children born out of wedlock in inheritance practices, particularly in Indonesia. Despite legal developments through Constitutional Court Decision Number 46/PUU-VIII/2010, in practice, children born out of wedlock still often face obstacles in obtaining equal inheritance rights. In addition, a comparison with Thai law is interesting to study because that country has a clear and structured system of legitimacy in its laws. This comparison is expected to provide a new perspective and evaluation material for the development of family law and inheritance law in Indonesia. By looking at the differences in the systems and regulatory mechanisms in both countries, this research is important to understand the criteria for children born out of wedlock according to Indonesian and Thai law, as well as to determine the inheritance rights of children born out of wedlock according to Indonesian and Thai law.

2. RESEARCH METHODS

The type of research used is normative legal research, which is legal research that focuses on the study of written legal norms, legal principles, and applicable legal doctrines. The nature of this research is descriptive and analytical, which is research that aims to systematically describe the facts and characteristics of applicable law and analyze them using a juridical approach. This research uses several legal approaches, namely the Statute Approach, which is an approach conducted by examining all laws and regulations governing inheritance law and the status of children born out of wedlock, both in Indonesia and Thailand.

The data sources used in conducting legal research in this study are revelatory data sources in Surah al-Ahzab: 4-5 and secondary data sources with three legal materials, namely:

- a. Primary legal materials: Law Number 1 of 1974 concerning Marriage, Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning Marriage, the Civil Code Civil Code (KUHPerdata), specifically Articles 272-289 concerning the Recognition of Children Born Out of Wedlock and Inheritance Rights, the Compilation of Islamic Law (KHI) Article 209 paragraph (2) concerning Mandatory Wills for children born out of wedlock, Decision of the Constitutional Court of the Republic of Indonesia Number 46/PUU-VIII/2010 concerning the Review of Law Number 1 of 1974 against the 1945 Constitution of the Republic of Indonesia, Civil and Commercial Code of Thailand (CCC), Book I (Family) and Book V (Succession), Thai Court Decision regarding the recognition of children born out of wedlock and inheritance rights based on Civil and Commercial Code Sections 1546-1560 and Sections 1629-1635.
- b. Secondary legal materials, namely law books, law journals, research results, and scientific works related to the issues being studied [13].
- c. Tertiary legal materials, namely legal materials that provide guidance or explanations on primary and secondary legal materials, such as legal dictionaries or encyclopedic dictionaries, and the internet to explain the meaning or definition of difficult terms.

The data collection technique in this study was conducted through library research. Data analysis was carried out using qualitative analysis, which is the process of systematically describing and interpreting the legal data that has been collected. The data obtained from primary, secondary, and tertiary legal materials was analyzed to find the relationship between the concept of inheritance law and the status of children born out of wedlock in

both legal systems. The results of the analysis were then described descriptively and compared in a comparative legal manner.

3. RESULT AND ANALYSIS

Criteria for Children Born Out of Wedlock According to Indonesian and Thai Law

The source of civil inheritance law is found in the Burgerlijk Wetboek (BW) or the Civil Code (KUHPerdata), which is intended for residents who are subject to Western civil law, as stated in Article 131 IS jo. Staatsblad 1917 Number 12 jo. Staatsblad 1924 Number 557 concerning Subjection to European Law. The elements of inheritance consist of: [14]. The testator, namely the person who has died and left behind assets;

- a. The heir, namely the person who replaces the testator in the field of property law due to the death of the testator and is entitled to receive the testator's estate;
- b. The estate, which is the total assets and liabilities left by the decedent after deducting all debts.

According to Article 830 of the Civil Code, inheritance only occurs due to death. Therefore, the estate or inheritance is only opened when the decedent has passed away and the heirs are still alive when the inheritance is opened. Based on several expert opinions and the provisions of Article 830 of the Civil Code (KUHPerdata), it can be concluded that inheritance law is the entirety of legal provisions governing the transfer of the assets of a deceased person to their surviving heirs. This transfer has legal consequences not only between the deceased and their heirs, but may also involve third parties [15].

The inheritance of children born out of wedlock is regulated in the third part of Chapter XII of Book II of the Civil Code. This chapter stipulates the inheritance of children born out of wedlock as heirs and as inheritors. The right to inheritance arises if the child born out of wedlock has been recognized as a legitimate child by the testator. There are three types of children recognized by law, namely:

- a. Legitimate children, who are children born from a legal marriage;
- b. Illegitimate children, who are children born outside of a legal marriage, meaning that their father and/or mother are still married to someone else. Such children cannot be recognized by their father or mother;
- c. Children born out of wedlock are children born outside of a legal marriage, but can be recognized by their father and mother or one of them.

In Article 272 of the Civil Code, it can be concluded that a child born out of wedlock who can be recognized is a child born to a mother, but not fathered by a man who is in a legal marriage with the child's mother, and is not included in the group of children born out of wedlock and illegitimate children. In Indonesian civil law, children born out of wedlock are regulated in Articles 272-289 of the Civil Code and Constitutional Court Decision No. 46/PUU-VIII/2010. Prior to the Constitutional Court's decision, children born out of wedlock only had a legal relationship with their mother. However, after the ruling, children born out of wedlock can also have a civil relationship with their biological father if a blood relationship can be proven, for example through DNA testing or other scientific evidence. The biological father can acknowledge the child born out of wedlock through an authentic deed in the civil registry or a court decision. If the biological relationship is proven, children born out of wedlock are entitled to civil rights, including inheritance rights from their father. However, if the father and mother are not legally married, the child's legal relationship with the father remains limited and requires legal recognition through the courts [16].

In the Civil Code, the criteria for children born out of wedlock are further elaborated through a mechanism of recognition and ratification. Under Article 280 of the Civil Code, a child born out of wedlock can obtain a legal relationship with his or her father through recognition by the father or mother, which is registered with the civil registry. If this recognition is made, then the child can be considered to have a civil relationship with his or her biological father, and inheritance and other rights may arise.

In detail, recognition is carried out based on several mechanisms:

- a. Voluntary recognition by the father, where the child's name is listed on the birth certificate and officially recorded.
- b. Ratification through the parents' marriage, which occurs when the parents marry after the child's birth, making the child legally legitimate.
- c. Court decision, if there is a dispute or denial of biological relationship, it must be decided by a judge.

Based on the above description, the legal criteria for a child to be considered illegitimate in Indonesia include:

- a. Born outside of a marriage that is legally valid according to national law (based on the Marriage Law & Civil Code).
- b. Not yet legally recognized by the biological father through a mechanism of acknowledgment, or no legitimation has occurred.
- c. Only has a civil relationship with the mother and the mother's family by default (Article 43 of the Marriage Law), unless there is acknowledgment or proof of the father's relationship.

- d. After recognition/legalization, a legal relationship with the father may arise, including inheritance rights and rights to the father's family name, in accordance with the mechanisms of the Civil Code.

Family law in Thailand regarding the rights and obligations of fathers towards recognized children born out of wedlock, particularly within the framework of the Thai Civil and Commercial Code (CCC) [17]:

- a. Section 1546 CCC (Parentage): A child born to an unmarried woman is considered the legitimate child of the mother, but not automatically the legitimate child of the biological father. This article establishes that children born out of wedlock do not have a legal relationship with their father from birth, so they do not automatically acquire inheritance rights or civil rights from their father.
- b. Sections 1547 & 1557 CCC (Legitimation): A child can become the legitimate child of the father if the father and mother are married, there is an official registration of the child's recognition, or there is a court decision. This article regulates the formal process for an illegitimate child to change their status to that of a full legitimate child, with all legal consequences, including inheritance and family relations with the father.
- c. Section 1627 CCC (Inheritance - Recognized Children Born Out of Wedlock): Children born out of wedlock who are recognized by their father through conduct are considered descendants and are entitled to inherit from their father as legal heirs. This article discusses granting inheritance rights to children born out of wedlock, but does not make the child a legitimate child. Recognition is sufficient through the father's open behavior; it does not have to be formal.
- d. Section 1629 CCC (Order of Statutory Heirs): Determines the order of heirs, including: descendants (children), parents, siblings. After being recognized under Section 1627, children born out of wedlock are included as first-level heirs (descendants) in their father's estate.

However, based on Section 1627 CCC, there is considered to be legal injustice due to the absence of reciprocal inheritance rights, even though the father has acknowledged his child [18], where:

- a. Section 1627 CCC: this provision provides a legal construct that benefits the child, because illegitimate children who are recognized through conduct/พฤติกกรณ์รับรอง are positioned as descendants and are entitled to inherit their father's estate as heirs according to the law. However, this recognition does not elevate the child's status to that of a legitimate child, but only creates a one-way inheritance relationship.
- b. Limitations on the Father's Rights: it is considered that a father who has acknowledged and fulfilled his social and economic obligations towards the child does not obtain commensurate legal consequences, because normatively he is still not qualified as a legitimate father in the context of inheritance. As a result, inheritance rights only apply from the father to the child, not vice versa. This condition is seen as structural injustice, because the blood relationship and factual responsibility of the father are not followed by legal recognition in a reciprocal inheritance relationship.

This shows that family and inheritance law in Thailand has developed by recognizing children born out of wedlock who are acknowledged by their fathers as heirs according to the law, although there is still uncertainty regarding the limits of such recognition. Illegitimate children who are recognized through conduct are entitled to inherit from their fathers, but conversely, biological fathers do not yet have inheritance rights from these children. This situation creates legal injustice and an imbalance of rights and obligations between fathers and illegitimate children.

The criteria for illegitimate children according to the Thai Civil Code are based on the marital status of the parents: if unmarried, the child is initially only legally recognized as the child of the mother. To obtain the status of a legitimate child, legitimation through the parents' marriage, registration, or a court decision is required.

Inheritance Rights of Children Born Out of Wedlock According to Indonesian and Thai Law

In Indonesian law, children born out of wedlock are generally referred to as children born out of wedlock. The basis for the formulation of Indonesian inheritance law is the Civil Code (KUHPerduta), which distinguishes between legitimate children and children born out of wedlock. Children born out of wedlock can only become heirs if they are legally recognized by their parents, especially their biological father. Without recognition, there is no legal relationship between children born out of wedlock and their fathers for inheritance purposes. In order for children born out of wedlock to become heirs to their fathers, recognition from the father or proof of kinship through legally acceptable evidence is required. In judicial practice, proof can be provided through documents, testimony, or scientific evidence (e.g., DNA testing) [19].

The basis for the distribution of inheritance for children born out of wedlock according to the Indonesian Civil Code is mainly regulated through the articles on inheritance, particularly Articles 862–866 of the Civil Code. These provisions differentiate the rights of children born out of wedlock based on the class of heirs concerned at the time of the testator's death:

- a. Children born out of wedlock inherit together with heirs of class I (longest-married spouse and legitimate children) – the share of children born out of wedlock is one-third of the share they would have received if they were legitimate children. This distribution shows that even though children born out of wedlock have been recognized, Indonesian law still distinguishes between the inheritance of children born out of wedlock and legitimate children in the context of category I.
- b. Children born out of wedlock inherit together with heirs in categories II and III (the parents of the deceased or siblings of the deceased) – the inheritance rights of children born out of wedlock are 1/2 of the total inheritance. Thus, in this situation, the illegitimate child receives a relatively large share, but still not entirely equal to that of a legitimate child.
- c. Illegitimate children inherit together with heirs in category IV – the share of illegitimate children is 3/4 of the inheritance, while the rest is received by other heirs in that category. This shows that the share of illegitimate children is greater when there are no closer heirs.
- d. If the deceased leaves only illegitimate children and no other heirs, then the children are entitled to inherit the entire estate (Article 865 of the Civil Code).

This distribution shows that the position of illegitimate children who have been legally recognized in Indonesian civil law has an inheritance share that is regulated and varies in proportion depending on the context of the inheritance. It should be emphasized that illegitimate children who have not been recognized cannot claim inheritance rights from their father, so that their father's inheritance may fall to other heirs such as a legal spouse, legitimate children, or other family members.

In practice, the distribution of inheritance to children born out of wedlock is often hampered by issues of proving kinship, especially if the father does not acknowledge the child or there is no strong evidence. In some cases, children born out of wedlock must go through the courts to obtain recognition or a ruling confirming kinship before they can claim their inheritance rights. In addition, inheritance conflicts often arise due to differences in interpretation and interpretation among family members, especially if there are legitimate heirs who reject the existence of children born out of wedlock as heirs. Therefore, Constitutional Court Decision 46/2010 is an important reference in strengthening the rights of children born out of wedlock in the context of inheritance distribution. Constitutional Court Decision No. 46/PUU-VIII/2010 provides a constitutional basis that children born out of wedlock who can prove a biological relationship with their father are entitled to legal recognition and have the potential to become heirs [20]. This decision is an important basis for strengthening the inheritance rights of children born out of wedlock in modern Indonesian law.

In the Thai legal system, provisions regarding inheritance are regulated in the Thailand Civil and Commercial Code. Children born out of wedlock are only considered legitimate children of their mothers, while their status with regard to their biological fathers and inheritance only occurs if a process of legitimation is carried out namely, the marriage of the parents after the birth, official registration by the father, or a determination through a court decision. According to Thai law, children born out of wedlock only have a legal relationship with their mother. Civil relations between children born out of wedlock and their biological fathers do not arise automatically, including in terms of the right to inherit the father's estate. Therefore, children born out of wedlock are, in principle, not included as heirs of their biological fathers.

Thai law requires legitimation in order for children born out of wedlock to obtain inheritance rights from their biological fathers. Based on Section 1547 of the Civil Code, legitimation can be achieved through the marriage of the parents after the child's birth, registration of acknowledgment by the father, or a court ruling. Legitimation is a legal instrument that changes the status of a child born out of wedlock to a child who is legally recognized [21]. After legitimation, a child born out of wedlock obtains a full legal relationship with his or her father, including civil rights and obligations. Thus, legitimation is an absolute prerequisite for a child born out of wedlock to be included in the inheritance system under Thai law.

If an illegitimate child is legally legitimized by his father, then:

- a. The child will be treated as a legitimate descendant in inheritance law.
- b. He can inherit property from his father along with other heirs in the descendant class (e.g., siblings, parents) according to the applicable order.
- c. This right comes from Section 1627 CCC, which states that children legitimized by their father “are deemed to be descendants in the same way as legitimate children.” (Thailand Library)

After legitimization, illegitimate children enter Class I (descendants).

Example 1

The deceased leaves behind: a legal wife, two legal children, and one legitimized child born out of wedlock. The inheritance is divided as follows: the wife receives half, and the three children (including the child born out of wedlock) receive the other half, divided equally between them, with no distinction between legal and illegitimate children [22].

Example 2

The deceased leaves behind: 1 legitimized child born out of wedlock, who receives 100% of the inheritance. In accordance with Civil and Commercial Code Sections 1627, if the deceased leaves behind parents and one legitimized child born out of wedlock. Because the child belongs to the descendants category, the child receives the entire inheritance, while the parents receive no share.

Example 3

The deceased leaves behind: parents, one legitimized child born out of wedlock. Because the child is in Group I, the child receives the entire estate and the parents receive no share.

If the child is not legitimized by his father:

- a. Under Thai law, the child is only legally related to the mother, not the biological father.
- b. As a result, without legitimation, the child is usually unable to inherit the biological father's estate through intestate succession. The child is only recognized as the mother's child, can only inherit from the mother, and cannot inherit from the biological father. If the father dies → the child is not included as an heir. In this context, children born out of wedlock are positioned as if they have no legal relationship with their father (Civil and Commercial Code (Sections 1629 (1)))

The Thai system tends to grant more equal inheritance status after legitimation, while in Indonesia, the distribution of inheritance for recognized children born out of wedlock still takes into account the distribution of inheritance groups in accordance with the Civil Code

4. CONCLUSION

Illegitimate children are defined by their birth outside of a legal marriage according to the Civil Code/Marriage Law, initially having only a legal relationship with their mother and her family. A legal relationship with the biological father can arise through recognition or proof of blood relations in accordance with the Civil Code and a decision by the Constitutional Court. Meanwhile, in Thailand, children born outside of marriage automatically have legal status as children of the mother in accordance with Section 1546 of the Civil Code. To obtain legal status from the father and all attached rights, the child must go through a legitimation process regulated in Sections 1547-1548 CCC. A comparison of the two legal systems shows that the legal status of children born out of wedlock is greatly influenced by the mechanisms of legitimation or legal recognition applicable in each country, which has direct implications for civil rights such as family relationships, inheritance rights, and parental responsibilities.

Indonesia requires recognition or strong evidence of kinship to make an illegitimate child an heir, and grants a proportional share of the inheritance based on the class of heirs to which the illegitimate child belongs. In Thailand, on the other hand, a legitimation process is required to give illegitimate children inheritance rights equal to those of legitimate children, whereby after legitimation their inheritance rights are the same as those of other legitimate children. Both systems reflect different social legal values but both seek to provide protection for the inheritance rights of children born out of wedlock to their parents' estate.

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