

**ANALISIS DISPARITAS PUTUSAN PERKARA PERDATA PENGAKUAN ANAK HASIL HUBUNGAN LUAR KAWIN (STUDI PUTUSAN NOMOR 746/PDT.G/2021/PN TNG DAN PUTUSAN NOMOR 109/PDT/2022/PT BTN)”**

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**INTISARI**

Penelitian ini bertujuan untuk mengetahui dan menganalisis berkaitan dengan disparitas putusan perdata tentang status anak luar kawin antara Putusan Nomor 746/Pdt.G/2021/PN Tng dan Putusan Nomor 109/PDT/2022/PT BTN. Penelitian ini menjelaskan disparitas antara Putusan Nomor 746/Pdt.G/2021/PN Tng dan Putusan Nomor 109/PDT/2022/PT BTN ditinjau dari aspek filosofis putusan dan faktor apa yang menyebabkan disparitas tersebut terjadi.

Penelitian ini dilakukan dengan jenis metode penelitian normatif. Metode ini digunakan untuk menganalisis Putusan Nomor 746/Pdt.G/2021/PN Tng dan Putusan Nomor 109/PDT/2022/PT BTN dalam aspek filosofis dan faktor penyebabnya. Penelitian ini dilakukan dengan mencari data sekunder melalui penelusuran kepustakaan. Namun, penelitian ini juga didukung dengan wawancara terhadap Hakim Pengadilan Negeri Yogyakarta sebagai ahli yang berkapasitas dalam bidang ini.

Berdasarkan hasil penelitian, dapat disimpulkan bahwa pertama, Putusan Nomor 109/PDT/2022/PT BTN lebih memenuhi aspek filosofis dibandingkan dengan Putusan Nomor 746/Pdt.G/2021/PN Tng. Hal ini penulis analisis berdasarkan teori keadilan korektif Aristoteles. Putusan Nomor 109/PDT/2022/PT BTN telah memenuhi aspek-aspek keadilan korektif yaitu aspek Terdapat pelanggaran hak yang seharusnya diperoleh; Adanya upaya pembetulan (pengembalian) hak; Kerugian dapat diukur; Pembetulan dapat diukur (sepadan); Berdasarkan proporsional. Kedua, disparitas yang terjadi antara Putusan Nomor 746/Pdt.G/2021/PN Tng dan Putusan Nomor 109/PDT/2022/PT BTN disebabkan adanya perbedaan pandangan hakim dalam pertimbangan hukumnya yaitu berkaitan dengan bukti persangkaan, beban pembuktian, dan aspek perlindungan anak.

Kata kunci : disparitas putusan perdata, anak luar kawin, aspek filosofis putusan

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**ANALYSIS OF THE DISPARITY IN DECISIONS IN CIVIL CASES OF  
RECOGNITION OF CHILDREN RESULTING FROM EXTRAMARITAL  
RELATIONS (STUDY OF DECISION NUMBER 746/PDT. G/2021/PN TNG  
AND DECISION NUMBER 109/PDT/2022/PT BTN)"**

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**ABSTRACT**

This study aims to find out and analyze the disparity in civil decisions regarding the status of children out of wedlock between Decision Number 746/Pdt.G/2021/PN Tng and Decision Number 109/PDT/2022/PT BTN. This study explains the disparity between Decision Number 746/Pdt.G/2021/PN Tng and Decision Number 109/PDT/2022/PT BTN reviewed from a philosophical aspects of the verdict and what factors cause this disparity to occur.

This research was conducted with a type of normative research method. This method is used to analyze Decision Number 746/Pdt.G/2021/PN Tng and Decision Number 109/PDT/2022/PT BTN in terms of philosophical aspects and causative factors. This research was conducted by searching for secondary data through literature search. However, this research is also supported by interviews with Yogyakarta District Court Judges as competent experts in this field.

Based on the results of the research, it can be concluded that first, Decision Number 109/PDT/2022/PT BTN is more fulfilling the philosophical aspect than Decision Number 746/Pdt.G/2021/PN Tng. This is an analysis based on Aristotle's theory of corrective justice. Decision Number 109/PDT/2022/PT BTN has fulfilled the aspects of corrective justice, namely the aspect that there is a violation of rights that should have been obtained; There are efforts to correct (return) rights; Losses are measurable; Correction is measurable (commensurate); Based on proportionality. Second, the disparity that occurred between Decision Number 746/Pdt.G/2021/PN Tng and Decision Number 109/PDT/2022/PT BTN was due to differences in judges' views in their legal considerations, namely related to suspected evidence, burden of proof, and aspects of child protection.

**Keywords:** disparity in civil decisions, children out of wedlock, philosophical aspects of decisions