

## **A FAMILY FOR ALL: LEGALIZATION OF SURROGACY IN INDONESIA**

By:  
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### **ABSTRACT**

The notion of Assisted Reproductive Technology [hereinafter referred as “ART”] in Indonesia is still very limited. According to the Indonesian Health Law, the most common type of ART service that can be taken for the infertile couples is In Vitro Fertilization [hereinafter referred as “IVF”] or known as *Bayi Tabung*. However, at the same time, Surrogacy or known as *Sewa Rahim* is starting to be introduced and known as an alternative infertile treatment that can be taken for the couples with clearly diagnosed medical problems which refrains them from having their own biological children.

This Legal Research is aimed to analyze: 1) How the current Indonesian Legal System responds to Surrogacy; 2) How the legalization of Surrogacy endorses the basic human rights, especially the Right to Establish a Family and to Procreate, and Right to Bodily Integrity.

The Normative research method is used in this Legal Research by analysing the application and interpretation of the current legal system, which revolves around the library and literature research. The data and information collected is analysed through a descriptive and elaborative approach.

The findings of this Legal Research show that the legal status of Surrogacy in Indonesia still remains unclear, thus prompting the legal uncertainty. It also concludes that the legalization of Surrogacy will eventually assure the fulfillment of basic human rights, especially the right to establish and to procreate for the intended parents and the right to bodily autonomy for the surrogate mothers.

This Legal Research concludes that there is an urgency for the Indonesian law makers to start considering the proposal of legalizing Surrogacy in Indonesia, not only to respond to the advancement of technology and society, but to uphold the basic human rights of the citizens of Indonesia and to make such rights are inclusive for everyone.

**Keyword: Legalization, Surrogacy, Right to Establish a Family and to Procreate, Right to Bodily Integrity**

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## **KELUARGA UNTUK SEMUA: LEGALISASI SEWA RAHIM DI INDONESIA**

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### *INTISARI*

*Gagasan Teknologi Reproduksi Berbantuan [selanjutnya disebut “TRB”] di Indonesia masih sangat terbatas. Berdasarkan Undang Undang Kesehatan Indonesian, tipe TRB yang paling umum dilaksanakan oleh para pasangan infertil adalah In Vitro Fertilization [selanjutnya disebut “IVF”] atau yang biasa dikenal dengan Bayi Tabung. Tetapi, disaat yang sama Surrogacy atau yang biasa dikenal dengan Sewa Rahim sudah mulai dikenalkan sebagai pengobatan alternatif lainnya yang bisa diambil oleh para pasangan yang didiagnosa dengan penyakit yang membuat mereka tidak bisa memiliki anak biologis sendiri.*

*Penelitian Hukum ini bertujuan untuk menganalisa: 1) Bagaimana Sistem Hukum Indonesia merespon Sewa Rahim; 2) Bagaimana legalisasi Sewa Rahim akan mendukung Hak Asasi Manusia, terutama Hak Berkeluarga dan Melanjutkan Keturunan, serta Hak terhadap Integritas Tubuh.*

*Metode penelitian normatif digunakan dalam Penelitian Hukum ini dengan menganalisa penerapan dan interpretasi terhadap sistem hukum saat ini, yang berfokuskan kepada studi pustaka dan literatur. Data dan informasi yang sudah dikumpulkan dianalisis melalui pendekatan deskriptif dan elaboratif.*

*Temuan dari Penelitian Hukum ini menunjukkan bahwa status hukum Sewa Rahim di Indonesia masih belum jelas, yang mana menimbulkan ketidakpastian hukum. Kemudian Penelitian Hukum ini juga menyimpulkan bahwa legalisasi Sewa Rahim akan memastikan pemenuhan Hak Asasi Manusia, terutama Hak Berkeluarga dan Melanjutkan Keturunan, serta Hak terhadap Integritas Tubuh.*

*Penemuan Hukum ini menyimpulkan bahwa adanya urgensi pada pembuat undang-undang Indonesia untuk mulai mempertimbangkan pengajuan legalisasi Sewa Rahim di Indonesia, bukan hanya sebagai sebuah respon terhadap kemajuan teknologi dan masyarakat, tetapi juga menegakkan hak-hak dasar warga negara Indonesia dan memastikan hak-hak tersebut inklusif untuk semua orang.*

***Kata Kunci: Legalisasi, Sewa Rahim, Hak Berkeluarga dan Melanjutkan Keturunan, Hak terhadap Integritas Tubuh.***

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