

# PERLINDUNGAN HAK ASASI MANUSIA TERHADAP HAK HIDUP ANAK DALAM KANDUNGAN DI LUAR PERKAWINAN YANG SAH

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## Abstract

*Human rights is the most essential rights inherent in the human person at birth. Son of the conceptual content is the son of man that should be protected. Conceptually this appears problematic, because in theory all along, that the existing child in the womb the mother has the right to birth, while in fact many actions carried out abortions. in the criminal law any deliberate abortion fetus (abortion) is prohibited because it contains the same meaning with murder.*

*Legal rules contained in the instruments of human rights, emphasized that the legal status of children who are still in the womb, whether inside or uar marriage, they both have an equal right to life, liberty and safety as an individual.*

*Built relationships outside of marriage is not legally recognized in state practice and in particular the lives of indigenous peoples in Indonesia, the implication of causing his mother's tendency to end a child's life since she was in the womb. Though every child is entitled to can live, grow and develop in accordance with the dignity of humanity and get protection from violence and discrimination. Government should look at issues faced by children in the womb outside legal marriage, to give legal legitimacy as other children without discrimination.*

**Keywords:** *Protection, Children, Life Rights, in the womb, Legitimate Outside Marriage*

## Latar Belakang

Setiap anak berhak atas kelangsungan hidup, tumbuh dan berkembang, serta berhak atas perlindungan dari kekerasan dan kriminalisasi. Minan yang terkandung dalam universal declaration of human rights tahun 1948 pasal 25, bahwa "semua anak-anak, baik yang dilahirkan di dalam maupun diluar perkawinan, harus mendapat perlindungan social yang sama" (kansil dan kansil, 2003:294), berarti anak-anak harus mendapat perawatan dan bantuan istimewa tanpa adanya

pembedaan status sosial. Tujuan dari perlindungan anak, yakni "untuk menjamin terpenuhinya hak-hak anak agar hidup, tumbuh, berkembang, dan berpartisipasi secara optimal sesuai dengan harkat dan martabat kemanusiaan, serta mendapat perlindungan dari kekerasan dan diskriminasi, demi terwujudnya anak di Indonesia yang berkualitas, berakhlak mulia dan sejahtera" (pasal 3 UU No.23/2002). Di satu sisi pemerintah tidak mengakui hubungan antara laki-laki dan perempuan yang berada di luar perkawinan yang sah, pada sisi lain