

**ABSTRAK**  
**PENENTUAN STATUS KEWARGANEGARAAN ANAK DARI**  
**PERKAWINAN CAMPURAN SETELAH PASCA BERLAKUNYA**  
**UNDANG-UNDANG NOMOR 12 TAHUN 2006 TENTANG**  
**PERKAWINAN CAMPURAN (PUTUSAN MAHKAMAH KONSTITUSI**  
**NOMOR: 80/PUU-XIV/2016**

**Dewi Asrianti\***

Berlakunya Undang-Undang Nomor 12 Tahun 2006 tentang Kewarganegaraan Republik Indonesia membuka ruang kewarganegaraan ganda terbatas bagi anak hasil perkawinan campuran. Namun, pembatasan administratif—terutama tenggat pendaftaran sebelum usia 21 tahun—menyisakan ketidakpastian hukum. Kasus Gloria Natapradja Hamel yang digugurkan dari Paskibraka pada 2016 memicu uji materi Pasal 41 huruf c UU 12/2006 dan berujung pada Putusan Mahkamah Konstitusi (MK) Nomor 80/PUU-XIV/2016. Putusan ini mempertegas hak anak perkawinan campuran untuk tetap memperoleh kewarganegaraan Indonesia meski melewati batas usia, sepanjang terpenuhi bukti hubungan darah dan kehendak menjadi WNI.

Penelitian ini menggunakan pendekatan yuridis-normatif dengan spesifikasi deskriptif-analitis. Data sekunder diperoleh melalui studi kepustakaan terhadap peraturan perundang-undangan, putusan pengadilan, literatur hukum, dan jurnal ilmiah. Analisis dilakukan secara kualitatif dengan metode berpikir deduktif untuk menafsirkan norma hukum dan mengaitkannya dengan putusan MK.

Hasil penelitian menunjukkan bahwa Putusan 80/PUU-XIV/2016 merefleksikan paradigma negara hukum progresif—hukum dijalankan untuk keadilan substantif, bukan sekadar prosedural. Dengan dihapusnya batas usia, negara wajib menyediakan mekanisme administratif yang lebih inklusif bagi anak perkawinan campuran. Reformulasi peraturan pelaksana diperlukan agar pelayanan kewarganegaraan adaptif, mencegah terulangnya kasus serupa, dan sejalan dengan kewajiban konstitusional mencegah statelessness. Hasil penelitian diharapkan menjadi masukan bagi legislator dalam merevisi UU 12/2006 serta bagi aparaturnya sipil untuk menyusun SOP yang memprioritaskan hak anak atas kewarganegaraan..

**Kata Kunci: Kewarganegaraan, Anak, Perkawinan Campuran, UU No. 12/2006, Putusan MK No.80/PUU-XIV/2016**

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**ABSTRACT**  
**DETERMINATION OF CITIZENSHIP STATUS OF CHILDREN FROM**  
**MIXED MARRIAGES AFTER THE EFFECTIVENESS OF LAW**  
**NUMBER 12 OF 2006 IN THE DECISION OF THE CONSTITUTIONAL**  
**COURT NUMBER:**  
**80/PUU-XIV/2016**

**Dewi Asrianti\***

*The enactment of Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia opened up limited dual citizenship for children from mixed marriages. However, administrative restrictions—especially the registration deadline before the age of 21—left legal uncertainty. The case of Gloria Natapradja Hamel who was dropped from the Paskibraka in 2016 triggered a judicial review of Article 41 letter c of Law 12/2006 and culminated in the Constitutional Court (MK) Decision Number 80/PUU-XIV/2016. This decision emphasized the rights of children from mixed marriages to still obtain Indonesian citizenship even though they have passed the age limit, as long as there is evidence of blood relations and the desire to become Indonesian citizens.*

*This study uses a juridical-normative approach with descriptive-analytical specifications. Secondary data is obtained through literature studies of laws and regulations, court decisions, legal literature, and scientific journals. The analysis is carried out qualitatively with a deductive thinking method to interpret legal norms and relate them to the decisions of the Constitutional Court.*

*The results of the study show that Decision 80/PUU-XIV/2016 reflects the paradigm of a progressive rule of law—law is implemented for substantive justice, not merely procedural. By eliminating the age limit, the state is obliged to provide a more inclusive administrative mechanism for children of mixed marriages. Reformulation of implementing regulations is needed so that citizenship services are adaptive, prevent the recurrence of similar cases, and are in line with the constitutional obligation to prevent statelessness. The results of the study are expected to be input for legislators in revising Law 12/2006 and for civil registration officers to prepare SOPs that prioritize children's rights to citizenship...*

**Key Word:      Citizenship, Children, Mixed Marriages, Law No. 12/2006, Constitutional Court Decision No. 80/PUU-XIV/2016**

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