

ABSTRACT

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**“DETERMINATION OF CUSTODY IN JUDGMENT NO. 99/PDT.
G/2019/PN. JKT. PST”
(x + 83 pages)**

Child custody does not have specific arrangements in Indonesian laws and regulations, there are only arrangements regarding parental obligations to children after divorce as stipulated in Marriage Law Number 1 of 1974 and Child Protection Action Law Number 23 of 2002 and Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection Action. However, in Judgment No. 99/PDT. G/2019/PN. JKT. PST in the case of a lawsuit regarding child custody, the judge decided to grant child custody to the Plaintiff and Defendant on the basis of the Memorandum of Agreement on the Right to Parenting which had been drawn up and signed by the Plaintiff and the Defendant. However, the judge should have reconsidered the issue of child custody in this case because of the story about the child's mental and psychiatric health issues in this case. The research conducted uses normative legal research methodology, where the results will show that whether the court decision is in accordance with the applicable laws and regulations and the author's view of the judge's decision in the court decision is on target. Based on these results, it can be concluded that the regulation regarding child custody with Judgment Number 99/PDT. G/2019/PN. JKT.PST is in accordance with the laws and regulations. Then, for the judge's decision, do not only look at the contents of the Memorandum of Understanding but also consider the behavior of parents according to the facts in the trial that violated the Child Protection Action.

Keywords : Divorce, Child Custody, Implementation

Reference : 38 (1981-2020)