

ABSTRAK

Widya Natalia Halim (01656210033)

HAK-HAK ANAK AKIBAT PERCERAIAN PERKAWINAN CAMPURAN DIHUBUNGKAN DENGAN TANGGUNG JAWAB ORANG TUA (STUDI KASUS PUTUSAN NOMOR 495/PDT/2020/PT DKI)

(xii+108 halaman)

Perceraian dalam perkawinan campuran menimbulkan permasalahan seperti masalah kehidupan anak selanjutnya baik dalam perlindungan serta hak-hak apa yang harus ia terima untuk kesejahteraan anak-anak tersebut. Seperti dari dalam kasus putusan yang terjadi ditemukan suatu perkawinan campuran antar Warga Negara Asing. Dalam putusan hak asuh anak jatuh kepada istrinya sesuai pertimbangan hakim. Akan tetapi suaminya tidak dibebankan untuk menafkahi anak-anaknya dengan alasan tidak memiliki pekerjaan tetap dan tidak mampu secara ekonomi. Tujuan penelitian ini ialah untuk memecahkan persoalan hukum terkait hak-hak anak terhadap terlaksananya hak anak akibat perceraian dari perkawinan campur di Indonesia berdasarkan Peraturan perundang-undangan yang berlaku. Penelitian ini merupakan penelitian hukum normatif empiris, menggunakan data primer dan data sekunder, dengan studi kepustakaan dan melakukan wawancara, pendekatan sistematika hukum yang diperkuat dengan pendekatan kasus hukum. Hasil penelitian menunjukkan bahwa persoalan hukum terkait hak anak diatur dalam undang-undang perlindungan anak Berdasarkan Pasal 41 huruf a menyatakan bahwa “perkawinan karena perceraian ialah baik ibu maupun bapak tetap berkewajiban memelihara dan mendidik anak-anaknya demi kepentingan anak. Namun berdasarkan putusan nomor 495/PDT/2020/PT DKI tidak sesuai. Dalam putusan Majelis Hakim tidak memutuskan bahwa Tergugat yaitu Tuan Andy untuk bertanggung jawab atas biaya nafkah dan pendidikan bagi anak anaknya. Dalam Undang-Undang menyatakan bahwa pasca perceraian bukan berarti menghilangkan kewajiban orangtua memelihara anak, akan tetapi kewajiban tersebut masih tetap berlangsung hingga anak-anaknya dapat mandiri. Kemudian pelaksanaan teknis apabila anak ingin mendapatkan haknya dapat mengajukan kepada Lembaga-Lembaga berwenang seperti Komisi Nasional Perlindungan Anak, Komisi Perlindungan Anak Indonesia (KPAI), Lembaga Perlindungan Anak Indonesia (LPAI) dan Menteri Sosial (Mensos). Selanjutnya Lembaga tersebut akan menerima laporan, kemudian laporan yang masuk akan ditinjau, hasil tinjauan yang bisa diproses akan langsung dilanjutkan untuk diajukan kepada Pengadilan.

Referensi : 25 (1984-2022)

Kata Kunci : Perceraian, Perkawinan Campuran, Hak Anak

ABSTRACT

Widya Natalia Halim (01656210033)

CHILDREN'S RIGHTS AS A RESULT OF MIXED MARRIAGE DIVORCE ARE LINKED TO PARENTAL RESPONSIBILITIES (CASE STUDY OF DECISION NUMBER 495/PDT/2020/PT DKI)

(xii+ 108 pages)

Divorce in mixed marriages raises quite complicated problems such as the problem of the child's further life, both in terms of legal protection and what rights he must receive for the welfare of these children. As in the case of the decision that occurred, it was found that a mixed marriage between foreign nationals was found. The decision on child custody fell to his wife according to the judge's consideration. However, her husband is not burdened with providing for his children on the grounds that he does not have a permanent job and is economically incapable. The purpose of this research is to solve legal issues related to children's rights and legal protection for the implementation of children's rights as a result of divorce from mixed marriages in Indonesia based on applicable laws and regulations. The legal research method used is normative-empirical legal research (applied law research) The results of the study 495/PDT/2020/PT DKI show that legal issues related to children's rights are regulated in child protection laws. Based on Article 41 letter a it states that "marriage due to divorce means that both the mother and the father are still obliged to look after and educate their children for the save of the child. But based on the decision is not appropriate. In the decision the Panel of Judges did not decide that the Defendant, namely Mr. Andy, was to be responsible for living expenses and education for his children. The law states that post-divorce does not mean eliminating the obligation of parents to look after children, but this obligation will continue until the children can be independent. Then the technical implementation if the child wants to get his rights can apply to authorized institutions such as the National Commission for Child Protection ,the Indonesian Child Protection Commission (KPAI), the Indonesian Child Protection Agency (LPAI) and the Minister of Social Affairs (Mensos). Furthermore, the Institution will receive a report, then the incoming report will be reviewed, the results of the review which can be processed will immediately proceed to be submitted to the Court.

References : 25 (1984-2022)

Keywords : Divorce, Mixed Marriage, Children's Rights