

Tinjauan Yuridis Atas Pengajuan Gugatan Pembatalan Adopsi (Analisis Putusan Nomor: 500 / Pdt.G / 1999 / PN.Jak.Sel dan Putusan Nomor: 47 / Pdt.G / 2003 / PN.Jak.Sel = Judicialy Review for a Claim of Adoption Cancellation (Analysis for Court Decision Number : 500 / Pdt.G / 1999 PN.Jak.Sel and Court Decision Number : 47 / Pdt.G / 2003/PN.Jak.Sel)

Melania Desfiana Artianti, author

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Abstrak

Dua putusan pengadilan mengenai pengajuan pembatalan adopsi menimbulkan permasalahan. Ditolaknya gugatan pembatalan adopsi, menimbulkan permasalahan mengenai kedudukan dari anak yang sebenarnya merupakan cucu dari orang tua angkatnya. Di lain pihak, dikabulkannya pembatalan adopsi menimbulkan permasalahan mengenai hak-hak yang telah diperoleh dari anak angkat. Metode penelitian yang digunakan adalah penelitian kepustakaan dengan menggunakan data sekunder dengan didukung pula oleh data primer. Ditolaknya gugatan pembatalan adopsi mengakibatkan kerancuan silsilah keluarga. Dikabulkannya pembatalan adopsi berakibat hak-hak yang telah diperolehnya tetap menjadi milik anak angkat. Sedangkan sejak putusan pembatalan adopsi ia tidak berhak lagi atas hak-hak yang seharusnya diterima jika ia tetap sebagai anak angkat. Perlu ditambahkan di dalam aturan yang ada mengenai larangan adopsi atas keturunan sendiri dan pembatalan adopsi.

.....Two decision courts regarding a claim for the adoption cancellation may cause a problem. The refusal for the claim adoption cancellation by the court decision may cause a problem regarding the position of an adopted child who actually is the granddaughter of fosters parents. In the other hand, the court decision to accept the claim for adoption cancellation may cause a problem regarding the rights that have been obtained by the adopted child. The method of research used in this thesis is library research using secondary data which is supported by the primary data. The refusal of the claim for the adoption cancellation results in the confusion of a family tree. The acceptance of the claim of the adoption cancellation makes the rights that have already been obtained are still belong to the adopted child. However as of the court decision she is not entitled any rights that supposed to be owned if she is still the adopted child. The prevailing regulation shall be added with the provision regarding the prohibition for the adoption of a direct descendant as well as the provision of cancellation of adoption.