

Kekuatan eksekutorial putusan pengadilan agama tentang hak asuh anak dalam suatu perceraian = The executorial power of religious court's verdict with regard to child custody right on divorce cases

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Abstrak

Di tengah-tengah masyarakat seringkali terjadi kasus perebutan hak asuh anak antara mantan pasangan suami istri, baik di dalam persidangan maupun di luar persidangan karena pihak terhukum tidak mau melaksanakan putusan hakim mengenai hak pengasuhan anak secara sukarela. Tesis ini membahas mengenai kekuatan eksekutorial putusan Pengadilan Agama tentang hak asuh anak dalam suatu perceraian serta upaya hukum yang dapat dilakukan jika pihak terhukum tidak mematuhi hasil putusan pengadilan agama tentang hak asuh anak dalam suatu perceraian secara sukarela. Penelitian ini menggunakan metode yuridis normatif yang memberikan penjelasan secara eksplanatoris (mendalam). Hasil penelitian menyimpulkan bahwa Pengadilan Agama, atas permintaan pemegang hak asuh anak, dapat melakukan eksekusi terhadap putusan Pengadilan Agama tentang hak asuh anak yang bersifat putusan Kondemnatoir, yang dilakukan oleh juru sita Pengadilan Agama.

.....In the community, there is often occurred child custody dispute between former marriage partners, within or outside the court, since the losing parties is unwilling to execute the court verdict voluntarily. This theses will discuss the executorial power of the religious court's verdict with regard to child custody right dispute in divorce cases, as well as on the legal avenue which available in cases where the losing parties is unwilling to execute such verdict voluntarily. The research would be conducted in normative juridical method to provide an in-depth explanation on the cases. The research finds that the religious court, on the request of the holder of the child custody right, may execute its condemnatoir verdict, conducted by the bailiff of the religious court.