

Penculikan anak internasional menurut hukum Indonesia dan hukum Australia : studi kasus family court of australia at sydney court order no 3121 of 13 july 2012 penetapan Mahkamah Agung Republik Indonesia no 3/PEN/PDT/2013 tanggal 26 september 2013 = International child abduction according to Indonesian law and australian law case study on family court of Australia at sydney court order no 3121 of 13 july 2012 supreme Court of Republic of Indonesia order no3/PEN/PDT/2013 of 26 september 2013

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Abstrak

Hak asuh atas anak lahir dari putusnya perkawinan orang tuanya. Pihak yang tidak mendapat hak asuh mempunyai hak kunjung, yang terkadang disalahgunakan untuk membawa anak tersebut pergi dari habitual residence si anak. Perbuatan tersebut dikenal sebagai penculikan anak internasional, yang diatur dalam The Hague Convention on the Civil Aspects of International Child Abduction 1980, sehingga anak tersebut dapat dikembalikan kepada habitual residence-nya. Berdasarkan kasus yang dibahas dalam skripsi ini, proses pengembalian anak yang melibatkan negara non-anggota The Hague Convention 1980 merupakan proses yang panjang dan berbelit-belit.

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Right of custody arises from the dissolution of a marriage. Parent, who does not acquire the right of custody, has right of access, which can be used unlawfully to take the child out of his/her habitual residence. That action known as the international child abduction, which also regulated by The Hague Convention on the Civil Aspects of International Child Abduction 1980, so the child can be returned to his/her habitual residence. Based on the analyzed cases, the return process of a child, to non-contracting states of The Hague Convention 1980, are often long and complicated.