

Pelimpahan hak asuh anak sebelum mumayyiz akibat perceraian studi kasus putusan mahkamah agung nomor 330 k ag 2014 = Displacement of child custody before mumayyiz as a result of divorce case study supreme court verdict number 330 k ag 2014 / Anindita Dwikinanti Putri

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Abstrak

[Skripsi ini membahas mengenai pelimpahan hak asuh anak sebelum mumayyiz akibat perceraian dengan analisis putusan nomor 330/K/Ag/2014. Dalam melakukan penelitian, penulis menggunakan metode penelitian kepustakaan yang bersifat yuridis normatif dan tipologi bersifat deskriptif analisis. Pokok permasalahan dalam skripsi ini adalah bagaimana pengaturan mengenai hak asuh atas anak yang belum mumayyiz dalam Undang-Undang Perkawinan, Hukum Islam dan Undang-Undang Perlindungan Anak; dan apakah pertimbangan hakim dalam putusan pemberian hak asuh anak sudah tepat atau belum. Kesimpulan penelitian ini adalah: pertama, ketentuan yang terdapat dalam Undang-Undang Perkawinan, Hukum Islam perlu diperjelas mengenai definisi dan hierarki orang-orang yang berhak mengasuh anak serta faktor-faktor yang dapat membuat seseorang kehilangan hak untuk mengasuh anak yang belum mumayyiz. Kedua, pertimbangan Majelis Hakim belum tepat dalam memberikan hak asuh anak yang belum mumayyiz., This paper discusses the provision custody of non-mumayyiz children as result of divorce based on Marriage Regulation, Islamic Law, and Child Protection Regulation. In conduting this research, the witer uses juridicial-normative library research methods and the typology is descriptive analytical. The main issue in this paper focuses on recognition the provision about the custody of non-mumayyiz children according to Marriage Regulation, Islamic Law, and Child Protection Regulation; also about the precision of judge consideration regarding child custody based on Marriage Regulation, Islamic Law, and Childern Protection Regulation. The first conclusion shows that provision about child custody on Marriage Regulation, Islamic Law, and Childern Protection Regulation needs to be more details in order to definition of mumayyiz, hierarchy of person who have the right on child custody, and identification factors which can repealing the right of child custody. The second conclusion shows that judge consideration on Supreme Court Verdict No. 330/K/Ag/2014 has not been an accurate decision.]