



**ANALISA YURIDIS HAK ANAK AKIBAT TERJADINYA PERCERAIAN
DITINJAU DARI UNDANG-UNDANG TENTANG PERKAWINAN
(analisa putusan Mahkamah Agung Nomor 598 K/Ag/2022)**

SKRIPSI

**Submitted as one of the requirements to obtain
Sarjana Hukum**

**By :
NOVINDASARI
017201705009**

**FACULTY OF HUMANITY
LAW STUDY PROGRAM
CIKARANG
July, 2023**

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The Panel of Examiners declare that the undergraduate thesis entitled "Analisa Yuridis hak anak akibat terjadinya perceraian ditinjau dari Undang-undang tentang perkawinan (analisa putusan Mahkamah Agung Nomor 598 K/Ag/2022)" that was submitted by Novindasari majoring in Law From the Faculty of Humanities, President University, has examined and stated that the Thesis is feasible to be presented and defended in the Thesis Defense.

Examiner I



Dr. Maria Fransisca M, S.H., S.E., M.Kn.

Advisor



Sujana Donandi S, S.H., M.H.

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BAB 1

PENDAHULUAN

A.Latar Belakang Masalah

Perkawinan merupakan masalah yang sangat penting dalam kehidupan seseorang, karena pada dasarnya sebagaimana hukum alam bahwa dua orang yang berlainan jenis itu akan timbul rasa ketertarikan satu sama lain untuk hidup bersama, saling berpasangan untuk memenuhi kebutuhan biologisnya yang pada akhirnya akan mendapatkan keturunan.

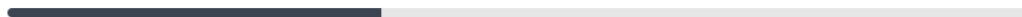
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ABSTRAK

Post-divorce children's rights often become a problem because sometimes children's rights are sidelined even though in essence the law has regulated this matter. Custody rights and the amount of maintenance of children is the responsibility of a judge to decide. This is reflected in the decision of the Supreme Court Number 598 K/Ag/2022. By using normative analysis techniques with a juridical approach, the research was carried out by conducting library research, document research. This research conducted studies and analysis on legal protection for children's livelihood and the legal implications of the court decision to provide legal certainty and protection for children. The results of the study show that the marriage law is still relevant at this time in providing protection for children's rights, but it can be added to the calculation of the amount of child maintenance rights, supervisory agencies and until now judges are important factors in determining custody rights and the amount of child maintenance arising as a result of a divorce.

Keywords: *Divorce, Child Livelihood, legal protection, legal certainty.*

ABSTRAK

Hak anak pasca perceraian ini sering kali menjadi problem karena terkadang hak-hak anak ada yang dikesampingkan walaupun pada hakikatnya hukum telah mengatur tentang hal tersebut. Hak asuh serta besaran nafkah anak menjadi tanggung jawab seorang hakim untuk memutuskannya. Hal ini tercermin dari putusan Mahkamah Agung Nomor 598 K/Ag/2022. Dengan menggunakan teknik analisis normatif dengan pendekatan yuridis, penelitian dilaksanakan dengan cara melakukan *library research, document research*, penelitian ini melakukan telaah dan analisa tentang perlindungan hukum terhadap nafkah anak serta implikasi hukum dari putusan pengadilan tersebut untuk memberikan kepastian dan perlindungan hukum terhadap anak. Hasil penelitian menunjukkan bahwa undang-undang perkawinan masih relevan pada saat ini dalam memberikan perlindungan terhadap hak anak, akan tetapi bisa ditambahkan perhitungan besaran hak nafkah anak, lembaga pengawasan serta sampai saat sekarang hakim menjadi faktor penting dalam menetapkan hak asuh dan besaran nafkah anak yang timbul sebagai akibat terjadinya perceraian.

Kata Kunci: *Perceraian, nafkah anak, perlindungan hukum, kepastian hukum*

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