

ABSTRAK / ABSTRACT

Abstract

This study aims to analyze the practice of Child living expense execution after divorce at the East Jakarta Religious Court. This study is using qualitative research with normative juridical approach. The data source consists of Primarily, Interview with the judges of East Jakarta religious court. Secondary, obtained books, scientific works, online mass media containing news related to the practice Child living expense execution. The study shows that religious court rulings have not provided legal protection and guarantees for the rights of children after the divorce. The child still need legal effort to earn children's living through the submission of execution, because the court could not automatically be carried out. This article identifies fundamental issues related to the execution of children's living expense after divorce, namely 1] the regulation has not strictly governed the execution, 2] the sentence of the religious court can not be executed directly, 3] the rights of the child have not been protected, 4] legal awareness of the parents, 5] very complicated procedures, 6] high costs for the execution of children living expense. This study recommended that changes in law to give authority to religious court so that the verdict can be executed directly, affirm a father's responsibility to his child after divorce and needs to be arranged between religious courts and police officers for the verdict execution.

Keywords: *Verdict Execution, Child Support*

Abstrak

Studi ini bertujuan untuk menganalisis praktik eksekusi nafkah anak pasca perceraian di Pengadilan Agama Jakarta Timur. Studi berikut merupakan penelitian berjenis kualitatif disertai penggunaan pendekatan yuridis normatif. Data-data yang diperoleh bersumber pada bahan penelitian yang meliputi primer yaitu wawancara yang dihasilkan bersama hakim Pengadilan Agama Jakarta Timur. Sumber bahan hukum sekunder berupa data yang diperoleh buku, karya ilmiah, media massa online terkait praktik eksekusi nafkah anak. Studi ini menunjukkan bahwa putusan pengadilan agama belum memberi perlindungan secara hukum serta menjamin mengenai berbagai macam hak dari anak pasca terjadinya perceraian. Pihak anak masih memerlukan upaya hukum untuk mendapat nafkah anak melalui pengajuan eksekusi karena putusan pengadilan agama tidak secara otomatis dapat dijalankan. Artikel ini mengidentifikasi persoalan dasar yang berkaitan terhadap mengeksekusi nafkah bagi anak pasca perceraian, yaitu; 1] Regulasi belum tegas mengatur eksekusi, 2] Putusan Pengadilan Agama tidak bisa dieksekusi, 3] Hak-hak anak belum mendapat perlindungan, 4] Kesadaran hukum pihak orangtua, 5] Prosedur yang sangat rumit, 6] Biaya yang tinggi untuk proses eksekusi. Studi ini merekomendasikan agar dilakukan perubahan terhadap undang-undang guna memberi wewenang pada pengadilan agama agar putusannya dapat langsung dieksekusi, mempertegas

tanggungjawab seorang ayah terhadap anaknya dan penataan relasi antara pengadilan dengan aparat kepolisian untuk pelaksanaan eksekusi putusan.

Kata Kunci: Eksekusi Putusan, Nafkah Anak