

## **ABSTRAK**

### **ANALISIS YURIDIS TERHADAP PENETAPAN PERKARA NOMOR 14/PDT.P/2024/PN TJK TENTANG PENGANGKATAN PERWALIAN ANAK**

**Oleh**

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Penetapan perwalian anak oleh Pengadilan Negeri diatur dalam Pasal 359 KUHPerduta. Berdasarkan Penetapan Nomor 14/Pdt.P/2024/PN Tjk, permohonan perwalian diajukan di Pengadilan Negeri Tanjung Karang untuk memberikan izin kepada Pemohon, selaku ibu kandung, dalam melakukan perbuatan hukum terkait jual beli tanah. Penelitian ini membahas prosedur permohonan perwalian anak di bawah umur, dasar pertimbangan hakim dalam mengabulkan permohonan, serta akibat hukum dari penetapan perwalian tersebut. Penelitian ini menggunakan metode hukum normatif dengan pendekatan *judicial case study*. Data yang digunakan adalah data sekunder dari bahan hukum primer, sekunder, dan tersier, yang dikumpulkan melalui studi pustaka dan studi dokumen.

Hasil penelitian menunjukkan bahwa penetapan perwalian dari pengadilan diperlukan dalam kasus perwalian anak di bawah umur dan orang di bawah pengampuan. Prosedur permohonan meliputi pendaftaran dan persidangan, di mana hakim memeriksa berkas dan mendengarkan keterangan saksi. Jika tidak bertentangan dengan hukum, hakim dapat mengabulkan permohonan berdasarkan prinsip keadilan, kepastian hukum, dan kemanfaatan. Dalam Penetapan Nomor 14/Pdt.P/2024/PN Tjk, hakim mempertimbangkan bukti autentik seperti akta kelahiran, perkawinan, dan kematian, serta keterangan saksi yang mendukung status Pemohon sebagai wali sah.

Akibat hukum yang timbul dari Penetapan perwalian adalah wali bertanggung jawab mengasuh, memelihara, dan melindungi anak, serta mengurus harta anak dan mewakilinya dalam perbuatan hukum. Sesuai dengan penetapan tersebut, Pemohon dapat melakukan perbuatan hukum atas anaknya yaitu, Febe Jassica Jacob dan Yehuda Benhanan Jacob, dalam penjualan atau peralihan hak milik tanah dari suaminya.

**Kata Kunci : Perwalian Anak, Prosedur Perwalian, Dasar Pertimbangan Hakim, Akibat Hukum Perwalian**

## **ABSTRACT**

### **JURISDICTIONAL ANALYSIS OF THE DECISION OF CASE NUMBER 14/PDT.P/2024/PN TJK ON THE APPOINTMENT OF CHILD GUARDIANSHIP**

**By**

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*The establishment of child guardianship by the District Court is regulated in Article 359 of the Civil Code. Based on Stipulation No. 14/Pdt.P/2024/PN Tjk, a guardianship application was filed at the Tanjung Karang District Court to grant permission to the Applicant, as the biological mother, to carry out legal actions related to the sale and purchase of land. This research discusses the procedure for applying for guardianship of a minor, the judge's reasoning in granting the application, and the legal consequences of the guardianship determination. This research uses a normative legal method with a judicial case study approach. The data used is secondary data from primary, secondary, and tertiary legal materials, which are collected through literature study and document study.*

*The results show that a court order is required in cases of guardianship of minors and persons under guardianship. The application procedure includes registration and a hearing, where the judge examines the file and listens to witness testimony. If it is not contrary to the law, the judge may grant the application based on the principles of justice, legal certainty, and expediency. In Stipulation No. 14/Pdt.P/2024/PN Tjk, the judge considered authentic evidence such as birth, marriage, and death certificates, as well as witness testimony supporting the Applicant's status as legal guardian.*

*The legal consequences arising from the Stipulation of guardianship are that the guardian is responsible for caring for, maintaining and protecting the child, as well as managing the child's property and representing him in legal actions. In accordance with the stipulation, the Applicant can perform legal actions on her children, namely, Febe Jassica Jacob and Yehuda Benhanan Jacob, in the sale or transfer of land ownership rights from her husband.*

**Keywords : Child Guardianship, Guardianship Procedures, Judges' Considerations, Legal Consequences of Guardianship**