

ABSTRAK

KEWENANGAN JAKSA PENGACARA NEGARA TERHADAP PENEGAKAN HUKUM DALAM PERWALIAN ANAK TERLANTAR DI KEJAKSAAN NEGERI BANDAR LAMPUNG

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Penelitian ini menganalisis kewenangan Jaksa Pengacara Negara dalam penegakan hukum perwalian anak terlantar di Kejaksaan Negeri Bandar Lampung. Permasalahan yang dikaji meliputi: dasar hukum dan ruang lingkup kewenangan Jaksa Pengacara Negara dalam mengajukan permohonan pengangkatan wali bagi anak terlantar, mekanisme dan prosedur pelaksanaan permohonan perwalian yang dilakukan oleh Jaksa Pengacara Negara di Kejaksaan Negeri Bandar Lampung, serta faktor-faktor pendukung dan penghambat dalam implementasi kewenangan tersebut.

Jenis penelitian dalam skripsi ini menggunakan penelitian hukum normatif-empiris dengan jenis penelitian deskriptif. Pendekatan masalah yang di gunakan menggunakan pendekatan Perundang-undangan, seumber data di dapatkan dnegan wawancara sebagai data primer, data sekunder berupa buku-buku, jurnal hukum serta sumber lainnya yang berkaitan dengan penelitian ini. Dengan teknik pengelolaan data memalui, pemeriksaan, rekonstruksi, dan sistematisasi data.

Hasil penelitian menunjukkan bahwa kewenangan Jaksa Pengacara Negara dalam penegakan hukum perwalian anak terlantar memiliki landasan hukum yang kuat yaitu Pasal 360 KUHPerdara, pasal 18 Undang-Undang Nomor 11 Tahun 2021 tentang Kejaksaan Negara Republik Indoneia, serta Bab III bagian A Huruf C Peraturan Jaksa Agung Nomor 7 Tahun 2021. Serta menjelaskan proses pelaksanaan permohonan perwalian anak oleh Jaksa Pengacara Negara yang termuat dalam PERaturan pemerintah nomor 29 Tahun 2019 dan Bab III bagian B angka (1) dan (2) huruf (c) Peraturan Jaksa Agung Nomor 7 Tahun 2021 Proses ini meliputi tahap pengajuan permohonan oleh Dinas Sosial, persiapan telaahan hukum yang mendalam, koordinasi dengan instansi terkait, pembuatan Surat Kuasa Khusus, penyusunan permohonan lengkap, Pengajuan permohonan ke Pengadilan Negeri yang berwenang, diikuti dengan persidangan yang berjalan sesuai hukum acara perdata. Namun dalam implementasinya masih menghadapi berbagai faktor, dari faktor pendukung berupa landasan hukum yang kuat, struktur organisasi yang mendukung, dan koordinasi antar instansi, dukungan sistem e-court maupun faktor pengahambat seperti kurangnya perhatian jaksa dalam perwalian anak terlantar, jaksa yang terlalu fokus pada tugas di bidang pidana, LKSA yang kurang memperhatikan hak keperdataan anak, hingga minimnya pengetahuan masyarakat mengenai kewenangan jaksa dalam pengajuan permohonan pengangkatan wali.

Kata Kunci: Anak terlantar, Jaksa Pengacara Negara, Penegakan Hukum , Perwalian

ABSTRACT

THE AUTHORITY OF STATE ATTORNEYS IN LAW ENFORCEMENT CONCERNING THE GUARDIANSHIP OF NEGLECTED CHILDREN AT THE DISTRICT PROSECUTOR'S OFFICE OF BANDAR LAMPUNG

By

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This study analyzes the authority of the State Attorney (Jaksa Pengacara Negara) in enforcing the law on guardianship for abandoned children at the Bandar Lampung District Attorney's Office. The issues examined include: (1) the legal basis and scope of authority of the State Attorney in submitting petitions for the appointment of guardians for abandoned children; (2) the mechanisms and procedures for implementing guardianship petitions carried out by the State Attorney at the Bandar Lampung District Attorney's Office; and (3) the supporting and inhibiting factors in the implementation of such authority.

This research employs a normative–empirical legal research method with a descriptive research type. The problem approach used in this study is the statutory approach. Data sources consist of primary data obtained through interviews, and secondary data derived from books, legal journals, and other relevant sources related to this research. Data processing techniques include data examination, reconstruction, and systematization.

The results of the study indicate that the authority of the State Attorney in enforcing the law on guardianship for abandoned children has a strong legal foundation, namely Article 360 of the Indonesian Civil Code, Article 18 of Law Number 11 of 2021 concerning the Public Prosecution Service of the Republic of Indonesia, as well as Chapter III Section A Letter C of the Regulation of the Attorney General Number 7 of 2021. Furthermore, the study explains the process for implementing guardianship petitions for abandoned children by the State Attorney, as stipulated in Government Regulation Number 29 of 2019 and Chapter III Section B points (1) and (2) letter (c) of the Regulation of the Attorney General Number 7 of 2021. This process includes the submission of a request by the Social Affairs Office, the preparation of an in-depth legal review, coordination with relevant institutions, the issuance of a Special Power of Attorney, the drafting of a complete petition, and the submission of the petition to the competent District Court, followed by court proceedings conducted in accordance with civil procedural law. However, in its implementation, several factors are encountered, including supporting factors such as a strong legal basis, a supportive organizational structure, inter-agency coordination, and support from the e-court system. On the other hand, inhibiting factors include the lack of attention from prosecutors toward guardianship cases involving abandoned children, prosecutors' predominant focus on criminal cases, insufficient attention by Child Social Welfare Institutions (LKSA) to the civil rights of children, and the limited public knowledge regarding the authority of prosecutors to submit petitions for the appointment of guardians.

Keywords: Neglected Children, State Attorneys, Law Enforcement, Guardianship