

SKRIPSI

NAFKAH ANAK PASCA PERCERAIAN: IMPLEMENTASI PUTUSAN NOMOR 1501/Pdt.G/2022/PA.Pdg TERHADAP KEWAJIBAN NAFKAH OLEH APARATUR SIPIL NEGARA

Diajukan Untuk Memenuhi Sebagian Persyaratan Guna Mendapatkan Gelar Sarjana Hukum

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PROGRAM KEKHUSUSAN : HUKUM PERDATA ADAT DAN ISLAM (PK III)



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 (Farel Rahman Hakim, 2110119001, Hukum Adat dan Islam, Fakultas Hukum, Universitas Andalas, Yasniwati, Shafira Hijria, 76 halaman, 2025)

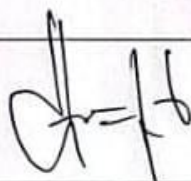
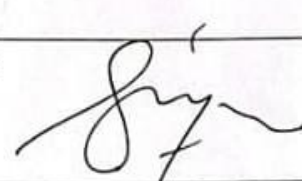
ABSTRAK

Perceraian membawa dampak hukum terhadap anak, khususnya dalam hal pemenuhan nafkah yang menjadi kewajiban ayah. Ketentuan ini diatur dalam Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan serta Kompilasi Hukum Islam, yang menyatakan bahwa kewajiban memberikan nafkah kepada anak tetap melekat pada ayah meskipun perkawinan telah berakhir. Namun, dalam praktiknya, pelaksanaan kewajiban tersebut sering kali tidak berjalan efektif, bahkan setelah putusan pengadilan memiliki kekuatan hukum tetap. Penelitian ini mengangkat permasalahan pelaksanaan Putusan Nomor 1501/Pdt.G/2022/PA.Pdg, di mana seorang Aparatur Sipil Negara (ASN) dijatuhi kewajiban membayar nafkah anak sebesar Rp2.500.000 per bulan, namun hanya dipenuhi selama dua bulan pasca putusan inkracht, dan selanjutnya tidak dijalankan lagi oleh yang bersangkutan. Permasalahan yang dikaji dalam penelitian ini meliputi : 1. Bagaimana efektivitas pelaksanaan Putusan Nomor 1501/Pdt.G/2022/PA.Pdg terhadap seorang Aparatur Sipil Negara (ASN). 2. Apa upaya hukum yang dapat dilakukan agar terpenuhinya nafkah anak pasca perceraian pada Putusan Nomor 1501/pdt.g/2022/pa.pdg. Penelitian ini menggunakan metode yuridis empiris dengan pendekatan deskriptif analitis. Data dikumpulkan melalui studi kepustakaan serta wawancara dengan pihak-pihak yang berperkara dan hakim pada Pengadilan Agama Padang. Hasil penelitian menunjukkan bahwa : 1. Pelaksanaan putusan mengalami hambatan karena tidak adanya mekanisme pemaksaan yang efektif dari instansi kepegawaian tempat ayah bekerja, serta lemahnya koordinasi antar lembaga dalam menjamin hak anak. Ibu sebagai pihak tergugat telah melaporkan ketidakpatuhan ayah kepada instansi terkait dengan melampirkan salinan putusan, namun laporan tersebut tidak ditindaklanjuti karena tidak disertai permohonan eksekusi resmi dari pengadilan. Hal ini menunjukkan bahwa meskipun substansi hukum telah tersedia dan putusan bersifat mengikat, struktur pelaksanaannya masih lemah. 2. Upaya hukum yang dapat ditempuh antara lain mengajukan permohonan eksekusi ke pengadilan sesuai ketentuan hukum acara perdata, serta mengusulkan pemotongan gaji ASN melalui instansi kepegawaian berdasarkan ketentuan Pasal 8 PP Nomor 10 Tahun 1983 jo. PP Nomor 45 Tahun 1990. Penelitian ini menekankan pentingnya penguatan sistem pengawasan dan pelaksanaan putusan di lingkungan ASN, serta perlunya penerapan sanksi administratif bagi PNS yang lalai memenuhi kewajibannya terhadap anak. Selain itu, reformasi dalam pengawasan lintas lembaga juga diperlukan agar perlindungan hukum terhadap hak anak benar-benar terwujud secara nyata, tidak hanya berhenti pada putusan tertulis.

Kata Kunci : Nafkah Anak, Perceraian, ASN, Eksekusi Putusan, Perlindungan Anak.

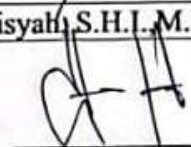
Skripsi ini telah dibuat dan dipertahankan di depan tim penguji dan dinyatakan lulus pada 27 Agustus 2025

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CHILD SUPPORT AFTER DIVORCE: IMPLEMENTATION OF DECISION NUMBER 1501/Pdt.G/2022/PA.Pdg REGARDING CHILD SUPPORT OBLIGATIONS BY CIVIL SERVANTS

(Farel Rahman Hakim, 2110119001, Customary Law and Islam , Faculty of law, Andalas University, Yasniwati, Shafira Hijria, 76 pages, 2025)

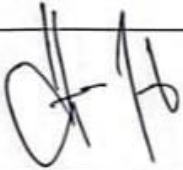
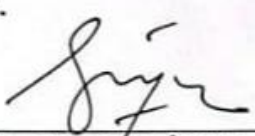
ABSTRACT

Divorce has legal implications for children, particularly in terms of the father's obligation to provide financial support. This provision is regulated in Law No. 1 of 1974 concerning Marriage and the Compilation of Islamic Law, which states that the obligation to provide financial support for children remains with the father even after the marriage has ended. However, in practice, the implementation of this obligation is often ineffective, even after a court decision has become final and binding. This study raises the issue of the implementation of Decision Number 1501/Pdt.G/2022/PA.Pdg, in which a civil servant (ASN) was ordered to pay child support of IDR 2,500,000 per month, but only fulfilled this obligation for two months after the decision became final and binding, and subsequently failed to comply. The issues examined in this study include: 1. How effective is the implementation of Decision Number 1501/Pdt.G/2022/PA.Pdg against a civil servant (ASN)? 2. What legal measures can be taken to ensure the fulfillment of child support after divorce in Decision Number 1501/pdt.g/2022/pa.pdg. This study uses an empirical juridical method with a descriptive analytical approach. Data was collected through literature study and interviews with the parties involved in the case and judges at the Padang Religious Court. The results of the study show that the : 1. Implementation of the decision has encountered obstacles due to the lack of an effective enforcement mechanism from the civil service agency where the father works, as well as weak coordination between institutions in guaranteeing children's rights. The mother, as the defendant, has reported the father's non-compliance to the relevant agency by attaching a copy of the decision, but the report has not been followed up because it was not accompanied by an official request for execution from the court. This shows that even though the legal substance is available and the decision is binding, the implementation structure is still weak. 2. Legal measures that can be taken include filing an execution request with the court in accordance with the provisions of civil procedure law, as well as proposing a deduction from the civil servant's salary through the civil service agency based on the provisions of Article 8 of Government Regulation Number 10 of 1983 in conjunction with Government Regulation Number 45 of 1990. This study emphasizes the importance of strengthening the system of supervision and implementation of decisions within the civil service, as well as the need to apply administrative sanctions for civil servants who neglect their obligations to their children. In addition, reform in inter-agency supervision is also necessary so that legal protection of children's rights is truly realized in practice, not just in written decisions. .

Keywords: Child Support, Divorce, ASN, Decision Enforcement, Child Protection.

This minor thesis has defended in front of the examiner team at Agust 27th 2025

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