

ABSTRAK

GUGATAN PENYANGKALAN ANAK MELAMPAUI JANGKA WAKTU (Tinjauan Yuridis Putusan Pengadilan Agama Wonosobo Nomor: 969/Pdt.G/2020/PA.Wsb)

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Penelitian ini bertujuan untuk mengetahui dasar hukum dan akibat hukum yang timbul dari Putusan Gugatan Penyangkalan Anak Melampaui Jangka Waktu, yang telah diputuskan oleh Pengadilan Agama Wonosobo dengan Nomor: 969/Pdt.G/2020/PA.Wsb.

Penelitian ini merupakan penelitian yuridis normatif dengan pendekatan perundangan-undangan, pendekatan konseptual dan pendekatan kasus. Penelitian dilakukan secara preskriptif analisis yaitu meneliti bahan pustaka yang merupakan data sekunder. Penyajian data disajikan dalam bentuk uraian yang disusun secara sistematis, analisis bahan hukum dianalisis secara deskriptif kualitatif.

Hasil penelitian menunjukkan bahwa Majelis Hakim telah mempertimbangkan beberapa aspek yuridis yaitu Pasal 44 ayat (1) Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan, yang bisa diartikan bahwa seorang suami dapat menyangkal keabsahan anak jika bisa membuktikan bahwa istrinya berzina dan anak yang dilahirkan merupakan akibat dari perzinahan tersebut. Pasal 101 Kompilasi Hukum Islam memuat ketentuan bahwa suami dapat meneguhkan pengingkarnya dengan li'an. Pasal 102 ayat (1) KHI: seorang suami dapat mengajukan gugatan ke Pengadilan Agama dalam jangka waktu 180 hari sesudah hari lahirnya anak atau 360 hari sesudah putusnya perkawinan atau setelah suami itu mengetahui bahwa istrinya melahirkan anak. Pasal 102 KHI ayat (2): Pengingkaran yang diajukan sesudah lampau waktu tidak dapat diterima. Akibat hukum dari putusan yang berbunyi gugatan penggugat tidak dapat diterima dikarenakan gugatan diajukan melampaui jangka waktu, maka secara yuridis anak tersebut masih berstatus anak sah Pengugat, anak tersebut tetap memiliki hak yaitu hak nasab, perwalian, pemeliharaan, dan kewarisan dari Penggugat. Majelis hakim pada putusan tersebut mengedepankan kepastian hukum gugatan tidak diterima karena diajukan melampaui jangka waktu, jika dilihat dari dalil yang diajukan Penggugat tampak jelas bahwa anak yang dilahirkan Tergugat adalah bukan anak biologis dari Penggugat berdasarkan ciri fisik anak, pengakuan Tergugat melalui keterangan saksi, bahkan telah dibuktikan dengan hasil tes DNA.

Kata kunci: Penyangkalan Anak, Lampau Waktu

ABSTRACT

CHILD DENIAL LAWSUIT EXCEEDING THE PERIOD

(Legal Review of the Decision of the Wonosobo Religious Court Number:

969/Pdt.G/2020/PA.Wsb)

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This study aims to determine the legal basis and legal consequences arising from the Decision of the Child Denial Lawsuit Exceeding the Perimum, which has been decided by the Wonosobo Religious Court with Number: 969/Pdt.G/2020/PA.Wsb.

This research is a normative legal research with a statutory approach, a conceptual approach and a case approach. The research was conducted in a prescriptive analysis manner, namely examining library materials which are secondary data. The presentation of data is presented in the form of a systematically arranged description, the analysis of legal materials is analyzed descriptively qualitatively.

The results of the study show that the Panel of Judges has considered several legal aspects, namely Article 44 paragraph (1) of Law Number 1 of 1974 concerning Marriage, which can be interpreted that a husband can deny the legitimacy of a child if he can prove that his wife committed adultery and the child born was the result of the adultery. Article 101 of the Compilation of Islamic Law contains provisions that a husband can confirm his denial with a li'an. Article 102 paragraph (1) of the KHI: a husband can file a lawsuit with the Religious Court within 180 days after the child's birth or 360 days after the marriage ends or after the husband finds out that his wife has given birth to a child. Article 102 KHI paragraph (2): Denials filed after the lapse of time cannot be accepted. The legal consequences of the decision stating that the plaintiff's lawsuit cannot be accepted because the lawsuit was filed beyond the time period, then legally the child still has the status of the Plaintiff's legitimate child, the child still has rights, namely the rights of lineage, guardianship, maintenance, and inheritance from the Plaintiff. The panel of judges in the decision prioritized the legal certainty that the lawsuit was not accepted because it was filed beyond the time period, if seen from the arguments submitted by the Plaintiff, it is clear that the child born to the Defendant is not the biological child of the Plaintiff based on the physical characteristics of the child, the Defendant's confession through witness statements, and has even been proven by the results of a DNA test.

Keywords: Child Denial, Past Time