

Perbandingan Hak Alimentasi Anak Pasca Perceraian Menurut Undang-Undang Nomor 16 Tahun 2019 tentang Perkawinan di Indonesia dan Act of Enforcing and Supporting Child Support Payment di Korea Selatan = A Comparison of Child Alimony Rights Due to Divorce Based on Law Number 16 of 2019 about Marriage in Indonesia and Act of Enforcing and Supporting Child Support Payment in South Korea

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Abstrak

Penelitian ini membandingkan aturan terkait hak alimentasi anak di dua negara yaitu Indonesia dan Korea Selatan dengan membandingkan aturan di kedua negara tersebut yaitu Undang-Undang Perkawinan di Indonesia dan Act of Enforcing and Supporting Child Support Payment di Korea Selatan. Akan dilakukan penelitian doktrinal dengan tipologi deskriptif sehingga akan diperoleh keterangan dan penjelasan khususnya tentang pengaturan terkait hak alimentasi anak pasca perceraian di Indonesia berdasarkan Undang-Undang Perkawinan, pengaturan child support di Korea Selatan berdasarkan Act of Enforcing and Supporting Child Support Payment, dan perbandingan diantara kedua peraturan tersebut. Hasil penelitian menunjukkan bahwa di Indonesia pengaturan mengenai hak alimentasi anak belum diatur secara komprehensif berbeda dengan di Korea Selatan yang telah memiliki pengaturan tertulis yang komprehensif terkait hak alimentasi anak pasca perceraian. Berdasarkan kekurangan peraturan di Indonesia tersebut mempengaruhi ketepatan Majelis Hakim dalam memberikan putusan. Dengan demikian peraturan di Indonesia dapat diperjelas demi kepastian hukum dengan peraturan Korea Selatan dapat menjadi acuannya.This study compares the rules related to the rights of child alimony rights in two countries, Indonesia and South Korea, by comparing the rules in both countries, namely the Marriage Law in Indonesia and the Act of Enforcing and Supporting Child Support Payment in South Korea. Doctrinal research will be carried out with a descriptive typology so that information and explanations will be obtained, especially about the arrangements related to the alimony rights of children after divorce in Indonesia based on the Marriage Law, child support arrangements in South Korea based on the Act of Enforcing and Supporting Child Support Payment, and the comparison between the two regulations. The results of the study show that in Indonesia, the regulation regarding the rights of child alimony rights has not been comprehensively regulated, in contrast to South Korea, which already has a comprehensive written regulation related to the rights of child alimony after divorce. Based on the lack of regulations in Indonesia, it affects the accuracy of the Panel of Judges in giving a verdict. Thus, regulations in Indonesia can be clarified for the sake of legal certainty, with South Korean regulations can be a reference.