

ABSTRAK

Penelitian ini bertujuan mengetahui dan menganalisis dasar pertimbangan hukum hakim dalam mengabulkan permohonan pengangkatan anak oleh orang tua tunggal (*Single Parent*). Dasar pertimbangan hakim dalam Penetapan Nomor 102/Pdt.P/2012/PN.GS dan Nomor 19/Pdt.P/2012/PN.AB adalah maksud Pemohon mengangkat anak demi kepentingan terbaik anak sesuai Pasal 3 ayat (1) PP No. 54/2007 tentang Pelaksanaan Pengangkatan Anak. Namun, hakim tidak memperhatikan ketentuan Pasal 13 ayat (1) huruf c Permensos No. 110/HUK/2009 yang mewajibkan orang tua tunggal memperoleh izin tertulis Menteri Sosial atau Kepala Dinas Sosial Provinsi sebelum pengangkatan anak dilakukan. Berdasarkan hal tersebut, Rumusan masalah adalah: (1) Apa dasar pertimbangan hukum hakim dalam mengabulkan permohonan pengangkatan anak oleh orang tua tunggal (*Single Parent*). Penelitian ini bersifat yuridis normatif, mengidentifikasi dan memahami norma hukum serta menganalisis efektivitas perundang-undangan dengan pendekatan *Statute Approach* dan *Case Approach*. Hasil dari penelitian ini menunjukkan ketidaksesuaian pertimbangan hakim dengan aturan imperatif, yang merupakan syarat substantif untuk perlindungan hukum dan menjamin hak anak sesuai prinsip kepentingan terbaik anak dalam Konvensi Hak Anak dan peraturan nasional. Oleh karena itu, hakim harus memastikan terpenuhinya semua persyaratan calon orang tua tunggal sesuai PP No. 54/2007 saat menetapkan permohonan pengangkatan anak. Bagi masyarakat, khususnya calon orang tua tunggal, dianjurkan melengkapi syarat administratif dan substansial sesuai hukum untuk menjamin kepastian dan mencegah penyalahgunaan anak. Terkait penguatan regulasi dengan mewajibkan izin tertulis Menteri Sosial atau Kepala Dinas Sosial menjadi syarat mutlak guna menghindari penyimpangan dan melindungi anak selama proses pengangkatan.

Kata Kunci: Pengangkatan Anak, Orang Tua Tunggal, Pertimbangan Hakim, Kepastian Hukum.

ABSTRACT

This study aims to determine and analyze the basis for the judge's legal considerations in granting applications for adoption by single parents. (Single Parent). The basis for the judge's consideration in Decision Number 102/Pdt.P/2012/PN.GS and Number 19/Pdt.P/2012/PN.AB is the Applicant's intention to adopt a child in the best interests of the child in accordance with Article 3 paragraph (1) of PP No. 54/2007 concerning the Implementation of Child Adoption. However, the judge did not pay attention to the provisions of Article 13 paragraph (1) letter c of Permensos No. 110/HUK/2009 which requires single parents to obtain written permission from the Minister of Social Affairs or the Head of the Provincial Social Service before the adoption of a child is carried out. Based on this, the formulation of the problem is: (1) What is the basis for the judge's legal consideration in granting a child adoption application by a single parent? (Single Parent). This research is of a normative juridical nature, identifying and understanding legal norms and analyzing the effectiveness of legislation using a legal approach. Statute Approach And Case Approach. The results of this study indicate a discrepancy between judges' considerations and imperative rules, which are substantive requirements for legal protection and guarantee children's rights in accordance with the principle of the child's best interests in the Convention on the Rights of the Child and national regulations. Therefore, judges must ensure that all requirements for prospective single parents are met according to PP No. 54/2007 when determining child adoption applications. For the community, especially prospective single parents, it is recommended to complete the administrative and substantive requirements according to the law to ensure certainty and prevent child abuse. Related to strengthening regulations by requiring written permission from the Minister of Social Affairs or the Head of the Social Service is an absolute requirement to avoid irregularities and protect children during the adoption process.

Keywords: *Adoption, Single Parents, Judge's Considerations, Legal Certainty.*