



Disparity and Theory of Legal Ideals Against the Cancellation of the Adoption of Children in the Study of Decisions in the Indonesian General Courts

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Abstract

*Arrangements for cancellation of child adoption have not been regulated such as child adoption. This problem is the judge's consideration of examining, adjudicating, and deciding on the decision to cancel the adoption decision, there is a disparity and the judge's decision to cancel the adoption decision has fulfilled the *idee des recht* legal certainty, expediency, and justice. The normative juridical research method is qualitative in nature referring to laws and regulations and court decisions as well as norms that live and develop in society. There were disparities in 3 (three) civil cases, the Surabaya District Court Decision Number 155/Pdt.G/2017/PN.Sby, the Kendal District Court Decision Number 7/Pdt.G/2018/PN.Kdl and the Central Java High Court Number 389/Pdt./2018/PT.SMG, and the Decision of the Sragen District Court Number 7/Pdt.G/2020/PN. Sby and the Sragen District Court Decision Number 7/Pdt.G/2020/PN.Sgn have fulfilled the values of certainty, fairness, and usefulness, but the Sragen District Court's decision is still lacking in its usefulness. While the decisions of the Kendal District Court Number 7/Pdt.G/2018/PN.Kdl and the Central Java High Court Number 389/Pdt./2018/PT.SMG did not meet the values of certainty, fairness, and expediency. Sby and the Sragen District Court Decision Number 7/Pdt.G/2020/PN.Sgn have fulfilled the values of certainty, fairness, and expediency, but the Sragen District Court's decision is still lacking in its usefulness. While the decisions of the Kendal District Court Number 7/Pdt.G/2018/PN.Kdl and the Central Java High Court Number 389/Pdt./2018/PT.SMG did not meet the values of certainty, fairness, and expediency.*

Keywords: Disparity; Legal Aspirations; Decision on the cancellation of the adoption of a child.

A. Introduction

The form of association between men and women occurs respectfully because of the way a legal marriage is in accordance with the position of humans who are considered honorable creatures. So that the association of domestic life is built peacefully, peacefully, and full of love. A clean and respectful human life will arise if there are children as descendants of the results of legal marriages that adorn family life.¹ However, often the big hopes of parents to have children are hindered by fate so that they are not achieved. Efforts are made to have children by adopting children.²

¹ Ahmad Azhar Basyir, *Hukum Perkawinan Islam* (Yogyakarta: UII Press, 2000). Hal. 1.

² Diana Tantri Pramono, Zolla Andre; Chahyaningsih, "Problematisasi Pelaksanaan Anak (Adopsi) Ditinjau Dari Peraturan Pemerintah Republik Indonesia Nomor 54 Tahun 2007 Tentang Pelaksanaan Pengangkatan Anak Di Panti Asuhan Putra Bakti Kabupaten Batang," *Privat Law VIII* (2020): 244.

Adoption of children in Indonesia has become a community need and is part of the family law system related to the interests of people in the family.³

However, after a husband and wife have adopted a child, it is known in the community that the adoption of a child often occurs. For example, the cancellation of the adoption decision with various reasons for the underlying cause occurred in the Surabaya District Court Decision Number 155/Pdt.G/2017/PN.Sby The Surabaya District Court Judge decided that the cancellation lawsuit was granted, in the Kendal District Court Decision Number 7/Pdt.G /2018/PN.Kdl The Kendal District Court judge decided that the cancellation lawsuit was unacceptable because the Kendal District Court was not authorized to examine and decide the case and then appealed to the Central Java High Court Number 389/Pdt/2018/PT.SMG Central Java High Court Judge confirmed the Kendal District Court Decision, and in the Sragen District Court Decision Number 7/Pdt.G/2020/PN.Sgn the Sragen District Court Judge decided that the cancellation lawsuit was granted.

Judges are required to be active, follow and continuously explore legal principles, legal theories, sources of law, doctrine, jurisprudence, applicable legal values, especially providing a ratio decidendi so that judges have the ability to interpret, make logic and legal arguments so that their decisions are based on legal certainty, benefits, and justice.⁴ Law is a series of systematic words in the text that have authoritative properties.⁵ According to Gustav Radbruch, in the ideals of legal teaching, *idee des recht* consists of 3 (three) namely legal certainty *rechtssicherheit*, usefulness *zweckmassigkeit*, and justice *gerechtigkeit*⁶. So that the application of the authorization text in social life is the absolute authority of judges to settle civil cases. The judge examines, hears, and decides on cases not only having the task of restoring the previous situation when a dispute arose, but the judge should try his best so that no new disputes or derivative disputes arise from the main case being examined.

Several relevant thesis research and comparisons with similar topics but have significant differences in title, substance, and results including 1). Legal protection for the implementation of adoption in terms of Islamic Law and Law Number 23 of 2002 concerning Child Protection regarding differences in child adoption according to Law Number 23 of 2003 concerning Child Protection with Islamic Law, legal protection of child adoption that is not in accordance with statutory regulations -Indonesian invitation, and If the child who has been adopted asks for cancellation after he grows up⁷ 2). Legal efforts to cancel the adoption of a child in the context of protecting the

³ H.M. Kamil, Ahmad; Fauzan, *Hukum Perlindungan Dan Pengangkatan Anak Di Indonesia* (Jakarta: PT. Raja Grafindo, 2008) Hal. ix.

⁴ Herowati Poesoko, "Penemuan Hukum Oleh Hakim Dalam Penyelesaian Perkara Perdata," *Jurnal Hukum Acara Perdata Adhaper* Volume 1, Nomor 2, Juli-Desember (2015): 227.

⁵ Abdul Hakim, "Menakar Rasa Keadilan Pada Putusan Hakim Perdata Terhadap Pihak Ketiga Yang Bukan Pihak Berdasarkan Perspektif Negara Hukum Pancasila Measuring The Sense Of Justice In Civil Judge Decision Based On Pancasila State Law," *Hukum dan Peradilan*, Volume 6 Nomor 3, November (2017): 361.

⁶ Supriyono, "Terciptanya Rasa Keadilan, Kepastian, Dan Kemanfaatan Dalam Kehidupan Masyarakat," *Jurnal Ilmiah Fenomena*. Volume XIV, Nomor 2, November (2016): 1574.

⁷ Hamidansyah Putra, "Perlindungan Hukum Terhadap Pelaksanaan Pengangkatan Anak Di Tinjau Dari Hukum Islam Dan Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak" (Universitas Sumatera Utara, 2014).

interests of the child regarding the submission of the cancellation of the adoption determination based on the laws and regulations in Indonesia, and the non-fulfillment of the requirements for adoption after the adoption decision has been determined by the District Court can be used as the basis for the cancellation of the adoption.⁸

Arrangements for cancellation of child adoption have not been specifically regulated and detailed in child adoption arrangements. So that there are differences in the process of cases of cancellation of adoption regarding the absolute authority of the court to examine, hear, and decide on the case. Based on this, the problems taken are 1). How is the judge's consideration in examining, adjudicating and deciding the decision to cancel the adoption of a child so that there is disparity. 2). Whether the judge in passing the court's decision regarding the cancellation of the adoption determination has fulfilled the *idee des recht* aspects (legal certainty, expediency, and justice). So the purpose of this study is to find out and analyze the judges considerations in examining, adjudicating and deciding the decision to annul the determination of child adoption so that there is a disparity and the judge in passing the court decision regarding the cancellation of the determination of the adoption of the child has fulfilled the *idee des recht* aspects legal certainty, expediency, and justice.

B. Literature review

In Indonesia, an adopted child is called an adopted child, while in Dutch it is called an *adoptiezoen*, in English it is called an *adaption of child* and in Arabic it is called *Tabbani*.⁹ Adoptive parents are people who are given the power to be able to care for, educate, and raise children based on statutory regulations and customs.¹⁰ The process of adopting a child is carried out by court rulings at the District Court and the Religious Courts. With a court ruling, the adopted child is legally adopted as an adopted child of the adoptive parents.¹¹ Then there is the adoption of a legal relationship between the adoptive parents and the adopted child, namely *alimentatieplicht* mutual care¹² and will provide legal certainty for adopted children.¹³

Due to the existing legal relationship between adoptive parents and adopted children, it is undeniable that there are often cancellations of child adoptions as a result of one party feeling aggrieved by the cancellation of the adoption decision

⁸ Girry Jaya Wijaya, "Upaya Hukum Pembatalan Penetapan Pengangkatan Anak Dalam Rangka Perlindungan Kepentingan Anak" (Universitas Airlangga, 2015).

⁹ Aulia Muthiah, *Hukum Islam Dinamika Seputar Hukum Keluarga* (Yogyakarta: Pustaka Baru Press, 2017). Hal 173.

¹⁰ Yulies Tiena Masriani, "Tinjauan Yuridis Terhadap Pengangkatan Anak Antar Warga Negara Indonesia Dan Akibat Hukumnya Di Kota Semarang" (Universitas Diponegoro Semarang, 2009).

¹¹ Ilham; Zainuddin Zainuddin, Nur Alimah; Abbas, "Pelaksanaan Pengangkatan Anak Dan Akibat Hukumnya Berdasarkan Penetapan Hakim," *Journal of Lex Generalis (JLG)* Volume 1, Nomor 7, Desember (2020): 963.

¹² Rostanti Tololiu, "Kedudukan Anak Di Luar Kawin Menurut Putusan Mahkamah Konstitusi Nomor 46/PUU.VII/2010 Terhadap Hubungan Anak Di Luar Kawin Dengan Ayah Biologisnya," *Lex Privatum* Volume V, Nomor 5, (2017): 24.

¹³ Zainuddin, Nur Alimah; Abbas, "Pelaksanaan Pengangkatan Anak Dan Akibat Hukumnya Berdasarkan Penetapan Hakim. *Loc.Cit*"

through a lawsuit in the District Court. Before the judge makes a decision, the judge must make the basis for legal considerations regarding legal arguments so that it reaches the stage of the verdict. Legal arguments are the basis for judges in building legal considerations. The judge's argument in legal considerations is the *ratio decidendi*.¹⁴ An important aspect to give birth to the value of justice, legal certainty, and provide benefits to the disputing parties in the judge's decision is the *ratio decidendi*.¹⁵

The disparity of judges' decisions in judicial cases has more than 1 (one) object of comparison. Disparities can be regarding differences in perspectives. Judges provide interpretations of legal concepts that have implications in making decisions.¹⁶ Disparities may occur in various vertical decisions in courts of first instance by appeal or cassation while horizontal decisions occur in courts of the same level.¹⁷ The basic legal values by Gustav Radbruch are *rechtmatigheid* legal certainty, usefulness of *zweckmassigkeit*, and *gerechtigheit* justice.¹⁸ In the use of the three basic legal values, the first priority is justice, the second is expediency, and the third is legal certainty.¹⁹

C. Research Methods

The normative juridical research method is qualitative in nature referring to the legal norms of legislation and court decisions as well as norms that live and develop in society.²⁰ The approach used is the law on the cancellation of child adoption regulations and the case approach is the District Court Decision and the High Court Decision. Types of library law research.²¹ The technique of collecting data is a literature study looking for concepts, theories, principles, rules, and applicable documents. They are analyzed using qualitative data processing techniques, which describe quality materials in orderly, coherent, logical, non-overlapping sentences that are easy to understand and interpret data.²² Analysis of the data used analytical descriptions to draw better conclusions.

¹⁴ Illa Amanda Nur Pasetyo, Bayu; Islamil, Rezky Robiatul Aisyiah; Rasyid, Fikri Ananta Nur; Asih, "Argumentasi Hukum Terhadap Pertimbangan Hakim Dalam Putusan Perkara Sengketa Kepegawaian," *Jurnal Palar (Pakuan Law Review)*. Volume 07, Nomor 02, Juli-Desember (2021): 478.

¹⁵ Ibid. Hal. 473.

¹⁶ Komisi Yudisial Republik Indonesia, "Disparitas Putusan Hakim "Identifikasi Dan Implikasi"," *Sekretaris Jenderal Komisi Yudisial Republik Indonesia dan The Jawa Pos Institute Of Pro-Otonomi* (Jakarta dan Surabaya, 2014). Hal. 17.

¹⁷ Ibid. Hal 3.

¹⁸ Jaka Mulyata, "Keadilan, Kepastian, Dan Akibat Hukum Putusan Mahkamah Konstitusi Republik Indonesia Nomor 100/PUU-X/2012 Tentang Judicial Review Pasal 96 Undang-Undang Nomor: 13 Tahun 2003 Tentang Ketenagakerjaan" (Universitas Sebelas Maret Surakarta, 2015).

¹⁹ I Made Wirya Marsudi, Eka Rahmat Andrianto; Darma, "Penyelesaian Sengketa Wanprestasi Antara PT.PLN (Persero) APP Bali Dengan PT. Global Twin Star Melalui Jalur Negosiasi," *Jurnal Analisis Hukum*. Volume 1, Nomor 1, April (2018): 147.

²⁰ Zainuddin Ali, "Metode Penelitian Hukum" (Jakarta: Sinar Grafika, 2016), Hal. 105.

²¹ Bambang Waluyo, *Penelitian Hukum Dalam Praktek* (Jakarta: Sinar Grafika, 2002). Hal. 17.

²² I Gusti Ngurah Wirahadi, I Gusti Ngurah Agus Bagus; Wairocana, "Analisis Yuridis Pemilihan Kepala Desa Berbasis E-Voting Pada Pemilihan Kepala Desa Di Kabupaten Jembrana," *Jurnal Kertha Negara* 8 (2020): 15.

D. Results and Discussion

1. Judges' Considerations in Examining, Judging and Deciding on Decisions to Cancel the Appointment of Children so that Disparities Occur

Surabaya District Court Decision Number 155/Pdt.G/2017/PN.Sby. The judge's consideration between the parties justified ending the relationship with the adoption of a child, the Decision of the Purworejo District Court Number 33/Pdt.P/1995/PN.PWR dated August 8, 1995 regarding the adoption of children null and void can be granted, then the legal relationship between the parties as stipulated in Article 46 Paragraph 1 of Law Number 1 of 1974 concerning Marriage concerning the rights and obligations of adoptive parents and adopted children cannot be fulfilled again, declares the termination of all civil relations between the parties, and restores the status of the parties to their original state before the adoption of the child.

Kendal District Court Decision Number 7/Pdt.G/2018/PN.Kdl. Judge's consideration of annulment to the Supreme Court on the decision with the Panel of Judges taking into account the applicable legal provisions, the cassation cancels the determination by analogy Article 43 paragraph 1 of Law Number 5 of 2004 amended by Law Number 3 of 2009 concerning the Supreme Court, Article 11 paragraph 2 letter a Law Number 4 of 2004 concerning judicial power to adjudicate the level of cassation against decisions given at the last level by the courts of all judicial circles under the Supreme Court, Article 32 paragraph 1 of the Supreme Court Law, the Supreme Court of the cassation level has the authority to examine and decide petition for cancellation of court order, Jurisprudence of the Supreme Court of the Republic of Indonesia Number 3302 K/Pdt/1996 dated 28 May 1998 the lawsuit to cancel the decision of a District Court Judge was not submitted to the same District Court that had issued the decision but should have been to the Supreme Court. The lawsuit for cancellation cannot be accepted because the Kendal District Court is not authorized to examine and decide on the case.

Then the Plaintiff filed an appeal at the Central Java High Court Number 389/Pdt./2018/PT.SMG for the judge's consideration based on Article 30 of Law Number 14 of 1985 jo. Law Number 5 Year 2004 jo. Law Number 3 of 2009 concerning the Supreme Court at the Cassation Level cancels the Court's Decision or Decision from all jurisdictions of the Court, considering the Jurisprudence of the Supreme Court of the Republic of Indonesia Number 3302 K/Pdt/1996 dated May 28, 1998 the lawsuit canceling the decision of a District Court Judge is not submitted to the Court The same country that has issued the determination but should have gone to the Supreme Court, considering the Kendal District Court Decision Number 7/Pdt.G/2018/PN.Kdl dated July 4, 2018 was maintained and strengthened. The Judge's Decision decided to strengthen the Kendal District Court Decision Number 7/Pdt.G/2018/PN.Kdl.

Sragen District Court Decision Number 7/Pdt.G/2020/PN.Sgn. Judge's consideration, the Plaintiff as adoptive parent there was a legal adoption of a child since he was a baby. and leave the house. Stipulation of Sragen District Court Number 03/Pdt.P/2008/PN.Srg. dated January 22, 2008 regarding Child Adoption null and void. The cancellation request was granted. The Judge's decision that the Defendant's

adopted child had been properly summoned in court was absent, granting the Plaintiff's claim as the adoptive parent entirely *verstek*.

Aspects of the disparity of judges consider the decision on the cancellation of the adoption of a child above in filing a lawsuit against the absolute authority of the court to examine, hear, and decide cases. Differences in disparity in the decisions of the Kendal District Court Number 7/Pdt.G/2018/PN.Kdl and the Central Java High Court Number 389/Pdt./2018/PT.SMG. It can be seen that based on the court's decision regarding the cancellation of the adoption decision, it is known that the legal reality that exists in the community shows the absolute authority of the District Court to examine, hear, and decide on civil cases of cancellation. Pdt.G/2003/PN.Jak²³, Bukit Tinggi District Court Decision Case Number 9/Pdt.G/2015/PN.Bkt with a verdict declaring the cancellation of Bukit Tinggi District Court Decision Number 152/Pdt.P/1984/PN.BT adoption of Haryanto Kosasih's son, Surabaya District Court Decision Case Number 771/Pdt.G/2014/PN.Sby with a decision declared the decision No. 3635/Pdt.P/1989/PN.Sby the adoption of Hardiansyah's child, the Indramayu District Court Decision Case No. 10/Pdt.G/2014/PN.Im with the decision declared the Indramayu District Court decision void No. 11/Pdt.P/2000/PN. Im. So that the Kendal District Court Decision Number 7/Pdt.G/2018/PN.Kdl and the Central Java High Court Number 389/Pdt./2018/PT.SMG can adopt this jurisprudence.

Judges must apply the law according to the legislation covering the legal aspects of judges using written law, judges seek and find laws based on jurisprudence, doctrine, treaties, customs or unwritten law. Judges are obliged to explore, follow, and understand the value of law and justice in people's lives.²⁴ Indicators that are filled with decisions to say jurisprudence are judges' decisions are certain cases, the basic *ratio decidendi* of decisions is a legal principle, and decisions are not yet regulated or unclear in legislation and function as standard law, uniformity of legal basis, certainty of law enforcement, and preventing disparities.²⁵

2. The judge's analysis in passing a court decision on the cancellation of the adoption of a child has fulfilled the teachings of legal ideals (*idee des recht*), namely the juridical aspects of legal certainty, sociological benefits, and philosophical justice

Surabaya District Court Decision Number 155/Pdt.G/2017/PN.Sby; *First*, legal certainty is fulfilled because the Judge provides a way out of the problem, based on applicable regulations and in the life of the community and decides cases based on facts in a judicially relevant trial, taking into account conscience, the settlement of cases is a fast, simple, low cost process so that the Judge gives a decision according to the objectives. legislation.

²³ Melania Desfiana Artiani, "Tinjauan Yuridis Atas Pengajuan Gugatan Pembatalan Adopsi" (Universitas Indonesia, Fakultas Hukum Program Magister Kenotariatan 2009). Hal 60.

²⁴ Mahkamah Agung Republik Indonesia Pengadilan Negeri Bekasi, "Pengetahuan Publik Prinsip Dalam Mengadili Perkara," *Mahkamah Agung Re[Publik Indonesia Pengadilan Negeri Bekasi*, <https://pn-bekasikota.go.id/publik/pengetahuan-publik/prinsip-mengadili-perkara.html> diakses Senin, 23 Mei 2022 Pukul 10:36 WIB.

²⁵ Syarif Mappiasse, *Logika Hukum Pertimbangan Putusan Hakim* (Jakarta: Prenadamedia Group, 2017). Hal. 11.

Second, the value of justice, the judge's decision provides an authoritative solution to the problems of the parties by being able to accept and carry out according to the results of the Surabaya District Court's decision, fast, simple efficiency, low costs are met in the case process, not complicated by adjusting existing procedures, does not take many years -the year the case for cancellation of adoption was filed on February 24, 2017 until it was decided by the Surabaya District Court on May 03 2017, the costs incurred by the parties were in accordance with the provisions of the fees set out in detail in the case process of the Surabaya District Court, in accordance with the purpose of the legislation which was used as the basis for the decision "For the sake of justice based on God Almighty, it contains aspects of social order and peace for the community, there is equal opportunity for litigants and places them on the same position before the law, *equality before the law*, it seems that there is no difference between the two parties in the trial. *Third*, the value of the judge's usefulness considers the final result and the judge's decision brings the benefits of the parties and restores the balance of society *restitutio in integrum*, the parties agree to end the adoption of children.

Kendal District Court Decision Number 7/Pdt.G/2018/PN.Kdl; and an appeal at the Central Java High Court Number 389/Pdt./2018/PT.SMG; *First*, legal certainty is not fulfilled because the judge does not provide a solution to the problems of the parties. The lawsuit for the cancellation of the adoption by the Plaintiff as an adopted child cannot be accepted. The judges of the Kendal District Court have no absolute authority to examine and adjudicate cases. If from the Jurisprudence of the same case, the lawsuit for the cancellation of the adoption of a child is a legal fact in the community, the absolute authority of the District Court is to examine, hear, and decide on civil cases to cancel the Decision of the District Court in accordance with statutory regulations.

Second, the value of justice, the judge's decision does not provide an authoritative solution to the problems of the parties and the efficiency is fast, simple, low costs are not met, the case process does not run quickly and is complicated, it takes many years to cancel the adoption case. Kendal District Court Decision Number 7/ Pdt.G/2018/PN.Kdl filed by the Plaintiff on February 2018 and decided by the Kendal District Court on June 21 2018 followed by an appeal at the Central Java High Court Number 389/Pdt./2018/PT.SMG filed on July 4, 2018 until it was decided on November 8 2018, the costs incurred by the parties have been regulated in detail in the case process, have not been in accordance with the purpose of the legislation which is used as the basis for the court decision "For Justice Based on the One Godhead", does not contain aspects of social order, peace with the community, no equal opportunities against parties who are litigating and do not place the same position before the law The law of *equality before the law* is distinguished at trial regarding the authority to try. *Third*, the value of expediency, the judge considers the final result and the judge's decision has not brought the benefits of the parties, has not restored the balance in the *restitutio in integrum* community, although the judge decides the case but has not resolved the parties dispute to end the adoption.

The decision of the Sragen District Court Number 7/Pdt.G/2020/PN.Sgn *First*, legal certainty is fulfilled because the judge provides a solution to problems, based on applicable regulations, in people's lives, decides cases based on court facts that are

juridically relevant, considers conscience, resolves the case process is fast, simple, and low cost so that the judge gives a decision according to the purpose of the legislation.

Second, the value of justice, the judge's decision provides an authoritative solution to the problem of the parties accepting, carrying out according to the results of the Sragen District Court's decision, the Plaintiff's claim is fully granted with *verstek*, efficiency is fast, simple, low cost, the case process runs quickly, does not have to be complicated, adjusts procedures, does not require For many years, the case for cancellation of the adoption of a child submitted by the Plaintiff on 27 January 2020 was decided by the Sragen District Court on 18 May 2020, the costs were incurred by the parties according to the details contained in the Sragen District Court case, according to the purpose of the legislation which was used as the basis for the court decision "For the sake of Justice. Based on God Almighty, the Defendant was summoned properly but was not present, containing aspects of social order, peace with the community, equal opportunities for litigants and placing an equal position before the law *equality before the law* between the Plaintiff being present and the defendant. ugat was summoned but was not present so that nothing was distinguished at trial. *Third*, the value of the usefulness of the Judge considers the final result, the decision brings the benefits of the parties, restores the balance of the community *restitutio in integrum*, the benefits are not fully fulfilled by the parties because it does not provide happiness the Defendant is not present and the claim is filed by the Plaintiff's wishes even though the Defendant does not carry out the rights and obligations of the adopted child.

E. Conclusion

The judge's consideration in the decision to cancel the adoption of a child occurred disparity in 3 (three) civil cases, the Surabaya District Court Decision Number 155/Pdt.G/2017/PN.Sby, and the Sragen District Court Decision Number 7/Pdt.G/2020/PN .Sgn the lawsuit for the cancellation of the adoption of a child is filed in the District Court. While the decisions of the Kendal District Court Number 7/Pdt.G/2018/PN.Kdl and the Central Java High Court Number 389/Pdt./2018/PT.SMG the lawsuit canceling the decision of the District Court Judge should not be submitted to the same District Court that has issued a determination. In the above case, it is due to the fact that the laws and regulations governing the cancellation of child adoption are not sufficient enough so that legal uncertainty creates disparity in Judges' Decisions that apply different legal standards to the same cases that have been decided.

In the Decision of the Surabaya District Court Number 155/Pdt.G/2017/PN.Sby, it fulfills legal certainty, justice, and benefits that do not cause disputes again and the parties agree to end the relationship, while the Kendal District Court Decision Number 7/Pdt.G/2018 /PN.Kdl and the Central Java High Court Number 389/Pdt./2018/PT.SMG do not meet legal certainty, justice, and benefit due to differences in the absolute authority of the District Court in examining, adjudicating, and deciding on civil cases the cancellation of the adoption of a child so that although The judge has decided the case but has not resolved the dispute. The decision of the Sragen District Court Number 7/Pdt.G/2020/PN.Sgn has fulfilled the elements of

legal certainty, justice, but it is felt that it does not fulfill the benefits because it does not give happiness to the Defendant who is not present. has not carried out his rights and obligations as an adopted child.

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