

LEGAL REASONS FOR THE JUDGE'S BOARD OF JUDGES TO APPROVAL THE LAWSUIT FOR REVOCATION OF CHILD CURRICULUM RIGHTS WHICH HAS HAD PERMANENT LEGAL FORCE

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Abstract

This study aims to analyze the legal reasons for filing a lawsuit for revocation of child custody rights after a final and binding decision and to analyze the legal considerations of the panel of judges in Decision Number 42/Pdt.G/2024/PA.Prob. This study uses a normative legal research method with a statute approach and a case approach. The legal materials used consist of primary, secondary, and tertiary legal materials which are analyzed qualitatively using a descriptive-analytical method. The results of the study indicate that the lawsuit for revocation of child custody rights after a final and binding decision does not conflict with the principle of *ne bis in idem* or the principle of legal certainty as long as it is based on changes in circumstances that affect the child's best interests. In addition, this study found that the Panel of Judges correctly accepted and examined the lawsuit by basing its considerations on changes in circumstances and protection of the child's best interests. However, in terms of the construction of the ratio decidendi in the decision, there is still room for strengthening, especially in linking the facts proven in court with the application of the principle of best interests of the child.

Keywords: *Legal Reasons, Child Custody, best interests of the child*

INTRODUCTION

Marriage is a spiritual and physical bond between a man and a woman intended to form a happy and eternal family based on the One Almighty God.¹ However, in reality, not every marriage goes according to plan. Divorce becomes an option when the marital bond is no longer sustainable. This phenomenon carries complex legal implications, not only for the separating couple but also for the children born of the marriage. A crucial aspect that arises after a divorce is the determination of child custody. Children are the ones who experience the most stress during the separation process. They lack the ability to make their own choices and should not have to bear the burden of conflict between their parents.

In Indonesian law, regulations regarding child custody after divorce can be seen in Law No. 1/1974 concerning Marriage, which was amended by Law No. 16/2019, which states that even after a marriage ends, both parents remain obligated to care for and educate their children for their benefit. Furthermore, the Compilation of Islamic Law (KHI) stipulates through Article 156 that if the holder of *hadhanah* is proven unable to guarantee the physical and spiritual safety of the child, the Religious Court has the authority to transfer these rights to another party deemed more suitable. From a civil law perspective, Article 319a of the Civil Code explains that parental authority can be revoked by a judge when parents are proven to have abused their authority or been grossly negligent in carrying out their childcare obligations. This provision demonstrates that the revocation of custody is an aspect of the basic principles of civil law that is deeply rooted in Indonesia.

These three legal instruments collectively establish a central principle in every child custody dispute: *the best interest of the child*. This principle is not merely a term, but rather serves as a guideline that should guide every court decision in cases concerning a child's future. This means that the judge's considerations should not be biased solely toward the interests of the mother or father, but rather should place the child at the center of the entire decision-

¹Jahwa, E., Siregar, DP, Harahap, MR, Mubarak, I., Akbar, A. (2024). The Concept of Marriage in Islamic Law and National Law in Indonesia. *Innovative: Journal of Social Science Research* Vol. 4, No. 1, 1692-1705, <https://doi.org/10.31004/innovative.v4i1.8080>.

making process. Child custody issues are not always resolved once a court decision is rendered. In practice, the dynamics of life after a divorce often give rise to new, unforeseen circumstances. This situation then prompts one party to re-contest the custody agreement, even after the decision has become final and binding. This is where a legal tension arises that is interesting to examine further. However, the law does not exist in a static space. Children's interests are dynamic, and children grow, develop, and their needs change over time. The circumstances of the custodial parent can also change; what was initially deemed appropriate may later prove negligent or incapable of fulfilling their responsibilities. This creates a gap between the principle of legal certainty on the one hand and the principle of *the best interest of the child* on the other. These two principles do not always go hand in hand, and when they clash, judges are faced with difficult choices.

This situation becomes even more apparent when looking at the provisions of Article 49 paragraph (1) of Law No. 1/1974 concerning Marriage, which provides a loophole for the court to amputate parental authority if it is proven that they have seriously neglected their duties to their children or have behaved badly. This means that the Indonesian legal system normatively recognizes that even a *final decision on custody rights* is not absolute, which means it can be questioned again through a lawsuit mechanism for the revocation of parental authority, as long as there are strong legal reasons and they are proven in court.² The legal tensions outlined above are not merely theoretical issues but are concretely manifested in Indonesian judicial practice. One example is the Probolinggo Religious Court Decision No. 42/Pdt.G/2024/PA.Prob. This case is an interesting object of study because it presents a rarely encountered legal complexity: a lawsuit for the revocation of child custody filed against a final and binding decision.

The case in this decision stems from a divorce between the Plaintiff and Defendant, which was decided by the Probolinggo Religious Court. In the previous divorce case, custody of two children, a 9-year-old boy and a 3-year-old girl, was awarded to the Defendant, the biological father. This decision has been through all levels of the court system and was upheld by Supreme Court Decision Number 783 K/Ag/2023, making it legally binding. However, as the situation progressed on January 16, 2024, the Plaintiff as the biological mother filed a new lawsuit with the Probolinggo Religious Court with a different object of the case, namely the revocation of parental authority for a number of reasons. The Plaintiff argued that while in the Defendant's care, their first child did not receive a proper formal education. The Plaintiff also argued that the Defendant closed the opportunity for the Plaintiff to meet and provide affection to her children. What makes this decision even more interesting is the verdict that granted part of the Plaintiff's lawsuit. Where the Judge revoked the Defendant's custody of the second child, a daughter, and assigned it to the Plaintiff, with the main consideration that a 3-year-old girl naturally needs a mother figure more. Meanwhile, custody of the first child, a son, was retained by the Defendant.

METHOD

This study is a normative legal study, namely a study conducted through the technique of analyzing legal materials related to the problem being examined. Normative legal studies are essentially studies that dissect law as norms or rules. As Marzuki stated, normative legal studies are a process of discovering legal rules, legal principles, and legal doctrines to address the legal issues at hand.³ This study uses library research as a data collection technique, which involves researching and identifying legal materials relevant to the problem under study. Library research was chosen as the data collection technique in this study due to its normative nature, where the required data is legal data sourced from readily available written materials. This study employs two mutually supportive problem-solving approaches. First, the statute approach, which involves examining each regulation relevant to the legal issue under study.⁴ This approach is used to analyze legal provisions governing child custody and its revocation. Second, the case approach, which involves reviewing legally binding court decisions as the primary reference in developing legal arguments. This approach is used to deeply analyze *the ratio decidendi*, the legal basis upon which the judge's considerations are based in Decision No. 42/Pdt.G/2024/PA.Prob.

²Rachman, MNR, Junus, N., Mandjo, JT (2024). Legal Consequences of Non-Implementation of Child Custody Rights Following Parental Divorce in the Gorontalo Religious Court. Mandub: Journal of Politics, Social, Law and Humanities Vol. 2, No. 1, 321-344,

³Gunardi, Legal Research Methods (First Edition), (Jakarta: Damera Press, 2022), p. 13.

⁴Ibid., p. 46.

RESULTS AND DISCUSSION

Reasons for a Lawsuit for Revocation of Child Custody Rights That Have Permanent Legal Force

A court decision that has obtained permanent legal force is essentially binding and must be respected by the parties as a manifestation of the principle of legal certainty. In civil procedural law, this principle serves to end a dispute so that it cannot be re-examined with the same object, parties, and basis for the claim.⁵ This principle is known as the principle of *ne bis in idem*, as emphasized in Article 1917 of the Civil Code, which essentially prohibits a case that has been decided from being re-litigated by the same party with the same object. However, the application of this principle cannot be understood rigidly in every civil dispute, especially cases concerning child custody. Unlike civil disputes whose objects are property rights or relatively fixed legal relationships, child custody cases relate to the interests and development of a child, which are dynamic in nature. The conditions of the parents as the holders of custody and the needs of the child can change over time, so the circumstances that were the basis for the judge's considerations when issuing the previous decision may not remain relevant after the decision has permanent legal force. Therefore, the decision regarding child custody is not intended to create absolute rights for one of the parents, but rather to provide protection for the child's best interests based on the conditions existing at the time the decision is made.

If, following the decision, there are changes in circumstances that impact the fulfillment of the child's rights, safety, education, or development, the law must provide space for a reassessment of the suitability of the custody holder. This view aligns with the principle of *the best interests of the child*, which places the child's interests as the primary consideration in every decision concerning the child.⁶ This principle requires that child protection not cease simply because a legally binding decision has been issued, but rather that it can be adjusted if factual conditions indicate that the previous regulations are no longer able to guarantee the optimal fulfillment of the child's rights.

The Indonesian legal system has essentially provided a normative basis that allows for changes to child custody arrangements if the holder of custody is no longer able to carry out his or her obligations optimally. This provision is reflected in Article 49 paragraph (1) of Law No. 1/1974 concerning Marriage, which authorizes the court to revoke the authority of one or both parents over a child if they are proven to have seriously neglected their obligations or have behaved badly. This regulation shows that custody is not an absolute right that is permanently attached to parents, but rather an authority that is always accompanied by the responsibility to care for, educate, and protect the child. In line with these provisions, Article 156 letter (c) of the Compilation of Islamic Law also states that if the hadhanah holder cannot guarantee the physical and spiritual safety of the child, the Religious Court has the authority to transfer the hadhanah rights to another relative who is deemed more deserving. This norm shows that the interests of the child are placed above the interests of the parents, so that the continuation of custody rights always depends on the ability of the hadhanah holder to meet the child's physical and psychological needs.

Developments in judicial practice also reinforce the application of this principle through Supreme Court Circular Letter No. 1/2017, which requires parents holding custody rights to provide access to the other parent to meet with their children. Violation of this obligation can even be used as grounds for filing a lawsuit to revoke custody rights. When examined as a whole, these various provisions form a complementary legal construct. These norms demonstrate that Indonesian law does not view a legally binding custody decision as an absolute provision, but rather as a provision subject to evaluation if new circumstances are discovered that could potentially interfere with fulfilling the child's best interests.

This normative basis then became the basis for the Plaintiff in filing a lawsuit for revocation of custody rights against the Defendant in the Probolinggo Religious Court Decision Number 42/Pdt.G/2024/PA.Prob. Although custody of the two children had previously been assigned to the Defendant through a decision that had permanent legal force up to the cassation level, the Plaintiff argued that there had been a change in circumstances that indicated the best interests of the children were no longer being met. In their lawsuit, the Plaintiff argued that while in the Defendant's care, their first child did not receive the formal education he should have and instead experienced behavioral changes that were considered unfavorable due to the parenting pattern implemented by the Defendant.

⁵Simorangkir, M., Afriana, A., Putri, SA (2022). The Principle of Nebis In Idem in Civil Procedure Law Associated with Resubmitted Divorce Lawsuits After a Final Legal Decision is Made and Associated with Legal Certainty. Journal of Socio-Humanitarian Sciences 6 (1), 31-52, <https://doi.org/10.22437/jssh.v6i1.27074>.

⁶Naufan, AF, Rosadi, A., Burhanuddin, B. (2026). Application of the principle of The Best Interest of The Child in child custody disputes at the Ngamprah Religious Court: Analysis of decision number 2329/Pdt. G/2024/Pa.Nph. QANUN: Journal of Islamic Laws and Studies 4 (4), <https://doi.org/10.58738/qanun.v4i4.1315>.

The Plaintiff also stated that the Defendant was considered to have paid less attention to the development of the child's education and religious guidance, so that this condition was feared to affect the child's moral and psychological development. In addition, the Plaintiff argued that he had difficulty meeting and giving affection to the child, even though the relationship between the child and both parents still needs to be maintained even though the marriage has ended. Based on these various circumstances, the Plaintiff is of the opinion that the Defendant is no longer carrying out his obligations as the holder of custody rights optimally as mandated in the provisions of laws and regulations governing child protection and post-divorce care.

The object of the lawsuit filed by the Plaintiff is not to re-dispute the previously issued custody decision, but rather to request the court to assess the factual conditions that arose after the decision became legally binding. According to the Plaintiff, this change in circumstances is the primary reason for filing a new lawsuit, because the continuation of custody is essentially determined not only by the court's decision, but also by the ability of the holder of custody to continue to ensure the fulfillment of the child's rights in accordance with the development of their needs and best interests. Therefore, the lawsuit filed by the Plaintiff is a consequence of changes in the conditions of care which, according to the Plaintiff, have deviated from the primary purpose of granting child custody, namely to provide protection and ensure the optimal growth and development of the child. Based on the Plaintiff's reasons, it can be understood that filing a lawsuit for the revocation of child custody after a legally binding decision does not constitute a denial of the principle of legal certainty or an attempt to reopen a previously decided case. The lawsuit is, in fact, a legal mechanism provided to accommodate changes in circumstances that occur after the decision is issued, especially if these changes have the potential to reduce the fulfillment of the child's rights and best interests.

In this case, the court's assessment is no longer the correctness or incorrectness of the previous decision, but rather the suitability of the custody holder based on the factual conditions that develop after the decision has become legally binding.⁷ Therefore, changes in circumstances are a crucial factor in assessing whether or not a lawsuit for revocation of custody can be filed. As long as the change is supported by relevant reasons and is related to the quality of the child's care, education, protection, and development, the court has a basis to examine and reassess the continuity of child custody without having to set aside the principle of legal certainty.

The relationship between legal certainty and the principle of *the best interests of the child* should not be positioned as two conflicting principles, but rather as two complementary principles. Legal certainty still ensures that court decisions have binding force, while the principle of the best interests of the child ensures that the decision remains able to provide protection if there is a change in circumstances that affect the child's welfare. In the case *a quo*, the reasons put forward by the Plaintiff essentially indicate an alleged change in the conditions of care after the previous decision became legally binding. Thus, that in positive Indonesian law does not rule out the possibility of filing a lawsuit for revocation of custody rights after the decision has become legally binding, as long as the lawsuit is based on a real change in circumstances and is directed at ensuring the fulfillment of the best interests of the child as the main goal of the provision of care.⁸

Analysis of the Judge's Considerations in Granting a Request for Cancellation of Child Custody Rights in a Court Decision That Has Permanent Legal Force

Before entering the main examination of the case, the Panel of Judges first considered the exception filed by the Defendant, which essentially stated that the Plaintiff's lawsuit was premature. The Defendant argued that the decision regarding custody of the two children had obtained permanent legal force through Supreme Court Decision Number 783 K/Ag/2023, so there was no legal basis to file a new lawsuit against the same object. In addition, the Defendant also argued that the decision had not been implemented through the execution mechanism, so according to him, the lawsuit for revocation of custody rights should be declared inadmissible. In its consideration, the panel of judges rejected the exception and stated that the Plaintiff's lawsuit could still be examined. The judges were of the opinion that the case filed was not a legal effort to overturn the previous decision, but rather a new lawsuit based on alleged changes in the conditions of care after the decision obtained permanent legal force. This consideration shows that the panel of judges views hadhanah cases as cases with a special character because the object of protection is a

⁷Putri, NAD (2026). Transfer of Child Custody Rights After Divorce Due to Changes in the Psychological Condition of the Mother as Custody Rights Holder: Analysis of Decision Number 87/Pdt. G/2022/PN. Sby JOURNAL OF LAW, POLITICS AND SOCIAL SCIENCES 5 (2), 66-78, <https://doi.org/10.55606/jhps.v5i2.6239>.

⁸Maretna, DC, Asmaniar, A., Mutiarany, M. (2026). Protection of Children's Support Rights After Divorce: Analysis of Religious Court Decisions. Krisna Law: Student Journal of the Faculty of Law, Krisnadwipayana University 8 (1), 49-61, <https://doi.org/10.37893/krisnalaw.v8i1.1293>.

child whose needs and interests can change over time. Thus, the existence of a decision that has become final does not necessarily prevent the court from re-evaluating the factual conditions if there is an allegation that the custody arrangements that have been established are no longer able to guarantee the best interests of the child. The panel of judges' considerations are in line with the application of the principle of *parens patriae*, namely the principle that places the state through the courts as the primary protector of children's rights and interests.⁹ Under this principle, judges not only function to resolve disputes between two parties in a case, but are also obliged to ensure that every decision taken truly provides protection for children as the most vulnerable party in family matters. This is because the main basis of the Plaintiff's lawsuit is not an objection to a decision that has permanent legal force, but rather an alleged change of *circumstances* that affects the quality of child care after the decision was issued. In other words, the object of examination is no longer the rightness or wrongness of the previous decision, but rather whether the conditions that formed the basis for the birth of the decision still exist or have changed in such a way that requires a new legal assessment.

And regarding the judge's authority to continue examining a lawsuit for revocation of custody rights after a final and binding decision, this is a form of implementing the state's function of protecting children¹⁰, not a form of ignoring the principle of legal certainty. According to the author, the approach used by the panel of judges at this stage is appropriate because it successfully places the principle of legal certainty and the principle of the best interests of the child in a complementary relationship. A decision that has become final and binding remains respected as a binding legal product, but the court still leaves room for re-evaluation if there are changes in circumstances that have the potential to significantly affect the child's welfare. This approach shows that child protection remains the primary orientation in resolving hadhanah cases, without neglecting the basic principles of civil procedural law.

After determining that the Plaintiff's lawsuit was acceptable and worthy of examination, the Judge moved on to the main part of the case, which assessed whether the Defendant was indeed worthy of having his parental authority revoked. To this end, the Judge first established a normative framework that served as a benchmark for the assessment. This framework was compiled by referring to three legal sources simultaneously, namely Article 49 paragraph (1) of Law No. 1/1974 concerning Marriage, Article 156 letter c of the Compilation of Islamic Law, and SEMA No. 1/2017. These matters were then summarized into four cumulative criteria. First, the holder of custody rights has seriously neglected his obligations towards the child. Second, the holder of custody rights has behaved so badly that it has the potential to affect the child's growth and development. Third, the holder of custody rights cannot guarantee the child's physical and spiritual safety. Fourth, the holder of custody rights does not provide access to the parent who does not hold hadhanah to meet his child.¹¹

These four criteria were then tested one by one against the facts revealed in court. The judge started from the most concrete evidence, namely the matter of their child's education. In his consideration, the judge argued that based on the evidence in the trial, since the child was cared for by the Defendant, the child did not attend school at SDN Sukabumi 2 Probolinggo where the child usually attended. Until finally their child failed to advance to grade 3. However, when linked to other evidence and the testimony of a witness who said that their child had attended *PKBM Homeschooling HSPG Sidoarjo* at grade 3. In addition, there is other evidence that shows the child with another person who allegedly took him during school hours so that indicating that the child did not attend school cannot be fully used as a supporting argument.

The Plaintiff successfully proved in court that her child had not attended classes at SDN Sukabumi 2 Probolinggo for 120 days and ultimately failed to advance to the next grade, since the child was brought by the Defendant in March 2023. This fact objectively illustrates a period of quite serious negligence in the child's education. The panel of judges was of the opinion that the Plaintiff's argument regarding the non-fulfillment of her child's educational rights was not proven because based on the evidence and the Defendant's witness testimony, it was known that the child had been registered as a student at the *HSPG Sidoarjo Homeschooling Community Service Center*. According to the author, this consideration is still debatable because the judge's assessment focused more on the current condition than on assessing the series of events that occurred since the Defendant obtained the

⁹Novianti Ester. (2025). The Elimination of Child Custody Rights by Biological Parents Reviewed from a Civil Law Perspective. *Innovative: Journal Of Social Science Research* 5 (3), 726-733, <https://doi.org/10.31004/innovative.v5i3.19090>.

¹⁰Solichin, N., Jamaluddin, J., Ramziati, R. (2022). Legal Protection for Minors After Marriage Dissolution at the Simpang Tiga Redelong Sharia Court. *Suloh: Journal of the Faculty of Law, Malikussaleh University* 10 (1), 183-204, <https://doi.org/10.29103/sjp.v10i1.7941>.

¹¹Jumardin, J., Basri, R., Aris, A. (2024). Legal Analysis of Child Custody Rights (Hadhanah) and Its Implementation in the Barru Religious Court. *Al-Hukamaa: Journal of Islamic Family Law* 2 (2), 25-43, <https://doi.org/10.35905/hukamaa.v2i2.11507>.

hadhanah right. The trial facts show that their child no longer attends SDN Sukabumi 2 Probolinggo and failed to advance to the next grade before finally being registered at the HSPG Sidoarjo *Homeschooling Community Service Center*. This shows that the child lost one year of formal education at an age that should have been an important foundation in his development. The fact that he was subsequently enrolled in homeschooling in third grade does not mean he has followed the same educational path as his peers without disruption. Successfully enrolling a child in another educational institution does not automatically erase the fact that there was previously a disruption to the child's educational process due to being held back. From the perspective of the principle of *the best interests of the child*, the measure is not only the fulfillment of educational access at the time of the trial, but also the continuity of the child's education without obstacles that could affect his academic development.¹²

In addition to the application of the principle of best interests of the child, according to the author, there is another aspect that requires attention, namely the consistency between the ratio decidendi and the verdict handed down by the panel of judges. In its considerations, the panel of judges first formulated that the revocation of hadhanah rights can only be carried out if there are circumstances that indicate that the holder of custody has neglected his obligations, or has taken actions contrary to the best interests of the child. These parameters are then used as the basis for assessing all evidence submitted by the parties. However, in the next consideration section, the panel of judges also stated that the Plaintiff's argument regarding the Defendant's negligence was not fully proven, so that the claim stating that the Defendant was negligent in carrying out his obligations as the holder of hadhanah rights cannot be granted. On the other hand, the panel of judges still granted part of the lawsuit by transferring hadhanah rights over the daughter to the Plaintiff. This condition shows that the verdict is not solely based on proving the element of negligence as previously formulated, but is also influenced by the judge's assessment of the factual conditions of each child. According to the author, the basis for these considerations should be explained more systematically so that the relationship between proven facts and legal conclusions becomes easier to understand.

This view aligns with the legal reasoning theory put forward by Neil MacCormick. According to him, the legitimacy of a court decision is determined not only by the conformity of the ruling to legal provisions, but also by the quality of the argumentation that connects legal norms, proven facts, and the judge's conclusions.¹³ In other words, a decision must have a coherent justification so that every conclusion drawn can be traced through a series of logical legal considerations. In Decision Number 42/Pdt.G/2024/PA.Prob, the panel of judges has indeed outlined the legal basis and facts of the trial in sufficient detail. However, according to the author, the argument explaining why their daughter was transferred to the Plaintiff, while the son remained in the Defendant's care, still requires further explanation. This explanation is important because both children are essentially the object of the same dispute, so differences in the rulings for each child need to be accompanied by arguments that truly demonstrate significant differences in factual conditions.

According to the author, the need for more comprehensive argumentation is not intended to question the judge's discretionary authority in assessing trial facts. Rather, it aims to strengthen the transparency of the legal reasoning constructed in the decision. The clearer the relationship between facts, norms, and the decision's ruling, the stronger the decision's legitimacy, both for the parties and for the development of judicial practice. In child custody cases, this becomes even more important because the object protected is not only the legal interests of the parties, but also the future of the child, who will be directly impacted by the court's decision. According to the author, the ratio decidendi in cases of revocation of child custody rights should not only demonstrate that the judge has considered the child's best interests but also explain in detail why those interests led to a particular legal choice. Thus, the decision not only provides legal certainty but also presents arguments capable of demonstrating that each conclusion drawn is truly a logical consequence of the proven facts and the applicable legal norms.

CONCLUSION

Based on the research results, it can be concluded that a lawsuit for revocation of child custody rights after a legally binding decision is a permissible legal remedy as long as it is based on changes in circumstances that affect the implementation of child custody rights and the best interests of the child. Therefore, filing a lawsuit does not conflict with the principle of *ne bis in idem* or the principle of legal certainty, because the object of the examination

¹²Basir, MA, Anwari, Z. (2025). THE PRINCIPLE OF BEST INTEREST OF THE CHILD AS THE MAIN PARAMETER OF CURTISION RIGHTS IN RELIGIOUS COURTS (NORMATIVE AND JURISPUIDICAL ANALYSIS). *Al-Ushroh: Journal of Islamic Family Law* 3 (02), 95-105, <https://doi.org/10.55799/alusroh.v3i02.843>.

¹³Permatasari, CC, Laia, A. (2026). Legal Reasoning and Argumentation in Judges' Decisions: Efforts to Achieve Substantial Justice in Indonesia. *MARAS: Multidisciplinary Research Journal* 4 (2), 688-698, <https://doi.org/10.60126/maras.v4i2.1635>.

is different from the previous case. This study also shows that child protection must be placed as the main objective in resolving custody disputes, so that legal certainty cannot be interpreted rigidly if the implementation of a decision that has become inkraht actually has the potential to reduce the fulfillment of children's rights. Thus, the balance between legal certainty and the principle of the best interests of the child is the basis that must always be maintained in every examination of child custody revocation cases so that court decisions not only have legally binding force but are also able to provide effective protection for the interests of children.

Regarding the judge's considerations in Decision Number 42/Pdt.G/2024/PA.Prob, this study shows that the Panel of Judges was correct in accepting and examining the Plaintiff's lawsuit by basing its considerations on changes in circumstances after the previous decision became legally binding and making the best interests of the child the primary orientation of dispute resolution. This consideration reflects that child custody is viewed as an instrument of child protection, not merely a civil right inherent in one parent. However, based on an analysis of the decision's ratio decidendi, this study found that the panel of judges' legal arguments can still be strengthened, especially in connecting the facts proven in court with the legal conclusions that form the basis of the decision. Therefore, it is hoped that in the future, judges in examining and deciding cases of revocation of child custody can elaborate more deeply on the relationship between changes in circumstances, quality of care, fulfillment of children's rights, and the legal reasons underlying the transfer or maintenance of child custody. And further research is expected to develop studies on the revocation of child custody by comparing various court decisions so as to obtain more comprehensive parameters regarding the application of the principle of best interests of the child in judicial practice in Indonesia.

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