

Limitations of Guardians' Legal Acts in the Management of Children's Assets

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Abstract

Introduction: This article explores the limitations of guardians' legal authority in managing children's assets, emphasizing the importance of protecting minors from potential abuses by guardians.

Purposes of the Research: The purpose of this study is to analyze the legal framework governing guardianship in Indonesia, focusing on the responsibilities and limitations imposed on guardians in asset management.

Methods of the Research: This research employs a normative legal approach, analyzing statutes and legal principles, particularly from the Civil Code, to understand the scope of guardianship and its implications for children's welfare.

Results Main Findings of the Research: The findings reveal critical gaps in the guardianship system, highlighting the need for enhanced oversight and accountability measures. This research contributes to existing knowledge by proposing legal reforms that ensure guardians act in the best interests of children, thereby advancing protective legal frameworks.

Keywords: Legal Acts of Guardians; Management of Children's Assets; Best Interests of Children.

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INTRODUCTION

Child protection is a very important issue, considering that children are vulnerable individuals and need attention and protection from various threats they may face. Child protection includes not only the physical aspect but also their rights to grow and develop in a safe and supportive environment. The rights of the child must be upheld and implemented in all nations that have established the Convention on the Rights of the Child, including the necessary legislative measures to protect them.¹

In the legal context, the principle of "the best interests of the child" is the fundamental foundation in every decision-making related to children,² including in the management of their assets. This principle is regulated in various international and national legal instruments, such as the Convention on the Rights of the Child including the Law on Child Protection in Indonesia, which emphasizes the importance of considering the needs and

¹ Istriani Istriani and Laila Marotus Khoiriyah, "The Application of the Principle of Best Interests for Children Based on the Legal Perspective of the Juvenile Criminal Justice System," *Literatus*, 2022.

² Mashuril Anwar and M. Ridho Wijaya, "Functionalization and Implications of the Principle of Best Interests for Children in Conflict with the Law: A Study of the Decision of the Tanjung Karang High Court," *Law: Journal of Law* 2, no. 2 (2019).

rights of children in every action taken by adults, including guardians who manage children's assets.

The principle of the best interests of the child serves as a guide in handling cases involving children, both in the context of family law and in the context of social protection. For example, in a study, it was explained that anti-bullying approaches can be applied to protect children from various forms of exploitation and violence.³ In addition, other studies also emphasize that childcare includes basic rights such as maintenance, education, and protection provided by parents.⁴ Based on this, child protection must include various aspects that support their well-being.

Guardianship and management of children's assets is an important aspect of the law that aims to protect children who are immature and already have property but are not yet legally capable. This is also included to support children's welfare. Minors can own property, although their legal status and ability to manage property are often limited by law. Children can own wealth through several means, including inheritances, grants, or the results of activities carried out by the child himself. In the legal context, children are considered legal subjects who have rights to the property they own, even though the management and use of such property are often under the supervision of parents or guardians. According to Law No. 23 of 2002 concerning Child Protection, children have the right to optimal protection and welfare, including the right to their property.⁵ In the context of Indonesian law, children are considered legal subjects who are not yet fully capable of acting for and on their behalf, except in certain situations such as underage marriage that can give them the status of legal maturity.⁶ This suggests that although children can own property, the management and use of such property often require representation or supervision from an adult.

According to the Civil Code, especially Article 330 et seq., guardianship is regulated as a legal mechanism that gives authority to guardians to manage the assets of children under guardianship. This concept of guardianship serves to ensure that the child's property is managed properly and by the child's best interests, considering that the child does not have the legal capacity to manage their own property. On the other hand, it cannot be separated from many cases where guardians, even including parents as the direct "guardian" of the child, commit abuse of children's property. The word "abuse" here is associated in the context of neglect or neglect of children's rights such as education and health, in addition to the possibility of misappropriation and use of children's property for personal gain without regard for the welfare of children. Children who should be protected are victims of irresponsible actions such as hiring children for the sole personal benefit of the person who is their guardian.⁷

³ Nurliana Cipta Apsari and Andita Ratih, "Child Protection: An Anti-Bullying Approach," *Empati Journal of Social Welfare Sciences*, 2021.

⁴ Ilham Jafar, Nur Mohamad Kasim, and Dolot Alhasni Bakung, "Analysis of Legal Policies in Resolving Child Maintenance Cases Due to Divorce," 2023.

⁵ Muhamad Nur Rifaldi Rachman, Nirwan Junus, and Julius T Mandjo, "Implementation of Legal Protection for the Rights of Adopted Children After the Divorce of Their Adoptive Parents According to Law No. 23 of 2002 in the Perspective of Children's Human Rights," 2023.

⁶ Nazmina Asrimayasha Nugraha, Sonny Dewi Judiasih, and Elis Nurhayati, "The Maturity Status of Children Who Marry Underage in Making Marriage Agreements in Notary Practice in Indonesia," *Acta Diurnal Journal of Notary and Legal Sciences*, 2020.

⁷ Listusista Anggeng Official, "5 Child Artists Allegedly Exploited by Parents Forced to Work to Make Money, Marshanda to Baim Alkatiri," *TRIBUNnews*, last modified 2024, https://newsmaker.tribunnews.com/2024/09/12/5-artis-cilik-diduga-dieksplotasi-orang-tua-dipaksa-kerja-cari-duit-marshanda-hingga-baim-alkatiri#google_vignette.

Guardians have a great responsibility in managing the assets of children under their care, and good management can ensure the welfare of the children. Especially because children are legally incapable of carrying out legal acts. Good management will ensure that the assets owned by children are used for their interests, such as education, health, and other basic needs. Transparent and accountable management is essential to create trust between guardians and children, especially in the future when children become adults and begin to understand their rights, as well as to prevent abuse of authority. In this case, the guardian plays the role of a manager who must act in the best interests of the child, by the provisions stipulated in the Civil Code.

The limitation of the authority of guardians is a very important and interesting issue to be explored. This is at least because it is necessary to understand that guardianship of children is not only about managing assets but also includes the responsibility to protect children from risks that may arise due to improper asset management. In this case, guardians must avoid actions that can harm the child, including taking personal advantage of the property managed. Therefore, guardians need to understand the limits of their authority and act according to the applicable legal provisions. This research is very important to be carried out for several reasons related to the formulation of the problem that has been determined. First, to analyze the limits of the guardian's authority in managing children's assets according to the Civil Code. Second, to analyze the legal consequences that arise if the guardian violates the limits of his authority in managing children's assets according to the Civil Code.

METHODS OF THE RESEARCH

This study uses a normative legal research method, with a statute *approach* and a conceptual approach. The legislative approach focuses on analyzing relevant laws and regulations, especially the Civil Code which regulates the guardianship and management of children's assets. This analysis includes the interpretation of the legal norms contained in the relevant articles to identify the limits of the guardian's authority and the legal consequences in the event of a violation. The conceptual approach is used to study and analyze the legal concepts underlying the guardianship and management of children's assets, such as the principle of the best interest of the child and the principle of legal protection for children. The legal materials used in this study include primary, secondary, and tertiary legal materials. Primary legal material is in the form of laws and regulations, namely the Civil Code. Secondary legal materials include legal literature such as books, journals, and scientific articles that discuss the guardianship and management of children's assets. Tertiary legal materials are used as support, such as legal dictionaries and legal encyclopedias. The data obtained from these various sources will be analyzed qualitatively with an analytical descriptive method to answer the formulation of the problem, namely What are the limits of the authority of guardians in managing children's assets according to the Civil Code? and What are the legal consequences that arise if the guardian violates the limits of his authority in managing children's assets according to the Civil Code?

RESULTS AND DISCUSSION

A. Limitations of Guardian's Authority in Managing Children's Assets According to the Civil Code

Child guardianship aims to protect the interests and welfare of children. Is a very well-known principle in the context of children's law, namely "The Best Interests of the Child". Children are entities that are considered legally incapable of performing legal acts. However, they can have rights like adults, namely related to property. Based on this, children need guardianship related to the management of their assets.

In the context of Acehese society, the management of children's property by guardians must be supervised by certain parties such as *geuchik* and *Tuha Peut* to prevent abuse.⁸ This shows that in practice, the supervision of guardians is very important to ensure that children's assets are managed properly and in the interests of the child. In addition, the principle of "*the best interests of the child*" must be a guideline in the determination of guardianship, where if the parents are unable to carry out their obligations, guardianship can fall to close relatives or other parties who are considered more capable.⁹

The management of children's assets under guardianship as regulated in the Civil Code, states that guardians are obliged to make a list of children's assets and record any changes that occur.¹⁰ This is important to ensure transparency and accountability in the management of children's assets. The court has the authority to appoint a guardian who will represent the child in carrying out legal acts, including property management.¹¹ The responsibility of a guardian is not only limited to the management of property but also includes custody and overall protection of the child.

In this case, it is very important for guardians to act in the best interests of the child, including in the management of the inheritance left by the parents, from grants or the results of work that the child is already able to do. In another context, namely the management of orphan assets as regulated in the perspective of hadith, where guardians are allowed to manage orphans' assets with good intentions, not for personal interests.¹² Guardians must refrain from eating orphans' property and may only use the property for reasonable needs. This shows that there are ethical and legal principles that must be followed by guardians in the management of children's assets. The guardian does not have absolute rights to the child's property; They act as managers who must be responsible and transparent in every action taken. Guardians must ensure that the management of assets is carried out with care and does not harm the interests of children.¹³ Given their inherent vulnerability, children have not been able to protect themselves from various forms of violence that have a significant detrimental impact on their mental, physical, and social well-being in all aspects of life. Consequently, they need intervention and support from other parties. Such interventions and supports must consider the context and individual conditions of the child. Adequate legal protection is crucial to prevent the improper application of laws and regulations, which can adversely affect the holistic welfare of children.¹⁴

⁸ LailaM Rasyid and Romi Asmara, "Acehese Customary Principles on the Guardianship of Children Victims of Earthquake and Tsunami in Banda Aceh and Aceh Besar," *Journal of Legal Dynamics*, 2012.

⁹ Agung Pratama Dharma and Rizki Amar, "The Principle of the Best Interests of the Child in Child Guardianship: A Study of Determination Number 0053/Pdt.P/2017/PA. tpi," *Maqasidi Journal of Sharia and Law*, 2024.

¹⁰ Rehulina, "Juridical Study on the Taking and Management of Children's Inheritance Under Guardianship According to the Civil Code," 2019.

¹¹ Irselin Tasik Lino, "Application for Guardianship of Minors by Biological Mothers in the Management of Inheritance," *Alethea Journal of Law*, 2022.

¹² Ecep Ismail, "Orphan Property Management in the Perspective of Hadith," *published in the Journal of Hadith Studies*, 2018.

¹³ Jafar, Mohamad Kasim, and Alhasni Bakung, "Analysis of Legal Policies in Resolving Child Maintenance Cases Due to Divorce."

¹⁴ Muhamad Arif Agus, "Law in the Perspective of Legal Protection," *Journal of Correctional* 5, no. 2 (2022).

The Child Protection Law, in Article 1 Point 5 and Article 33, defines a guardian as an individual or entity who de facto exercises parenting power like a parent to a child. The term "*wali*" (*voogdij*) refers to an individual who replaces the role of parent and is legally obliged to take care of a child until he reaches adulthood. Etymologically in Islam, the term "*wali*" has a variety of meanings, including compassion (*al-mahabbah*), help (*an-nashrah*), and power or authority (*as-saltah wa-al-qudrah*), as reflected in the term *al-wali* which means "one who has power". The essence of *al-walayah* (*al-region*) is *tawalliy al-amr*, which is to take care of or control something.¹⁵

In principle, every individual has the right to be a guardian. Law Number 1 of 1974 concerning Marriage, which was later amended to Law Number 16 of 2019, stipulates in Article 51 paragraph that guardians as far as possible come from the child's family. If this is not possible, guardians may be appointed from other individuals who meet the criteria of maturity and are healthy-minded, fair, honest, and well-behaved. The appointment of guardians is prioritized based on the closest lineage. Guardians carry out essential authority related to children, including nurturing, maintenance, care, and education. This authority includes guardianship of children's property until they reach intelligence and independence, as well as guardianship in marriage until the daughter marries and the son reaches puberty.¹⁶

A person's authority to act legally requires maturity. Article 330 of the Civil Code stipulates that legal competence is reached at the age of 21 years or after marriage before that age. Considering that the child is not yet legally capable, it is necessary to appoint a guardian to represent him in legal action. Guardianship is a legal status for minor individuals who are not under parental authority. Therefore, minors need guardians to carry out their lives, both in legal and non-legal contexts. The Civil Code classifies guardianship into three types: guardianship by a husband or wife who lives longer (Articles 345-354 of the Civil Code); guardianship appointed by the father or mother (Article 355 paragraph of the Civil Code); and guardianship appointed by a judge (Article 359 of the Civil Code).¹⁷

The Civil Code, especially Section 10 concerning Guardian Supervision of the Personal Custody of Minor Children, is the key to regulating guardianship. More specifically in civil actions, as stipulated in article 383, namely "guardians must provide maintenance and education for minor children according to their ability of property and must represent the minor child in all civil acts. Adult children must respect their guardians". This provision only assigns guardians to organize children's education without explicit emphasis on the importance of education for the child's future. In contrast to Islamic Civil Law which pays special attention to education, as affirmed in Article 51 paragraph of Law of the Republic of Indonesia No. 1 of 1974 and Article 110 of the KHI. Both articles require guardians to take care of their children and their property as best as possible, respect their religion and beliefs, and provide religious guidance, education, and other skills necessary for the child's future.

¹⁵ Muhammad Amin Summa, *Islamic Family Law in the Islamic World* (Jakarta: Raja Grafindo Persada, 2005).

¹⁶ Muhammad Daud Ali, *Islamic Civil Law* (Jakarta: Sinar Grafika, 2009); Mar'atus Sholichah, *An Analysis of Islamic Law and Positive Law on Child Guardianship Cases*, n.d.

¹⁷ Muhammad Imam Drajat and Tamaulina Br. Sembiring, "Analysis of the Civil Code Article 345 on the Application for Guardianship of Children of Siblings (Study of Decision Number 375/PDT. P/2023/PA. SGM)," *TERANG: Journal of Social, Political, and Legal Studies* 1, no. 2 (2024).

Guardianship is a legal institution that aims to protect and manage the interests of minor children, especially in terms of property management. In the context of Indonesian law, guardianship is regulated in the Civil Code, which provides limits on the authority of guardians in managing children's assets. The protection of children's assets is very important because children as legal subjects do not have the full capacity to manage their assets, so they require proper supervision and management by guardians.

In the context of child guardianship, it is important to understand that guardians have a significant role and responsibility in managing the child's welfare and property. A legal guardian has the following duties and authorities: 1) Representing Children in Legal Acts: The guardian acts as the legal representative of the child in all legal actions, both inside and outside the court, by always prioritizing the best interests of the child. (Article 34 of the Child Protection Law); 2) Management of Children and Their Assets: The guardian is responsible for the care and maintenance of the child under his guardianship, as well as the best management of his property. In carrying out their duties, guardians are obliged to respect the religion and beliefs embraced by the child. (Article 51 paragraph (3) of the Marriage Law); 3) Data Collection and Recording of Children's Property: At the time of starting office, the guardian is required to make an inventory list of all children's assets under their guardianship. Furthermore, the guardian is obliged to record any changes that occur to the child's property carefully and accurately. (Article 51 paragraph (4) of the Marriage Law)

It should be emphasized that although the guardian has the authority to manage the child's property, there are certain limitations. Guardians are prohibited from transferring rights or living fixed goods, except in situations where such action is necessary in the best interests of the child. (Article 48 jo. Article 52 of the Marriage Law) Furthermore, the guardian is fully responsible for the child's property and is obliged to bear losses arising from his or her mistakes or negligence in carrying out his duties. This liability can be demanded by the child or the child's family through legal proceedings in court. (Article 51 paragraph (5) of the Marriage Law and Article 54 of the Marriage Law)

In the Civil Code, guardians have the responsibility to manage the child's property in good faith and the best interest of the child. This is in line with the internationally recognized principle of "*the best interests of the child*", including the Convention on the Rights of the Child which has been ratified by Indonesia.¹⁸ Guardians are expected to act as wise managers, ensuring that children's wealth is used for their needs and well-being. Responsible and transparent management of children's assets is the key to ensuring children's future. Guardians must be aware that every action taken in the management of children's assets not only has an impact on the child's financial condition but also on their rights as individuals who need to be protected. Thus, good management will contribute to the welfare and overall development of children.

In the context of managing children's assets, the potential conflict of interest between guardians and children is a very important issue to pay attention to. The guardian, who is responsible for the management of the child's property, may have personal interests that may conflict with the child's interests. For example, guardians may be tempted to use the

¹⁸ Dharma and Amar, "Prinsip the Best Interests of the Child Dalam Perwalian Anak: Studi Penetapan Nomor 0053/Pdt.P/2017/PA. Tpi."

child's property for personal gain or to meet their own needs, which can ultimately harm the child. This shows the urgency of limiting the authority of guardians, which must be enforced to protect the rights of children and ensure that their assets are managed in a manner that is in their best interests.

To protect the rights and interests of minors, guardianship of their assets is crucial. The appointed guardian bears the responsibility to manage the property wisely and prudently. However, it is important to understand that the authority of the guardian is not absolute. There are limits on authority that must be obeyed by guardians in carrying out their duties to ensure the welfare of children. Based on the applicable legal provisions, especially articles related to the guardianship and management of children's assets, there are limitations on the authority of guardians, namely: 1) Court Permit: Guardians generally need court permission to take certain actions against the child's property, such as selling, pawning, or renting out property of significant value. This aims to prevent abuse of authority and ensure that the action is truly in the interest of the child. Explain when guardianship is required, and while it does not address court permission specifically, it is a common practice in trust law. The court permit referred to is as in Article 393 of the Civil Code, "The guardian shall not borrow money for the benefit of minor children, nor shall he isolate or pawn immovable goods, nor shall he sell or transfer state debt papers, receivables and contributions, without obtaining a power of attorney for it from the District Court, the District Court will not grant this power, except on the basis of absolute necessity or when it is clearly beneficial and after hearing or calling the family of the minor child or the guardian of the supervisor."¹⁹ 2) Use of Property for the Benefit of Children: Guardians may only use the child's property to meet the needs of the child, not for personal interests or other parties. Use outside the interests of the child can be categorized as a violation of trust and can be prosecuted legally. The main principle in guardianship as explained is the best interest of *the child*, so that all guardian actions must be aimed at meeting the physical, mental, spiritual, and social needs of the child, including in terms of wealth management. Referring to Article 385 Section 11 of the Civil Code Guardian Management Duties, "the guardian must take care of the property of an immature child like a good housefather and be responsible for the costs, losses, and interest that are estimated to arise due to poor management. If a minor child, either by a deed between living persons or by a will, has been granted or granted a bequest of a certain amount of property from its management is entrusted to one or more appointed administrators, then the provisions of Article 307, which applies to the holder of parental authority, also apply to the guardian".

Furthermore, Article 307 applies to parents as direct guardianship that "A person who exercises parental power over a minor child, shall take care of the child's belongings, without prejudice to the provisions of Article 237 and the last paragraph of Article 319e. This provision does not apply to goods donated or bequeathed to children, either by deed of an intermediary who is both still alive or by will, provided that the management of the goods shall be carried out by an administrator or more appointed for it outside the person exercising parental authority...." These articles do not explicitly detail the limits of the guardian's authority. The provision "responsible for costs, losses, and interest expected to arise due to poor management" in Article 385 indicates that there is an implicit limitation

¹⁹ Yulita Dwi Pratiwi, "Harmonization of the Protection of Children's Assets in Guardianship through Strengthening the Role of Guardians," *Jurnal Suara Hukum* 1, no. 1 (2019).

that guardians may not take actions that are detrimental to the child. The phrase in the article reflects the principles of *accountability* and prudence that must be held by guardians in managing children's assets. 1) Liability Obligations: The guardian is obliged to account for the management of children's assets to the court or the authorities. This liability can be in the form of periodic reports or special reports upon request. Transparency and accountability in the management of children's assets are very important to prevent misappropriation as explained in Article 385 and Article 307 of the previous Civil Code. discusses state oversight of children's assets, which shows the importance of accountability in the Indonesian context; 2) Prohibition of Conflict of Interest: Guardians are prohibited from taking actions that cause a conflict of interest between personal interests and the interests of children. For example, a guardian should not buy children's property for himself or sell children's property to his relatives at below-market prices; 3) Supervised by the Heritage Center and the Court: Article 366 of the Civil Code (hereinafter referred to as the Civil Code) states that "In every trust ordered in Indonesia, the Heritage Center is obliged to perform its duties as a guardian of the supervisor". The Heritage Property Center as the guardian of the supervisor has the obligation as a party to represent the interests of the minor child, if there is an interest of the child that is contrary to the interests of the guardian, without reducing the special obligations, this supervision is charged to BHP if the guardian of the supervisor is ordered to him. The court has an important role in overseeing the implementation of the trust. The court can give a reprimand, warning, or even revoke the authority of the guardian if it is proven to have committed a violation as in Articles 332a-344 of the Civil Code.²⁰

B. Legal consequences that arise if the guardian violates the limits of his authority in managing children's assets according to the Civil Code

In the management of children's assets, guardians have the responsibility to act in the best interests of the child. Guardians must carry out their obligations with full responsibility, including avoiding actions that are detrimental to children's property.²¹ This is in line with the principle outlined in positive law, where the guardian must not take personal benefits from the assets managed. Thus, the management of children's assets must be carried out with transparency and accountability, so that children's rights are maintained. Guardians' compliance with the limits of authority is an important aspect of parenting that has a significant impact on children's development. Compliance with established norms and boundaries serves not only to protect children but also to shape their character and behavior.

In managing children's property, there are several examples of cases of violations of guardian authority that most often occur such as the use and sale of property for personal interests, not meeting the basic needs of children, and not making accountability reports.²² Violations of this management can have legal consequences, including: 1) Compensation: In the legal context, the obligation of guardians to compensate for losses suffered by children due to negligence or mistakes in asset management is a fundamental principle. This

²⁰ Pratiwi.

²¹ Ismail, "Management of Orphan Property in the Perspective of Hadith."

²² Zahratul Idami, "Guardians' Responsibilities for Children Under Guardianship (A Study in Banda Aceh City)," *Legal Dynamics* 12, no. 1 (2012); Khairuddin and Rina Safrida, "Maintenance of Orphans' Property by Guardians (Case Study in Tangan-tangan District, Abdya Regency)," *Sharia Media: Wahana Studi Islamic Law and Social Institutions* 21, no. 2 (2019).

principle reflects the *fiduciary duty* inherent in the role of guardian. A guardian acts as a trustee of the child's property and is obliged to act in the best interests of the child. Negligence or negligence of the trustee can be in the form of active actions, such as making high-risk investments without adequate justification, or passive actions, such as not diversifying investments or not supervising investment performance. Material losses, such as loss of assets or impairment of property, are the most obvious and relatively measurable form of loss. The court will consider the value of lost assets or the decrease in the value of assets in determining the number of damages. Immaterial losses, such as lost educational opportunities or emotional distress, are more difficult to measure. However, these losses are still recognized by law and can be the basis for a compensation claim. The court will consider the psychological and emotional impact experienced by the child, as well as other relevant factors, in determining the number of damages. 2) Cancellation of Legal Acts: Legal acts committed by guardians that exceed their authority or harm the interests of the child can be canceled by the court. This is a legal protection for children who are immature and are not able to take care of their interests. 3) Dismissal as Guardian: In cases of serious violations, the court may dismiss the guardian from his or her duties and appoint a new guardian who is deemed more capable and responsible. The law protects minors who are not yet legally competent by allowing the dismissal of guardians who do not perform their duties properly. The guardian can be dismissed if it is proven that he or she has abused his authority, for example by using the child's property for personal gain or committing an act that is detrimental to the child. Guardians who neglect their obligations to take care of and protect the interests of children, for example by not providing basic needs of children or failing to provide proper education, may be dismissed by the courts. Then, guardians who are proven to be incompetent in managing children's assets, for example, due to lack of knowledge or skills, as well as guardian behavior that harms children, both physically, emotionally, and financially, can be the basis for dismissal. This includes acts of violence, neglect, or exploitation, which can also be dismissed. The process of dismissing a guardian usually begins with the submission of an application to the court by interested parties, such as the child's immediate family, child protection institutions, or even the child himself if he or she is of legal age. The court will examine the evidence presented and decide whether the guardian deserves to be dismissed.

The consequences or consequences of the law are by and refer to Article 368 of the Civil Code that "The guardians as soon as the guardianship begins to run, are obliged to notify the occurrence of the guardianship to the Heritage Center. If the guardians are negligent, they may be dismissed, without reducing reimbursement of costs, losses, and interest." Article 369 that "In all cases, if a guardianship is ordered by a Judge, the Clerk of the District Court concerned shall immediately notify in writing the appointment to the Heritage Hall, with a description of whether the appointment occurred in the presence of the guardian, or if the guardianship is ordered to an association, foundation or social institution, with information, whether it occurred at his request or ability."

Furthermore, the final paragraph of Article 370 that "With the threat of punishment for reimbursement of costs, losses, and interest, the supervisory guardian is obliged to force the guardian to make a list or detail of the heritage items in all inheritances that fall into the hands of minor children", Article 371 "With the threat of reimbursement of costs, losses, and interest, the Heritage Center is obliged to take all actions specified in the law so that each

guardian, even if not ordered by the Judge, provide adequate guarantees, or at least carry out the management in the manner prescribed by law", Article 372 that "Every year the guardian of the supervisor shall ask the guardian (except for the father and mother) to give a summary calculation and accountability and show him the letters of contribution and securities belonging to the minor child. The brief calculation must be made on unsealed paper and submitted without any cost and any form of law. Article 373 that "If a guardian is reluctant to carry out the provisions of the previous article or if the guardian supervisor in a summary calculation finds signs of fraud or gross negligence, then the guardian supervisor must demand the dismissal of the guardian. Likewise, he must demand dismissal in other matters prescribed by law." Article 374 that "If the guardianship is vacant or abandoned due to the absence of the guardian, or if the guardian is temporarily unable to carry out his duties, then the guardian supervisor, with the threat of penalty for compensation for costs, losses, and interest, shall apply to the District Court to appoint a new guardian or temporary guardian".

The legal consequences of violating the limits of guardianship's authority are in line with the provisions of the Child Protection Law which regulates the responsibility of guardians in protecting and managing children's property. Therefore, guardians need to understand the limits of their authority and act responsibly in the management of children's assets. Because if the guardian violates the limits of his authority, there will be serious legal consequences. For example, irresponsible management can result in financial losses for children, which in turn can affect their quality of life and future. Where violations of children's rights in property management can lead to legal action, including demands for compensation or revocation of guardian rights.

CONCLUSION

In conclusion, this research underscores the necessity of clearly defined limits on guardians' authority in managing children's assets to safeguard their welfare. The analysis reveals that current legal frameworks may inadequately protect minors from potential abuse, necessitating reforms that enhance transparency and accountability among guardians. Future applications of this research could inform policy adjustments aimed at establishing stricter oversight mechanisms, ensuring guardians prioritize the best interests of children. Additionally, incorporating training and support for guardians can further enhance their understanding of responsibilities. These measures are essential for fostering a legal environment that genuinely protects children's rights and promotes their overall well-being.

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