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Gender Responsiveness In Post-Divorce Maintenance Protection And Women's Economic Vulnerability: Evidence From Semarang

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Abstract

Women's post-divorce maintenance rights are recognized under Indonesian Islamic family law, yet their protection in wife-initiated divorce cases remains limited. This study examines gender responsiveness in judicial recognition of maintenance rights, the legal, procedural, and institutional barriers to obtaining them, and their relationship with women's economic vulnerability. Using a juridical-empirical qualitative case study at the Semarang Religious Court, the research analyzes court statistics from 2020–2025, 120 wife-initiated divorce judgments, and interviews with 30 divorced women, a judge, a court registrar, and advocates from 12 law offices and four legal aid organizations. The findings reveal a gap between legally available maintenance rights and their recognition in court judgments. Of 14,700 wife-initiated divorce cases, only 33 (0.22%) recorded *ʿidda* maintenance and 33 (0.22%) recorded *mutʿa*, while 118 of 120 examined judgments contained no maintenance claims. This limited recognition reflects interconnected barriers: legal requirements and limits on judicial authority, women's limited awareness and difficulties in pursuing claims, and uncertainty regarding actual payment. Interviews also revealed that 22 of 23 mothers reported receiving no or irregular child maintenance, potentially increasing pre-existing financial pressures. However, women's economic experiences varied according to employment, income, and family support. The study

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proposes a four-dimensional framework of gender responsiveness normative, procedural, judicial, and institutional emphasizing that substantive justice requires not only formal legal recognition but also accessible claim procedures, judicial consideration within applicable legal limits, and verifiable fulfillment of maintenance obligations.

Keywords : Gender responsiveness; Post-divorce maintenance; Islamic family law; Substantive justice; Vulnerability; Women's economic

Introduction

The economic vulnerability of divorced women in Indonesia remains a significant concern, particularly when financial hardship originating during marriage continues after divorce. Inadequate spousal support may create economic insecurity before marital dissolution, while limited access to maintenance rights and ineffective legal protection may compound these difficulties.[1] Reported Religious Court data indicate that 89% of divorce judgments do not contain maintenance provisions, although this does not necessarily establish that maintenance was claimed or denied in those cases.[2] Women-headed households also provide a broader socioeconomic context: their reported proportion in Indonesia was 12.73%, with approximately 60% of these women working,[3] while Semarang City recorded a proportion of 21%. Such figures do not specifically measure the economic circumstances of divorced women but underscore the importance of examining financial responsibilities and support arrangements. Challenges may intensify when former husbands do not fulfill applicable maintenance obligations.[4] A national scoping study supported by Bappenas further identifies difficulties in implementing post-

[1] Lelita Dewi, "Law Protection for Post Divorced Women Through Law Enforcement with a Gender Perspective," in *International Conference on Law, Economics and Health (ICLEH 2020)* (Atlantis Press, 2020), 152–55; Marisa Kurnianingsih et al., "Legal Protection of Women's Rights after Divorce," *International Journal of Advanced Multidisciplinary Research and Studies* 4, no. 6 (2024): 716–20, https://doi.org/10.62225/2583049X.2024.4.6.3502.

[2] Epri Wahyudi, "Praktik Perlindungan Pemenuhan Nafkah Bagi Mantan Istri Dan Anak Setelah Cerai Di Tiga Negara [Practices for Protecting the Maintenance Rights of Former Wives and Children After Divorce in Three Countries]," https://marinews.mahkamahagung.go.id/, 2025, https://marinews.mahkamahagung.go.id/hukum/praktik-perlindungan-pemenuhan-nafkah-bagi-mantan-istri-0dV.

[3] Yasinta Widya Paramitha, "Dilema Perempuan Kepala Keluarga Di Indonesia [The Dilemma of Female Heads of Households in Indonesia]," https://www.kompas.id/, 2023, https://www.kompas.id/baca/opini/2023/12/21/dilema-perempuan-kepala-keluarga-di-indonesia.

[4] Ridwan Anwar, "Pemberlakuan Ringkasan Kebijakan (Policy Brief) Jaminan Perlindungan Hak-Hak Perempuan Dan Anak Pascaperceraian [Implementation of the Policy Brief on the Protection of Women's and Children's Rights Following Divorce]," https://badilag.mahkamahagung.go.id/, 2021, https://bit.ly/4sjvgf6.

divorce maintenance obligations, highlighting the gap between legal entitlements and their practical fulfillment.[5] Strengthening gender-responsive legal protection is therefore important for addressing financial insecurity that may persist or worsen after divorce.[6]

Previous studies have examined women's post-divorce rights from legal, judicial, and institutional perspectives, including the recognition of maintenance entitlements and the role of gender sensitivity in judicial decision-making.[7] Research has also highlighted institutional challenges in enforcing divorce judgments and ensuring that legally recognized rights translate into effective economic protection.[8] Other studies have explored the application of Islamic family law to post-divorce maintenance, particularly the judicial consideration of *ʿidda* maintenance and *mutʿa* in wife-initiated divorce cases.[9] Meanwhile, scholarship on the feminization of poverty has emphasized the structural dimensions of women's economic disadvantage, although these broader perspectives do not necessarily explain how legal protection operates in individual divorce experiences.[10] Studies examining judicial sensitivity toward women's rights further demonstrate the importance of assessing how legal

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[5] Theresia Dyah Wirastri, "Scoping Study Pemenuhan Nafkah Mantan Istri Dan Anak Pasca Putusan Perceraian Di Indonesia" (Jakarta, 2024), https://ditkumlasi.bappenas.go.id/download/file/Scoping_Study_Pemenuhan_Hak_Perempuan_dan_Anak_Pasca_Perceraian_Bappenas.pdf.

[6] Linda Firdawaty, Zuhraini Zuhraini, and Mokhammad Samson Fajar, "Contextualization of Reciprocal Values in the Fulfillment of Finantial Support as an Effort to Strengthen Families," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (2024): 435–462, https://doi.org/10.29240/jhi.v9i2.10215.

[7] Fadil Fadil, Zidna Mazidah, and Zaenul Mahmudi, "Fulfillment of Women's Rights after Divorce Dynamics and Transformation in The Legal Journey," *De Jure: Jurnal Hukum Dan Syari'ah* 16, no. 1 (2024): 1–20, https://doi.org/10.18860/j-fsh.v16i1.25713.

[8] Amran Suadi, "Protection of Women's and Children's Rights Based on System Interconnection: A New Paradigm Of Execution of Women and Children's Rights after Divorce," *Jurnal Hukum Dan Peradilan* 11, no. 3 (2022): 499–522, https://doi.org/10.25216/jhp.11.3.2022.499-522.

[9] Siti Wafiroh, Agus Purnomo, and Rohmah Maulidia, "Progresivitas Hukum Pembebanan Nafkah Pasca Cerai Gugat Di Pengadilan Agama Magetan," *Journal of Economics, Law, and Humanities* 2, no. 2 (November 1, 2023): 17–38, https://doi.org/10.21154/JELHUM.V2I2.2191. See M Khusnul Khuluq, "Putusan Majelis Hakim Tentang Nafkah 'iddah Dan Mut 'ah Yang Berkeadilan Dalam Perspektif Maqashid Al-Shari 'ah Jasser Auda" (Universitas Islam Indonesia, 2025). See also Syukrawati Syukrawati et al., "Post-Divorce Rights of Women and Children in Pekalongan City, Central Java: Challenges in Islamic Law Analysis," *Al-Ahkam* 34, no. 1 (2024): 121–46, https://doi.org/10.21580/ahkam.2024.34.1.20624.

[10] Irwin Garfinkel and Sara McLanahan, "The Feminization of Poverty: Nature, Causes, and a Partial Cure," in *Poverty and Social Welfare in the United States*, ed. Donald Tomaskovic-Devey (New York: Routledge, 2019), 27–52, https://doi.org/10.4324/9780429302787-2; Himani Kaushik, "Feminization of Poverty," *International Journal of Multidisciplinary Educational Research* 11, no. 5 (6) (2022): 26–30, https://ijmer.s3.amazonaws.com/pdf/volume11/volume11-issue5%286%29/5.pdf.

norms are applied in specific cases.[11] Nevertheless, limited empirical attention has been given to how judicial recognition of maintenance rights, women's decisions to pursue claims, and their economic experiences intersect within the same local context. This study addresses that gap by combining divorce judgment analysis with interviews involving 30 divorced women in Semarang to examine the relationship between gender-responsive legal protection, maintenance rights, and post-divorce economic vulnerability.

This study argues that insufficiently gender-responsive legal practices may prolong women's economic vulnerability by limiting their opportunities to claim, obtain, and realize post-divorce maintenance rights. Economic hardship may precede divorce, particularly where inadequate financial support and unequal household responsibilities already exist during marriage. After divorce, these pressures may intensify when women assume primary responsibility for household income and childcare without regular financial contributions from former husbands.[12] Previous studies have identified challenges related to maintenance obligations[13] and judicial protection of women's post-divorce rights. [14] These findings suggest that meaningful protection requires not only gender-sensitive judicial consideration within applicable legal limits but also institutional support for claiming rights and securing their practical fulfillment.

Semarang City was selected as the research location because of the substantial number of divorce cases and the limited recorded inclusion of post-divorce maintenance in wife-initiated divorce judgments. Between 2020 and 2025, the Semarang Religious Court recorded 19,166 divorce cases, comprising 14,700 wife-initiated divorces (*cerai gugat*) and 4,466 husband-initiated divorces (*cerai talak*). Only 33 wife-initiated divorce cases (0.22%) included *ʿidda* maintenance and 33 (0.22%) included *mutʿa*.[15] These figures provide a basis for examining how maintenance rights are pursued and recognized in local judicial practice, without presuming that all claimants were legally entitled to such

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[11] Hanik Harianti, Mansari, and Rizkal, "Sensitivitas Hakim Terhadap Perlindungan Hak Isteri Dalam Kasus Cerai Gugat (Analisis Putusan Mahkamah Syar'iyah Banda Aceh Nomor 157/Pdt.G/2020/Ms.Bna)," *Jurnal Mediasas : Media Ilmu Syari'ah Dan Ahwal Al-Syakhsiyyah* 4, no. 1 (June 3, 2021): 47–67, https://doi.org/10.58824/mediasas.v4i1.263.

[12] Dian Mustika et al., "Wives with The Double Burden: Measuring Gender Justice in the Division of Joint Property of Suku Anak Dalam (SAD) Batin Sembilan Viewed from The Principle of Al-Musāwah," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 407–28, https://doi.org/10.29240/jhi.v10i1.11023.

[13] Wafiroh, Purnomo, and Maulidia, "Progresivitas Hukum Pembebanan Nafkah Pasca Cerai Gugat Di Pengadilan Agama Magetan."

[14] Lilik Andar Yuni, "The Use of Ex Officio to Fulfill Women's Post-Divorce Rights at the Samarinda Religious Court," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 2 (2021): 135–54, https://doi.org/10.18326/ijtihad.v21i2.135-154.

[15] Semarang Religious Court, *Processed Data on Divorce Cases and Post-Divorce Maintenance Awards, 2020–2025* (research data compiled from court records), https://pa-semarang.go.id/laporan_perkara_web/stat_phia.php.

maintenance. Semarang's socioeconomic diversity also provides a relevant context for exploring women's varied economic experiences after divorce. Institutional initiatives in Surabaya, Bengkulu, and Bontang offer comparative perspectives on post-divorce protection, although their effectiveness in securing actual payments requires further examination.[16]

This study employs a juridical-empirical approach and a qualitative case study design to examine the protection of post-divorce maintenance rights at the Semarang Religious Court. Fieldwork was conducted in 2024, complemented by documentary analysis and official court statistics covering 2020–2025. The documentary analysis examined 120 wife-initiated divorce judgments issued between 2022 and 2024, obtained from the Judgment Directory of the Supreme Court of the Republic of Indonesia. The judgments were selected based on the issuing court, case type, period of issuance, and document availability, as not all judgments could be downloaded. They were examined to identify maintenance claims, legal representation, defendants' attendance, proceedings conducted *in absentia* (*verstek*), and judicial recognition of financial rights. Relevant legal provisions and institutional policies, including the Decree of the Director General of Religious Courts No. 1959/2021, were examined to assess the legal framework governing maintenance protection.

Primary data were obtained through interviews with 30 divorced women who had initiated divorce proceedings at the Semarang Religious Court, judicial personnel, and legal practitioners from 12 law offices and four legal aid organizations in Semarang. Given the restricted access to litigants' personal contact information through the court, a small number of women were contacted through advocates with the advocates' permission, while most participants were recruited through referrals from personal acquaintances and previously interviewed women. Recruitment was based on relevance to the research, accessibility, and willingness to participate rather than random sampling. Semi-structured interviews with the women were conducted face-to-face, by telephone, and through WhatsApp, depending on their availability. The interviews explored their economic circumstances before and after divorce, awareness of maintenance rights, reasons for pursuing or foregoing financial claims, and experiences of receiving financial support. The women were

[16] Ahsanul Fahmi et al., "Judicial Practices in Enforcing Post-Divorce Maintenance Rights for Women and Children in Indonesia," *Indonesia Private Law Review* 6, no. 2 (2025): 103–16, https://doi.org/10.25041/iplr.v6i2.4608; Amran Suadi et al., "Legal Protection of Women's and Children's Rights after Divorce through the E-MOSI CAPER App," *Jurnal Hukum Novelty* 15, no. 1 (2024): 35–52, https://doi.org/10.26555/novelty.v15i1.a27347; Wahyudi, "Praktik Perlindungan Pemenuhan Nafkah Bagi Mantan Istri Dan Anak Setelah Cerai Di Tiga Negara [Practices for Protecting the Maintenance Rights of Former Wives and Children After Divorce in Three Countries]."

informed of the research objectives and agreed to participate voluntarily. Their identities were kept confidential in reporting the findings.

Data were analyzed thematically and descriptively following Miles, Huberman, and Saldaña's framework of data condensation, data display, and conclusion drawing and verification.[17] Interview data were organized into themes covering awareness of maintenance rights, decisions regarding financial claims, employment and income, childcare responsibilities, maintenance receipt, and financial coping strategies. These themes were examined alongside patterns identified in court judgments and official statistics. Triangulation involved comparing women's accounts with the perspectives of judicial personnel and legal practitioners, documentary evidence, and applicable legal provisions to identify convergences and discrepancies. Given the non-random selection of judgments and interview participants, the findings explain patterns and barriers within the research context rather than provide statistically representative estimates. The analysis distinguishes the absence of maintenance claims from their judicial rejection and recorded maintenance awards from actual payment. It neither presumes that all divorced women were legally entitled to maintenance nor establishes a causal relationship between unmet maintenance obligations and economic vulnerability.

Against this background, this study examines how gender responsiveness in legal practice and the fulfillment of post-divorce maintenance rights relate to women's economic vulnerability in Semarang City. While women's economic circumstances are closely related to divorce,[18] this study focuses on how legal protection of maintenance rights may alleviate or compound their economic difficulties. Specifically, it addresses three interrelated questions: how gender responsiveness is reflected in the judicial recognition of women's post-divorce maintenance rights; what legal, procedural, and institutional barriers limit women's ability to claim and obtain these rights; and how women's experiences of unmet maintenance obligations relate to their economic circumstances after divorce.

The urgency of this study lies in the need to address women's post-divorce economic vulnerability not only through improvements in their socioeconomic conditions but also through effective legal protection of their maintenance rights. Without identifying the barriers women face in claiming, obtaining, and

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[17] Matthew B Miles, A Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, 4th ed. (Los Angeles: SAGE Publications, Inc., 2020).

[18] Teresa A Mauldin, "Economic Consequences of Divorce or Separation Among Women in Poverty," *Journal of Divorce & Remarriage* 14, no. 3–4 (1991): 163–78, https://doi.org/10.1300/J087v14n03_10; Khairul Amri, Muhammad Adnan, and Cut Dian Fitri, "Does Poverty Affect Divorce Rates? The Role of Women's Income as Moderating Variable," *Cogent Social Sciences* 8, no. 1 (2022): 2069908, https://doi.org/10.1080/23311886.2022.2069908.

receiving maintenance, efforts to improve legal protection may fail to address the problems they encounter in practice. Drawing on divorce judgments and interviews with 30 divorced women, this study contributes to scholarship on gender-responsive Islamic family law and the feminization of poverty by examining how limitations in legal protection may compound existing economic vulnerabilities or contribute to new financial difficulties after divorce.

Discussion

Women's Economic Vulnerability

Women's economic circumstances after divorce are diverse and cannot be understood solely through the assumption that marital dissolution inevitably leads to poverty. Although divorce may involve substantial financial losses, its consequences vary according to women's socioeconomic circumstances and their ability to recover over time. Peterson's study highlighted the unequal economic consequences of divorce for women and men,[19] while McKeever and Wolfinger examined how these consequences changed alongside broader economic and demographic transformations.[20] More recently, Leopold and Kalmijn demonstrated that women's income losses following divorce or separation do not necessarily result in permanent economic disadvantage, as recovery may occur over time.[21] These findings challenge the tendency to portray divorced women as uniformly economically dependent or disadvantaged. Nevertheless, women's ability to maintain or recover their economic independence should be distinguished from the recognition and fulfillment of maintenance obligations arising under applicable law, as financial self-reliance does not necessarily indicate that legally established obligations have been fulfilled.

Differences in women's post-divorce economic experiences are shaped by the interaction of individual resources, family responsibilities, and institutional conditions. Education, employment history, earning capacity, and childcare responsibilities may influence women's ability to maintain or improve their financial circumstances following marital dissolution. Van Damme, Kalmijn, and Uunk demonstrated that women's employment after separation is influenced by individual characteristics and institutional arrangements, including access to

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[19] Richard R Peterson, "A Re-Evaluation of the Economic Consequences of Divorce," *American Sociological Review* 61, no. 3 (1996): 528–36, https://doi.org/10.2307/2096363.

[20] Matthew McKeever and Nicholas H Wolfinger, "Shifting Fortunes in a Changing Economy," in *Fragile Families and the Marriage Agenda*, ed. Lori Kowaleski-Jones and Nicholas H Wolfinger (New York: Springer, 2006), 127–57, https://doi.org/10.1007/0-387-26025-0_6.

[21] Thomas Leopold and Matthijs Kalmijn, "Reassessing Chronic Strain: A Research Note on Women's Income Dynamics After Divorce and Separation," *Demography* 61, no. 3 (2024): 597–613, https://doi.org/10.1215/00703370-11372303.

childcare support.[22] In Indonesia, Maziyyah and Arif's examination of gender development and poverty in major cities provides a relevant socioeconomic perspective, although it does not specifically establish the economic consequences of divorce.[23] Furthermore, the National Commission on Violence Against Women (Komnas Perempuan) reported 680 cases of economic violence in domestic and personal relationships in 2020, accounting for approximately 10% of reported violence in this category, indicating that financial deprivation may also occur within intimate relationships.[24] These perspectives suggest that post-divorce economic vulnerability cannot be attributed to marital dissolution alone but must be examined alongside pre-existing economic conditions, access to employment, family responsibilities, and institutional protection. For the present study, this distinction is particularly important in assessing how divorced women's economic experiences in Semarang City intersect with the recognition and fulfillment of their post-divorce maintenance rights.

The interviews with 30 divorced women residing in Semarang City also illustrate the diversity of women's economic circumstances following marital dissolution.[25] While some participants had experienced financial difficulties during marriage due to insufficient support from their husbands, their post-divorce livelihood trajectories varied. Several women who had previously been housewives entered paid employment or established small businesses, including factory work, food trading, and laundry services. Others maintained their existing occupations, including a participant who continued working as a private-sector physician.[26] These experiences demonstrate that divorce does not necessarily produce identical economic consequences for all women. Nevertheless, women's ability to work or develop independent sources of income should not be equated with the absence of financial difficulties or the fulfillment of their post-divorce economic rights. This distinction provides an

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[22] Maike van Damme, Matthijs Kalmijn, and Wilfred Uunk, "The Employment of Separated Women in Europe: Individual and Institutional Determinants," *European Sociological Review* 25, no. 2 (2009): 183–97, https://doi.org/10.1093/esr/jcn042.

[23] Fatih Maziyyah and Muhammad Arif, "Dampak Pembangunan Gender Terhadap Kemiskinan Di Kota-Kota Besar Di Indonesia Tahun 2017-2022," *Ekonomis: Journal of Economics and Business* 8, no. 2 (2024): 1480–87, https://doi.org/10.33087/ekonomis.v8i2.1850.

[24] Komisi Nasional Anti Kekerasan terhadap Perempuan, "Perempuan Dalam Himpitan Pandemi: Lonjakan Kekerasan Seksual, Kekerasan Siber, Perkawinan Anak Dan Keterbatasan Penanganan Di Tengah COVID-19: Catatan Tahunan Tentang Kekerasan Terhadap Perempuan Tahun 2020" (Jakarta: Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan), 2021), https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2021-perempuan-dalam-himpitan-pandemi-lonjakan-kekerasan-seksual-kekerasan-siber-perkawinan-anak-dan-keterbatasan-penanganan-di-tengah-covid-19.

[25] Authors' interviews with 30 divorced women residing in Semarang City, Indonesia, 2024; anonymized interview records and research data.

[26] Authors' interview and case records..

important basis for examining how economic circumstances intersect with legal protection in the subsequent analysis.

Women's Post-Divorce Maintenance Rights

Post-divorce maintenance protection under Indonesian Islamic family law encompasses several legally distinct financial obligations, including *ʿidda* maintenance, *mutʿa*, unpaid marital maintenance (*nafaqa mādiya*), and child maintenance, each subject to its applicable legal requirements.[27] *ʿidda* maintenance refers to the financial support that a husband is required to provide to his former wife during the *ʿidda* period (the waiting period after divorce), including living expenses, housing, and basic needs, subject to applicable legal requirements. *Mutʿa* refers to a provision that may be awarded to a former wife following divorce, subject to the applicable legal framework and the circumstances of the case. Unpaid maintenance refers to financial support that the husband was obliged to provide during marriage but failed to fulfill, which may subsequently be claimed during divorce proceedings. These rights are rooted in principles of justice and reciprocity within family relationships and aim to protect women's welfare following marital dissolution.[28] Islamic family law scholarship also emphasizes the importance of gender justice in safeguarding women's rights after divorce, including maintenance and protection against structural inequality.[29] However, women may encounter difficulties in obtaining their post-divorce rights due to limited legal awareness and inadequate legal assistance.[30] Furthermore, effective post-divorce maintenance protection requires judicial consideration, accessible legal assistance, and institutional mechanisms to ensure the fulfillment of legally recognized obligations.[31] Therefore, post-divorce rights must be upheld through a substantive justice approach to ensure that legal protection is effective in practice.

From the perspective of Islamic law, post-divorce maintenance is grounded in the principles of justice (*ʿadl*), appropriate treatment (maʿrūf), and the prevention of harm. The Qur'an emphasizes ending marital relationships with kindness (2:229), providing financial support in accordance with reasonable

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[27] Wahbah Zuhaili, *Al-Fiqh Al Islam Wa Adillatuhu, Jilid 7* (Damaskus: Dar al Fikr, 1985), 105.

[28] Firdawaty, Zuhraini, and Fajar, "Contextualization of Reciprocal Values in the Fulfillment of Finantial Support as an Effort to Strengthen Families."

[29] Mohamed Sulthan Ismiya Begum et al., "Gender Equity in Muslim Family Law: Modern and Contemporary 'Ulamā's View," *Al-Ahkam* 34, no. 2 (2024): 221–56, https://doi.org/10.21580/ahkam.2024.34.2.20773.

[30] Datuk Mahmud, "Menjamin Hak Isteri Pasca Perceraian: Eksekusi Mut'ah Sebelum Ikrar Talak Di Pengadilan Agama Yogyakarta," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 13, no. 1 (2020): 47–57, https://doi.org/10.14421/ahwal.2020.13105.

[31] Yuni, "The Use of Ex Officio to Fulfill Women's Post-Divorce Rights at the Samarinda Religious Court"; Fadil, Mazidah, and Mahmudi, "Fulfillment of Women's Rights after Divorce Dynamics and Transformation in The Legal Journey."

standards (2:236 and 2:241), and observing financial responsibilities according to one's means (65:6–7). These principles provide a normative basis for understanding post-divorce maintenance in terms of its intended benefits (*maṣlaḥa*), rather than solely as a formal consequence of marital dissolution. Within his family-specific framework of *maqāṣid al-sharīʿa*, Gamal Eldin Attia identifies the regulation of family finances as one of the objectives of Islamic law.[32] Recent comparative scholarship likewise emphasizes the importance of translating these objectives into enforceable legal protection following divorce.[33] From this perspective, the interpretation of maintenance entitlements in wife-initiated divorce cases should consider the circumstances of marital dissolution, women's legitimate financial needs, and former husbands' economic capacity, while respecting applicable legal requirements. The fact that a woman initiates divorce should not, in itself, be treated as sufficient grounds for excluding her from financial protection.

The protection of post-divorce maintenance rights must also be understood in relation to child custody arrangements, access to legal assistance, and mechanisms for implementing judicial decisions. Although child maintenance is legally the child's right, its nonfulfillment may increase the financial burden of mothers who assume primary caregiving responsibilities. Comparative studies of wife-initiated divorce also demonstrate that the legal consequences of marital dissolution vary across Islamic legal systems.[34] In Indonesia, the recognition and implementation of post-divorce rights are closely related to the application of the Compilation of Islamic Law and judicial practices in religious courts.[35] Nevertheless, access to legal protection, including legal assistance and gender-responsive law enforcement, remains an important concern.[36] The protection of children's interests, including parental responsibilities following divorce, must also be considered in assessing the

[32] Gamal Eldin Attia, *Towards Realization of the Higher Intents of Islamic Law: Maqasid Al-Shariah: A Functional Approach*, trans. Nancy Roberts (London: International Institute of Islamic Thought, 2007), 130.

[33] Nur Fadhilah, Ahmad Musonnif, and Indri Hadisiswati, "Regulating Arbitrary Divorce in Islamic Family Law: A Maqāṣid Al-Sharīʿah–Based Comparative Analysis of Muslim-Majority Legal Systems," *Al-Hukama': The Indonesian Journal of Islamic Family Law* 15, no. 2 (2025): 149–75, https://doi.org/10.15642/alhukama.2025.15.2.149-175.

[34] Muhammad Ifzaal Mehmood, "Judicial Separation At The Wife's Initiative: A Study of Redemption (Khul ʿ) In Islamic Law And Contemporary Legislation In Pakistan And Malaysia," *Journal of Islamic Legal Studies* 2, no. 1 (2016): 1–25.

[35] Euis Nurlaelawati, *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice In The Indonesian Religious Courts*, vol. 4 (Amsterdam: Amsterdam University Press, 2010).

[36] Dewi, "Law Protection for Post Divorced Women Through Law Enforcement with a Gender Perspective."

effectiveness of post-divorce legal arrangements.[37] In this regard, Rofiq and Ristianawati emphasize that access to justice extends beyond the formal recognition of rights to include access to legal information, legal assistance, judicial proceedings, and the implementation of court decisions.[38] Accordingly, post-divorce maintenance rights must be clearly identified and effectively protected through accessible, substantively just, and gender-responsive legal mechanisms.

Gender Responsiveness in Law and Judicial Practice

Gender responsiveness in law concerns the extent to which legal norms and their application accommodate women's circumstances and experiences. Feminist legal scholarship has demonstrated how seemingly neutral legal arrangements may reproduce gender inequalities when differences in economic resources, caregiving responsibilities, and access to justice are overlooked.[39] In family law, such limitations may affect women's ability to claim and obtain post-divorce financial protection, particularly when formal legal entitlements are not accompanied by accessible procedures and effective institutional support.[40] Women's economic vulnerability, however, cannot be attributed solely to legal arrangements, as employment opportunities, household responsibilities, and individual circumstances also shape their experiences. Gender responsiveness should therefore be assessed through the interaction of legal norms, judicial practices, and institutional conditions rather than inferred solely from the existence of unequal outcomes.

Drawing on feminist legal scholarship and access-to-justice perspectives, this study assesses gender responsiveness in post-divorce legal protection through four interrelated dimensions: normative, procedural, judicial, and institutional responsiveness. Normative responsiveness concerns whether legal provisions and their interpretation accommodate women's circumstances and legally recognized financial needs.[41] Procedural responsiveness refers to women's access to legal information, assistance in formulating maintenance claims, and

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[37] Ibnu Radwan Siddik Turnip et al., "Implementing the Concept of Co-Parenting in Divorce Cases: An Analysis Using the Maslahah Approach," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (2024): 463–84, https://doi.org/10.29240/jhi.v9i2.10117.

[38] M Khoirur Rofiq and Eka Ristianawati, *Akses Keadilan Dan Pemenuhan Hak Perempuan Pasca Perceraian: Model Integratif Access to Justice*, ed. Aang Asari (Gresik: CV. Penerbit Ilmu Literasi dan Riset (Pilar), 2026), 52-60.

[39] Katharine Bartlett and Rosanne Kennedy, eds., *Feminist Legal Theory: Readings in Law and Gender* (London: Routledge, 2018).

[40] Marco Evola, Ivana Krstić, and Fuensanta Rabadán, "Feminist Judgments," in *Gender-Competent Legal Education*, ed. Dragica Vujadinović, Mareike Fröhlich, and Thomas Giegerich (Cham: Springer International Publishing, 2023), 143–81, https://doi.org/10.1007/978-3-031-14360-1_5.

[41] Joan Williams, *Unbending Gender: Why Family and Work Conflict and What to Do About It* (New York: Oxford University Press, 2000).

available remedies.[42] Judicial responsiveness concerns the consideration of relevant circumstances and maintenance claims within the limits of judicial authority.[43] Institutional responsiveness involves legal support services, interagency coordination, and mechanisms facilitating the fulfillment of maintenance obligations.[44] Together, these dimensions provide an analytical framework for identifying gaps between formal legal protection and its practical implementation without presuming that every unfiled claim or unfavorable judgment reflects gender bias.

The limitations of post-divorce financial protection may emerge at different stages, from the formulation of maintenance claims to judicial recognition and the implementation of court decisions. Gender-sensitive law-making emphasizes that effective legal protection requires attention not only to the content of legal provisions but also to their practical implications for women.[45] In the Indonesian context, studies have identified procedural barriers and gender-related challenges that may affect women's ability to pursue financial rights following divorce.[46] These difficulties should also be understood within broader structural inequalities that shape women's access to legal information, representation, and institutional support.[47] Importantly, the recognition of maintenance obligations in judicial decisions must be distinguished from their actual fulfillment, since the inclusion of financial rights in a judgment does not establish that payment has occurred. Accordingly, assessing gender responsiveness in post-divorce protection requires examining normative, procedural, judicial, and institutional dimensions rather than attributing women's economic hardship solely to judicial bias.

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[42] Mauro Cappelletti and Bryant Garth, "Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective," *Buffalo Law Review* 27, no. 2 (1978): 181–292, https://digitalcommons.law.buffalo.edu/cgi/viewcontent.cgi?article=1927&context=buffalolawreview.

[43] Yuni, "The Use of Ex Officio to Fulfill Women's Post-Divorce Rights at the Samarinda Religious Court."

[44] Nancy Folbre, "Conceptualizing Patriarchal Systems," in *The Routledge Handbook of Feminist Economics*, ed. Günseli Berik and Ebru Kongar (London: Routledge, 2021), 53–61; Suadi, "Protection of Women's and Children's Rights Based on System Interconnection: A New Paradigm Of Execution of Women and Children's Rights after Divorce."

[45] Maria Mousmouti, "Gender-Sensitive Law-Making: Concept and Process," *The Theory and Practice of Legislation* 10, no. 3 (September 2, 2022): 223–33, https://doi.org/10.1080/20508840.2022.2125704.

[46] Dewi, "Law Protection for Post Divorced Women Through Law Enforcement with a Gender Perspective"; Ramadhita Ramadhita, "Bias Gender Dalam Hukum Acara Perceraian Di Indonesia: Latar Belakang, Dampak, Dan Solusinya," *De Jure: Jurnal Hukum Dan Syari'ah* 14, no. 1 (2022): 1–20, https://doi.org/10.18860/j-fsh.v14i1.15966.

[47] Eva Bermúdez Figueroa et al., "Gender and Structural Inequalities from a Socio-Legal Perspective," in *Gender-Competent Legal Education*, ed. Dragica Vujadinović, Mareike Fröhlich, and Thomas Giegerich (Springer, 2023), 95–142, https://doi.org/10.1007/978-3-031-14360-1_4.

Gaps between judicial recognition of post-divorce maintenance rights and their actual fulfillment may indicate limitations in institutional gender responsiveness. Research on the execution of maintenance judgments in the Banda Aceh Syar'iyyah Court illustrates the practical difficulties that may arise when women seek to enforce financial obligations following divorce.[48] Such challenges highlight the importance of institutional coordination and effective mechanisms for implementing judgments, as emphasized in proposals for an interconnected system of post-divorce protection.[49] Beyond the judicial process, women's economic vulnerability must also be understood within broader gendered inequalities. Research on the changing patterns of feminization of poverty demonstrates that women's economic disadvantages are shaped by intersecting social and structural conditions rather than by a single legal factor.[50] Accordingly, gender-responsive legal protection requires attention not only to the recognition of maintenance rights but also to procedural accessibility, institutional follow-up, and the diverse economic circumstances of divorced women.

Gender-Responsive Adjudication at the Semarang Religious Court

The recognition of women's post-divorce maintenance rights in Indonesian Islamic family law has not consistently translated into their inclusion in judicial decisions, particularly in wife-initiated divorce (*cerai gugat*) cases. Statistics from the Semarang Religious Court for 2020–2025 reveal a substantial disparity between wife-initiated and husband-initiated divorce (*cerai talak*) cases. Of 14,700 wife-initiated divorce cases, only 33 (0.22%) recorded *ʿidda* maintenance and 33 (0.22%) recorded *mutʿa*. By comparison, among 4,466 husband-initiated divorce cases, 517 (11.58%) recorded *ʿidda* maintenance and 851 (19.06%) recorded *mutʿa*.[51] These percentages represent recorded awards for each type of maintenance relative to the total number of cases in each divorce category. Although women in wife-initiated divorce cases are legally entitled to

[48] Soraya Devy and Dwi Mekar Suci, "The Implementation of Verdict Execution on Providing Maḍiyah Maintenance Following Divorce According to Islamic Law (Case Study in Syar'iyyah Court Banda Aceh)," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 2 (2020): 416–42, https://doi.org/10.22373/sjhk.v4i2.6179.

[49] Suadi, "Protection of Women's and Children's Rights Based on System Interconnection: A New Paradigm Of Execution of Women and Children's Rights after Divorce."

[50] Sarah Bradshaw, Sylvia Chant, and Brian Linneker, "Challenges and Changes in Gendered Poverty: The Feminization, de-Feminization, and Re-Feminization of Poverty in Latin America," *Feminist Economics* 25, no. 1 (2019): 119–44, https://doi.org/10.1080/13545701.2018.1529417.

[51] Pengadilan Agama Semarang, "Monitoring Perkara Dengan Hak Ibu Anak: Pemenuhan Hak Ibu & Anak."

ʿidda maintenance and *mutʿa* subject to certain conditions,[52] the absence of recorded awards in 99.78% of cases for each type of maintenance does not establish whether women were legally ineligible, did not submit claims, or had their claims rejected. Nor do these statistics reveal whether women knew their rights or faced barriers to claiming them. These questions are examined further through court judgment analysis and interviews. Moreover, recorded awards do not establish whether maintenance obligations were actually fulfilled.

The limited inclusion of post-divorce maintenance in wife-initiated divorce decisions cannot be attributed solely to judicial attitudes. An interview with a judge at the Semarang Religious Court identified several contributing factors, including women's preference for a swift divorce, the absence of maintenance claims in their petitions, difficulties locating husbands, and concerns about the husbands' financial capacity.[53] The judge also referred to the *ultra petitum partium* principle, which generally restricts courts from granting relief beyond the parties' claims, although its application in post-divorce maintenance cases must be considered alongside the applicable legal provisions and judicial guidelines. These observations are consistent with Mahdum's (2025) interviews with three other judges at the same court, which similarly highlighted the limited formulation of maintenance claims and the importance of case-specific judicial consideration.[54] Comparable procedural barriers were identified by Amalia (2023) at the Batang Religious Court, particularly the absence of explicit claims, reliance on the *ultra petitum* principle, and defendants' nonappearance.[55] Together, these findings suggest that limited judicial recognition of maintenance rights reflects an interaction between claim formulation, procedural interpretation, and litigants' circumstances, rather than judicial attitudes alone.

The development of Indonesian Islamic family law illustrates how the principles of justice and *maṣlaḥa* can inform the interpretation of post-divorce maintenance obligations. Although Articles 149 and 158 of the Compilation of Islamic Law primarily associate financial obligations with husband-initiated divorce, Article 152 provides a broader basis for *ʿidda* maintenance. Supreme Court Circular Letter No. 3 of 2018 further accommodates the protection of women in wife-initiated divorce cases by permitting awards of *ʿidda* maintenance and *mutʿa* where *nushūz* has not been established. It also requires judges to

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[52] Supreme Court of the Republic of Indonesia, Circular Letter No. 3 of 2018, Religious Chamber Legal Formulation, Section III.A, point 3.

[53] Interview with a judge at the Semarang Religious Court (J1), August 14, 2024.

[54] Mahdum, "Perlindungan Hak-Hak Istri Pasca Perceraian Dalam Perkara Cerai Gugat Perspektif Hakim Pengadilan Agama Semarang Kelas IA" (Universitas Islam Sultan Agung Semarang, 2025), https://repository.unissula.ac.id/39152/.

[55] Rizka Amalia, "Problematika Implementasi Pemenuhan Nafkah Iddah Dan Mut'ah Bagi Perempuan Dalam Cerai Gugat Di Pengadilan Agama Batang" (Universitas Islam Negeri Walisongo Semarang, 2023).

consider fairness, reasonableness, the husband's financial capacity, and the wife's basic needs when determining the amount of maintenance.[56] This development can be understood as a contextual interpretation of Islamic family law that distinguishes women's exercise of the right to divorce from conduct that may legally affect their maintenance entitlements. However, the findings in Semarang suggest that this normative development has not been matched by adequate opportunities for women to exercise these rights. From a *maqāṣid al-sharīʿa* perspective, the realization of *maṣlaḥa* therefore depends not only on a gender-responsive interpretation of legal norms but also on effective legal and institutional mechanisms that enable eligible women to claim, obtain, and secure the actual fulfillment of their post-divorce maintenance rights.[57]

Interviews with 30 divorced women in Semarang in 2024 revealed differences in their awareness of post-divorce financial rights and their decisions to pursue maintenance claims. Twenty-three participants (76.67%) were unaware of or uncertain about their potential entitlement to maintenance, while seven reported some awareness of these rights. Nevertheless, among the seven participants who reported awareness of these rights, only one pursued a maintenance claim, while the remaining six did not. Their decisions reflected considerations such as the desire to finalize divorce proceedings quickly, concerns about further conflict, and doubts about obtaining financial support from their former husbands.[58] These findings suggest that women's decisions to pursue maintenance cannot be explained solely by legal awareness but must also be understood in relation to their personal circumstances, perceived procedural burdens, and expectations of practical outcomes. This interpretation is consistent with Muhsin and Huda's (2024) research on women's legal consciousness, which highlights the relationship between legal knowledge, social circumstances, and the capacity to assert legal rights.[59]

Interviews with practitioners from 12 law offices and four legal aid organizations indicated that most interviewed advocates recognized the possibility of claiming post-divorce maintenance in wife-initiated divorce cases,

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[56] Compilation of Islamic Law, Articles 149, 152, and 158; Supreme Court of the Republic of Indonesia, Circular Letter No. 3 of 2018, Religious Chamber Legal Formulation, Section III.A, points 2 and 3.

[57] Attia, *Towards Realization of the Higher Intents of Islamic Law: Maqasid Al-Shariah: A Functional Approach*; Lilik Andar Yuni and Akhmad Haries, "Protection of Women's Rights After Divorce in Religious Courts: What Makes This Mission Difficult to Achieve?," *Mazahib* 23, no. 2 (2024): 595–630, https://doi.org/10.21093/mj.v23i2.7958.

[58] Interviews with 30 divorced women in Semarang, 2024; authors' analysis of interview data on women's awareness of post-divorce maintenance rights and decisions to pursue maintenance claims.

[59] Ilyya Muhsin and Muhammad Chairul Huda, "The Interplay of Fiqh, Adat, and State Marriage Law: Shaping Legal Consciousness of Sasak Women," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 1 (2024): 27–52, https://doi.org/10.19105/al-lhkam.v19i1.10522.

subject to applicable legal requirements. However, they considered husbands' financial capacity, evidentiary difficulties, and enforcement prospects when advising clients. Legal aid practitioners reported that many economically disadvantaged clients prioritized a swift divorce when maintenance payments appeared uncertain, sometimes resulting in omitted claims.[60] One interviewed advocate maintained that women initiating divorce were ineligible for post-divorce maintenance, suggesting that differences in the interpretation or understanding of applicable legal provisions persist among practitioners.[61] These findings suggest that unfiled maintenance claims may reflect constrained choices shaped by economic circumstances and enforcement concerns, rather than legal ignorance alone.

An examination of 120 wife-initiated divorce judgments (*cerai gugat*) issued by the Semarang Religious Court between 2022 and 2024 further illustrates the procedural circumstances surrounding women's post-divorce financial claims. Of these judgments, 110 (91.67%) were decided in the defendants' absence (*verstek*), while only 17 cases (14.17%) involved legal representation. In 118 cases (98.33%), the plaintiffs did not request maintenance for themselves or their children. Of the remaining two cases, one included a claim for child maintenance alone, while the other included claims for both the wife's post-divorce maintenance and child maintenance. These findings demonstrate that the absence of maintenance claims must be distinguished from the judicial rejection of such claims. The prevalence of proceedings *in absentia* is also reflected in the interviews, in which 26 of the 30 women reported that their former husbands had not attended the divorce proceedings. Although these datasets concern different groups of cases, they indicate that defendants' nonappearance warrants attention when examining access to post-divorce financial protection. Neither *verstek* proceedings nor the absence of legal representation necessarily prevents maintenance claims or awards, and these descriptive findings do not establish a causal relationship between procedural circumstances and women's decisions not to claim maintenance.[62]

The low incidence of maintenance awards in Semarang cannot, by itself, establish judicial gender bias, particularly when maintenance claims are rarely submitted and women's eligibility varies according to the circumstances of each case. From a substantive justice perspective, gender-responsive adjudication requires consideration of women's individual circumstances, applicable

[60] Tamyus, advocate at Tamyus & Partners, interview, October 15, 2024; Hari Widiyanto, advocate at LBH Sakti, interview, October 15, 2024.

[61] Field interviews with advocates and legal aid practitioners from 12 law offices and four legal aid organizations, Semarang, 2024. The identity of the advocate expressing a different legal interpretation is withheld.

[62] Authors' analysis of 120 wife-initiated divorce judgments of the Semarang Religious Court (2022–2024) and interviews with 30 divorced women in Semarang (2024).

maintenance entitlements, and meaningful opportunities to assert their rights.[63] In *verstek* proceedings, judicial consideration of maintenance rights must also respect the procedural limits of *ex officio* authority.[64] These findings indicate that assessing judicial responsiveness requires attention not only to the awards recorded in judgments but also to the circumstances under which maintenance rights are brought before the court.

Barriers to Gender-Responsive Post-Divorce Financial Protection

Limited legal awareness alone cannot explain the rarity of maintenance claims in wife-initiated divorce cases in Semarang. Six of the seven interviewed women who knew about their potential maintenance rights did not pursue financial claims, citing concerns about prolonged proceedings, further conflict, and uncertain payment. This distinction suggests that barriers to claiming maintenance involve both limited knowledge of legal entitlements and practical considerations regarding the costs and anticipated benefits of pursuing claims. From an access-to-justice perspective, providing legal information is therefore necessary but insufficient unless women also have meaningful opportunities to formulate and pursue maintenance claims within their social and economic circumstances.[65]

Procedural barriers may arise before adjudication, particularly at the stages of obtaining information about maintenance rights and formulating divorce petitions. Among the 17 plaintiffs represented by advocates, 15 had no maintenance claims recorded in their judgments, as was the case for all 103 unrepresented plaintiffs.[66] This pattern indicates that access to legal representation does not necessarily translate into the submission of maintenance claims. However, the absence of such claims does not establish inadequate legal assistance, as women's decisions to prioritize marital dissolution and their individual case circumstances may also influence petition formulation. From a gender-responsive perspective, procedural protection therefore requires attention not only to access to legal representation but also to whether women receive adequate information about their potential maintenance entitlements and assistance in formulating maintenance claims.

The prevalence of *verstek* proceedings presents a particular challenge to gender-responsive adjudication when maintenance claims are absent from

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[63] Rofiq and Ristianawati, *Akses Keadilan Dan Pemenuhan Hak Perempuan Pasca Perceraian: Model Integratif Access to Justice,* 103.

[64] Abdul Jamil and Muliadi Nur, "Perlindungan Hukum Dan Keadilan Para Pihak Melalui Ex Officio Hakim Dalam Putusan Verstek Perkara Perceraian," *Jurnal Hukum IUS QUIA IUSTUM* 29, no. 2 (2022): 439–460, https://doi.org/10.20885/iustum.vol29.iss2.art10.

[65] Rofiq and Ristianawati, *Akses Keadilan Dan Pemenuhan Hak Perempuan Pasca Perceraian: Model Integratif Access to Justice,* 107.

[66] Authors' analysis of 120 wife-initiated divorce judgments of the Semarang Religious Court (2022–2024).

divorce petitions. Although the husband's nonappearance may reduce opportunities for direct negotiation over maintenance obligations, *verstek* itself does not preclude maintenance awards. The 2021 Policy Brief enacted through the Decree of the Director General of Religious Courts No. 1959/2021 identifies judges' active and passive roles in adjudication as a key concern in protecting women's and children's post-divorce rights.[67] Read alongside PERMA No. 3 of 2017 and SEMA No. 3 of 2018, this policy framework supports judicial consideration of women's maintenance rights within the applicable substantive and procedural limits of *ex officio* authority. The judicial challenge therefore lies in identifying legally permissible opportunities to protect women's maintenance rights when such claims have not been submitted, without assuming that every unclaimed maintenance entitlement can or must be awarded *ex officio*.

Institutional barriers also arise from the gap between judicial recognition of maintenance and mechanisms for securing its payment. The Semarang Religious Court has developed administrative monitoring services and cooperation with local government to support women and children after divorce, including a new agreement signed in October 2026.[68] However, the available documentation does not establish whether these arrangements verify or secure the actual payment of maintenance awarded in wife-initiated divorce (*cerai gugat*) cases. Religious courts in Surabaya, Bengkulu, and Bontang have also developed mechanisms intended to support the implementation of post-divorce maintenance obligations, including administrative monitoring, institutional follow-up, and cooperation with employers in certain cases to facilitate salary deductions.[69] Although these initiatives may differ in effectiveness, they demonstrate possible approaches to enforcing post-divorce obligations. This comparison does not establish that Semarang's initiatives have failed; rather, it highlights the need to distinguish administrative monitoring of maintenance awards from independently verified evidence of their actual payment in *cerai gugat* cases.

The Semarang findings illustrate how the four dimensions of gender responsiveness interact in post-divorce maintenance protection. Normatively, Supreme Court Circular Letter No. 3 of 2018 permits awards of *ʿidda*

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[67] Anwar, "Pemberlakuan Ringkasan Kebijakan (Policy Brief) Jaminan Perlindungan Hak-Hak Perempuan Dan Anak Pascaperceraian [Implementation of the Policy Brief on the Protection of Women's and Children's Rights Following Divorce]." Supreme Court of the Republic of Indonesia, Regulation No. 3 of 2017; Supreme Court of the Republic of Indonesia, Circular Letter No. 3 of 2018.

[68] Semarang Religious Court, Buku Inovasi PA Semarang Kelas IA Tahun 2026, 27, https://fliphtml5.com/npojs/BUKU-INOVASI-FIX/32/; Semarang Religious Court, "Perjanjian Kerjasama & MOU," https://pa-semarang.go.id/mou/.

[69] Fahmi et al., "Judicial Practices in Enforcing Post-Divorce Maintenance Rights for Women and Children in Indonesia"; Suadi et al., "Legal Protection of Women's and Children's Rights after Divorce through the E-MOSI CAPER App."

maintenance and *mutʿa* in wife-initiated divorce cases where *nushūz* has not been established. Procedurally, limited knowledge of maintenance rights, concerns about prolonged proceedings, and uncertain payment prospects may discourage women from pursuing claims.[70] Women's decisions to prioritize marital dissolution over maintenance claims must therefore be understood within their social and economic circumstances.[71] Judicially, omitted maintenance claims and the prevalence of *verstek* proceedings present challenges to the protection of financial rights within the procedural limits of *ex officio* authority.[72] Institutionally, monitoring services and interagency cooperation have been developed, but the available documentation does not establish actual maintenance payments in wife-initiated divorce cases. These findings demonstrate that gender responsiveness cannot be assessed through legal recognition or judicial awards alone, but requires attention to the interconnected processes of claiming, obtaining, and fulfilling maintenance rights.

Post-Divorce Maintenance and Women's Diverse Economic Experiences

Women's economic vulnerability after divorce may reflect inadequate spousal support during marriage rather than originate with marital dissolution. Informant I01, formerly a homemaker, reported inadequate spousal support and abandonment during marriage and entered factory employment after divorce. Informant I02, a professional woman with two children, also reported inadequate financial contributions from her husband despite having an independent income.[73] These contrasting experiences illustrate that inadequate marital support may affect both women who depend financially on their husbands and those who earn their own income. For women experiencing insufficient spousal support during marriage, divorce may represent an attempt to escape existing financial insecurity rather than its initial cause. In this context, inadequate post-divorce maintenance may perpetuate or intensify pre-existing financial difficulties, particularly when women assume primary responsibility for household expenses and childcare.

The economic experiences of the 30 divorced women in Semarang varied considerably, challenging the assumption that divorce invariably produces poverty or dependence. Informant I01 entered factory employment, while I04 continued small-scale trading despite limited earnings and occasional family assistance. In contrast, I03 maintained relative financial stability through

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[70] Deborah L. Rhode, *Access to Justice* (New York: Oxford University Press, 2004).

[71] Bartlett and Kennedy, *Feminist Legal Theory: Readings in Law and Gender*.

[72] Anwar, "Pemberlakuan Ringkasan Kebijakan (Policy Brief) Jaminan Perlindungan Hak-Hak Perempuan Dan Anak Pascaperceraian [Implementation of the Policy Brief on the Protection of Women's and Children's Rights Following Divorce]"; Jamil and Nur, "Perlindungan Hukum Dan Keadilan Para Pihak Melalui Ex Officio Hakim Dalam Putusan Verstek Perkara Perceraian."

[73] Interviews with informants I01 and I02, divorced women, Semarang, 2024.

professional employment, although her former husband's contributions toward their children were reportedly irregular.[74] Further examination of the research records suggests that women's coping strategies included borrowing for daily necessities, children's education, housing, and business activities. Their living arrangements also varied: some lived with relatives, others in rented accommodation or in their own homes. These patterns indicate that employment and family support may sustain livelihoods without eliminating financial pressures. Leopold and Kalmijn highlight changing post-divorce income trajectories,[75] while Van Damme, Kalmijn, and Uunk emphasize individual and institutional influences on women's employment.[76] A qualitative study of five single mothers in Blora likewise illustrates diverse economic outcomes.[77] Thus, women's economic resilience may coexist with indebtedness, reliance on family support, and continuing financial responsibilities, without necessarily indicating that their post-divorce maintenance needs have been adequately met.

Women's economic vulnerability after divorce involves both the financial costs of raising children and the responsibilities of daily caregiving alongside paid employment. Of the 30 divorced women interviewed in Semarang, 23 had children, and 22 (95.65%) reported receiving either no child maintenance from their former husbands (eight informants) or only irregular contributions (14 informants).[78] Although these self-reported experiences do not establish noncompliance with court-ordered maintenance obligations, they indicate that most mothers in the interview group could not rely on regular financial contributions from their former husbands. Women's own earnings, borrowing, and family assistance were used to meet children's daily needs and educational expenses. A qualitative study of five single mothers in Blora similarly illustrates the intersection of employment and childcare responsibilities,[79] while research on separated women's employment emphasizes the importance of childcare and institutional support.[80] From a feminist economic perspective, women's financial responsibilities must also be considered alongside the time and labor devoted to

[74] Interviews with Informants I01, I03, and I04, Semarang, 2024.

[75] Leopold and Kalmijn, "Reassessing Chronic Strain: A Research Note on Women's Income Dynamics After Divorce and Separation."

[76] van Damme, Kalmijn, and Uunk, "The Employment of Separated Women in Europe: Individual and Institutional Determinants."

[77] Indah Listyorini and Muhammad Khoirur Rofiq, "Pelaksanaan Haḍanah Oleh Ibu Sebagai Single Parent Akibat Perceraian Perspektif Maslahah," *Journal of Islamic Studies and Humanities* 7, no. 1 (August 6, 2022): 66–90, https://doi.org/10.21580/JISH.V7I1.11588.

[78] Interviews with 30 divorced women, Semarang, 2024; authors' tabulation of interviews with the 23 informants who had children.

[79] Listyorini and Rofiq, "Pelaksanaan Haḍanah Oleh Ibu Sebagai Single Parent Akibat Perceraian Perspektif Maslahah."

[80] van Damme, Kalmijn, and Uunk, "The Employment of Separated Women in Europe: Individual and Institutional Determinants."

unpaid childcare.[81] Mothers' ability to meet their children's financial needs therefore does not establish that fathers and mothers equitably share post-divorce financial and caregiving responsibilities.

From the perspective of Islamic law, women's economic resilience should not, in itself, justify relieving fathers of their financial obligations. The Qur'an (2:233) emphasizes financial responsibility according to one's capacity and the prevention of harm to either parent, while Indonesian Islamic family law places primary responsibility for child maintenance on the father.[82] Accordingly, protecting the welfare of children and preventing disproportionate financial burdens on mothers should be understood as interconnected objectives of justice and *maṣlaḥa* in post-divorce family relations. Table 1 summarizes the economic circumstances and financial responsibilities of the women interviewed.

Table 1. Women's Post-Divorce Economic Vulnerability and Financial Coping Strategies

Theme	Empirical findings	Empirical patterns
Employment status	Homemakers entering factory employment (3); homemakers starting small food or laundry businesses (5); continued wage employment or self-employment (20); professional employment (2).	All informants earned their own income, yet 28 faced financial constraints. Both women in professional employment maintained relative financial stability despite irregular child maintenance contributions.
Child-related responsibilities	With 1–4 children (23); without children (7). Children's needs included food, milk, diapers, education, and healthcare.	Women combined income-generating activities with financial responsibilities for their children, including university tuition and medical expenses for an adult child.
Child maintenance receipt	No contributions (8); irregular contributions (14); receipt unclear (1).	All mothers receiving no child maintenance (8/8) and most receiving irregular contributions (12/14) faced financial constraints.
Financial coping strategies	Own earnings (30); borrowing (30); residence with relatives (12), in rented accommodation (10), or in their own homes (8);	Borrowing covered daily necessities, education, healthcare, housing, and business capital. It was also reported by women without children and those with adequate financial resources.

[81] Folbre, "Conceptualizing Patriarchal Systems."

[82] Law No. 1 of 1974 on Marriage, Article 41(b); Compilation of Islamic Law, Articles 105(c) and 156(d).

	financial assistance from relatives in some cases.	

Source: Authors' analysis of interviews with 30 divorced women in Semarang, 2024.[83]

As shown in Table 1, independent earnings did not necessarily ensure financial security after divorce. Financial constraints affected 20 of the 22 mothers receiving no child maintenance or only irregular contributions, while both women in professional employment maintained relative financial stability despite irregular child maintenance. Borrowing was reported by all 30 informants, including women without children and those with adequate financial resources, indicating that borrowing alone cannot distinguish economically vulnerable women from those with adequate financial resources. The interview accounts also reveal that borrowing for daily necessities, children's education, and housing expenses sometimes coincided with continuing social obligations, including community contributions and family ceremonies, alongside concerns about debt repayment and dependence on relatives.[84] These findings highlight the importance of considering earning capacity, the purposes of borrowing, and child-related financial responsibilities when assessing women's economic vulnerability. Research on the gendered economic consequences of single parenthood demonstrates that mothers may face greater income losses and slower recovery following separation,[85] while research on women's labor supply highlights the moderating role of children.[86] Although the Semarang evidence does not establish that inadequate child maintenance independently caused economic hardship, unreliable financial contributions may intensify existing financial pressures among mothers with limited earnings and substantial child-related expenses.

The Semarang findings suggest that women's economic vulnerability after divorce must be understood in relation to inadequate spousal support during marriage, earning capacity, access to family assistance, and child-related financial responsibilities. Women's ability to sustain their livelihoods through employment, borrowing, or family assistance should not be equated with the

[83] Figures in parentheses indicate informant counts or ratios expressed as counts. Based on the interview data, the authors qualitatively classified women's economic circumstances as inadequate (8), barely sufficient (20), and adequate (2). Relationships across themes are descriptive rather than causal.

[84] Interviews with divorced women with children, Semarang, 2024.

[85] Luisa Fadel, Diederik Boertien, and Christine Schnor, "The Gendered Economic Consequences of Forming a Single-Parent Household After Separation," *Journal of Marriage and Family* 87, no. 3 (2025): 1060–83, https://doi.org/10.1111/jomf.13061.

[86] Matthias Klingler, "Labor Supply Response of Women Across the Divorce Process and the Moderating Role of Children," *Advances in Life Course Research* 65 (2025): 100694, https://doi.org/10.1016/j.alcr.2025.100694.

fulfillment of applicable maintenance obligations.[87] From a substantive justice perspective, gender-responsive maintenance protection requires attention to women's actual economic circumstances, legally established maintenance entitlements, and financial responsibilities for children.[88] Accordingly, the effectiveness of post-divorce maintenance protection should be assessed not merely through women's economic independence or the recognition of maintenance rights in law, but also through whether applicable maintenance obligations are actually fulfilled.

Conclusion

This study identifies three key findings concerning gender-responsive post-divorce maintenance protection in Semarang. *First*, a substantial gap remains between legal recognition and judicial protection of women's maintenance rights. Although *ʿidda* maintenance and *mutʿa* are legally available in wife-initiated divorce cases subject to applicable requirements, each was recorded in only 33 of 14,700 such cases between 2020 and 2025. Given the rarity of maintenance claims in the sampled judgments, limited awards do not, by themselves, establish judicial gender bias. *Second*, maintenance protection faces interconnected normative, procedural, judicial, and institutional challenges, including legal eligibility requirements, limited awareness of maintenance rights, concerns about prolonged proceedings and further conflict, difficulties in formulating claims, and limits on *ex officio* authority. Institutional monitoring and interagency cooperation offer mechanisms to support maintenance fulfillment, although actual payments remain unverified. *Third*, women's economic vulnerability varies according to pre-existing financial difficulties, earning capacity, family assistance, and child-related financial responsibilities. Of the 23 interviewed mothers, 22 reported receiving no or irregular child maintenance, and 20 of these 22 experienced financial constraints. Unreliable financial contributions may therefore intensify existing economic pressures. Women's ability to support themselves and their children after divorce does not establish that their former husbands have fulfilled their legally applicable maintenance obligations.

This study contributes to gender-responsive Islamic family law scholarship by offering an analytical framework encompassing four interconnected dimensions: normative, procedural, judicial, and institutional. By distinguishing legal recognition, claim submission, judicial awards, and actual maintenance fulfillment, this framework demonstrates that substantive justice requires more than the formal recognition of women's maintenance rights. From an Islamic

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[87] Leopold and Kalmijn, "Reassessing Chronic Strain: A Research Note on Women's Income Dynamics After Divorce and Separation."

[88] Mousmouti, "Gender-Sensitive Law-Making: Concept and Process."

family law perspective, the principles of justice and *maṣlaḥa* require attention to women's actual economic circumstances and the fulfillment of legally established maintenance obligations. In practical terms, religious courts and legal aid providers should strengthen legal information services and assistance in formulating maintenance claims. Judges should identify legally permissible opportunities to protect women's maintenance rights, particularly when such claims are absent from divorce petitions. Religious courts and relevant institutional partners should also strengthen mechanisms for monitoring and verifying actual maintenance payments. These measures address the specific barriers identified across the four dimensions of gender-responsive post-divorce maintenance protection.

This study is limited to the Semarang Religious Court, drawing on administrative statistics from 2020–2025, 120 wife-initiated divorce judgments from 2022–2024, and retrospective interviews with 30 divorced women conducted in 2024. Its single-court setting and sample characteristics limit the generalizability of the findings. The absence of longitudinal financial data and independently verified maintenance payments prevents definitive conclusions about the causal relationship between unmet maintenance obligations and women's economic hardship or the extent to which judicial awards are actually fulfilled. Future research should apply the four-dimensional framework across religious courts and municipalities with different post-divorce maintenance arrangements, including interagency cooperation, payment monitoring, and salary deduction mechanisms. Comparative and longitudinal studies should examine the legal basis, implementation, enforceability, and measurable effectiveness of these arrangements in securing actual maintenance payments and protecting women's economic interests after divorce.

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