

“Enforcement of Post-Divorce Financial Obligations in Indonesian Islamic Family Law: A Case Study of Child Maintenance”

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Abstract: This study examines the enforcement of post-divorce financial obligations in Indonesian Islamic family law, with a particular focus on child maintenance. The research aims to analyse how the Religious Courts implement judicial decisions related to child support after divorce and to identify the challenges faced in ensuring compliance. Employing a normative juridical approach complemented by empirical data, the study draws upon statutory provisions, classical fiqh literature, and fieldwork consisting of interviews with judges and court officials in Bengkulu. The findings reveal that although Indonesian legislation and the Compilation of Islamic Law explicitly require fathers to provide child maintenance following divorce, enforcement remains problematic. The main obstacles include the limited legal instruments available to compel execution, the passive role of the courts that rely on the mother’s initiative to file for execution, and the low level of legal awareness among litigants. The case analysis of Decision No. 174/Pdt.G/2012/PA Bn illustrates these structural and procedural weaknesses. The study concludes that effective protection of children’s rights requires strengthening the execution mechanisms of the Religious Courts, enhancing public legal literacy, and reformulating policies that align with both Islamic legal principles and the demands of contemporary justice.

Keywords: Post-Divorce Maintenance, Child Support, Islamic Family Law, Enforcement Of Judgment, Religious Court, Indonesia

Abstrak: Penelitian ini mengkaji penegakan kewajiban finansial pasca perceraian dalam hukum keluarga Islam di Indonesia, dengan fokus khusus pada nafkah anak. Tujuan penelitian adalah menganalisis bagaimana Pengadilan Agama melaksanakan putusan terkait kewajiban pemberian nafkah anak setelah perceraian serta mengidentifikasi hambatan-hambatan dalam memastikan kepatuhan mantan suami. Penelitian ini menggunakan pendekatan yuridis normatif yang dipadukan dengan data empiris, melalui telaah peraturan perundang-undangan, literatur fikih klasik, serta wawancara dengan hakim dan aparatur Pengadilan Agama di Bengkulu. Hasil penelitian menunjukkan bahwa meskipun ketentuan peraturan perundang-undangan dan Kompilasi Hukum Islam secara eksplisit mewajibkan ayah memberikan nafkah anak pasca perceraian, implementasi di lapangan masih menghadapi berbagai kendala. Hambatan utama meliputi keterbatasan instrumen hukum untuk memaksa eksekusi, peran pasif pengadilan yang menunggu inisiatif pihak ibu, serta rendahnya kesadaran hukum masyarakat. Analisis terhadap Putusan Nomor 174/Pdt.G/2012/PA Bn memperlihatkan kelemahan struktural dan prosedural tersebut. Penelitian ini menyimpulkan bahwa perlindungan hak anak secara efektif membutuhkan penguatan mekanisme eksekusi di lingkungan Pengadilan Agama, peningkatan literasi hukum masyarakat, serta reformulasi kebijakan yang selaras dengan prinsip hukum Islam dan tuntutan keadilan kontemporer.

Kata Kunci: Nafkah Pasca Perceraian, Nafkah Anak, Hukum Keluarga Islam, Eksekusi Putusan, Pengadilan Agama, Indonesia

Introduction

Divorce, in addition to causing a breakdown in domestic relationships, also has a serious impact on the fulfillment of children's rights, especially related to alimony and maintenance costs. In the context of Islamic law and positive Indonesian law, the obligation of a father to provide for his children after divorce is a principle that has been normatively affirmed. Law Number 1 of 1974 concerning Marriage, Compilation of Islamic Law (KHI), and various court

jurisprudence affirm that the responsibility for child maintenance does not stop when the marriage bond is broken.

A number of previous studies have highlighted that although court rulings have provided clear warnings about child support obligations, many of these rulings have ceased to be formal documents without effective implementation. Judges, with all their authority, are often passive because the civil procedure law that applies within the Religious Court places the judge only as a party waiting for the initiative of the seeker of justice. As a result, many mothers and children who are entitled to alimony experience legal uncertainty and social injustice. This situation raises a fundamental academic question: to what extent is Islamic family law in Indonesia really capable of guaranteeing the protection of the rights of children after divorce, and whether the available judgment enforcement mechanisms are adequate in realizing substantive legal goals?

So far, family law literature in Indonesia tends to focus on normative aspects, such as the legal position of child support, custody (*hadhanah*), and the legal basis for divorce. Relatively few studies have critically highlighted aspects of implementation, particularly how court judgments are executed and what obstacles are faced in practice. In fact, it is precisely at this stage of execution that substantive justice for children is really tested. Cases such as the Bengkulu Religious Court Decision No. 174/Pdt.G/2012/PA Bn show that although there is a clear warning about the father's obligation to provide for the child, the reality is that the implementation often does not work due to cultural, economic, and procedural factors. This phenomenon shows that there is a research gap that must be answered through research that not only highlights the normative dimension, but also the empirical dimension.

The main purpose of this study is to analyze the implementation of Islamic family law in Indonesia in the context of enforcing financial obligations after divorce, especially child support. First, this study seeks to map the role and authority of the Religious Court in ensuring the implementation of judges' decisions related to child support. Second, this study identifies obstacles that arise in execution practices, both stemming from weaknesses of legal instruments, community legal culture, and limited judicial resources. Third, this research offers academic ideas on the reformulation of policies and more effective execution mechanisms, which are not only in harmony with the national legal system but also in line with the principles of *maqāṣid al-syarī'ah*.

The expected results of this study are not only limited to descriptions of the problems faced, but also provide theoretical and practical contributions. Theoretically, this research is expected to enrich the discourse on Islamic family law by presenting a critical perspective on the relationship between legal norms, legal culture, and implementation in the field. This is important because the effectiveness of the law cannot only be measured by the existence of the rules, but also by the extent to which the rules can be implemented in real terms. In this case, this study seeks to reaffirm the relevance of the progressive legal approach and *maqāsid al-syarī'ah* in formulating solutions to the classic problem of child support enforcement.

Practically, this research is expected to provide policy recommendations for regulators and religious justice practitioners. Strengthening the mechanism for the execution of judgments, for example, can be done by expanding law enforcement instruments, improving judicial procedures to be more proactive, and increasing the capacity of court officials through training and supervision. In addition, increasing the legal literacy of the community, especially women who are often the aggrieved parties, is no less important. Thus, the rights of children protected by law are no longer mere normative texts, but are actually realized in social life.

Studies on the enforcement of financial obligations after divorce, especially child support, have been widely studied by contemporary Islamic law scholars. For example, research by Alfi et al. found that although Islamic law and positive law have affirmed the obligation of the father, the weak instruments of execution often make court decisions not enforceable. This article emphasizes that the mechanism of confiscation of property can be justified by *maqāsid al-syarī'ah* because it protects the *ḥifẓ al-nafs* (soul) and *ḥifẓ al-nasl* (offspring) of children.¹

Another study by Mardiah & Hidayat outlined patterns of post-divorce maintenance violations. The results show that low legal awareness of women, cultural barriers, and lack of access to legal aid are the main causes of failure to implement the decision. This study confirms that legal norms alone are not

¹ Syaifuddin Zuhdi et al., "The Confiscation of Husbands' Wealth as A Collateral for Post-Divorce Child Support: Perspective of *Maqāsid Al-Sharī'ah*," *Samarah* 8, no. 2 (2024): 912–33, <https://doi.org/10.22373/sjhc.v8i2.17326>.

enough without instruments for the enforcement and empowerment of women after divorce.²

In addition, Sari et al. point out that although fathers' obligations to child support have been normatively regulated, in practice many fathers fail to fulfill these obligations due to economic limitations and weak legal mechanisms in forcing the implementation of judgments. This research confirms the importance of a more proactive role of the court as well as communication between ex-spouses to ensure that children's rights are not ignored.³

The three studies highlight the same problem, namely the weak implementation of child support obligations after divorce. However, most are still limited to normative analysis or offer common solutions that are not yet operational. This is where the *novelty of* this research lies: by combining normative juridical approaches and empirical data from practice in Religious Courts, this study not only describes the legal basis of maintenance obligations, but also unravels the obstacles to execution, socio-cultural factors that affect compliance, as well as offering a more contextual model of policy reform that is in accordance with the principles of maqāsid al-shari'ah.

This study uses a normative juridical approach combined with empirical elements to obtain a more comprehensive understanding of the enforcement of financial obligations after divorce in Islamic family law in Indonesia. The normative juridical approach is taken by examining the legal instruments that regulate child support obligations, such as Law No. 1 of 1974 concerning Marriage, Government Regulation No. 9 of 1975, Compilation of Islamic Law (Presidential Instruction No. 1 of 1991), and other relevant regulations. In addition, this study also examines classical and contemporary jurisprudence literature as well as religious court jurisprudence to find the normative and theoretical basis for post-divorce maintenance obligations.

Meanwhile, an empirical approach is used to understand the reality of legal implementation in the field, especially related to the mechanism of execution of court decisions regarding child support. Empirical data was

² Rahmawati Mohd Yusoff, Evi Eliyanah, and Ahmad Munjin Nasih, "An Analysis Towards Patterns of Violation of Maintenance Rights After Divorce Within Islamic Marriage in Indonesia," *Malaysian Journal of Syariah and Law* 12, no. 3 (2024): 678–88, <https://doi.org/10.33102/mjssl.vol12no3.707>.

³ Nismayani Marbun and Janpatar Simamora, "Father's Responsibility for Child Maintenance in Divorce," *Golden Ratio of Data in Summary* 5, no. 2 (2025): 284–88.

obtained through direct observation and in-depth interviews with judges, clerks, and parties who have litigated at the Bengkulu Religious Court. The selection of the research location was based on the consideration that this region has a number of divorce cases with significant child support disputes, one of which is Decision Number 174/Pdt.G/2012/PA Bn which is used as the main case study.

The data collection techniques in this study include literature studies and field studies. Literature studies are used to collect secondary sources in the form of books, scientific journals, research articles, and relevant laws and regulations. The field study was conducted with semi-structured interviews with judicial officials and justice seekers, so as to allow researchers to explore empirical experiences regarding the obstacles to the implementation of decisions. The data obtained are then analyzed in a descriptive-analytical manner, namely by describing the applicable normative provisions and then criticizing them through empirical findings, so that a comprehensive picture of the gap between legal norms and implementation practices can be obtained.

Discussion

Results

Regarding child custody in case Number 174/Pdt.G/2012/PA, Bn. ini falls to the wife (Respondent), it means that the demands of the Plaintiff/Respondent Reconciliation Convention have been granted by the Panel of Judges. With the existing facts, it is proven that the husband (the Applicant) is not responsible for the child and the wife for a period of 5 months leaving the wife, so that the application for child custody by the Judge of the Religious Court is determined to the wife, especially if the age of the child who is still 9 years old means that he is still a minor (not yet mumayyiz). As Article 105 paragraph (1) of the Compilation of Islamic Law states that the maintenance of children under the age of 12 is the right of the mother with the cost of maintenance borne by the father.

Article 105 paragraph (3) of the Compilation of Islamic Law adds that in the event of divorce, the father is still responsible for the maintenance costs. This means that fathers are still obliged to maintain and educate their children even after a divorce. Because in the provisions of Article 41 paragraph (1) of Law Number 1 of 1974 it states that both fathers and mothers are still obliged to maintain and educate their children, solely based on the interests of the child, then if there is a dispute regarding child custody, the Court will give the decision.

Thus, the cost of maintaining and breastfeeding the child becomes the responsibility of the father according to his ability, at least until the child is an adult and can take care of himself (21 years old). If the father dies, then the breastfeeding becomes the responsibility of the person who is obliged to provide for the father or guardian.

The ability of a father can be seen from his socioeconomic conditions. In this case, the judge will give consideration to the application to be granted in whole or in part. Child support after divorce must be carried out by both parents, especially the father. However, if the father's condition does not allow him to provide maintenance, then the mother is obliged to provide child support. The obligation of both parents is so that children born from the marriage are not abandoned due to the divorce of their parents.

The Religious Court as a Court of first instance established by Presidential Decree, is domiciled in the Municipality or Capital of the district whose jurisdiction includes the municipality or district.⁴ Article 54 of Law No. 7 of 1989 as amended by Law No. 3 of 2006, and for the second time amended by Law No. 50 of 2009 concerning Religious Courts states, "The procedural law applicable to Courts within Religious Courts is the Civil Procedure Law applicable to Courts within the General Court, except as specifically regulated in this Law." Basically, the examination of cases in the Religious Court refers to the civil procedure law in general, except for those specifically regulated, namely in examining disputes, especially marriage cases, which are regulated in: Law Number 7 of 1989 as amended by Law

1. Law Number 3 of 2006, for the second time was passed by Law Number 11 of 2006.
2. Law Number 50 of 2009 concerning Religious Justice
3. Law No. 1 of 1974 and Government Regulation No. 9 of 1975
4. Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law;
5. Regulation of the Minister of Religion No. 2 of 1987 concerning Guardianship;
6. Other rules relating to marital disputes;
7. Islamic fiqh books as a source of legal discovery;
8. Jurisprudence as a source of law.⁵

⁴ HA Mukti Arto., 15

⁵ HA Mukti Arto 205

The Religious Court is obliged to provide legal and justice services in certain cases for those who are Muslim, both in the form of contentious and voluntary, where the interested parties must file a lawsuit or application.

The law distinguishes between talaq at the will of the husband (divorce talaq) and suing for divorce at the will of the wife (divorce sugate). According to Islamic law, the one who is authorized to hold the talak rope is the husband, and therefore it is the husband who has the right to break the marriage bond by saying the talak vow. So that if the husband wants to pronounce the talaq vow, he does not file a divorce lawsuit but submits an application for permission to pronounce the talaq vow. Furthermore, the Religious Court will assess whether it is appropriate for a husband to divorce his wife, by looking at the reasons so that a good and fair divorce is created as required by Islamic teachings. The author agrees with H. A Mukti Arto, that a divorce application, even though it is in the form of an application, is in essence a lawsuit, because there is an element of dispute. Therefore, it must be processed as a lawsuit to protect the wife's rights in seeking a legal settlement and justice.

In adjudicating and deciding a case, the judge must listen to both parties, which means that the litigants must be equally considered, entitled to equal treatment, and fair and each must be given the opportunity to give their opinion. The judge, without having to make a request from the wife's side, can oblige/punish in his decision the ex-husband to provide maintenance and/or establish an obligation for the ex-wife. This is intended for the realization of a fair and courteous divorce, in addition to the realization of a simple, fast and low-cost justice.

Based on an interview with Drs. A. Sapuan, Judge of the Bengkulu Religious Court, after the divorce lawsuit case was decided by the Panel of Judges, 14 days were given for the parties to file legal remedies. The legal remedies in question are resistance (*verzet*), appeal, and cassation. If there is no legal remedy from the parties within the specified time limit, then the Court's decision has permanent legal force (*inkracht*).⁶

After the decision of the divorce application is handed down by the Religious Court and has obtained permanent legal force, the Religious Court will set a date to witness the talaq pledge in a stipulated manner, by summoning the husband (Applicant) and wife (Respondent) or their attorney to be present at the hearing. In the hearing, the husband or his

⁶ Interview with Judgment Religious Court Bengkulu Drs. A. Sapuan,

attorney who is given special power of attorney is obliged to pronounce the pledge of talaq in front of his wife or legal representative.

If the wife has been legally and properly summoned but is not present in person or sends her proxy, then the husband can pronounce the pledge of talaq without the presence of the wife or his proxy. However, if the husband has been legally and properly summoned to pronounce the talaq vow in Court, but is not present in person and does not send his power of attorney or power, then he is given 6 (six) months from the date of the trial to witness the talaq vow.

If within that period the husband does not come back to report that he will pronounce the talak vow, then the verdict (permission to vow talaq) becomes null and void and can no longer be filed for talak for the same reason. This means that the husband and wife are still in a marital bond. On the other hand, if within that period the husband then reports that he still intends to pronounce the talak vow, then the Religious Court can open another session to witness the talak vow by summoning the husband and wife or their attorney. The marriage was dissolved when the talaq vow was pronounced before the Court.

According to Nurmadi Rasyid, she said that the steps taken by the Bengkulu Religious Court in case No.174/Pdt.G/2012/PA Bn, were only limited to supervision with a period of time until the husband pronounced the talaq vow. If no effort is made by the parties who feel that their interests are harmed, then the Court considers the decision not problematic and can be implemented by the parties.⁷

The judge is waiting, meaning that the initiative to file a lawsuit is completely left to the relevant parties, meaning that whether there is a lawsuit or not, the judge will not look for it, but just wait. So there is no judge if there is no lawsuit. According to the author, with the principle in the procedural law if there is no legal action carried out by the interested parties, the Court Decision that has legal force can still be implemented and all obligations that have been determined to the interested parties can be fulfilled.

The author thinks that with the obligations imposed on the husband, both the rights of the wife and the rights of children, must be fulfilled in accordance with what has been decided by the Panel of Judges in its Decision. If in the end the husband commits irregularities, for example neglecting his obligation to meet the cost of alimony (hadhanah) for his

⁷ Interview with Judgment Religious Court Bengkulu Drs. A. Sapuan

children, then legal remedies or an application for execution can be made for the decision.

Parties who feel aggrieved by their interests can file an ordinary legal remedy before the pledge of talaq by the husband as above it has been explained that after the verdict is read by the Panel of Judges, it provides a grace period of 14 days to take legal action for the parties who feel aggrieved by the decision. However, if it turns out that after a new period of time it is known that the father did not perform his obligations as determined by the Panel of Judges, then the mother or child concerned can submit an application for the execution of child support to the Religious Court.

In practice in the Religious Court, two types of executions are known, namely (1) real or real execution as stipulated in Article 200 paragraph (11) of the HIR, Article 218 paragraph (2) R.Bg. and Article 1033 of the Revised Code which includes handover, emptying, dismantling, dividing and doing something. (2) The execution of the payment of a sum of money by auction as intended in Article 200 of the HIR and Article 215 of the R.Bg which is carried out by selling the debtor's goods by auction or also carried out in the division of property if the division is peaceful and the agreement of the parties (in kind) cannot be carried out as in the case of common property and inheritance.⁸

From the above provisions, if it is related to the problems in this thesis that concern the efforts that can be made to force the male parents (fathers) to comply with the content of the Religious Court's decision that punishes him to provide child support, then the mother can apply for the execution of the payment of alimony costs to the Religious Court to force the male parents (fathers) to provide child support. The mother can apply for execution against the male parent (father) who is negligent in carrying out the child's maintenance obligations, of course this can only be done if the male parent (father) has property that can be executed. The issue of child support costs also cannot be resolved through legal remedies if it turns out that the parents' property does not exist, so that even if it is requested for execution, it will be in vain.

In current practice, most divorce decisions regarding the nominal amount of child support are actually insufficient for the child's needs and livelihood. According to family law, the most important rights of children

⁸ Yahya Harahap dalam Abdul Manan, *Penerapan Hukum Acara Perdata di Lingkungan Peradilan Agama*, Yayasan Al Hikmah, Jakarta, Cet.II, 2001, 215

are the right to receive maintenance from their parents. In fact, if the parents do not provide for their children, then the father can be sued in court to pay child support. Likewise with mothers, mothers can file a forcible effort (execution) against the negligent father to the Religious Court.

As Nurmadi Rasyid argued, a mother can apply for an execution of alimony to restore her child's right to receive maintenance costs (hadhanah) from his father that are not met.⁹ According to him, according to the author, based on the Decision of the Bengkulu Religious Court Number 174/Pdt.G/2012/PA Bn. which decided that the husband is obliged to provide maintenance to his wife and children, then if the husband does not heed the decision, the wife can submit an application for maintenance execution to the Chairman of the Bengkulu Religious Court with the pretext that the decision will not be implemented.

After the decision of the Religious Court has permanent legal force, the fulfillment of the rights demanded by the wife due to the divorce must be fulfilled by the ex-husband. A problem that often occurs in society is the number of ex-husbands who are negligent of the obligations that a husband should fulfill to his wife and children after divorce. This caused a lot of losses to his wife and children. The way to overcome this problem is that the mother who takes care of and educates the child must have the courage to complain or demand that the ex-husband comply with the decision of the Religious Court.

Child support is a child's right that is often ignored by a father. If this happens, the mother or child can apply for an execution to the Chief Religious Court. But in reality, some of them did not apply for the execution of child support.

The ultimate goal of justice seekers is for all their rights that have been harmed by others to be restored through a judge's decision. This can be achieved if the judge's decision can be implemented. The judge's decision will mean nothing if it cannot be implemented. Therefore, the judge's decision has executory power, namely the authority to carry out what is stipulated in the decision with permanent legal force through state instruments.

The one that gives executory power to the judge's decision is the head or title of the decision in the form of the sentence "For Justice Based

⁹ Interview with Judgment Religious Court Bengkulu Nurmadi Rasyid, SH, MH

on the One Godhead." Nurmadi Rasyid added, the judge's decision can be made by:

1. Voluntary, is a verdict in which the losing party complies with the verdict voluntarily without the winning party having to seek the court's assistance or enforce the verdict.
2. Forced, is a verdict in which the winning party seeks the help of the state or the courts to implement the verdict, when the losing party does not want to implement voluntarily.¹⁰

The judge's decision that has gained legal force can still be implemented voluntarily by the losing party, but the problem that exists today is that it often happens that the losing party does not want to implement the decision voluntarily, so it must require assistance from the court to implement the content of the decision by force. This is usually done by the winning party by submitting an execution application to the Chief Justice so that the decision is implemented forcefully.

Likewise with the decision of the Bengkulu Religious Court in case Number 174/Pdt.G/2012/PA. Bn, where the mother to be able to restore the rights of her child which is the obligation of the father to meet the maintenance costs can submit an application for execution to the Chairman of the Bengkulu Religious Court.

Execution is the implementation of the losing party's obligations to fulfill the obligations stated in the judgment. In other words, the execution here is an act carried out by force by the Religious Court at the request of the mother to the father to fulfill his obligation in terms of providing the cost of child maintenance until the child reaches adulthood (forced execution on judgment). It is the same with the decision of the Bengkulu Religious Court in case Number 174/Pdt.G/2012/PA. Bn, where the mother is able to restore the rights of her child which is the obligation of the father to meet the maintenance costs, can submit an application for execution to the Chairman of the Bengkulu Religious Court.

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¹⁰ Interview with Judgment Religious Court Bengkulu Nurmadi Rasyid, SH, MH

An enforceable decision is a decision that meets the conditions for execution, namely:

1. A judgment that has permanent legal force, except in the case of:
2. The verdict was not carried out by the convict voluntarily even though he had been given a warning by the Chairman of the Religious Court.

The Religious Court in question is the Religious Court that makes a decision or the Religious Court that is delegated its authority by the Religious Court that decides it. The only Religious Court that has the authority to carry out the execution is the Court of First Instance. The High Court of Religion is not authorized to carry out executions.¹¹

Furthermore, if from the beginning at the time of the divorce lawsuit hearing, the mother was not asked for alimony and then it turned out that the male parents (father) did not provide support to the child, then the mother could file a maintenance lawsuit against the male parents (father) to the Religious Court which was separate from the previous divorce lawsuit.

If you look at the answers of the respondents in this study, of the respondents who stated that the male parents (fathers) have never provided child support even though it has been decided by the Religious Court, all of them said that they often ask for child support from the male parents (fathers) but were not obeyed. Unfortunately, of the eight respondents, none of them stated that they had taken legal routes. The lack of legal remedies is due to the respondents' low knowledge of the law. Thus, it can be stated that parents or daughters have never taken the legal route to force the male parents (fathers) to obey the content of the decision on child support due to the lack of knowledge about the law itself.

Within the framework of Islamic family law in Indonesia, a father's obligation to support children after divorce has a clear normative basis. Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI) emphasizes that the termination of the marriage bond does not remove the responsibility of parents towards children. Article 41 of the Marriage Law, for example, states that both father and mother remain obliged to maintain and educate children in the best interests of the child. In line with that, Article 105 of the KHI gives custody to the mother over the child who has not been *mumayyiz*, while the financial burden is still borne by the father. Juridically, these provisions are in line with *maqāṣid al-syarī'ah*, especially the principle of *ḥifẓ al-nasl* (hereditary protection) and

¹¹ Mukti Arto, 313

hifz al-nafs (life protection), which makes the welfare of children a legal priority.

However, this normative basis faces serious obstacles when dealing with practice in court. Judges' decisions that expressly determine the amount of child support often stop at the level of legal documents that do not have coercive force. This is related to the characteristics of civil procedure law in Indonesia which places judges in a passive position, waiting for an execution request from interested parties. As a result, the child support decision depends on the mother's initiative as a caregiver, which is often hit by legal literacy limitations, economic conditions, and cultural barriers. A case study of Decision No. 174/Pdt.G/2012/PA Bn at the Bengkulu Religious Court shows this weakness: even though the decision stated the father's obligation, the execution did not take place because there was no request from the mother's side. This shows that there is a fundamental gap between legal norms and judicial implementation, which has direct implications for the neglect of children's rights. Thus, although normative instruments are available, the fundamental problem lies in the weak executory power and the system's dependence on the initiative of vulnerable individuals.

Structural and Cultural Barriers in the Enforcement of Child Maintenance

In addition to normative and procedural constraints, structural and cultural factors play an important role in weakening the effectiveness of enforcing post-divorce child support obligations. From a structural perspective, the limitations of court legal instruments make the execution of judgments not run optimally. The mechanism for the execution of alimony payments through property confiscation or auction, as stipulated in the HIR and RBg, in practice is rarely carried out because not all fathers have property that can be confiscated. This condition causes court decisions to often lose their effectiveness. On the other hand, the judicial apparatus still has limitations in terms of capacity and courage to encourage executory decisions in favor of children. The court's unwillingness to be proactive in cracking down on maintenance violations further widens the gap between formal justice and substantive justice.

Cultural factors are no less decisive. In society, there is still a growing view that the issue of post-divorce maintenance is a personal matter between the ex-husband and wife, not a public issue that must be enforced through legal instruments. The social stigma attached to women suing or suing their ex-husbands in court often discourages mothers from applying for execution, even though the verdict clearly states the rights of the child. Furthermore, the low

legal awareness of the community worsens this condition. Interview data with court officials shows that many parties are actually harmed but do not know the legal mechanism to claim their rights. In this context, the failure to enforce child support after divorce is not only caused by the weakness of the legal system, but also by the legal culture of society that has not placed children's rights as an issue of public justice.

These two factors show that the problem of child support after divorce cannot be solved only by improving regulations, but requires a more comprehensive strategy. Reform of the execution system needs to be accompanied by increasing legal literacy, women's empowerment, and changing the paradigm of society on the importance of child protection. Thus, this discussion emphasizes that the enforcement of child support obligations after divorce is a multidimensional problem that requires a normative, structural, and cultural approach at the same time.

Conclusion

This research confirms that post-divorce financial obligations, especially child support, already have a strong normative basis in the Islamic family law system in Indonesia. Law No. 1 of 1974, the Compilation of Islamic Law, and various court jurisprudence place the father as the party who remains responsible for the maintenance of the child, even after the marriage bond ends. However, empirical reality shows that the implementation of this obligation is still far from effective. The gap between legal norms and judicial practice arises due to three main factors: the limitations of the execution legal instruments possessed by the court, the passive position of the judicial apparatus waiting for the initiative of the aggrieved party, and the low legal awareness of the public which has an impact on the weak demand for the implementation of the judgment.

The implications of these findings are multidimensional. From the theoretical side, this study enriches the discourse on Islamic family law by emphasizing the importance of implementation analysis, not only at the normative level. This shows that the effectiveness of law cannot be measured by legal text alone, but by its ability to protect substantive rights, especially children's rights. From a practical perspective, this research encourages the need for policy reform in the religious justice

environment through strengthening the mechanism of execution of judgments, granting more proactive authority to judges, and increasing the capacity of the judicial apparatus. In addition, increasing community legal literacy and women's empowerment is an important agenda to ensure that children's rights are not only guaranteed normatively, but also implemented in real life. Thus, this study confirms that the enforcement of child support obligations after divorce is not just an administrative issue, but an integral part of the protection of children's rights and substantive justice in Islamic law. Comprehensive improvement efforts, both in terms of regulation, institutional structure, and community legal culture, are a prerequisite for the realization of a family law system that is truly responsive, fair, and in harmony with the goals of *maqāsid al-syarī'ah*.

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