



JUDICIAL PRACTICES IN ENFORCING POST-DIVORCE MAINTENANCE RIGHTS FOR WOMEN AND CHILDREN IN INDONESIA

Ahsanul Fahmi¹, Muhammad Nasir², Nur Anshari³,
Aminah⁴, Mohammad Nurunnabi⁵

¹IAIN Langsa, Indonesia, E-mail: ahsanulfahmi4@gmail.com

²IAIN Langsa, Indonesia, E-mail: muhammad_nasir@iainlangsa.ac.id

³IAIN Langsa, Indonesia, E-mail: nuranshari@iainlangsa.ac.id

⁴IAIN Langsa, Indonesia, E-mail: aminah@iainlangsa.ac.id

⁵Southern University Bangladesh, E-mail: nuriumbd@gmail.com

Submitted: September 30, 2025; Reviewed: November 4, 2025; Accepted: November 21, 2025
DOI: 10.25041/iplr.v6i2.4608

Abstract

Although CEDAW, the CRC, Indonesian law, and Supreme Court regulations provide a normative basis for protecting women's and children's rights after divorce, implementation in practice remains challenging. This paper examines how Religious Courts ensure the fulfillment of these rights, offering the first systematic analysis of post-divorce alimony enforcement as an expression of the courts' *regelende functie*. Using a normative method with statutory and conceptual approaches, the study shows that while few divorce rulings explicitly include alimony provisions, the Supreme Court has strengthened judicial authority through several SEMA aimed at protecting vulnerable parties. These reforms are reflected in innovative practices in Surabaya, Gresik, Bengkulu, and Bontang, where institutional collaboration, salary deductions, and digital monitoring systems have improved the effectiveness and certainty of alimony enforcement.

Keywords: Divorce; Maintenance Rights; Religious Courts.

A. Introduction

Rulings on maintenance for a former wife and child are primarily directed at the child's biological father, who retains legal responsibility for his children's welfare after divorce.¹ This obligation is grounded in statutory law and religious principles that require fathers to provide for their children regardless of marital status.² The amount of maintenance (*nafkah*) is determined through judicial assessment of the father's financial capacity, based on evidence such as income statements, employment records, and other relevant documentation.³

However, societal realities diverge from this normative framework. Many divorced fathers neglect their financial and emotional responsibilities, while numerous women remain unaware

¹ Badruddin Hj Ibrahim and Azizah Mohd, "The Child's Right to Maintenance: The Extend of the Family's Responsibilities in Islamic Law and According to the Family Law Provisions of Muslim Countries," *Arab LQ* 25 (2011): 401, doi:10.1163/157302511X593512.

² Dedi Sumanto, Titin Samsudin, and Fikri Hi. Asnawi Amirudin, "The Existence of the Religious Court in Handling Divorce Cases on the Reason of Domestic Violence," *Jambura Law Review* 3, no. 2 (July 27, 2021): 214-30, doi:10.33756/jlr.v3i2.11651.

³ M Natsir Asnawi, "Implementasi Jurimetri Dalam Penentuan Jumlah Nafkah Anak," *Jurnal Hukum Dan Peradilan* 5, no. 3 (2016): 331-50, doi:10.25216/jhp.5.3.2016.331-350.

of their legally protected rights, leaving them vulnerable to post-divorce deprivation.⁴ Limited understanding of post-divorce entitlements also contributes to the low number of claims formally submitted to the courts, perpetuating cycles of neglect and injustice.⁵

Although courts frequently issue orders for child maintenance, enforcement remains weak.⁶ Data from the Religious Courts Agency (*Badilag*) of the Supreme Court of Indonesia illustrates the scale of the issue. In 2024, the Religious Courts handled 616,831 cases in total, of which 417,750 (67.7 percent) were divorce cases. Of these, 77 percent were filed by wives (*cerai gugat*) and 23 percent by husbands (*cerai talak*). Despite the volume of cases, substantive protection for women and children remains limited. Only 11.19 percent of divorce verdicts addressed the legal consequences of divorce, including *iddah*, *mut'ah*, *Madhiyah*, *Hadhanah*, and delayed dowry payments.⁷ Furthermore, of 447,417 cases decided in 2018, only about 1 percent included claims for child maintenance, another 1 percent for maintenance of the former wife, and less than 1 percent for division of joint property.⁸ These findings align with broader studies indicating persistently low access to justice in Indonesia.⁹

The structural vulnerability of women in securing post-divorce rights is closely tied to the ideological foundations that have long shaped family law.¹⁰ As Ziba Mir-Hosseini observes, gender inequality has been justified through assumptions about inherent differences between men and women. Women are often depicted as naturally weaker and more emotional, and their reproductive role is used to confine them to domestic spheres. Within this framework, traditional divorce procedures typically leave women unable to contest a husband's unilateral decision to end the marriage.¹¹ Many divorced women therefore face systemic barriers that hinder the realization of their legally recognized rights, reflecting broader structural inequalities rather than individual circumstances.¹²

Martha Fineman's vulnerability theory further illuminates this dynamic. Fineman contends that equality cannot depend on membership in specific identity categories or on the public-private divide. All individuals are inherently vulnerable and dependent, and autonomy is a socially constructed condition shaped by state institutions. From this perspective, the state, including the Religious Courts, has an affirmative obligation to create institutional mechanisms that proactively protect women and children in the aftermath of divorce.

As judicial bodies mandated to adjudicate family law disputes, the Religious Courts confront two central expectations. The first is to uphold the law and administer justice effectively by bridging the gap between abstract legal provisions and concrete cases, ensuring that each decision reflects both the letter and the spirit of the law. This requires judges to examine all relevant facts carefully so that legal doctrine is applied accurately and fairly. The second is to

⁴ Yani Arfianti Siregar et al., "Legal Certainty of the Rights of Wives and Children After Divorce," *Jurnal Elysyakhshi* 1, nos. 1 SE-Articles (December 28, 2023): 25–32, doi:10.69637/jelsy.v1i1.10.

⁵ Qodariah Barkah et al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (December 31, 2022): 383–411, doi:10.19105/al-lhkam.v17i2.6725.

⁶ Mursyid Djawas et al., "The Alimony Obligation of a Civil Servant and Non-Civil Servant Father towards Children Post-Divorce (The Research on Aceh Syar'iyah Court Decision Research of 2019)," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (2023): 91–114, doi:10.22373/ujhk.v6i1.9493.

⁷ MARINews, "Praktik Perlindungan Pemenuhan Nafkah Bagi Mantan Istri Dan Anak Setelah Cerai Di Tiga Negara," *Mahkamah Agung Republik Indonesia*, 2025, <https://marinews.mahkamahagung.go.id/hukum/praktik-perlindungan-pemenuhan-nafkah-bagi-mantan-istri-0dV>.

⁸ Mohammad Akram Laldin, "Understanding the Concept of Maslahah and Its Parameters When Used in Financial Transactions," *ISRA International Journal of Islamic Finance* 2, no. 1 (2010): 61–84, doi:10.55188/ijif.v2i1.91.

⁹ Jayne Curnow, "Legal Support Structures and the Realisation of Muslim Women's Rights in Indonesia," *Asian Studies Review* 39, no. 2 (April 3, 2015): 213, doi:10.1080/10357823.2015.1025695.

¹⁰ Ziba Mir-Hosseini, "Justice and Equality and Muslim Family Laws: New Ideas, New Prospects," *Sharia and Justice: An Ethical, Legal, Political, and Cross-Cultural Approach* 73 (2018): 73, doi:10.1515/9783110574593-005.

¹¹ Muhammad Nasir et al., "Legal Status and Consequences of Unilateral Divorce: Comparative Studies between Egypt, Jordan, Tunisia and Indonesia," *Malaysian J. Syariah & L.* 12 (2024): 458, doi:10.33102/mjst.vol12no2.614.

¹² Martha Albertson Fineman, "The Vulnerable Subject: Anchoring Equality in the Human Condition," in *Transcending the Boundaries of Law* (Routledge-Cavendish, 2010), 23.

demonstrate particular sensitivity to the protection of women and children, who are often the most disadvantaged in family disputes. Their role extends beyond dispute resolution to the promotion of social justice within the family. The challenge lies in balancing strict legal application with the broader humanitarian mandate to ensure that women and children receive the protection and support that the law is intended to guarantee.¹³

Previous studies have examined this issue from multiple perspectives. Rahmawati et al. investigated factors that contribute to a former husband's failure to fulfill post-divorce obligations.¹⁴ Abdullah et al. analyzed similar problems in Lombok¹⁵. Wahyu et al. explored views from legal practitioners in East Java.¹⁶ Syukrawati et al. assessed court decisions to identify patterns in rulings on maintenance rights.¹⁷ Although these studies provide useful insights, none specifically analyze how the Religious Courts have proactively sought solutions to address enforcement challenges.

To frame this inquiry, the research refers to the *regelende functie* (regulatory function) of the Supreme Court as outlined in Article 79 of Law Number 14 of 1985 concerning the Supreme Court. This provision authorizes the Court to regulate matters necessary for the smooth administration of justice when existing laws are inadequate. In legal scholarship, this authority is understood as the regulatory function of the Supreme Court.¹⁸

Against this background, the central problem addressed in this research is how the Religious Courts in Indonesia operationalize their judicial authority to ensure the enforcement of women's and children's maintenance rights after divorce. The research question that follows is: What innovative judicial and institutional mechanisms have emerged within the Religious Courts to strengthen the fulfillment of these rights? The novelty of this research lies in its intensive examination of the role of Religious Courts across districts in Indonesia, which distinguishes it from prior research.

This research employs a normative juridical research design with a limited socio-legal dimension. The primary focus is the analysis of legal norms, institutional regulations, and judicial practices related to the enforcement of post-divorce maintenance rights for women and children. The socio-legal dimension appears in the examination of how Religious Courts interpret and implement these norms in actual judicial administration, as reflected in court decisions, administrative documents, and institutional initiatives. The research does not include interviews or surveys but relies exclusively on documented sources.

The data used in this research are entirely secondary data, consisting of:

1. Primary legal materials, such as the Marriage Law (Law No. 1 of 1974), Religious Courts Law (Law No. 7 of 1989 as amended by Law No. 3 of 2006 and Law No. 50 of 2009), the Compilation of Islamic Law (KHI), and relevant Supreme Court Regulations and Circular Letters (SEMA), particularly SEMA No. 1 of 2017, SEMA No. 3 of 2018, and SEMA No. 1 of 2022.
2. Secondary legal materials, including academic books, journal articles, and reports from *Badilag* MA RI (Directorate General of the Religious Courts).
3. Tertiary materials, such as legal encyclopedias and dictionaries.

¹³ Amran Suadi, "Peranan Peradilan Agama Dalam Melindungi Hak Perempuan Dan Anak Melalui Putusan Yang Memihak Dan Dapat Dilaksanakan/The Role Of Religious Court In Women And Children Rights Protection Through Partial And Executable Decision," *Jurnal Hukum Dan Peradilan* 7, no. 3 (2018): 353, doi:10.25216/jhp.7.3.2018.353-374.

¹⁴ Rahmawati Rahmawati et al., "Dis-Implementation of the Islamic Family Law in Fulfilling the Rights of Ex-Wives After Divorce in Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (2025), doi:10.22373/sjhk.v9i1.27172.

¹⁵ Abdullah Abdullah et al., "Fulfillment of The Living Rights of Children the Victims of Divorce in the Muslim Community of Lombok, Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (July 1, 2024): 253–71, doi:10.22373/ujhk.v7i1.22281.

¹⁶ Wahyu Saputra, Muhammad Ali Murtadlo, and Aftab Haider, "Challenges in Upholding Women's Post-Divorce Rights: Experiences From Legal Practitioners in the Mataraman Region, East Java," *AL-HUKAMA* 14, no. 1 (June 11, 2024): 46–73, doi:10.15642/alhukama.2024.14.1.46-73.

¹⁷ 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 (April 30, 2024): 121–46, doi:10.21580/ahkam.2024.34.1.20624.

¹⁸ Henry P Panggabean, *Fungsi Mahkamah Agung Dalam Praktik Sehari-Hari* (Jakarta: Sinar Harapan, 2001), 143.

B. Discussion

1. Challenges to Ensure the Rights of Women and Children After Divorce in Indonesia

In both national and international law, women are classified as a vulnerable group alongside children.¹⁹ This classification is grounded in social, cultural, and economic conditions, as well as the heightened risk of violence and rights violations that women may face.²⁰ Women's rights frequently encounter discrimination and marginalization, whether through interpretive traditions, societal norms, or government policies.²¹

Once a divorce judgment has attained binding legal force (*inkracht*), the husband is legally required to fulfill the rights of his former wife and their children.²² These entitlements are regulated under Law Number 1 of 1974 on Marriage and elaborated in the Compilation of Islamic Law (KHI). The rights of children affected by divorce are similarly protected under these legal frameworks.²³

In practice, many husbands neglect their obligations to their former wives and children after divorce.²⁴ Compounding this problem, many women are unaware that they hold legally enforceable rights and therefore become vulnerable to the loss of those rights. Limited legal literacy among women concerning post-divorce entitlements results in only a small proportion of such claims being brought before the courts.²⁵

There are several rights that a former husband is obligated to fulfill for his former wife and children, as mandated by the Compilation of Islamic Law (KHI):

- a. **Mut'ah.** Mut'ah is financial compensation provided by a husband to his former wife in the form of goods, money, or other assets.²⁶ It serves as a final gesture of respect intended to ease the psychological impact of divorce and recognize the wife's contributions during the marriage. Its provision, regulated in Article 160 of the KHI, is determined by the judge based on the couple's economic background, the duration of the marriage, and the wife's role.
- b. **Iddah Support.** Iddah support refers to mandatory maintenance that a former husband must provide during the wife's waiting period after divorce. This period allows determination of pregnancy and offers the possibility of reconciliation.²⁷ Since the wife may not remarry during iddah, the husband remains responsible for her basic needs. This obligation is affirmed in Article 41 letter (c) of Law Number 1 of 1974.
- c. **Madhiyah Support.** *Madhiyah* support consists of financial maintenance that should have been provided during the marriage but was neglected or delayed.²⁸ It functions as

¹⁹ Michelle Heacock et al., "E-Waste and Harm to Vulnerable Populations: A Growing Global Problem," *Environmental Health Perspectives* 124, no. 5 (May 2016): 550–55, doi:10.1289/ehp.1509699.

²⁰ Lawrence O. Gostin, Eric A. Friedman, and Sarah A. Wetter, "Responding to Covid-19: How to Navigate a Public Health Emergency Legally and Ethically," *Hastings Center Report* 50, no. 2 (March 26, 2020): 8–12, doi:10.1002/hast.1090.

²¹ David R. Williams, Naomi Priest, and Norman B. Anderson, "Understanding Associations among Race, Socioeconomic Status, and Health: Patterns and Prospects.," *Health Psychology* 35, no. 4 (April 2016): 407–11, doi:10.1037/hea0000242.

²² Ethan Michelson, "Decoupling: Marital Violence and the Struggle to Divorce in China," *American Journal of Sociology* 125, no. 2 (September 2019): 325, doi:10.1086/705747.

²³ Mursyid Djawas et al., "The Legal Position of Children of Incest (A Research of Madhhab Scholars and Compilation of Islamic Law)," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (June 27, 2022): 139, doi:10.22373/sjhk.v6i1.11904.

²⁴ Siregar et al., "Legal Certainty of the Rights of Wives and Children After Divorce."

²⁵ Barkah et al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective."

²⁶ Nuril Hidayati, "The Icrar of Talak as A Result of Mut'ah Imposition Perspective of Mashlahah Mursalah," *GIC Proceeding* 1 (2023): 326–37, doi:10.30983/gic.v1i1.146.

²⁷ Sirman Dahwal and Dimas Dwi Arso, "Rights and Obligations of a Husband as a Civil Servant to His Ex-Wife after Divorce According to Indonesian Law," *Bengkoelen Justice: Jurnal Ilmu Hukum* 13, no. 2 (2023): 244–73, doi:10.33369/jbengkoelenjust.v13i2.31118.

²⁸ Moh Agung Laksono Kholid, Muhammad Zaki, and Iskandar Syukur, "Analisis Tujuan Hukum Terhadap Putusan Mahkamah Agung Tentang Penolakan Nafkah *Madhiyah* Anak (Studi Putusan Mahkamah Agung No. 608/K/Ag/2003)," *Al Maqashidi: Jurnal Hukum Islam Nusantara* 5, no. 2 (2022): 81–96, doi:10.32665/almaqashidi.v5i2.1324.

- compensation for the husband's failure to meet marital obligations, and the responsibility continues even after divorce. This provision is found in Article 77 paragraph (5) of the KHI.
- d. Unpaid Dowry (*Mahar*). A wife retains the right to any portion of the *Mahar* that remains unpaid (*ba'da dukhul*), particularly when the dowry was promised but not delivered after consummation. Article 149 letter (c) of the KHI codifies this obligation, reflecting the principle that all financial commitments in the marriage contract must be honored.
 - e. Child Custody Expenses (*Hadhanah*). Children are entitled to proper care and maintenance, which remain the responsibility of both parents. Article 45 paragraph (1) of Law Number 1 of 1974 requires parents to support and educate their children until they marry or can live independently. Article 156 letter (d) of the KHI places primary responsibility for *Hadhanah* and financial support on the father until the child reaches 21 years of age or attains independence. This framework ensures continued legal protection and support for children after parental separation.

Although the national legal framework provides a relatively strong juridical foundation, the implementation of these norms has not yet achieved full effectiveness. At the normative level, the law sets out clear obligations for former husbands to provide maintenance, grants judges the authority to decide on child custody and support, and establishes procedural rules for enforcing such decisions. Collectively, these instruments form an integrated legal architecture that should, in principle, ensure legal certainty and protection for women and children as vulnerable parties in post-divorce situations.

In practice, however, a significant gap persists between legal mandates and actual enforcement. Many divorce judgments are issued without explicit or detailed provisions on alimony, child support, or other post-divorce entitlements, which weakens the enforceability of these rights. Even when decisions clearly specify such obligations, execution is often obstructed by structural and procedural barriers, including limited cooperation from administrative institutions, the absence of integrated monitoring mechanisms, and the high costs associated with filing for execution.

Yasardin mention several fundamental issues that hinder the successful execution of these rights:²⁹

- a. Claims Not Explicitly Stated in the *Petitum*. Many divorce petitions filed by wives do not include explicit requests regarding the legal consequences of divorce, particularly iddah maintenance, mut'ah, child maintenance, and division of joint property, as also noted by Amran Suadi.³⁰ This omission is often due to limited legal understanding, especially among women who may not realize that such claims must be stated clearly. Social constructions that portray women who file for divorce as "guilty" frequently lead to negative labels such as *nusyuz*³¹. Two factors drive this phenomenon: first, ignorance of the law concerning rights that arise after divorce; second, the misconception that requesting maintenance will prolong the divorce process or be perceived as insincere. Social stigma further reinforces the belief that claiming maintenance may be equated with defiance of the husband, causing many women to avoid such demands.

²⁹ Yasardin, "PRAKTIK PERLINDUNGAN PEMENUHAN NAFKAH BAGI MANTAN ISTRI DAN ANAK PASCA PERCERAIAN DI INDONESIA," *Disampaikan Pada Kegiatan Webinar Internasional Mahkamah Agung Republik Indonesia, Mahkamah Syar'iyah Brunei Darussalam Dan Mahkamah Syar'iyah Malaysia - 19 Maret 2025, 2025.*

³⁰ Amran Suadi, "TANGGAPAN ILMIAH DALAM WEBINAR: 'Praktik Perlindungan Pemenuhan Nafkah Bagi Mantan Istri Dan Anak Pasca Perceraian Di Indonesia, Brunei Darussalam Dan Malaysia,'" *Disampaikan Pada Kegiatan WEBINAR 3 NEGARA: INDONESIA, BRUNEI DARUSALAM, & MALAYSIA Rabu, 19 Maret 2025, 2025.*

³¹ Arwa Syaima, Widiyanto Widiyanto, and Nemer Alotaiby, "The Development of Marital Rape in Islamic Family Law Reform," *Mizan: Journal of Islamic Law* 8, no. 2 (2024): 139–56, doi:10.32507/mizan.v8i2.3168.

- b. **Judicial Reluctance to Use Ex Officio Authority.** Judges in the Religious Courts often refrain from issuing rulings on divorce-related consequences because they adhere strictly to the principle of *ultra petitem*, which prohibits granting more than what is requested. Although Article 41 letter (c) of Law Number 7 of 1989 in conjunction with Article 59 of the KHI grants ex officio authority to decide on the rights of former wives and children even when not listed in the *petitum*, judges frequently hesitate to apply this authority. Their concern is that doing so could be interpreted as a procedural violation.³²
- c. **Verstek Decisions and Limited Fact-Finding.** In many divorce cases the defendant does not appear, resulting in a *verstek* decision. Such judgments typically address only the dissolution of marriage without examining the economic capacity of the former husband or the actual needs of the children. The accelerated process, often completed within one or two hearings, limits the court's ability to review financial documents needed to determine proportional maintenance. Consequently, maintenance awards may be unrealistic or unenforceable, especially when the former husband works in the informal sector.
- d. **High Execution Costs and Weak Enforcement Mechanisms.** One of the most significant obstacles is the high cost of filing for execution, which is often disproportionate to the value of the maintenance awarded. Many women are unable to enforce their rights because they cannot afford the execution fees. Execution still relies on seizing assets such as bank accounts, vehicles, or salaries, a method that is ineffective when the former husband lacks recorded assets or works informally. Religious Courts also lack the authority to compel institutions such as employers or banks to deduct income automatically. Coordination with agencies such as *Disnakertrans*, banks, or village administrations is frequently slow due to the absence of a governing legal framework. Some former husbands also deliberately move assets or change employment status to avoid enforcement, while the courts lack mechanisms to monitor such changes.³³
- e. **Non-Sustained Child Maintenance.** Child maintenance orders are often not consistently implemented. Former husbands may delay or evade payments, forcing custodial parents to repeatedly seek execution. This disrupts children's nutrition, education, health, and psychological well-being. Article 27 of the Convention on the Rights of the Child obligates States to ensure the fulfillment of children's essential needs, and paragraph (2) affirms parents' primary responsibility, particularly fathers, to provide financial support according to their capacity.³⁴
- f. **Weak Institutional Coordination.** Effective execution requires interagency cooperation, yet coordination between Religious Courts and institutions such as the Population and Civil Registry Office, the Financial Services Authority, the Ministry of Social Affairs, and law enforcement agencies remains weak. The absence of an integrated system and detailed technical regulations limits the enforceability of court decisions, leaving many rights unrealized.³⁵ Under Article 16 of CEDAW, States are required to eliminate discrimination against women in marriage and family relations and to ensure equality for men and women. The General Recommendation on Article 16 further highlights the economic impacts of marriage and its dissolution. Paragraph 29 emphasizes that, where registered partnerships are recognized, States must guarantee equal rights and

³² Hotnidah Nasution and Ahmad Rifqi Muchtar, "Access to Justice for Women and Children in Divorce Cases in the Indonesian Religious Courts," *AHKAM: Jurnal Ilmu Syariah* 20, no. 2 (2020), doi:10.15408/ajis.v20i2.15702.

³³ 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, doi:10.25216/jhp.11.3.2022.499-522.

³⁴ United Nations General Assembly, *Convention on the Rights of the Child, CRC* (New York: United Nations, 1989), <https://www.ohchr.org/sites/default/files/crc.pdf>.

³⁵ Louna Maret, "Implementation of THE CEDAW in France and Indonesia: Challenges and Progress Towards a Unified Approach to Women's Rights," *Indonesian Journal of International Law* 21, no. 3 (2024): 3, doi:10.17304/ijil.vol21.3.6.

responsibilities in all economic aspects, and its principles apply *mutatis mutandis* to any State that incorporates registered partnerships into its legal system.³⁶

2. Supreme Court Policy and Efforts on Fulfilling the Rights of Women and Children After Divorce

The protection of women's and children's rights after divorce has been a key focus in the Supreme Court's legal reform agenda.³⁷ Supreme Court has issued detailed guidance to strengthen the issues, as follows:

- a. SEMA No. 3 of 2015, mandates that child support determined by the court must include an annual increase of 10–20% to account for rising costs of living, though this excludes education and healthcare expenses.
- b. SEMA No. 4 of 2016 authorizes judges to determine child support *ex officio*, particularly when the child resides with the mother, as aligned with Article 156 letter (f) of the KHI.
- c. SEMA No. 1 of 2017 clarifies that financial obligations resulting from divorce should be explicitly stated in the ruling and must be fulfilled before the pronouncement of *talak* (divorce vow).
- d. SEMA No. 3 of 2018 allows wives in *cerai gugat* (wife-initiated divorce) to claim *mut'ah* and *iddah* maintenance as long as they are not proven to be disobedient (*nusyuz*).
- e. SEMA No. 2 of 2019 permits judges to include in their rulings the requirement that the husband's financial obligations be paid before collecting the divorce certificate. This phrasing must be clearly written in both the claims and the reasoning sections of the court documents.
- f. SEMA No. 5 of 2021 provides additional protection for children by allowing mothers to request asset seizures as guarantees for child support, with the specified assets detailed in the petition.
- g. Lastly, SEMA No. 1 of 2022 introduces a crucial safeguard for children's housing rights in joint property disputes. If the disputed property is the only home occupied by the child, the court may grant the division of assets but delay its execution until the child reaches adulthood (21 years) or gets married.

Judges may adopt two strategies: first, urging the husband to fulfill his financial obligations before the *talak* is pronounced; second, delaying the *talak* declaration and setting a deadline (up to six months) for the husband to settle his obligations, as permitted under Article 131 point (4) of the KHI.³⁸

The rights that must be fulfilled after divorce can be filed through various legal channels, including:

- a. The assertion of rights can be done through a separate case, where the former wife or guardian of the child files an independent lawsuit to claim unfulfilled rights.
- b. Rights can also be filed together (cumulation) with divorce cases, so that in one legal process, in addition to resolving divorce issues, the court also handles claims related to the fulfillment of maintenance rights and other rights that are the obligations of the former husband.

³⁶ Committee on the Elimination of Discrimination against Women, *General Recommendation No. 29 on Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Economic Consequences of Marriage, Family Relations and Their Dissolution)*, CEDAW/C/GC/29 (New York: United Nations, 2013), 6.

³⁷ Mahkamah Agung Republik Indonesia, "MA BERKOMITMEN MEMENUHI HAK-HAK PEREMPUAN DAN ANAK," *Mahkamah Agung Republik Indonesia*, 2021, <https://www.mahkamahagung.go.id/id/berita/4604/ma-berkomitmen-memenuhi-hak-hak-perempuan-dan-anak>.

³⁸ Suadi, "Peranan Peradilan Agama Dalam Melindungi Hak Perempuan Dan Anak Melalui Putusan Yang Memihak Dan Dapat Dilaksanakan/The Role Of Religious Court In Women And Children Rights Protection Through Partial And Executable Decision."

- c. Another alternative is through a counterclaim in a divorce case, where the woman can submit demands for unfulfilled rights in response to the divorce lawsuit filed by the husband.
- d. The initiation of such proceedings can also originate from the judge's own authority, as regulated under Article 41 point (c) of Law Number 1 of 1974. This legal framework grants judges the capacity to act on their own initiative in order to secure the protection of women's and children's rights whenever deemed necessary for the sake of justice and the welfare of the parties involved. The discretionary power of judges to proceed *ex officio* is further affirmed in SEMA Number 4 of 2016 concerning the Application of the Formulation of the Results of the 2016 Supreme Court Chamber Plenary Meeting as a Guide for Judicial Practice. Specifically, in Section C, item (5), it is clarified that the Religious Court possesses the competence to impose obligations on fathers to provide child support on an *ex officio* basis, particularly in circumstances where the child is in the care of the mother.

3. Best Practices from Various Religious Court to Fulfilling the Rights of Women and Children After Divorce in Indonesia

Efforts to secure the rights of women and children after divorce have become a major priority in many countries. In Malaysia, the Family Support Division (BSK), a special unit under the Malaysian Sharia Court Department (JKSM)³⁹, ensures that court rulings on child support and alimony are properly enforced. Through consultation, mediation, protection, and supervision, the BSK functions as a state mechanism to ensure former husbands' obligations are fulfilled.⁴⁰ Its systematic operations demonstrate how supportive institutions can strengthen the sharia court system in delivering post-divorce rights.

Malaysia's BSK shows that protecting women's and children's rights requires not only court decisions but also structured implementation and monitoring. In Indonesia, although no equivalent institution exists, several religious courts have begun taking progressive steps.

a. Best Practice in Surabaya Religious Court

In 2022, the Surabaya Religious Court signed an MoU with the Surabaya City Government to strengthen the protection of women's and children's post-divorce rights, later renewed in 2023. The agreement covers rights protection, data synchronization, post-divorce support programs, and intervention and monitoring for affected families.⁴¹

The implementation of the agreement is done through several steps:⁴²

- 1) The inclusion of the Population Identification Number (NIK) in the divorce decision.
- 2) Child maintenance payments have been agreed to be made every six months and are explicitly stated in the verdict.
- 3) Surabaya Religious Court has integrated data on divorce decisions with the Surabaya Single Window Alfa (SSW Alfa) application. This application plays an important role in monitoring, providing special warnings if these rights have not been fulfilled, and

³⁹ Agustin Hanafi and Mohamad Hedhayatullah Bin Mohamad, "Peran Bahagian Sokongan Keluarga Dalam Masalah Pemenuhan Nafkah Isteri Pasca Perceraian (Studi Kasus Di Mahkamah Tinggi Syariah Kedah, Malaysia)," *Media Syari'ah* 20, no. 1 (February 26, 2020): 57, doi:10.22373/jms.v20i1.6501.

⁴⁰ Zulzaidi Mahmod, Ahmad Hidayat Buang, and Afifah Baharuddin, "Cabaran Penguatkuasaan Penghakiman Mahkamah Syariah: Kajian Peranan Bahagian Sokongan Keluarga Terhadap Hak Wanita Dan Kanak-Kanak Di Sarawak," *Malaysian Journal of Social Sciences and Humanities (MJSSH)* 6, no. 10 (October 10, 2021): 252–67, doi:10.47405/mjssh.v6i10.1075.

⁴¹ Dinkominfo Surabaya, "Pengadilan Agama Surabaya Dan Pemerintah Kota Surabaya Bersinergi Lindungi Hak Perempuan Dan Anak," *PRISMA: Pusat Informasi Sahabat Perempuan Kartini Surabaya*, 2023, <https://prisma.surabaya.go.id/pengadilan-agama-surabaya-dan-pemerintah-kota-surabaya-bersinergi-lindungi-hak-perempuan-dan-anak/>.

⁴² MARINews, "Praktik Perlindungan Pemenuhan Nafkah Bagi Mantan Istri Dan Anak Setelah Cerai Di Tiga Negara."

delaying administrative services until the party concerned obtains a certificate from the Surabaya Religious Court.

- 4) The application of this administrative sanction is strengthened by the provision that, for parties who do not fulfill the contents of the decision related to these rights, the Surabaya City Government has the authority to refuse to provide services to change population identity on KTP and Family Cards and refuse to provide licenses and other public services.

b. Best Practice at the Bengkulu Religious High Court

The Bengkulu Religious High Court launched the E-Mosi Caper application, a digital initiative developed in collaboration with the Bengkulu Provincial Government and officially introduced on November 7, 2022.⁴³ This cross-agency platform enables systematic monitoring of ex-husbands' obligations to former wives and children as mandated by Religious Court decisions.⁴⁴

The initiative was strengthened through an MoU involving the High Court, the provincial and regency or city governments across Bengkulu, and Bank Bengkulu, and applies to all regional civil servants (*ASN*). Through E-Mosi Caper, information on court decisions related to post-divorce rights is automatically sent to the ex-husband, ex-wife, the ex-husband's workplace, and Bank Bengkulu. This ensures that monitoring no longer relies on complaints from former wives.

The main advantage of E-Mosi Caper is its continuous and automated oversight of the fulfillment of post-divorce obligations, which helps ensure that ex-husbands comply with court orders. This innovation represents significant progress in promoting justice and protecting vulnerable groups, especially women and children, in Bengkulu.

c. Best Practice at Gresik Religious Court

Gresik Religious Court works with the Gresik Regency Government to ensure the implementation of divorce decisions, particularly for Civil Servant (*ASN*) employed by the local government. One concrete measure is the automatic salary deduction for *ASNs* who are required by court rulings to provide maintenance to former wives and children. The payroll treasurer processes the deduction and transfers the funds to the entitled party in accordance with the final decision.

Gresik Regency Government also supports enforcement by restricting population administration and licensing services for individuals who fail to comply with court orders. These restrictions include delaying changes to Family Cards (*KK*), Identity Cards (*KTP*), and other administrative permits until the obligations are met.

To improve monitoring, the Gresik Religious Court developed a NIK-based data system for divorce cases. This system is connected to regional agencies such as the Population and Civil Registry Office, *BKD*, and *DPMPTSP*, allowing coordinated verification and supervision. The integrated data enables cross-sector tracking and serves as a basis for granting or limiting public services.

A notable innovation is the court's cooperation with 50 companies in Gresik Regency. Through this partnership, companies commit to:

⁴³ Endad Musaddad et al., "Guaranteeing the Rights of Children and Women Post-Divorce: A Comparative Research Between Indonesia and Malaysia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 8, nos. 1 SE-Articles (April 18, 2025): 1, doi:10.24090/volksgeist.v8i1.12214.

⁴⁴ PTA Bengkulu, "Penandatanganan Kerja Sama Pengadilan Tinggi Agama Bengkulu, Pemerintah Provinsi Bengkulu Dan Bank Bengkulu Untuk Penerapan Aplikasi E-Mosi Caper: Revolusi Perlindungan Hak Perempuan Dan Anak Pasca Perceraian," *Pengadilan Tinggi Agama Bengkulu*, 2024, <https://www.pta-bengkulu.go.id/seputar-peradilan/1895-penandatanganan-kerja-sama-penerapan-aplikasi-e-mosi-caper-oleh-pengadilan-tinggi-agama-bengkulu-pemerintah-provinsi-bengkulu-dan-bank-bengkulu>.

- 1) Conduct internal supervision of the implementation of obligations to fulfill the rights of women and children stipulated in Religious Court decisions, especially by employees who are parties to divorce cases;
- 2) Plan the integration of legal clauses related to court decisions into the terms and conditions of employment in the company as a form of commitment to the protection of women's rights and children in a systemic and sustainable manner.⁴⁵

d. Best Practice at Bontang Religious Court

Bontang Religious Court has established a strategic partnership with a major industrial company in its region, PT Pupuk Kalimantan Timur (Pupuk Kaltim).⁴⁶ This collaboration has the following working mechanism:

- 1) After a divorce case has been decided and obtained permanent legal force, PA Bontang officially sends a copy of the verdict to PT Pupuk Kaltim, especially if one of the parties (usually the ex-husband) is a company employee.
- 2) Based on the verdict, PT Pupuk Kaltim deducts the salary of the employee concerned in accordance with the amount and period stipulated in the court decision.
- 3) As a form of accountability, PT Pupuk Kaltim provides a semi-annual report to PA Bontang, which contains information on the implementation of payment obligations.

In addition to the private sector, the Bontang Religious Court also established a pattern of institutional cooperation with the Bontang City Government, through the relevant regional apparatus that handles the staffing and finance of the Civil Servant (*ASN*).⁴⁷ The cooperation mechanism is carried out in the following stages:

- 1) After the divorce verdict has permanent legal force, PA Bontang submits the official document of the verdict to the Regional Secretariat of Bontang City through the Civil Service and Human Resources Development Agency (*BKPSDM*).
- 2) *BKPSDM* followed up on the decision by submitting a payroll deduction notification to the Regional Financial and Asset Management Agency (*BPKAD*) as a form of administrative recording and reporting.
- 3) Furthermore, *BKPSDM* forwards the verdict to the treasurer of the office/agency where the *ASN* works, who is responsible for making salary deductions according to the contents of the verdict.
- 4) To maintain sustainability and supervision of implementation, *BKPSDM* routinely submits reports on the implementation of deductions and distribution of entitlements to the Bontang PA every semester, including obstacles that may be encountered in the field.

The cooperation model developed by the Bontang Religious Court with the private sector and local government illustrates how institutional synergy can enhance the effectiveness of religious courts, particularly in ensuring that women's and children's post-divorce rights are implemented in a real and measurable way. Going beyond issuing verdicts, the court promotes sustained accountability through systematic monitoring and control mechanisms.

⁴⁵ Khanif Rosidin, "Gandeng 50 Perusahaan, PA Gresik Pecahkan Rekor MURI Pemenuhan Hak Anak Pasca Cerai," *Info Gresik*, 2024, <https://infogresik.id/gandeng-50-perusahaan-pa-gresik-pecahkan-rekor-muri-pemenuhan-hak-anak-pasca-cerai/>.

⁴⁶ Dirjen Badilag, "Lindungi Hak Anak Dan Perempuan Pasca Perceraian, PT. Pupuk Kaltim Laksanakan PKS Dengan Pengadilan Agama Bontang," *Badilag Mahkamah Agung Republik Indonesia*, 2024, <https://badilag.mahkamahagung.go.id/seputar-peradilan-agama/berita-daerah/lindungi-hak-anak-dan-perempuan-pasca-perceraian-pt-pupuk-kaltim-laksanakan-pks-dengan-pengadilan-agama-bontang-1-7>.

⁴⁷ Pengadilan Agama Bontang, "Tandatangani Nota Kesepahaman Dengan Pemerintah Kota Bontang, Ketua PA Bontang: Perlindungan Anak Dan Perempuan Pasca Perceraian Bagi ASN Daerah Harus Melalui Pematangan Gaji," *Pengadilan Agama Bontang*, 2024, <https://pa-bontang.go.id/berita-seputar-pengadilan/2043-tandatangani-nota-kesepahaman-dengan-pemerintah-kota-bontang-ketua-pa-bontang-perlindungan-anak-dan-perempuan-pasca-perceraian-bagi-asn-daerah-harus-melalui-pematangan-gaji>.

This approach is consistent with Supreme Court Regulation (PERMA) Number 3 of 2017, which supports a judicial system that is sensitive to gender justice.

C. Conclusions

The protection of women's and children's rights after divorce reflects the state's commitment to upholding human rights. Although ex-wives and children hold legally recognized rights, these obligations are often neglected by ex-husbands. Enforcement can occur through separate lawsuits, cumulative claims within divorce proceedings, or the judge's ex officio authority. However, implementation still faces obstacles, including limited legal awareness, incomplete *petitums*, judicial hesitation over *ultra petitem* decisions, costly execution processes, and weak inter-agency coordination. To address these issues, the Supreme Court has issued several circulars affirming the position of women and children as vulnerable groups. Innovations such as the Surabaya Religious Court's MoU with the city government and the Bengkulu High Religious Court's E-Mosi Caper system demonstrate effective models for ensuring these rights are fulfilled. This underscores the need for stronger collaboration between courts, local governments, and social institutions to prevent new poverty clusters and social problems following divorce. To strengthen post-divorce protection, the following recommendations are proposed:

1. Institutionalizing best practices through national guidelines or Supreme Court circulars to ensure uniformity and sustainability.
2. Enhancing inter-agency coordination between the judiciary, local governments, and social service institutions to facilitate effective monitoring and enforcement of alimony orders.
3. Developing integrated data systems to track compliance and prevent economic marginalization of divorced women and children.
4. Capacity building for judges and court staff to ensure that gender-sensitive and rights-based approaches are consistently applied.

This research is limited to normative-judicial and document-based analysis of selected Religious Courts and does not include empirical data from litigants or court personnel. Future research could broaden the scope through fieldwork, interviews, and quantitative assessment of case outcomes to deepen understanding of the socio-legal dynamics of post-divorce rights enforcement. Comparative studies with other Muslim-majority jurisdictions may also provide useful insights for policy reform in Indonesia.

References

- Abdullah, Abdullah, Akhmad Syahri, Fatin Hamamah, Abd. Gafur, and Ahmad Sholeh. "Fulfillment of The Living Rights of Children the Victims of Divorce in the Muslim Community of Lombok, Indonesia." *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (July 1, 2024): 253–71. doi:10.22373/ujhk.v7i1.22281.
- ASNawi, M Natsir. "Implementasi Jurimetri Dalam Penentuan Jumlah *Nafkah* Anak." *Jurnal Hukum Dan Peradilan* 5, no. 3 (2016): 331–50. doi:10.25216/jhp.5.3.2016.331-350.
- Assembly, United Nations General. *Convention on the Rights of the Child. CRC*. New York: United Nations, 1989. <https://www.ohchr.org/sites/default/files/crc.pdf>.
- Barkah, Qodariah, Arne Huzaimah, Siti Rachmiatun, Andriya, and Zulmi Ramdani. "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (December 31, 2022): 383–411. doi:10.19105/al-lhkam.v17i2.6725.
- Committee on the Elimination of Discrimination against Women. *General Recommendation No. 29 on Article 16 of the Convention on the Elimination of All Forms of Discrimination*

- against Women (Economic Consequences of Marriage, Family Relations and Their Dissolution)*. CEDAW/C/GC/29. New York: United Nations, 2013.
- Curnow, Jayne. "Legal Support Structures and the Realisation of Muslim Women's Rights in Indonesia." *Asian Studies Review* 39, no. 2 (April 3, 2015): 213–28. doi:10.1080/10357823.2015.1025695.
- Dahwal, Sirman, and Dimas Dwi Arso. "Rights and Obligations of a Husband as a Civil Servant to His Ex-Wife after Divorce According to Indonesian Law." *Bengkoelen Justice: Jurnal Ilmu Hukum* 13, no. 2 (2023): 244–73. doi:10.33369/jbengkoelenjust.v13i2.31118.
- Dinkominfo Surabaya. "Pengadilan Agama Surabaya Dan Pemerintah Kota Surabaya Bersinergi Lindungi Hak Perempuan Dan Anak." *PRISMA: Pusat Informasi Sahabat Perempuan Kartini Surabaya*, 2023. <https://prisma.surabaya.go.id/pengadilan-agama-surabaya-dan-pemerintah-kota-surabaya-bersinergi-lindungi-hak-perempuan-dan-anak/>.
- Dirjen Badilag. "Lindungi Hak Anak Dan Perempuan Pasca Perceraian, PT. Pupuk Kaltim Laksanakan PKS Dengan Pengadilan Agama Bontang." *Badilag Mahkamah Agung Republik Indonesia*, 2024. <https://Badilag.mahkamahagung.go.id/seputar-peradilan-agama/berita-daerah/lindungi-hak-anak-dan-perempuan-pasca-perceraian-pt-pupuk-kaltim-laksanakan-pks-dengan-pengadilan-agama-bontang-1-7>.
- Djawas, Mursyid, Gamal Achyar, Nusyirwan Bustanul Arifin, Masri Reza, and Baharuddin Umar Yakub. "The Legal Position of Children of Incest (A Research of Madhhab Scholars and Compilation of Islamic Law)." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (June 27, 2022): 139. doi:10.22373/sjhk.v6i1.11904.
- Djawas, Mursyid, Nahara Eriyanti, Anita Yulia, and Faisal Fauzan. "The Alimony Obligation of a Civil Servant and Non-Civil Servant Father towards Children Post-Divorce (The Research on Aceh Syar'iyah Court Decision Research of 2019)." *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (2023): 91–114. doi:10.22373/ujhk.v6i1.9493.
- Fineman, Martha Albertson. "The Vulnerable Subject: Anchoring Equality in the Human Condition." In *Transcending the Boundaries of Law*, 177–91. Routledge-Cavendish, 2010.
- Gostin, Lawrence O., Eric A. Friedman, and Sarah A. Wetter. "Responding to Covid-19: How to Navigate a Public Health Emergency Legally and Ethically." *Hastings Center Report* 50, no. 2 (March 26, 2020): 8–12. doi:10.1002/hast.1090.
- Hanafi, Agustin, and Mohamad Hedhayatullah Bin Mohamad. "Peran Bahagian Sokongan Keluarga Dalam Masalah Pemenuhan *Nafkah* Isteri Pasca Perceraian (Studi Kasus Di Mahkamah Tinggi Syariah Kedah, Malaysia)." *Media Syari'ah* 20, no. 1 (February 26, 2020): 57. doi:10.22373/jms.v20i1.6501.
- Heacock, Michelle, Carol Bain Kelly, Kwadwo Ansong Asante, Linda S. Birnbaum, Åke Lennart Bergman, Marie-Noel Bruné, Irena Buka, et al. "E-Waste and Harm to Vulnerable Populations: A Growing Global Problem." *Environmental Health Perspectives* 124, no. 5 (May 2016): 550–55. doi:10.1289/ehp.1509699.
- Hidayati, Nuril. "The Icrar of Talak as A Result of Mut'ah Imposition Perspective of Mashlahah Mursalah." *GIC Proceeding* 1 (2023): 326–37. doi:10.30983/gic.v1i1.146.
- Ibrahim, Badruddin Hj, and Azizah Mohd. "The Child's Right to Maintenance: The Extend of the Family's Responsibilities in Islamic Law and According to the Family Law Provisions of Muslim Countries." *Arab LQ* 25 (2011): 401. doi:10.1163/157302511X593512.
- Kholid, Moh Agung Laksono, Muhammad Zaki, and Iskandar Syukur. "Analisis Tujuan Hukum Terhadap Putusan Mahkamah Agung Tentang Penolakan *Nafkah Madhiyah* Anak (Studi Putusan Mahkamah Agung No. 608/K/Ag/2003)." *Al Maqashidi: Jurnal Hukum Islam Nusantara* 5, no. 2 (2022): 81–96. doi:10.32665/almaqashidi.v5i2.1324.
- Laldin, Mohammad Akram. "Understanding the Concept of Maslahah and Its Parameters When Used in Financial Transactions." *ISRA International Journal of Islamic Finance* 2, no. 1 (2010): 61–84. doi:10.55188/ijif.v2i1.91.

- Mahkamah Agung Republik Indonesia. “MA BERKOMITMEN MEMENUHI HAK-HAK PEREMPUAN DAN ANAK.” *Mahkamah Agung Republik Indonesia*, 2021. <https://www.mahkamahagung.go.id/id/berita/4604/ma-berkomitmen-memenuhi-hak-hak-perempuan-dan-anak>.
- Mahmod, Zulzaidi, Ahmad Hidayat Buang, and Afifah Baharuddin. “Cabaran Penguatkuasaan Penghakiman Mahkamah Syariah: Kajian Peranan Bahagian Sokongan Keluarga Terhadap Hak Wanita Dan Kanak-Kanak Di Sarawak.” *Malaysian Journal of Social Sciences and Humanities (MJSSH)* 6, no. 10 (October 10, 2021): 252–67. doi:10.47405/mjssh.v6i10.1075.
- Maret, Louna. “Implementation of THE CEDAW in France and Indonesia: Challenges and Progress Towards a Unified Approach to Women’s Rights.” *Indonesian Journal of International Law* 21, no. 3 (2024): 3. doi:10.17304/ijil.vol21.3.6.
- MARINews. “Praktik Perlindungan Pemenuhan *Nafkah* Bagi Mantan Istri Dan Anak Setelah Cerai Di Tiga Negara.” *Mahkamah Agung Republik Indonesia*, 2025. <https://marinews.mahkamahagung.go.id/hukum/praktik-perlindungan-pemenuhan-nafkah-bagi-mantan-istri-0dV>.
- Michelson, Ethan. “Decoupling: Marital Violence and the Struggle to Divorce in China.” *American Journal of Sociology* 125, no. 2 (September 2019): 325–81. doi:10.1086/705747.
- Mir-Hosseini, Ziba. “Justice and Equality and Muslim Family Laws: New Ideas, New Prospects.” *Sharia and Justice: An Ethical, Legal, Political, and Cross-Cultural Approach* 73 (2018). doi:10.1515/9783110574593-005.
- Musaddad, Endad, Muhammad Ishom, Mohd Norhusairi Mat Hussin, and Ahmad Jamaludin Jambunanda. “Guaranteeing the Rights of Children and Women Post-Divorce: A Comparative Research Between Indonesia and Malaysia.” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 8, nos. 1 SE-Articles (April 18, 2025): 1–14. doi:10.24090/volksgeist.v8i1.12214.
- Nasir, Muhammad, Yuni Roslaili, Suparwany, Rita Khathir, Aisyah Idris, and M. Anzaikhan. “Legal Status and Consequences of Unilateral Divorce: Comparative Studies between Egypt, Jordan, Tunisia and Indonesia.” *Malaysian J. Syariah & L.* 12 (2024): 456. doi:10.33102/mjssl.vol12no2.614.
- Nasution, Hotnidah, and Ahmad Rifqi Muchtar. “Access to Justice for Women and Children in Divorce Cases in the Indonesian Religious Courts.” *AHKAM: Jurnal Ilmu Syariah* 20, no. 2 (2020). doi:10.15408/ajis.v20i2.15702.
- Panggabean, Henry P. *Fungsi Mahkamah Agung Dalam Praktik Sehari-Hari*. Jakarta: Sinar Harapan, 2001.
- Pengadilan Agama Bontang. “Tandatangani Nota Kesepahaman Dengan Pemerintah Kota Bontang, Ketua PA Bontang: Perlindungan Anak Dan Perempuan Pasca Perceraian Bagi ASN Daerah Harus Melalui Pemotongan Gaji.” *Pengadilan Agama Bontang*, 2024. <https://pa-bontang.go.id/berita-seputar-pengadilan/2043-tandatangani-nota-kesepahaman-dengan-pemerintah-kota-bontang-ketua-pa-bontang-perlindungan-anak-dan-perempuan-pasca-perceraian-bagi-ASN-daerah-harus-melalui-pemotongan-gaji>.
- PTA Bengkulu. “Penandatanganan Kerja Sama Pengadilan Tinggi Agama Bengkulu, Pemerintah Provinsi Bengkulu Dan Bank Bengkulu Untuk Penerapan Aplikasi E-Mosi Caper: Revolusi Perlindungan Hak Perempuan Dan Anak Pasca Perceraian.” *Pengadilan Tinggi Agama Bengkulu*, 2024. <https://www.pta-bengkulu.go.id/seputar-peradilan/1895-penandatanganan-kerja-sama-penerapan-aplikasi-e-mosi-caper-oleh-pengadilan-tinggi-agama-bengkulu-pemerintah-provinsi-bengkulu-dan-bank-bengkulu>.
- Rahmawati, Rahmawati, Budiman Budiman, Putri Ananda Saka, and Sunuwati Sunuwati. “Dis-Implementation of the Islamic Family Law in Fulfilling the Rights of Ex-Wives After

- Divorce in Indonesia.” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (2025). doi:10.22373/sjhc.v9i1.27172.
- Rosidin, Khanif. “Gandeng 50 Perusahaan, PA Gresik Pecahkan Rekor MURI Pemenuhan Hak Anak Pasca Cerai.” *Info Gresik*, 2024. <https://infogresik.id/gandeng-50-perusahaan-pa-gresik-pecahkan-rekor-muri-pemenuhan-hak-anak-pasca-cerai/>.
- Saputra, Wahyu, Muhammad Ali Murtadlo, and Aftab Haider. “Challenges in Upholding Women’s Post-Divorce Rights: Experiences From Legal Practitioners in the Mataraman Region, East Java.” *AL-HUKAMA* 14, no. 1 (June 11, 2024): 46–73. doi:10.15642/alhukama.2024.14.1.46-73.
- Siregar, Yani Arfianti, Yusrial Yusrial, Arisman Arisman, and Notri Lidia. “Legal Certainty of the Rights of Wives and Children After Divorce.” *Jurnal Elsyakhshi* 1, nos. 1 SE-Articles (December 28, 2023): 25–32. doi:10.69637/jelsy.v1i1.10.
- Suadi, Amran. “Peranan Peradilan Agama Dalam Melindungi Hak Perempuan Dan Anak Melalui Putusan Yang Memihak Dan Dapat Dilaksanakan/The Role Of Religious Court In Women And Children Rights Protection Through Partial And Executable Decision.” *Jurnal Hukum Dan Peradilan* 7, no. 3 (2018): 353–74. doi:10.25216/jhp.7.3.2018.353-374.
- . “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. doi:10.25216/jhp.11.3.2022.499-522.
- . “TANGGAPAN ILMIAH DALAM WEBINAR: ‘Praktik Perlindungan Pemenuhan *Nafkah* Bagi Mantan Istri Dan Anak Pasca Perceraian Di Indonesia, Brunei Darussalam Dan Malaysia.’” *Disampaikan Pada Kegiatan WEBINAR 3 NEGARA: INDONESIA, BRUNEI DARUSSALAM, & MALAYSIA Rabu, 19 Maret 2025, 2025*.
- Sumanto, Dedi, Titin Samsudin, and Fikri Hi. ASNawi Amirudin. “The Existence of the Religious Court in Handling Divorce Cases on the Reason of Domestic Violence.” *Jambura Law Review* 3, no. 2 (July 27, 2021): 214–30. doi:10.33756/jlr.v3i2.11651.
- Syaima, Arwa, Widiyanto Widiyanto, and Nemer Alotaiby. “The Development of Marital Rape in Islamic Family Law Reform.” *Mizan: Journal of Islamic Law* 8, no. 2 (2024): 139–56. doi:10.32507/mizan.v8i2.3168.
- Syukrawati, Syukrawati, Imaro Sidqi, Siti Maymanatun Nisa, Zufriani Zufriani, and Doli Witro. “Post-Divorce Rights of Women and Children in Pekalongan City, Central Java: Challenges in Islamic Law Analysis.” *Al-Ahkam* 34, no. 1 (April 30, 2024): 121–46. doi:10.21580/ahkam.2024.34.1.20624.
- Williams, David R., Naomi Priest, and Norman B. Anderson. “Understanding Associations among Race, Socioeconomic Status, and Health: Patterns and Prospects.” *Health Psychology* 35, no. 4 (April 2016): 407–11. doi:10.1037/hea0000242.
- Yasardin. “PRAKTIK PERLINDUNGAN PEMENUHAN *NAFKAH* BAGI MANTAN ISTRI DAN ANAK PASCA PERCERAIAN DI INDONESIA.” *Disampaikan Pada Kegiatan Webinar Internasional Mahkamah Agung Republik Indonesia, Mahkamah Syar’iyah Brunei Darussalam Dan Mahkamah Syar’iyah Malaysia - 19 Maret 2025, 2025*.