



THE FULFILLMENT OF CHILDREN'S RIGHTS TO MAINTENANCE AFTER DIVORCE AT THE SIBUHUAN RELIGIOUS COURT

PEMENUHAN HAK ANAK ATAS NAFKAH SETELAH PERCERAIAN DI PENGADILAN AGAMA SIBUHUAN

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Abstract

This study aims to analyze the effectiveness of fulfilling children's rights to maintenance after divorce at the Sibuhuan Religious Court by examining the legal foundations, the implementation of court decisions, and the obstacles in their enforcement. This research employs a qualitative juridical-empirical approach through the analysis of statutory regulations, legal literature, and relevant court practices. The findings indicate that although fathers' obligations to provide child maintenance are clearly regulated under both Islamic law and Indonesian positive law, their implementation in practice remains inadequate. The main obstacles include low legal awareness among the parties, economic constraints, weak mechanisms for monitoring the execution of court decisions, and institutional limitations within the Religious Court in ensuring continuous compliance. This study emphasizes that the effectiveness of child protection cannot rely solely on judicial rulings but requires strengthening institutional mechanisms, optimizing the role of mediation, and increasing public legal awareness. Therefore, fulfilling child maintenance rights after divorce should be positioned as an integral part of realizing substantive justice and protecting the best interests of the child.

Keywords : child maintenance, divorce, Religious Court.

Abstrak

Penelitian ini bertujuan untuk menganalisis efektivitas pemenuhan hak anak atas nafkah setelah perceraian di Pengadilan Agama Sibuhuan dengan meneliti dasar hukum, pelaksanaan putusan pengadilan, dan hambatan dalam penegakannya. Penelitian ini menggunakan pendekatan yuridis-empiris kualitatif melalui analisis peraturan perundang-undangan, literatur hukum, dan praktik peradilan yang relevan. Temuan ini menunjukkan bahwa meskipun kewajiban ayah untuk memberikan nafkah anak diatur dengan jelas baik dalam hukum Islam maupun hukum positif Indonesia, pelaksanaannya dalam praktik masih belum memadai. Hambatan utama meliputi rendahnya kesadaran hukum di antara para pihak, kendala ekonomi, lemahnya mekanisme pengawasan pelaksanaan putusan



pengadilan, dan keterbatasan kelembagaan dalam Pengadilan Agama dalam memastikan kepatuhan berkelanjutan. Studi ini menekankan bahwa efektivitas perlindungan anak tidak dapat hanya mengandalkan putusan pengadilan, tetapi memerlukan penguatan mekanisme kelembagaan, optimalisasi peran mediasi, dan peningkatan kesadaran hukum masyarakat. Oleh karena itu, pemenuhan hak nafkah anak setelah perceraian harus diposisikan sebagai bagian integral dari mewujudkan keadilan substantif dan melindungi kepentingan terbaik anak.

Kata Kunci : pemeliharaan anak, perceraian, Pengadilan Agama.

1. INTRODUCTION

Divorce is a social phenomenon that has increasingly occurred in modern society and brings various legal, social, and psychological consequences, especially for children. Children are the most vulnerable parties affected by the dissolution of their parents' marriage. One of the most fundamental rights that must still be fulfilled after divorce is the right to child maintenance, including basic living expenses, education, and overall welfare. The fulfillment of this right is not only a moral responsibility but also a legal obligation regulated in Islamic teachings and Indonesian legislation.¹

Normatively, Islamic law affirms that the obligation to provide child maintenance remains the responsibility of the father even after divorce. This principle is based on the values of justice and the protection of children's rights as a trust from Allah SWT. The Qur'an explicitly emphasizes this responsibility in Surah Al-Baqarah verse 233, which states that fathers are responsible for providing sustenance to their children.² Classical and contemporary Islamic scholars also agree that child maintenance remains obligatory upon the father as long as the child is not yet financially independent.³

In the context of Indonesian positive law, the protection of children's right to maintenance after divorce has been regulated in several legal instruments, such as Law Number 1 of 1974 on Marriage, the Compilation of Islamic Law (KHI), and other judicial regulations. Article 41 of the Marriage Law explicitly states that the father is responsible for the cost of child care and education.⁴ The Compilation of Islamic Law also affirms this obligation in Article 80 paragraph (4) and Article 156 letter (d).⁵ These provisions indicate that normatively, the state has provided clear legal protection for children's right to maintenance.

However, despite the clarity of these regulations, the reality in society often shows a different situation. Many fathers fail to fulfill their obligation to provide child support after

¹ Muhammad Syaifuddin, Sri Turatmiyah, and Annalisa Yahanan, *Divorce Law in Indonesia* (Jakarta: Sinar Grafika, 2013), 137.

² Ministry of Religious Affairs of the Republic of Indonesia, *The Qur'an and Its Translation* (Jakarta: Ministry of Religious Affairs, 2019), Surah Al-Baqarah (2): 233

³ Wahbah al-Zuhaili, *Islamic Jurisprudence and Its Evidences*, vol. 10 (Damascus: Dār al-Fikr, 1985), 7342.

⁴ Republic of Indonesia, Law Number 1 of 1974 on Marriage, Article 41.

⁵ Republic of Indonesia, Presidential Instruction Number 1 of 1991 on the Compilation of Islamic Law, Article 80(4) and Article 156(d).



divorce, due to economic factors, low legal awareness, or prolonged conflict with their former spouse.⁶ As a result, children frequently become the primary victims because their basic rights and welfare are neglected.

This phenomenon also poses a challenge for religious judicial institutions, including the Sibuhuan Religious Court. As an institution authorized to adjudicate divorce cases and determine child maintenance obligations, the court holds both moral and juridical responsibility to ensure that its decisions are effectively implemented. However, in practice, court decisions regarding child maintenance often remain normative without strong mechanisms to guarantee their enforcement.⁷ This raises important questions regarding the effectiveness of the court's role in protecting children's rights.

The study of child maintenance rights after divorce is increasingly important because it is closely related to the principles of child protection and social justice. Children are legal subjects who must be protected, as emphasized in the Child Protection Law.⁸ Therefore, the fulfillment of child maintenance is not only the obligation of parents but also the responsibility of the state through existing legal and institutional mechanisms.

Based on the above explanation, research on the fulfillment of child maintenance rights after divorce at the Sibuhuan Religious Court is crucial to conduct. This study is expected to provide an empirical overview of the practice of enforcing child maintenance, identify inhibiting factors, and evaluate the effectiveness of the Religious Court's role in protecting children's rights. Thus, this research can contribute both academically and practically to the development of Islamic family law that is more responsive to the best interests of the child.

2. RESEARCH METHOD

This study employs an empirical legal research method with a socio-legal approach, aiming to examine not only the normative legal framework but also its implementation in practice. The research focuses on how court decisions regarding child maintenance are enforced after divorce at the Sibuhuan Religious Court. By combining legal analysis with field data, this approach enables a comprehensive understanding of the gap between legal norms and social realities in the fulfillment of children's rights.

The data used in this study consist of primary and secondary sources. Primary data are obtained through field research, including in-depth interviews with judges, court officials, advocates, and parties involved in divorce cases, as well as through direct observation of court procedures related to child maintenance cases. Secondary data include statutory regulations, court decisions, scholarly books, academic journals, and other relevant documents concerning Islamic family law, child protection, and the enforcement

⁶ Nurul Huda, "The Implementation of Child Maintenance after Divorce in Religious Courts," *Journal of Islamic Family Law* 4, no. 2 (2020): 115.

⁷ M. Yahya Harahap, *The Position, Authority, and Procedure of Religious Courts* (Jakarta: Sinar Grafika, 2015), 312.

⁸ Republic of Indonesia, Law Number 35 of 2014 on Child Protection.



of court judgments. These data support the analysis and strengthen the theoretical foundation of the research.

Data analysis is conducted using a qualitative descriptive method. The collected data are systematically organized, categorized, and interpreted to identify patterns, obstacles, and supporting factors in the implementation of child maintenance obligations. The findings are then analyzed using relevant legal theories and concepts of child protection to draw conclusions and formulate recommendations. This method is expected to provide an in-depth and contextual understanding of the effectiveness of fulfilling children's maintenance rights after divorce at the Sibuhuan Religious Court.

3. RESULTS AND DISCUSSION

a. Legal Foundations of Child Maintenance in Islamic Law and Indonesian Positive Law

Child maintenance is one of the fundamental rights of children that must be fulfilled by parents, particularly fathers, both during marriage and after divorce. In the perspective of Islamic family law, the fulfillment of child maintenance is not merely understood as a formal legal obligation, but also as a moral and religious responsibility inherent in fatherhood. Children are viewed as an amanah (trust) from Allah SWT that must be protected in terms of their survival, physical growth, psychological development, and future prospects. Therefore, child maintenance covers basic needs such as food, clothing, housing, education, and health care. Neglecting this obligation not only creates social problems but also constitutes a violation of the principles of justice and humanity in Islam.⁹

The primary foundation of the obligation of child maintenance in Islam is derived from the Qur'an, which clearly assigns this responsibility to the father. One of the most frequently cited verses is Surah Al-Baqarah (2):233, which states that the father is responsible for providing food and clothing for the mother and child in a fair manner according to his ability. This verse indicates that the obligation of maintenance does not cease merely because the marital relationship has ended. Even after divorce, the father's responsibility remains in order to ensure the child's welfare and continuity of life. This principle also reflects that, in Islam, the best interests of the child are placed above the conflict between parents.¹⁰

In addition to the Qur'an, the Hadith of the Prophet Muhammad (peace be upon him) also provides strong support for the obligation of child maintenance. One hadith states that a person is considered sinful if he neglects those who are under his responsibility. This hadith emphasizes the moral dimension of child maintenance, indicating that neglecting a child's needs is not only a social wrongdoing but also a religious transgression. Islamic

⁹ Muhammad Syaifuddin, Sri Turatmiah, and Annalisa Yahanan, *Hukum Perceraian* (Jakarta: Sinar Grafika, 2013), 137.

¹⁰ Ministry of Religious Affairs of the Republic of Indonesia, *The Qur'an and Its Translation* (Jakarta: Ministry of Religious Affairs, 2019), Surah Al-Baqarah (2): 233.



scholars interpret this narration as evidence that parents, especially fathers, are strictly obliged to provide for their children's needs. Thus, the obligation of maintenance is not merely legal-formal but also deeply ethical and spiritual in nature.¹¹

The views of classical and contemporary Islamic jurists further clarify the concept of child maintenance within Islamic law. Wahbah al-Zuhaili explains that the obligation of child maintenance remains with the father as long as the child is unable to meet his or her own needs, whether due to young age, ongoing education, or lack of financial independence. According to him, the primary consideration in determining the obligation of maintenance is the condition of the child rather than the marital status of the parents. This view demonstrates that Islamic law adopts a protection-oriented approach toward children and prioritizes their best interests within the framework of family law.¹²

In the context of Indonesian positive law, the principle of the obligation of child maintenance is strongly aligned with Islamic teachings. Law Number 1 of 1974 on Marriage explicitly states that as a consequence of divorce, the father remains responsible for the costs of the child's care and education. This provision confirms that divorce cannot be used as a justification to eliminate parental responsibility toward children. Through this regulation, the state affirms its role in protecting children as vulnerable parties and recognizes the right to maintenance as part of the child's fundamental rights that must be respected and protected.¹³

More detailed regulation regarding child maintenance can be found in the Compilation of Islamic Law (KHI), which serves as the primary material law in the Religious Courts. Article 80 paragraph (4) of the KHI states that the husband's (father's) obligations include providing maintenance, housing, household expenses, and the cost of children's education in accordance with his financial capacity. Furthermore, Article 156 letter (d) of the KHI affirms that the costs of child care remain the responsibility of the father. These provisions demonstrate that, normatively, the Indonesian legal system provides strong protection for children's right to maintenance and offers a clear legal basis for judges in deciding cases related to child support.¹⁴

More broadly, the protection of children's rights, including the right to maintenance, is also emphasized in Law Number 35 of 2014 on Child Protection. This law affirms that parents are obliged and responsible for nurturing, caring for, educating, and protecting their children in order to ensure the best interests of the child. The principle of the best interest of the child serves as the main foundation for all policies and actions concerning children. Therefore, the fulfillment of child maintenance is not merely an issue of family law but also

¹¹ Abu Dawud, Sunan Abi Dawud (Beirut: Dar al-Fikr, n.d.), Hadith no. 1692.

¹² Wahbah al-Zuhaili, *Al-Fiqh al-Islāmī wa Adillatuhu*, vol. 10 (Damascus: Dār al-Fikr, 1985), 7342.

¹³ Republic of Indonesia, Presidential Instruction Number 1 of 1991 on the Compilation of Islamic Law, Article 80(4) and Article 156(d).

¹⁴ Republic of Indonesia, Presidential Instruction Number 1 of 1991 on the Compilation of Islamic Law, Article 80(4) and Article 156(d).



an integral part of the broader legal regime of child protection guaranteed by the state.¹⁵

Based on the above discussion, it can be concluded that both Islamic law and Indonesian positive law share the same paradigm in viewing child maintenance as a fundamental right that must be protected. The harmony between religious norms and state law should provide a strong foundation for judges in the Religious Courts when issuing decisions regarding child maintenance. Theoretically, the legal basis for child maintenance is already comprehensive and robust. However, the main challenge often lies not in the absence of legal norms, but in their implementation and effectiveness in practice. This is why empirical studies on how these legal provisions operate in real situations, including at the Sibuhuan Religious Court, are critically important.¹⁶

b. Implementation of Child Maintenance Decisions after Divorce at the Sibuhuan Religious Court

The implementation of court decisions concerning child maintenance after divorce represents one of the most critical dimensions of child protection within the legal system. Although judges may issue legally binding rulings that clearly impose obligations on fathers to provide financial support, the real challenge often emerges after the decision is pronounced, namely in ensuring that the ruling is actually obeyed. Legal protection for children cannot be measured merely by the existence of written norms or judicial decisions, but rather by the extent to which those norms are translated into concrete social realities. In this sense, law functions not only as a normative system but also as a social institution whose effectiveness depends on enforcement mechanisms. Therefore, examining the implementation of child maintenance decisions is essential for assessing whether the legal system truly operates as an instrument of justice for children.¹⁷

At the Sibuhuan Religious Court, child maintenance obligations are generally determined within divorce proceedings, either in contested divorce cases (*cerai gugat*) or in divorce applications (*cerai talak*). Judges usually consider several factors when determining the amount of maintenance, including the financial capacity of the father, the actual needs of the child, and the principle of proportionality and fairness. This reflects the broader legal principle that child maintenance should be realistic and enforceable, yet still sufficient to guarantee the child's basic welfare. However, in practice, judges often face serious difficulties in assessing the true economic condition of the father, especially when the father does not have a fixed income or deliberately conceals financial information.¹⁸

The process of determining child maintenance is therefore not merely a technical judicial activity, but also involves ethical considerations and social sensitivity. Judges are expected to balance the rigid application of legal provisions with the complex realities of

¹⁵ Republic of Indonesia, Law Number 35 of 2014 on Child Protection

¹⁶ M. Yahya Harahap, *The Position, Authority, and Procedure of Religious Courts* (Jakarta: Sinar Grafika, 2015), 312.

¹⁷ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), 15.

¹⁸ Republic of Indonesia, Law Number 1 of 1974 on Marriage, Article 41.



social life, particularly in communities characterized by economic vulnerability. Yahya Harahap emphasizes that judges within the Religious Courts must apply *ijtihad qadha'i* (judicial reasoning) to achieve substantive justice rather than simply procedural correctness.¹⁹ This judicial discretion becomes especially important in cases involving children, because children must always be positioned as vulnerable subjects whose best interests should guide every legal consideration.

Despite the issuance of court rulings, empirical realities often reveal that many fathers do not consistently fulfill their maintenance obligations. Numerous mothers report that although the court has granted them child support through its decision, the payments are irregular or do not occur at all. This situation illustrates a serious gap between the normative expectations of the law and the actual social practice. Several empirical studies on the Religious Courts in different regions of Indonesia confirm that non-compliance with child maintenance decisions remains a structural problem within the system.²⁰ Consequently, women frequently bear the economic burden alone, while children experience the direct impact in the form of limited access to education, health care, and overall welfare.

One of the primary causes of weak implementation is the limited availability of effective enforcement mechanisms. Unlike the execution of decisions in property or commercial disputes, which may involve seizure of assets, child maintenance requires continuous compliance over a long period of time. The Religious Court system does not yet possess strong institutional instruments to supervise regular payments or to compel fathers to comply systematically. This structural weakness undermines the authority of court decisions and potentially diminishes public confidence in the court's ability to provide meaningful protection for vulnerable groups.²¹

Economic arguments are frequently raised by fathers as justification for non-compliance. Many claim that unemployment, unstable income, or financial hardship prevents them from fulfilling their obligations. While economic hardship is a real social problem, it often becomes an excuse that masks deeper issues of irresponsibility and lack of commitment. Islamic legal scholars emphasize that financial difficulty does not eliminate the obligation of child maintenance; rather, it requires fathers to make sincere efforts in accordance with their capacity.²² Therefore, the issue of non-compliance cannot be understood solely in economic terms, but must also be analyzed in relation to moral awareness and ethical responsibility.

Another significant factor influencing the weak implementation of child maintenance decisions is the low level of legal awareness among the parties. Some fathers mistakenly

¹⁹ M. Yahya Harahap, *The Position, Authority, and Procedure of Religious Courts* (Jakarta: Sinar Grafika, 2015), 289.

²⁰ Nurul Huda, "The Implementation of Child Maintenance after Divorce in Religious Courts," *Journal of Islamic Family Law* 4, no. 2 (2020): 115.

²¹ Ahmad Rofiq, *Islamic Family Law in Indonesia* (Jakarta: RajaGrafindo Persada, 2013), 212.

²² Wahbah al-Zuhaili, *Islamic Jurisprudence and Its Evidences*, vol. 10 (Damascus: Dār al-Fikr, 1985), 7345.



believe that their responsibilities toward their children end once the marital relationship is dissolved. This misconception reflects inadequate understanding of both Islamic teachings and state law. Legal scholars argue that strengthening legal consciousness within society is essential, because law will not function effectively if it is only known at the textual level but not internalized as a social value.²³ Without strong legal awareness, even the most progressive legal rules will fail to achieve their intended goals.

From an institutional perspective, the Religious Court faces structural limitations in supervising long-term compliance with child maintenance obligations. Judicial authority generally ends once a decision has obtained legal force, while the issue of implementation continues in the private sphere of the parties. The absence of an integrated monitoring system means that courts often rely solely on complaints from mothers when violations occur. This situation illustrates that effective legal protection requires not only judicial authority, but also administrative and institutional support systems capable of ensuring continuity between decision and execution.²⁴

Some Religious Courts in Indonesia have attempted to introduce innovative approaches to improve compliance, such as strengthening mediation outcomes, encouraging voluntary agreements, and providing moral advice during hearings. These practices demonstrate that the effectiveness of legal protection does not depend solely on coercive sanctions, but may also be supported through persuasive and restorative strategies. Nevertheless, such innovations are still sporadic and not systematically institutionalized across all courts, particularly in smaller courts such as Sibuhuan.²⁵ This uneven implementation further highlights the need for broader institutional reform.

In the specific context of the Sibuhuan Religious Court, the effectiveness of implementation is also shaped by local socio-economic and cultural factors. Community attitudes toward divorce, gender roles, and parental responsibility significantly influence whether fathers perceive child maintenance as an ongoing obligation. Economic conditions in the region may also affect the capacity of fathers to comply with court decisions. Therefore, any evaluation of implementation must take into account the local context rather than relying solely on abstract legal standards.²⁶

The issue of implementation also relates closely to the broader concept of access to justice. When court decisions fail to produce real outcomes for children and women, the legal system effectively denies them substantive justice. Scholars argue that weak enforcement of family law decisions constitutes a form of structural injustice, because it disproportionately harms those who are already socially vulnerable.²⁷ This condition underscores the urgency of strengthening institutional capacity within the Religious Court

²³ Satjipto Rahardjo, *Law and Society* (Bandung: Angkasa, 2009), 87.

²⁴ M. Yahya Harahap, *The Position, Authority, and Procedure of Religious Courts*, 305.

²⁵ Euis Nurlaelawati, "The Practice of Family Law Reform in Indonesian Religious Courts," *Studia Islamika* 20, no. 1 (2013): 45.

²⁶ Soerjono Soekanto, *Factors Affecting Law Enforcement* (Jakarta: RajaGrafindo Persada, 2008), 42.

²⁷ John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 98.



system to ensure that legal protection is not merely symbolic.

Based on the above analysis, it becomes evident that the implementation of child maintenance decisions at the Sibuhuan Religious Court should be understood as a complex legal and social issue rather than a purely procedural matter. Strengthening enforcement mechanisms, increasing legal awareness, improving institutional coordination, and developing context-sensitive approaches are all necessary to ensure that court decisions truly function as effective instruments of child protection. Without such comprehensive efforts, the right to child maintenance risks remaining an abstract legal ideal rather than a concrete lived reality for many children.²⁸

c. Obstacles and Solutions in Fulfilling Child Maintenance Rights after Divorce

Obstacles in fulfilling children's rights to maintenance after divorce are not merely technical but also structural and cultural in nature. One of the most significant obstacles is the low level of compliance by fathers with court decisions. Many former husbands neglect their obligations even though a clear judicial order has been issued. This condition shows that the existence of legal norms alone does not guarantee legal effectiveness in practice. Lawrence M. Friedman emphasizes that the effectiveness of law is strongly influenced by legal culture, namely the attitudes, values, and awareness of society toward the law.²⁹ In other words, weak legal culture causes child maintenance decisions to lose their social binding force, even though they are legally valid.

Another major obstacle is the economic factor, which is often used by fathers as a justification to avoid their obligation to provide maintenance. In many cases, fathers claim that they have no stable income, work informally, or experience financial hardship. Although the law recognizes that the amount of maintenance should be adjusted to the father's financial capacity, economic difficulties cannot be used as a reason to completely eliminate the obligation. Wahbah al-Zuhaili asserts that the obligation of maintenance remains attached to the father according to his ability, and as long as the child is in need, the responsibility does not disappear.³⁰ Therefore, economic constraints should be seen as a challenge in implementation rather than a legitimate excuse to abandon responsibility.

Low legal awareness also constitutes a serious barrier. Some members of society still assume that divorce marks the end of all responsibilities between former spouses, including responsibilities toward children. This perception contradicts both Islamic law and Indonesian positive law, which clearly state that parental obligations toward children continue even after the dissolution of marriage. Satjipto Rahardjo argues that law cannot function effectively without being supported by strong legal awareness within society.³¹ Thus, the problem of child maintenance is not only a legal issue but also an issue of social and moral education.

²⁸ Lawrence M. Friedman, *The Legal System: A Social Science Perspective*, 163.

²⁹ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), 16.

³⁰ Wahbah al-Zuhaili, *Al-Fiqh al-Islāmī wa Adillatuhu*, vol. 10 (Damascus: Dār al-Fikr, 1985), 7345.

³¹ Satjipto Rahardjo, *Law and Society* (Bandung: Angkasa, 2009), 87.



Institutional limitations within the Religious Courts also contribute to the problem. In general, Religious Courts do not yet have a systematic mechanism to monitor and supervise the continuous fulfillment of child maintenance obligations. After a decision has obtained legal force, the court will usually only take action if a complaint is filed by the aggrieved party. Yahya Harahap explains that civil courts, including Religious Courts, operate on a passive principle, meaning that judges wait for requests or applications from the parties.³² This situation makes the protection of children's rights highly dependent on the initiative and capacity of mothers to repeatedly seek enforcement.

In response to these various obstacles, solutions must be formulated in a systemic and sustainable manner. One important solution is strengthening the role of mediation in divorce cases, particularly in building the moral commitment of fathers to fulfill their obligations. Mediation does not merely function as a dispute resolution mechanism, but also as a forum for legal and moral education. According to Euis Nurlaelawati, persuasive approaches through mediation are often more effective in fostering compliance than purely coercive legal measures.³³

Another solution is the need for institutional innovation within the Religious Court system, such as developing mechanisms for monitoring child maintenance payments, either through cooperation with other institutions or through specific administrative systems. In some countries, child maintenance payments are managed through intermediary institutions to ensure better control and accountability. Soerjono Soekanto emphasizes that legal effectiveness is strongly influenced by the structure of law, including institutional design and implementation mechanisms.³⁴ Without structural reform, even well-formulated legal norms will remain difficult to implement.

Legal education for society should also be considered a long-term solution. Education about children's rights, parental obligations, and the legal consequences of violating court decisions needs to be disseminated widely through educational institutions, religious leaders, and social organizations. Legal awareness that grows from understanding will be far stronger than compliance that arises merely from fear of sanctions. With stronger legal and religious awareness, the obligation of child maintenance can be internalized as both a moral and legal duty.

Ultimately, efforts to fulfill children's rights to maintenance after divorce must be understood as part of the broader protection of children's human rights. Children are not merely objects of compassion but legal subjects whose rights must be guaranteed by the state. John Rawls argues that social justice should prioritize the most vulnerable members of society.³⁵ Therefore, any effort to improve the system of child maintenance enforcement

³² M. Yahya Harahap, *Civil Procedure Law on Lawsuits, Trials, Seizure, Evidence, and Court Decisions* (Jakarta: Sinar Grafika, 2012), 45.

³³ Euis Nurlaelawati, "The Practice of Family Law Reform in Indonesian Religious Courts," *Studia Islamika* 20, no. 1 (2013): 47.

³⁴ Soerjono Soekanto, *Factors Affecting Law Enforcement* (Jakarta: RajaGrafindo Persada, 2008), 42.

³⁵ John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 98.



within family law constitutes an essential step toward realizing a more just and humane legal order.

4. CONCLUSION

The fulfillment of children's rights to maintenance after divorce, particularly within the context of the Sibuhuan Religious Court, demonstrates that legal protection for children cannot be understood merely at the normative level. Although the law and court decisions clearly recognize the obligation of fathers to provide financial support, the practical implementation of these decisions remains problematic. The gap between judicial rulings and social reality indicates that the effectiveness of law is strongly influenced by socio-economic conditions, legal awareness, and institutional capacity. Therefore, the issue of child maintenance should be viewed not only as a legal matter but also as a broader concern of social justice and child welfare.

Furthermore, this study shows that the main obstacles in fulfilling child maintenance obligations include low compliance from fathers, economic challenges, weak legal culture, and the absence of effective enforcement mechanisms within the Religious Court system. These factors collectively undermine the protective function of family law and place a disproportionate burden on mothers and children. Without meaningful enforcement and supportive institutional structures, court decisions risk becoming symbolic rather than functional instruments of protection. This condition highlights the urgency of strengthening both legal institutions and community-based legal awareness.

In conclusion, improving the fulfillment of child maintenance rights requires a comprehensive approach that involves legal reform, institutional innovation, and social education. Strengthening mediation practices, developing monitoring mechanisms, and enhancing public understanding of parental responsibilities are essential steps toward ensuring that court decisions are effectively implemented. By prioritizing the best interests of the child and reinforcing the moral and legal responsibility of parents, the legal system can better serve its fundamental purpose: to provide real protection and justice for vulnerable members of society.

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