

## VIOLETION OF CHILDREN'S MAINTENANCE RIGHT UPON DIVORCE IN INDONESIA

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### Article history:

Submission date: 3 July 2024

Received in revised form: 13 August 2025

Acceptance date: 3 October 2025

Available online: 22 April 2026

### Keywords:

Violation, children, maintenance right, upon divorce, Indonesia

### Funding:

This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

### Competing interest:

The author(s) have declared that no competing interests exist.

### Cite as:

Baharudin, M. H., & Nasih, A. M. (2025). A study on the perception towards the violation of children's maintenance right upon divorce in Indonesia. *Malaysian Journal of Syariah and Law*, 13(3), 47-60.

<https://doi.org/10.33102/mjssl.vol14no1.877>

### Ethics approval:

Ethical approval for this study was obtained from Lembaga Penelitian dan Pengabdian kepada Masyarakat (LPPM) (No. 22/B.01/LBM.DIY/XI/2021).



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## ABSTRACT

It is estimated that between 900,000 and 1,000,000 children are affected each year by divorce petitions filed in Indonesian courts, especially concerning maintenance, as there is currently no effective mechanism to ensure that parents or guardians fulfil their payment obligations. Since the provision of children's maintenance largely depends on the goodwill of guardians, the issue of violations of children's maintenance rights upon divorce in Indonesia warrants serious examination. Therefore, this study aims to examine public perceptions regarding the violation of children's maintenance rights following divorce in Indonesia and to identify the legal, social, and institutional factors that hinder parents or guardians from securing these rights. This study employs a qualitative research approach, utilising content analysis and field interviews. It aims to explore patterns and perceptions regarding violations of children's maintenance rights following divorce, as well as the issues and challenges faced by parents or guardians in claiming those rights. The findings reveal that Indonesian law obliges parents to care for and educate their children even after divorce. Despite these legal provisions, significant challenges persist in safeguarding children's rights. The findings of the study reveal that despite existing legal provisions obliging parents to support their children after divorce, many children in Indonesia continue to experience neglect due to weak law enforcement, financial constraints, lack of awareness, and the reluctance of guardians to pursue legal action, resulting in persistent violations of children's maintenance rights. Hence, the study proposes several solutions, including enhancing judicial awareness and introducing child maintenance insurance schemes. Non-Governmental Organisations (NGOs) also play a crucial role in advocating for children's welfare post-divorce, although limited resources often hinder their efforts. The study is significant as it provides empirical insights and policy recommendations to strengthen legal enforcement and social support systems that safeguard children's welfare and rights after divorce in Indonesia.

## Introduction

Children are a blessing bestowed upon married couples by Allah the Almighty. It is therefore the duty of parents to care for and nurture their children until they attain independence (Firdaus et al., 2024). Muslim scholars unanimously agree that the father bears the primary responsibility for providing sustenance (*nafaqah*) for his children, as they are of his own flesh and blood and part of his family (Jamil et al., 2023; Fauzan & Amroni, 2020). However, certain circumstances may lead to divorce, which places children in varying and often challenging situations. When parents separate, it becomes increasingly complex to maintain the ideal standard of child maintenance due to the dissolution of the marital bond. Although the marriage relationship has ended, the obligation to provide for the children continues even after divorce; to neglect this duty would constitute a failure of responsibility and a grave sin (Purnanda et al., 2024).

Ensuring adequate child maintenance is a fundamental aspect of household and family welfare. In Indonesia, divorce rates remain high, showing little sign of significant decline. Reports indicate that between 900,000 and 1,000,000 children are affected annually by divorce petitions filed in court (Zulfikar & Kenzu, 2022). Moreover, there is currently no effective mechanism to ensure that maintenance payments are made promptly to children or ex-spouses, leading to frequent violations of children's rights to maintenance following divorce. Hence, it is crucial to examine public perceptions regarding the violation of children's maintenance rights in post-divorce situations in Indonesia.

According to trend analyses, both the National Family Planning Coordinating Board (*Badan Kependudukan dan Keluarga Berencana Nasional – BKKBN*) and *Tempo Interaktif* reported in 2018 that divorce cases in Indonesia have consistently remained high each year, with no notable sign of reduction (Zanna Afia, 2018). Data from the Central Statistics Agency (*Badan Pusat Statistik – BPS*) indicate that approximately 421,200 divorce cases were recorded in 2020, corresponding to more than 1,100 divorces per day, or approximately 50 cases every hour, nationwide. The prolonged socio-economic crisis triggered by the COVID-19 pandemic further exacerbated the situation. The latest statistics from 2023 record approximately 463,654 divorces involving Muslim marriages (Statista, 2024). It is estimated that for every 100 marriages, 10 end in divorce. The Chief Justice of the Supreme Court (*Mahkamah Agung – MA*) also revealed that 95% of divorces in Indonesia involve children under the age of 18. Consequently, it is estimated that between 900,000 and 1,000,000 children are affected by divorce proceedings each year (Zulfikar & Kenzu, 2022).

Divorce inevitably affects parental obligations concerning child maintenance during and after marriage (Yusriana et al., 2017). Under Section 45 of Law No. 1 of 1974, parents remain legally responsible for supporting their children even after divorce. However, in practice, many children experience neglect as parents often prioritise their personal interests over their parental duties. Such neglect can heighten children's emotional vulnerability and instability, and may contribute to the perpetuation of poverty and family conflict (Wardani et al., 2024).

Consequently, to mitigate the adverse effects of divorce on children, it is essential to ensure that every child has access to his or her rights. Despite the large number of children affected by divorce each year, enforcement of court rulings on alimony and child maintenance remains weak. Payments made by fathers are often inconsistent, depending mainly on their goodwill and financial capacity (Kesuma et al., 2025; Idris et al., 2024). Although the Supreme Court prioritises the adjudication of divorce cases, effective enforcement still requires robust governmental support. Consequently, many children remain vulnerable to poverty, exploitation, and criminal victimisation (Zulfikar & Kenzu, 2022).

Given these challenges, it is crucial to examine the consequences of divorce, particularly those related to post-divorce child maintenance (Athief & Juwanti, 2020). Accordingly, this research aims to examine public perceptions of violations concerning children's maintenance rights following divorce in Indonesia. It also seeks to explore prevailing patterns, perceptions, and barriers that parents or guardians encounter when claiming these rights within the Indonesian context.

## Literature Review

### *Right to Maintenance*

The rights of children under Shariah law have long been a crucial area of study, examined in various contexts. These rights, grounded in Islamic jurisprudence, represent both moral and legal entitlements that are fundamental to a child's well-being (Al-Zuhayli, n.d.). Among these are the right to lineage, the right to gender equality among siblings, the right to custody, the right to love and compassion, the right to life, and the right to religious education (Baharudin, 2019). Such rights begin at birth and continue until the child reaches puberty, generally understood by most Muslim jurists to occur at around 15 years of age (Al-Nawawi, n.d.; Al-Suyuti, n.d.).

Conversely, the Convention on the Rights of the Child (CRC) defines a child as any human being below the age of eighteen, unless the applicable law sets an earlier age of majority (Article 1 of CRC). In essence, maintenance (*nafaqah*) refers to the financial support provided by one person to another whom they are legally or morally obligated to sustain. This encompasses expenditure on education, clothing, food, shelter, health, and other essential needs prior to the attainment of adulthood (Baharudin, 2019).

Child maintenance is thus central to both child development and well-being. It is typically defined as a regular financial contribution made by the non-resident parent to support the upbringing of a child, ensuring economic stability within single-parent households (Hakovirta, 2011). Studies have shown that child maintenance has a significant impact on the welfare of both children and parents, especially in cases of shared or joint custody (Steinbach, 2018). Furthermore, such payments can substantially reduce financial strain, especially for those low-income single-mother households, and promote household resilience (Hakovirta & Jokela, 2018).

In addition to financial dimensions, emotional and psychological aspects also play vital roles in a child's well-being. Research highlights how emotional intelligence contributes to managing depression and loneliness among children, underlining its role in promoting mental health (Davis et al., 2019). Similarly, parental warmth has been found to mediate the relationship between children's truthfulness and their theory of mind, demonstrating the profound impact of parenting on cognitive and behavioural growth (Ding et al., 2023). Attachment theory likewise informs child custody decisions, where the quality of the child-caregiver bond determines the child's best interests (Forslund et al., 2021).

Parental support for autonomy, as explored through self-determination theory, illustrates how encouraging independence fosters children's volition and decision-making (Bernier et al., 2014). Family communication and sibling relationships are also critical; expectations and perceptions of care among siblings have been linked to overall family satisfaction (Hall & McNallie, 2016). Furthermore, children's welfare must be viewed within the broader context of protection from violence and neglect, as forms of abuse, physical, emotional, sexual, and psychological, have lasting effects on education and mental well-being (Disemadi et al., 2020; Widowati et al., 2019). Research further connects violence against women and children, calling for integrated protective frameworks (Fry & Elliott, 2017).

In Islamic law, legitimate children are entitled to maintenance, guardianship, and inheritance from their biological father (Ngema & Iyer, 2023). This obligation encompasses the provision of food, shelter, and education, and it remains binding regardless of the parents' marital status (Azwar et al., 2024). However, these rights often do not extend to children born outside wedlock, reflecting the distinction Islamic law maintains concerning lineage. Hutchinson et al., (2014) note that Shariah defines parental authority within clear moral limits, requiring parents to provide not only material support but also guidance, affection, and proper upbringing.

Under Islamic principles, a father's obligation to support legitimate children is unconditional. He cannot withhold maintenance due to disobedience or custody arrangements with the mother. Islamic law stipulates that fathers must support their sons until they reach maturity and their daughters until they are married. Once children become financially independent, the father's responsibility ceases (Margretha & Djaja, 2023). Additionally, Mahmudi (2018) extends this discussion to children born out of wedlock, arguing through the lens of *maqāṣid al-sharī'ah* (the higher objectives of Islamic law), that all children have the right to inheritance and social protection. Contemporary scholars advocate for

reforms that expand inheritance rights to all children, upholding dignity and economic justice in accordance with Islamic ethics (Al-Mabruri et al., 2021; Fitria et al., 2024; Taufik, 2023).

Islamic law, therefore, underscores safeguarding children's rights and welfare even after divorce. Parents are obligated to fulfil their children's physical, emotional, and spiritual needs, and Shariah outlines post-divorce custody arrangements prioritising the child's best interests (Hifni, 2016). Upholding these principles ensures that both parents and the wider community contribute to a supportive environment that nurtures children's growth and dignity.

Conclusively, the right to maintenance under Shariah is a fundamental moral and legal principle that ensures the physical, emotional, and spiritual well-being of children. It highlights the father's endless responsibility to provide for and educate, regardless of marital status, and illustrates the broader Islamic concept of fairness and benevolence towards children. The effects of enforcing these rights extend beyond financial stability to include emotional security, family cohesion, and respect for the dignity of a child as a valued member of society. The rights to maintenance protection are also being pursued to enhance the development of a supportive and fair environment for future generations by establishing uniformity between legal and moral responsibility.

### ***Legal and Social Context of Children's Maintenance in Indonesia***

In Indonesia, legal protection serves as a key mechanism to mitigate the adverse effects of divorce and preserve children's rights. Recognising parental rights and obligations following divorce emphasises the importance of safeguarding children's welfare and ensuring that they are neither neglected nor deprived of maintenance and appropriate care (Kurniati, 2018).

The Law of the Republic of Indonesia primarily regulates the national legal framework governing child protection after divorce, Number 1 of 1974 concerning Marriage (*Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 tentang Perkawinan*), Law Number 4 of 1979 concerning Child Welfare (*Undang-Undang Nomor 4 Tahun 1979 tentang Kesejahteraan Anak*), and Law Number 23 of 2002 concerning Child Protection (*Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak*), as amended by Law Number 35 of 2014. Additionally, Presidential Instruction of the Republic of Indonesia Number 1 of 1991 concerning the Compilation of Islamic Law (*Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991 tentang Kompilasi Hukum Islam*) further elaborates these provisions. Collectively, these laws aim to ensure that children continue to receive maintenance (nafaqah), care, and education after divorce.

Article 41 of the Marriage Law (Law No. 1 of 1974) expressly stipulates that:

“Both parents are required to nurture and educate their children to the best of their ability”.

Meanwhile, Article 41(2) of the same Law states that:

“Parents' obligation, as mentioned in section 1, is fulfilled until the child marries or can be independent. The obligation is fulfilled until the marriage between them is dissolved”.

Furthermore, Article 45(1) of the Marriage Law reiterates that parents are responsible for the maintenance and education of their children, and these responsibilities do not cease upon divorce. As Yusriana et al. (2017) observe, Article 41 serves as a normative manifestation of the state's duty as a law-governed entity to recognise and protect human rights, including the welfare rights of children. The rights encompassed under this provision include access to health care, education, adequate care, and the enforcement of maintenance or alimony decreed by the court.

Meanwhile, Soemiyati (1982) explains that in divorce cases involving children, the right of custody (*ḥaḍānah*) is generally granted to the mother or grandmother, and may extend to other female relatives when necessary. However, the father remains financially responsible for supporting the child's education and daily needs. Custody rights terminate once the child is deemed capable of deciding with whom they wish to reside. Should the child choose to live with the mother, custody remains with her; conversely, if the child opts to live with their father, he assumes custody. Similarly, Hadikusuma (2007)

maintains that the father bears full financial responsibility for the child's care and education after divorce; if he is unable to meet this obligation, the court may order the mother to share the financial burden.

Consistent with Shariah principles, Indonesian law prioritises the best interests of the child in post-divorce custody arrangements. Hifni (2016) stresses that Islamic law not only guarantees the fulfilment of children's material needs but also ensures their emotional and spiritual well-being. Custody, in this sense, is designed to foster a caring and nurturing environment that supports the child's holistic development (Hashim et al., 2024).

Empirical data from the National Commission on Violence Against Women (*Komisi Nasional Anti Kekerasan terhadap Perempuan, Komnas Perempuan*) demonstrate that children are among the most vulnerable groups affected by divorce, often facing long-term social repercussions that may disrupt social stability (Komnas Perempuan, 2017). Ironically, despite the existence of comprehensive legal protection, many children's rights remain inadequately enforced once the parental relationship dissolves. Given their vulnerability, the Marriage Law and related statutes seek to safeguard children's welfare by imposing legal accountability on parents who neglect or fail to comply with court-mandated obligations. As Budi Prasetyo (2017) notes, such measures are crucial for preventing children from being arbitrarily deprived of their rights and for upholding parental accountability under the law.

Judicial decisions further demonstrate how these statutory obligations are implemented. In Divorce Decision Number 0202/Pdt.G/2015/MS.LSM, the judge ruled that custody of a three-year-old was granted to the mother pursuant to Article 105(a) of the Compilation of Islamic Law, which provides that maternal custody continues until the child reaches 12 years of age. Furthermore, the father was ordered to pay IDR 1,200,000 per month until the child reached the age of 21, with the payments made to the mother as custodian. The judgment also allowed for adjustments to account for inflation and the child's evolving needs, and authorised the mother to request additional funds for education and health care.

The same decision underscores the profound legal implications for parents who fail to meet their post-divorce obligations. Neglecting maintenance constitutes a violation of the child's right to welfare. The direct consequences of neglect include diminished supervision, reduced emotional support, and hindered psychological development. These cases highlight the importance of effective judicial enforcement mechanisms in safeguarding children's interests following divorce. Although the Supreme Court of the Republic of Indonesia (*Mahkamah Agung RI*) continues to prioritise family-law cases, effective enforcement of maintenance orders still requires broader governmental and institutional support. Without such coordination, children remain at risk of poverty, exploitation, and social marginalisation (Zulfikar & Kenzu, 2022).

Moreover, several scholars have examined the broader social and psychological implications of divorce. Purwanto et al., (2020) and Rahmawati (2016) observe that divorce profoundly affects family members in Malang, contributing to economic distress, emotional instability, and social alienation. Sukmawati (2016) further argues that divorce undermines family cohesion and the emotional well-being of parents and children alike. The inconsistency of maintenance payments exacerbates these problems, highlighting the urgent need for more vigorous enforcement of child maintenance orders. Lisnawati (2023) provides additional insight into judicial reasoning for rejecting claims of child maintenance, identifying procedural deficiencies and evidentiary obstacles within the litigation process.

To conclude, the legal and social systems in Indonesia provide a solid foundation for ensuring the maintenance rights of children in the event of divorce, thanks to the provisions of national laws and Shariah. Nevertheless, loopholes in implementation, failure to follow procedures efficiently, and inadequate social support are usually insufficient to realise these rights fully. It is necessary to strengthen the judicial system, enhance the awareness rates of people, and establish collaboration between state institutions and nongovernmental organisations to provide children with consistent care and financial assistance. The outcome of this initiative would not only protect the welfare of children but also help maintain social stability and justice within the Indonesian family law system.

## Methodology

The purpose of this research is to examine public perceptions regarding the violations of children's maintenance rights following the divorce of their parents within the framework of Islamic and national law in Indonesia. To achieve this, the study employs a qualitative and descriptive research design, which enables an in-depth exploration of current issues related to the enforcement and perception of children's post-divorce entitlements. This design facilitates a nuanced understanding of socio-legal realities shaped by legal, cultural, and religious factors. The study employs a qualitative approach involving both primary and secondary data collection. Field research, employing a normative-sociological approach, serves as the foundation for gathering primary data. This approach combines doctrinal (legal-normative) inquiry with empirical sociological investigation, enabling an analysis that considers both legal texts and their practical application in the real world. Data collection methods include interviews, documentation, and observation.

The primary units of analysis are children of divorced parents and their guardians. Sem-structured interviews are conducted to understand how individuals experience maintenance rights and perceive the barriers to their enforcement. Additional insights are obtained from legal practitioners, religious leaders, and family court personnel, providing a broader institutional perspective. The secondary data are drawn from archival records, legal documents, court decisions, and existing literature on divorce, child custody, and the right to maintenance under Indonesian law. The Islamic legal dimension of the study is grounded in Shariah principles, with the Quran and Sunnah serving as primary references. These are supported by legal opinions and interpretations of both classical and contemporary scholars from the four primary Sunni schools of Islamic law. The study also reviews jurisprudential developments from selected Muslim-majority countries to provide a comparative perspective.

All data are analysed using content analysis and descriptive-analytical methods to identify patterns, themes, and recurring legal or social challenges in enforcing maintenance rights. The normative-sociological approach is particularly suited to exposing gaps between legal provisions and their implementation in practice. The study aims to address the following research questions, namely to examine existing patterns and trends in the violation of the children's maintenance rights following divorce in Indonesia, and to identify the legal, social, and institutional factors that hinder guardians from securing maintenance for their children.

A review of the literature reveals a significant research gap, particularly concerning studies that address perceptions of violations of children's maintenance rights in Indonesia at the case level. This study aims to fill that gap. It aligns with the United Nations Sustainable Development Goals (SDGs) 2030, specifically:

- i. Goal 3: Good Health and Well-being;
- ii. Goal 5: Gender Equality, and;
- iii. Goal 10: Reduced Inequalities.

By doing so, the research contributes to the development of evidence-based policies and practical knowledge to assist policymakers, legal reformers, and social institutions in strengthening mechanisms that protect children's welfare after divorce. Ultimately, the study seeks to produce empirically grounded insights and policy recommendations that promote the realisation of children's rights through both legal and social practices in the post-divorce context in Indonesia.

Moreover, the study employs semi-structured interviews supported by content analysis and field observations. A total of nine Informants participated in the research, six women and three men, each of whom had experienced divorce and had at least one child from the marriage. Informants were selected from specific geographical areas within Indonesia, with a primary focus on urban and semi-urban localities where legal institutions and social services are readily accessible. The selection included nine individuals residing in Malang, Indonesia, as this location provides a representative setting for examining access to family courts and community-based support systems. Although the participants' exact ages were not specified, their employment and family status suggest that they fall within the 20-50-year age range. Educational backgrounds vary widely:

- i. Two hold doctorate degrees;
- ii. Two have bachelor's degrees;
- iii. Three have completed junior high school;
- iv. One has finished senior high school, and;
- v. One has only completed primary school.

This diversity enables an examination of how educational attainment influences awareness of legal rights and access to maintenance mechanisms. Some informants also reported having a religious education, which may shape their understanding of maintenance obligations under Islamic law. The informants' varied occupations, ranging from manual work to academia, reflect different socio-economic realities and help reveal disparities in access to legal information and enforcement.

### Results and Findings

The data collected from the interview sessions include an analysis of divorce cases, encompassing several key variables: gender, education level, occupation, and income of the ex-spouse, number of children, reasons for divorce, the amount of maintenance (financial support) determined by the court, and additional notes from Informants. This analysis examines these variables to identify patterns and implications in divorce cases, with a particular focus on the economic and social dynamics surrounding maintenance and post-divorce responsibilities.

All female informants reported multiple issues contributing to the breakdown of their marriages, most commonly domestic abuse, withholding of maintenance, and extramarital affairs. These women consistently described financial and emotional hardships following divorce. For example, Informant 1, despite holding a Bachelor's degree, experienced both domestic violence and financial neglect, underscoring the persistent problem of maintenance non-payment after divorce.

In contrast, male informants (Informants 7, 8, and 9) faced different post-divorce challenges. Informant 7 reported that his spouse absconded, leaving him solely responsible for the children. Meanwhile, Informants 8 and 9, both holding doctorates and employed as university lecturers, were able to make regular monthly maintenance payments, reflecting greater financial stability. This contrast illustrates an apparent gender-based disparity in economic resilience and post-divorce responsibilities.

Education level appears to play a significant role in shaping these outcomes. Female Informants with higher education (Bachelor's degree or above) often encountered complex issues during divorce proceedings, including domestic violence, religious dogmatism, and financial disputes (Informants 1 and 3). Nevertheless, they also displayed stronger coping strategies, such as seeking financial assistance from family members (Informant 3). By contrast, Informants with lower educational attainment (elementary or junior high school) reported prolonged financial struggles and limited access to support networks during and after marriage. For example, Informant 4, who only completed junior high school, remained dependent on single-mother shelters and lacked consistent family support.

The occupation and income of ex-spouses strongly influenced the adequacy of maintenance and overall financial stability after divorce. Informants whose ex-spouses worked in low-income occupations, such as courier services or stove manufacturing (Informants 1 and 2), continued to face non-payment of maintenance despite favourable court rulings. This finding highlights a direct link between lower-income employment and the inability to meet maintenance obligations. Conversely, male Informants with higher educational and stable employment (such as lecturers earning approximately 7 million Rupiah) were able to make regular maintenance payments through bank transfers, demonstrating a structured and consistent approach to post-divorce financial obligations. Informant 8's experience illustrates how the court assessed the informant's capacity to pay maintenance, thereby revealing the broader economic disparities that affect maintenance outcomes.

Furthermore, the number of children also affected post-divorce financial responsibilities. Female informants with more children, such as Informant 4, who has four children, reported greater economic strain and insufficient maintenance. Reasons for divorce, including domestic abuse and financial neglect, were common among women with larger families, reflecting the compounded pressure of managing multiple dependents during and after marriage dissolution. However, not all Informants experienced the same level of hardship. For example, Informants 7 and 8 (both male) did not report maintenance-related difficulties, suggesting that gender and occupational stability have a significant influence on post-divorce economic outcomes. Informant 8's ex-wife, for instance, received regular transfers into her bank account, suggesting that financially secure ex-spouses are more likely to fulfil their obligations.

The overall analysis of divorce cases reveals the multifaceted challenges individuals face during and after the divorce process. Key patterns indicate that economic capacity, education, and gender intersect to determine post-divorce welfare outcomes. Among women, domestic violence, non-provision of maintenance, and extramarital affairs were leading causes of marital breakdowns, often resulting in financial instability and emotional distress. Informant 1 exemplified this pattern; despite being well educated, she continued to suffer financial neglect and abuse. Male Informants, on the other hand, reported different experiences: some emphasised their sole caregiving responsibilities, while others maintained consistent financial contributions.

Education again emerged as a central determinant. Women with higher education levels, such as Informants 1 and 3, tended to exhibit greater resilience and problem-solving ability, often seeking family support or alternative income sources. Those with lower education levels, like Informant 4, who had only completed junior high school, faced enduring financial and emotional challenges, lacking both awareness and access to legal remedies. Similarly, occupational status shaped maintenance outcomes: Informants whose ex-spouses had lower-paying jobs, such as Informants 1 and 2, frequently endured long-term financial insecurity, while those linked to stable professional employment, like Informants 8 and 9, benefited from regular and structured maintenance payments.

The number of children further compounded financial strain, particularly among women, where larger family sizes correlated with more profound economic vulnerability, as seen in Informant 4, who had four children and struggled to meet their daily needs. Meanwhile, male Informants with stable incomes, namely Informants 7, 8 and 9, displayed better financial compliance, revealing persistent gendered economic imbalances in post-divorce responsibilities.

Across the findings, the ineffectiveness of legal enforcement emerged as a systemic issue. Several Informants, including Informants 1, 2, and 4, expressed reluctance to pursue legal recourse, citing lengthy court procedures, high costs, and doubts about the effectiveness of enforcement. This lack of accountability for maintenance non-compliance perpetuates financial hardship, especially among divorced women, and highlights the urgent need for more effective enforcement mechanisms.

Key themes identified from the Informants' notes include hesitancy to seek legal assistance, communication breakdowns between fathers and children, and ongoing economic challenges. These findings underscore the importance of a legal framework, robust institutional safeguards, and enhanced social support networks to ensure equitable and just outcomes for all parties involved in divorce.

From an Islamic perspective, the importance of safeguarding children's rights and ensuring their welfare after divorce is strongly emphasised. Islamic law provides explicit guidance on post-divorce custody arrangements, always prioritising the best interests of the child. The provision of maintenance and financial support is essential to sustaining economic stability in single-parent households and contributes positively to both children's and parents' well-being. Complementary research in child development highlights the importance of parental warmth, attachment theory, and autonomy support in promoting cognitive and behavioural growth among children.

### *Emerging Issues and Challenges in Post-divorce*

The analysis of Informants' experiences reveals several persistent issues that continue to affect divorced individuals, particularly women, in Indonesia. Maintenance decisions are often subject to ongoing financial disputes and instances of non-compliance by former spouses. For example, Informants 1 and 2 reported that, despite existing court orders, their ex-husbands failed to fulfil their maintenance obligations, leaving them in prolonged financial distress. Both Informants expressed hesitation about pursuing further legal action due to the anticipated cost and duration of the proceedings, a pattern also echoed by Informant 4. This collective reluctance underscores a systemic problem within Indonesia's legal framework for maintenance enforcement.

Informants' accounts further demonstrate the social and economic repercussions of divorce. The breakdown in communication between children and their fathers is evident in the words of Informant 1, who stated, "My children no longer talk to their father at all. They refuse to answer his calls and avoid any mention of him," and Informant 2 similarly explained, "There is no relationship left between my children and their father. They have completely cut off communication."

At the same time, the reliance on institutional support for survival was clearly articulated by Informant 4, who shared, "If I did not seek help from the shelter, I honestly would not know how we would survive. That place is the only reason we still have food and somewhere to stay". These verbatim accounts highlight the broader effects of inadequate maintenance enforcement on family cohesion and social welfare, revealing the complex and multifaceted challenges faced by divorced individuals.

### *Reluctance to Pursue Legal Action*

Many informants expressed reluctance to engage in additional legal proceedings, primarily due to concerns about prolonged litigation and financial constraints. Informant 1 explained, "I don't want to go back to court again. The case has already taken too long, and I'm just exhausted dealing with the process." Similarly, Informant 2 stated, "I wanted to pursue the maintenance issue, but I simply don't have the money to keep going to court. Each time means more expenses."

This sentiment was echoed by Informant 4, who highlighted structural barriers faced by women in vulnerable positions, noting, "The legal process feels too complicated for someone like me. I don't really understand all the procedures, and I can't afford a lawyer". These verbatim accounts illustrate a shared perception that the legal process is inaccessible and ineffective, particularly for women with limited financial resources or lower educational backgrounds. As a result, maintenance violations frequently remain unchallenged, reinforcing ongoing cycles of economic vulnerability.

### *Breakdown of Communication*

A recurring issue among Informants, notably Informants 1 and 2, was the loss of communication between children and their fathers after divorce. This estrangement not only compromises the emotional well-being of the children but also complicates the enforcement of maintenance and visitation arrangements. The Informants reported that a lack of paternal involvement after divorce frequently correlates with neglect of financial responsibilities, worsening the hardship faced by single mothers.

### *Economic Challenges and Lack of Social Support*

Several informants described severe and ongoing financial challenges following divorce. Informant 4, a mother of four with limited formal education, explained her continued dependence on institutional and familial assistance, stating, "I still stay in the shelter for single mothers because I have nowhere else to go. Sometimes my family helps, but it's not regular, and I cannot depend on it all the time".

Similar financial difficulties were expressed by Informants 1 and 2. Informant 1 shared, "Without my ex-husband's financial support, it is very hard to manage the household expenses. There are months when I don't know how to cover everything," while Informant 2 noted, "I struggle to provide for my children because the maintenance is inconsistent. I have to rely on help from others just to get by". These verbatim accounts reveal how dependence on external assistance has become a survival strategy, underscoring deficiencies in Indonesia's social safety nets in adequately protecting women and children affected by divorce.

### *Accountability and Improved Law Enforcement*

A prominent concern raised by informants was the absence of effective accountability mechanisms for ex-spouses who failed to provide court-ordered maintenance. Informant 5 described her experience by stating, “Even though the court ordered him to pay maintenance, nothing happened when he did not pay. There were no consequences at all for him”. This perception was echoed by other informants, one of whom remarked, “They can just ignore the order, and no one follows up. It feels like the system doesn’t really enforce anything.”

Reflecting on this lack of enforcement, informants also articulated a desire for stronger institutional responses. As one informant explained, “There should be real penalties if they don’t pay, and someone should monitor whether the payments are actually made,” while another added, “After the order is issued, there should be follow-up from the authorities, not silence.” These verbatim accounts illustrate how weak enforcement mechanisms contribute to ongoing financial instability among divorced women and erode public confidence in judicial institutions.

### **Discussion**

The analysis of the Informants’ experiences provides a comprehensive overview of divorce cases in Indonesia. It examines key variables, including gender, education, occupation, number of children, reasons for divorce, and court-determined maintenance (financial support) amounts. Collectively, these factors reveal ongoing challenges and disparities in post-divorce contexts, particularly in the enforcement of maintenance rights and the protection of women and children.

The findings underscore the need for more vigorous maintenance enforcement, improved legal safeguards, and enhanced social support systems. Addressing these concerns requires a multi-faceted approach, integrating legal reforms, social policy development, and community engagement to achieve equitable and just outcomes for all parties involved in divorce proceedings. Despite the existence of theoretical protections and guarantees for children within Indonesian Marriage Law (Law No. 1 of 1974) and Islamic legal principles, many children remain deprived of their rights, especially in divorced families. To mitigate these challenges and enhance the protection of children’s maintenance rights, several strategic interventions have been proposed.

These include increasing judicial awareness of child protection issues, ensuring continuous public dissemination of the Marriage Law, and strengthening the Supreme Court’s role in overseeing and expediting divorce-related cases (Nasution, 2016). Courts are essential in resolving disputes concerning child custody and allocation of maintenance between parents, and their decisions should take into account both parents’ financial capabilities. This approach ensures an equitable distribution of financial responsibilities post-divorce (Soraya Devy & Doni Muliadi, 2019).

In a particular case where fathers are unable to fulfil their obligations, courts may require mothers to contribute financially, reflecting the principle of shared responsibilities within the family structure (Anggun, 2011). This flexibility acknowledges diverse socio-economic conditions while maintaining the child’s right to adequate support. Beyond judicial measures, scholars and practitioners have proposed several innovative policy solutions. These include the establishment of child maintenance insurance and the introduction of pre-marriage education programmes for prospective couples, which have been proposed as novel approaches to upholding children’s rights in Indonesia (Nasution, 2016).

Moreover, Non-Governmental Organisations (NGOs) play a pivotal role in supporting families post-divorce, particularly in matters of child custody and welfare. For instance, women’s NGOs in Banda Aceh actively assist mothers in asserting custody rights and navigating complex legal procedures. These organisations facilitate case reporting, mediate communication between parents, and provide legal representation during court proceedings (Mansari, 2021). Despite their vital role, NGOs often face constraints such as limited funding, difficulties in coordinating parental cooperation, and concerns about children’s long-term well-being.

In Indonesia, legal protections are designed to minimise the adverse effects of divorce on children by safeguarding their rights. However, despite these theoretical safeguards, many children continue to experience deprivation of their entitlements. Addressing this issue requires efforts such as increasing judges' awareness, disseminating the Marriage Law to the public, and improving the handling of divorce cases by the Supreme Court. Innovative proposals, such as implementing child maintenance insurance and offering pre-marriage courses, aim to protect children's rights in Indonesia. NGOs, especially women's NGOs in cities such as Banda Aceh, play an essential role in addressing post-divorce custody issues by assisting mothers in claiming custody rights and navigating the legal system. Despite limited resources, these organisations continue to safeguard children's rights and support families during difficult times.

In conclusion, the study provides an in-depth analysis of divorce cases, identifying critical factors such as gender, education, occupation, number of children, and maintenance obligations. It emphasises the importance of stronger enforcement mechanisms, enhanced legal safeguards, and expanded social support networks to mitigate the economic and emotional challenges faced by divorced individuals. By fostering a more equitable and supportive environment, society can ensure just and compassionate outcomes for all parties experiencing the consequences of divorce.

## Conclusion

This study has examined the complex issue of children's post-divorce maintenance rights in Indonesia, analysing how Islamic legal principles intersect with the country's national legal system and broader social context. Safeguarding children's welfare after divorce must remain a central priority, as they are among the most vulnerable parties affected by family dissolution. While Islamic law provides a comprehensive foundation for regulating parental responsibilities and promoting the best interests of the child, its implementation within Indonesia's legal framework continues to face practical gaps and enforcement challenges. Furthermore, strengthening both legal mechanisms and the social support system is therefore essential to ensure that children's maintenance rights are upheld in practice, not merely in principle.

The study recommends several key measures: enhancing judicial awareness of child welfare issues, improving public education on marriage and family laws, and empowering NGOs to advocate more effectively for children's rights. Additionally, innovative approaches, such as the introduction of child maintenance insurance and pre-marital education programmes, offer a promising pathway to promote early awareness, responsibility, and preventive action among prospective couples. Ultimately, this research calls upon policymakers, legal practitioners, and community leaders to prioritise the protection of children's rights within every stage of the divorce process. By integrating legal reform with social and religious awareness, Indonesia can move towards a more compassionate and equitable system, one that upholds justice, reflects the Islamic law principles, and nurtures the well-being of future generations.

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