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## **Problematics in the Implementation of Religious Court Decisions on the Execution of Child Support after Divorce**

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**Abstract:** This study examines the problems surrounding the implementation of Religious Court decisions related to the execution of child support obligations following divorce, focusing on three court rulings: Decision No. 180/Pdt.G/2025/PA.Sp.n, Decision No. 405/Pdt.G/2024/PA.Sp.n, and Decision No. 408/Pdt.G/2024/PA.Sp.n. The primary objective of this research is to assess the effectiveness of the implementation of these decisions in practice and to identify factors that hinder the fulfillment of children's rights after divorce. The research employs a qualitative method with an empirical juridical approach, conducted through document analysis of decisions issued by the Sungai Penuh Religious Court, observation of the substance of the rulings, and examination of legal, economic, and social aspects influencing their implementation. The findings indicate that the execution of child support decisions continues to face significant challenges. From a legal perspective, weak enforcement mechanisms and low compliance by fathers with court decisions constitute major obstacles. Economically, disparities in fathers' financial capacity contribute to delays or inability to fulfill child support obligations. Socially, low parental awareness following divorce often results in the neglect of children's rights. Nevertheless, the Religious Court has undertaken efforts to enhance the effectiveness of decision implementation through mediation, the issuance of more realistic and enforceable rulings, and monitoring of compliance. This study recommends strengthening legal enforcement mechanisms, increasing public legal awareness, and developing policies that prioritize the best interests of the child in order to achieve optimal justice and child welfare after divorce.

**Keywords:** Religious Court Decisions, Execution, Child Support, Divorce

### **INTRODUCTION**

The implementation of Religious Court decisions concerning child support following divorce presents complex and multifaceted challenges. These issues are particularly evident in cases where fathers, who are generally responsible for providing child support, fail to fulfill their obligations as determined by the court. Various factors contribute to this non-compliance, including economic constraints, lack of legal awareness, and social dynamics. As a result, the effectiveness of court decisions in ensuring the fulfillment of child support is often hindered, necessitating a comprehensive approach to address these obstacles.

One significant issue is the reluctance or inability of fathers to comply with court-ordered child support obligations. Studies indicate that many fathers fail to meet their responsibilities due to financial instability, remarriage, or limited awareness of their legal and moral duties toward their children (Yuniar & Sudarmaji, 2023, p. 131). The absence of strict legal sanctions for non-compliance further exacerbates this problem. Religious Courts often lack effective authority to enforce punitive measures, leading to ineffective implementation of child support decisions (Maghfuri & Al-Amin, 2024, p. 4).

The execution of child support decisions also involves procedural and psychological challenges. Courts must navigate complex family dynamics and prioritize the best interests of the child, often requiring coordination with law enforcement agencies and child psychologists (Harly, Saputra, & Maryani, 2024, p. 5). These complexities frequently delay or weaken the enforcement process.

Strengthening the legal framework by incorporating enforceable sanctions for non-compliance may enhance adherence to child support rulings. Such measures could include asset seizure or wage garnishment as enforcement mechanisms (Jafar, Kasim, & Bakung, 2023, p. 102). Additionally, enhancing the role of mediators and child support facilitators may improve communication and understanding between parties, potentially leading to more amicable resolutions (Gushairi, 2022, p. 23). Empowering judges to determine specific child support amounts and ensuring clarity in court decisions can further reduce ambiguity and increase compliance (Mardhotillah, Johari, & Wahidin, 2024, p. 48).

Despite the existence of clear court rulings, many fathers continue to neglect their child support obligations due to various socio-economic factors. This situation underscores the urgent need for increased legal awareness and more effective enforcement mechanisms (Rachman et al., 2022, p. 41). Similar patterns have been observed in other regions, where fathers frequently disregard their responsibilities, resulting in ineffective enforcement of child support laws (Khairani et al., 2024, p. 43). Consequently, mothers often bear the financial burden of child support due to the lack of enforcement against non-compliant fathers (Maghfuri & Al-Amin, 2024, p. 9).

Although the implementation of Religious Court decisions on child support faces significant challenges, efforts are being made to address these issues. Strengthening the legal framework, enhancing mediation mechanisms, and improving judicial clarity are crucial steps toward ensuring the effective enforcement of child support obligations. However, the complexity of family dynamics and socio-economic conditions continues to pose challenges, requiring a multifaceted approach that prioritizes the welfare of children.

In practice, despite court rulings that clearly establish fathers' obligations to provide child support, many cases fail to achieve effective implementation. Factors such as the father's economic condition, low legal awareness, and weak enforcement mechanisms remain major obstacles to achieving justice for children. Furthermore, the absence of robust monitoring systems and firm sanctions against non-compliant parties further aggravates the situation, often resulting in the neglect of children's rights. Therefore, this research is essential to explore in depth the factors contributing to the problematic implementation of these decisions, analyze the role of the Sungai Penuh Religious Court in addressing these challenges, and formulate strategies to enhance the effectiveness of post-divorce child support enforcement in order to protect and promote children's welfare.

This study is significant because the implementation of Religious Court decisions regarding post-divorce child support has a direct impact on children's welfare and the realization of justice for those entitled to receive it. In practice, many court decisions are not effectively implemented due to fathers' non-compliance, weak law enforcement mechanisms, and complex socio-economic factors. These conditions create a gap between the normative justice embodied in court rulings and the social realities faced by society. Through this

research, it is expected that the root causes of suboptimal child support implementation can be identified and appropriate solution-oriented recommendations formulated to strengthen the legal system and child protection mechanisms. Accordingly, this study makes a meaningful contribution to enhancing the effectiveness of Religious Courts and ensuring the fulfillment of children's rights as an integral part of social and humanitarian justice.

## LITERATURE REVIEW

The implementation of Religious Court decisions concerning child support (nafkah anak) following divorce presents complex legal and social challenges. The primary objective of such decisions is to ensure that the best interests and welfare of the child are prioritized; however, significant difficulties often arise in their execution. Numerous studies have highlighted procedural, economic, and social barriers that hinder the effective enforcement of child support rulings. These challenges include non-compliance by the obligated parent, financial constraints, and the absence of clear and specific enforcement guidelines. This section examines these issues in detail based on existing scholarly literature.

Masyhari and Nurasikin (2023) examined the implementation of Religious Court decisions regarding child maintenance after divorce and found that approximately 53.33% of husbands failed to comply with court orders to provide child support. This finding underscores the legal obligation imposed on fathers to provide financial maintenance until the child reaches adulthood, as mandated by statutory law and the Compilation of Islamic Law (KHI). The study also noted that many former wives, who generally have stable employment, actively seek to enforce these rights for their children despite persistent non-compliance by former husbands.

Hak and Barkah (2023) identified several obstacles in the enforcement of child support, including incomplete claims regarding children's rights in divorce petitions, variations in the determination of living costs, and difficulties in enforcing decisions when one party is absent from the proceedings. Additionally, judges' interpretations of the *Ultra Petitem Partium* principle significantly influence the execution of child support obligations, particularly when claims are not explicitly requested by the petitioner.

Arimi and Hikmawati (2025) analyzed the implementation of post-divorce child support as determined by the Surabaya Religious Court. Their study emphasized that fathers are responsible for meeting their children's needs in accordance with Supreme Court guidelines. The amount of child support is calculated based on the child's needs and the father's financial capacity, with an annual increase of 10% to account for inflation. This approach aligns with principles of justice and the best interests of the child, ensuring their welfare and development. Gausia and Fathur Rochim (2023) highlighted several challenges in the execution of child support decisions following divorce. First, the execution process is often lengthy and costly, placing a burden on the entitled party. Second, successful wives frequently lack information regarding the assets of their former husbands. Third, husbands often fail to comply with court rulings by claiming an absence of assets. The study recommends the application of Article 1131 of the Civil Code and revisions to Law No. 23 of 2004 to address enforcement issues related to child support.

Ariani et al. (2024) emphasized the critical role of Religious Courts in protecting the rights of women and children after divorce, particularly in relation to the execution of child support. While Religious Court decisions aim to promote justice and social welfare, their implementation does not always fully accommodate the rights of women and children. The findings suggest the need for improved policies to ensure effective enforcement of child support and stronger protection of post-divorce rights.

Azani and Cysillia (2022) reported low levels of awareness among former husbands regarding their obligation to fulfill child support duties as mandated by Article 41 of the Marriage Law. Their study identified various barriers to the implementation of child support

decisions and examined the efforts undertaken by former wives to secure compliance, highlighting persistent challenges in enforcing children's financial rights.

Gussevi et al. (2023) concluded that the absence of clear regulations governing post-divorce child support negatively affects children's welfare. The study noted that courts attempt to address this issue by advising parties to include child support claims in divorce petitions and by coordinating with the husband's employer to implement direct salary deductions for child support payments. However, these measures have not yet been consistently or effectively implemented.

Mantili (2022) identified two primary obstacles in the execution of child custody decisions in divorce cases. The first is the psychological impact on children, as they cannot be treated merely as objects of execution. The second obstacle relates to financial issues, particularly the costs associated with enforcing custody and support decisions. These findings reinforce the need for a more child-centered and financially feasible enforcement framework. Overall, the existing literature demonstrates that while Religious Court decisions provide a legal basis for ensuring children's rights after divorce, their implementation remains problematic. Legal ambiguity, economic hardship, and weak enforcement mechanisms continue to undermine the realization of child welfare, highlighting the need for stronger regulatory frameworks and more effective judicial strategies.

## RESEARCH METHOD

This study employs a qualitative research method with an empirical juridical approach, aimed at gaining an in-depth understanding of the practical realities surrounding the implementation of child support decisions. The research is conducted through an analysis of Religious Court decisions issued by the Sungai Penuh Religious Court, specifically Case Number 180/Pdt.G/2025/PA.Spn, Case Number 405/Pdt.G/2024/PA.Spn, and Case Number 408/Pdt.G/2024/PA.Spn.

The analysis focuses on identifying patterns of legal application, emerging obstacles, and the effectiveness of court decisions in safeguarding children's rights. Data are collected through the examination of official court documents, observation of the substance of judicial decisions, and analysis of the legal and social aspects of their implementation. The findings are then interpreted descriptively to identify key inhibiting factors and to formulate strategic solutions that can be implemented by Religious Courts to optimize the enforcement of child support in a fair, effective, and sustainable manner.

## RESEARCH FINDINGS AND DISCUSSION

### Implementation of Religious Court Decisions on the Execution of Child Maintenance after Divorce in Practice

The implementation of Religious Court Decision Number 408/Pdt.G/2024/PA.Spn concerning the execution of child maintenance after divorce demonstrates a legal approach oriented toward the best interests of the child and humane dispute resolution through mediation mechanisms. Based on the judges' considerations, settlement efforts were undertaken between the Plaintiff and the Defendant both in court proceedings and through mediation conducted by an appointed mediator. These efforts resulted in partial success, whereby both parties reached a peaceful agreement regarding child custody. Under this agreement, custody of the two children, SF and SA, was granted to the Plaintiff (the mother), while the Defendant (the father) retained access rights to visit the children. This agreement was formally recorded in the court minutes, thereby fulfilling the provisions of Article 82 paragraphs (1) and (4) of Law Number 7 of 1989 as amended by Law Number 3 of 2006 and Law Number 50 of 2009, and in accordance with Supreme Court Regulation of the Republic of Indonesia Number 1 of 2016 on Court-Annexed Mediation Procedures.

However, because the settlement was only partially successful, other substantive issues such as post-divorce child maintenance and the Defendant's financial responsibility toward the children were continued to the examination stage in a closed court session, as stipulated in Article 80 paragraph (2) of Law Number 7 of 1989. This indicates that the implementation of child maintenance decisions does not conclude at the determination of custody alone, but also requires concrete enforcement in practice. In reality, the execution of such decisions frequently encounters obstacles, including the Defendant's lack of legal awareness, limited effectiveness of enforcement mechanisms, and slow administrative procedures within the court system. Therefore, Decision Number 408/Pdt.G/2024/PA.Spn serves as an example of law enforcement that not only upholds formal justice but also emphasizes humanitarian considerations and the protection of children's rights as a primary priority in divorce cases.

Decision Number 408/PDT.G/2024/PA.SPN exemplifies a legal ruling that prioritizes both formal justice and humanitarian aspects, particularly the protection of children's rights. Nevertheless, the practical implementation of such decisions is often hindered by various constraints, including low legal awareness, ineffective enforcement mechanisms, and slow administrative processes. These challenges are common within the Indonesian Religious Court system, where enforcement of child maintenance and custody orders frequently faces difficulties.

Many defendants, particularly former husbands, lack sufficient awareness or understanding of their legal obligations after divorce, contributing to non-compliance with court orders regarding child maintenance (Azani & Cysillia, 2022, p. 47). The absence of detailed and specific regulations governing the execution of child maintenance orders further complicates enforcement. This issue is exacerbated by the lack of preparedness of enforcement apparatuses and the need for a more professional approach by law enforcement authorities (Wulansari, 2015, p. 22). Additionally, court administrative processes are often slow, delaying the execution of decisions, particularly when multiple parties must be involved, such as in cases where children are relocated or when one parent obstructs the execution process (Noor et al., 2023, p. 4085).

Many former husbands also lack stable income, which affects their ability to provide child maintenance. This financial instability constitutes a significant internal factor hindering compliance with court orders (Solihandracem et al., 2023, p. 925). In some cases, the cost of enforcing child maintenance orders may exceed the amount of maintenance itself, rendering enforcement economically impractical for the custodial parent (Pamungkas et al., 2023, p. 1389). Consequently, there is an urgent need for legal reform to provide clearer guidelines and stronger mechanisms for enforcing court decisions, including the establishment of specialized enforcement bodies to supervise and ensure compliance (Faturahman & Herlambang, 2025, p. 116). The application of joint custody or shared parenting arrangements may also alleviate some execution challenges by fostering cooperation between parents and ensuring continued parental involvement in the child's life (Noor et al., 2023, p. 4085).

While Indonesia's legal framework provides a foundation for protecting children's rights in divorce proceedings, the practical implementation of such protection remains fraught with challenges. These include legal and socio-economic barriers that hinder effective enforcement of court orders. Addressing these issues requires a multifaceted approach, including legal reform, increased legal awareness, and improved enforcement mechanisms. Furthermore, considering joint custody arrangements may help mitigate execution difficulties by promoting parental cooperation and involvement.

Similarly, Religious Court Decision Number 408/Pdt.G/2024/PA.Spn concerning the execution of child maintenance after divorce reflects the application of law oriented toward the best interests of the child and humane resolution through mediation. Based on judicial considerations, both the Plaintiff and the Defendant made efforts to reach a settlement through

court proceedings and mediation conducted by an appointed mediator. These efforts resulted in partial success, with both parties agreeing on child custody arrangements. Custody of the two children, SF and SA, was granted to the Plaintiff (the mother), while the Defendant (the father) retained visitation rights. This agreement was officially recorded in the court minutes, thereby fulfilling the requirements of Article 82 paragraphs (1) and (4) of Law Number 7 of 1989 as amended, and complying with Supreme Court Regulation Number 1 of 2016 on Mediation Procedures in Court.

Decision-making processes in such cases typically involve careful consideration of the best interests of the child, a principle that is central to Indonesian custody law. The legal basis for custody decisions is rooted in Article 82 of Law Number 7 of 1989, which has been amended to ensure that custody arrangements prioritize child welfare. This aligns with the principle that both parents retain responsibility for their children even after divorce (Lily et al., 2024, p. 39). Mediation is emphasized in custody disputes, encouraging parents to reach amicable agreements that serve the child's best interests and maintain parental involvement, as reflected in the father's access rights (Eri Sofiana, 2022, p. 119).

Judges in Indonesia often base custody decisions on what is deemed most beneficial for the child's development and well-being, taking into account psychological conditions, the child's preferences, and each parent's capacity to provide a nurturing environment (Haura & Heriyani, 2025, p. 2). Although custody may be awarded to one parent, the other parent typically retains visitation rights, reflecting shared responsibility for child upbringing (Yulianti et al., 2020, p. 244). Mediation is promoted to minimize conflict and encourage cooperative parenting arrangements that allow parents to negotiate mutually agreed terms in the child's best interests (Mansari et al., 2018, p. 103).

Various court decisions demonstrate the application of these principles, with judges considering factors such as the child's age, emotional needs, and parental capability. Courts aim to ensure that custody arrangements do not disrupt the child's stability and development (Natalia El & Pamungkas, 2024, p. 110). Nevertheless, custody decisions may vary significantly depending on individual circumstances, including the child's age, parents' living conditions, and specific needs of the child. Despite the structured legal framework, the subjective nature of determining the child's best interests presents unique challenges in each case (Fitria & Azzahra, 2025, p. 1565).

Because the settlement was only partially successful, other substantive matters—such as post-divorce child maintenance and the Defendant's financial obligations—were examined in closed court sessions pursuant to Article 80 paragraph (2) of Law Number 7 of 1989. This demonstrates that enforcement of child maintenance decisions requires concrete implementation beyond custody determinations. In practice, enforcement frequently encounters obstacles such as lack of legal awareness on the part of the Defendant, limited enforcement mechanisms, and slow court administration. Consequently, Decision Number 408/Pdt.G/2024/PA.SpN illustrates the application of law that not only upholds formal justice but also prioritizes humanitarian values and child protection in divorce cases.

Similarly, in Religious Court Decision Number 180/Pdt.G/2025/PA.SpN, the execution of post-divorce child maintenance demonstrates proper application of legal procedures in accordance with applicable laws. In this case, the Plaintiff, a civil servant (PNS), was required to obtain permission from their superior prior to filing a divorce claim, as regulated by Government Regulation Number 10 of 1983 in conjunction with Government Regulation Number 45 of 1990 and BAKN Circular Letter Number 48/SE/1990. Based on trial facts, the Plaintiff fulfilled this requirement by obtaining permission from the Head of the Ministry of Religious Affairs of Sungai Penuh City through letter Number R-01 Kd.05.11/1.3/KW.01/04/2025 dated April 10, 2025. The panel of judges therefore deemed the

case eligible to proceed to substantive examination, demonstrating procedural compliance and judicial prudence in handling divorce cases involving state officials.

During the proceedings, judges and mediators exerted maximum efforts to achieve reconciliation, resulting in partial success. The agreement covered the children's residence and maintenance obligations. The parties agreed that the children, Shafa Diva An-Nisaa (born February 23, 2002) and Alif Tiar Ar-Rahman (born April 3, 2005), would reside with the Plaintiff, while the Defendant was obligated to provide monthly maintenance of IDR 4,000,000 for Shafa Diva An-Nisaa and IDR 3,000,000 for Alif Tiar Ar-Rahman. This agreement was read in court and recorded in the official minutes, fulfilling Article 82 paragraphs (1) and (4) of Law Number 7 of 1989 as amended, and complying with Supreme Court Regulation Number 1 of 2016. Since the settlement was only partially successful, examination of other substantive issues continued in closed sessions pursuant to Article 80 paragraph (2). This decision reflects that the Religious Court not only fulfills its judicial function but also upholds justice, humanity, and the protection of children's rights after divorce.

### **Factors Hindering the Implementation of Child Maintenance Decisions**

The factors hindering the implementation of child maintenance decisions in Case Number 408/Pdt.G/2024/PA.Sp.n can be analyzed from legal, economic, and social perspectives based on witness testimonies presented in court. From a legal perspective, the primary obstacle lies in the weak enforcement of child maintenance obligations due to limited enforcement mechanisms at the practical level. Although the Religious Court ruled that the Defendant is obligated to provide child maintenance, implementation is often ineffective due to the absence of strict sanctions for non-compliance. Furthermore, lack of communication and cooperation between the Plaintiff and Defendant, as testified by witnesses, further impedes enforcement. The absence of concrete monitoring mechanisms for child maintenance payments also weakens legal protection for children's rights after divorce.

From an economic perspective, witness statements indicate that although the Defendant is a civil servant, information regarding his income and financial capacity is not clearly known to the Plaintiff or witnesses. This lack of transparency creates uncertainty in implementing maintenance obligations, as economic capacity is not adequately verified. When financial capacity is unclear, maintenance payments are often irregular. From a social perspective, the deterioration of the relationship between the Plaintiff and Defendant over the past six months, minimal communication, and the failure of family mediation efforts constitute significant barriers to enforcement. These social factors are exacerbated by the psychological condition of the children, who must adapt to a fragmented family situation while caregiving responsibilities largely fall on the mother and extended family. Therefore, obstacles in implementing child maintenance decisions in this case stem not only from weaknesses in the legal system but also from the father's lack of moral awareness and social responsibility toward the welfare of his children.

### **Factors Hindering the Implementation of Child Maintenance Decisions**

Based on the testimonies of witnesses in Case No. 405/Pdt.G/2024/PA.Sp.n, it can be concluded that several factors hinder the implementation of child maintenance decisions, encompassing legal, economic, social, and psychological aspects. From an economic perspective, the primary issue lies in the limited financial capacity within the household of both the Petitioner and the Respondent. The first witness, Supirni binti Mat Sani, who is the biological mother of the Petitioner, explained that one of the main causes of marital conflict was the family's poor economic condition, which generated tension and disputes between the spouses. This economic instability directly affected the Respondent's ability to provide child maintenance regularly and in accordance with legal provisions, particularly after separation,

when both parties lived apart and the burden of child-related responsibilities became unevenly distributed.

From a social and psychological standpoint, disharmonious relationships and poor communication between the Petitioner and the Respondent constituted major obstacles. Nearly all witnesses from both parties stated that since the couple's separation almost two years prior, communication had deteriorated significantly, and even family mediation efforts failed to reconcile them. As a result, the coordination of parental responsibilities toward the children including financial support and emotional care became ineffective. These social challenges were further aggravated by allegations of infidelity involving the Petitioner and another woman named Aulia, as testified by witnesses from the Respondent's side and supported by photographic evidence and screenshots of electronic messages. Such alleged infidelity not only triggered marital breakdown but also caused emotional tension that adversely affected the parent-child relationship.

The research findings provide insights into the social and psychological dimensions of these challenges, highlighting the importance of effective communication and mediation in mitigating the negative effects of parental separation on children. Poor communication and open conflict between parents are strongly associated with emotional and behavioral problems in children. These problems are exacerbated when parents fail to coordinate their responsibilities, leading to instability in the child's life (Amani U., 2025, p. 30). Single parents often struggle to maintain effective communication with their children due to the dual roles they must fulfill, which can reduce emotional closeness and further complicate parent-child relationships (Anugraheni et al., 2025, p. 10).

Effective communication is essential in family law mediation, as it can help resolve disputes arising from divorce and separation. Mediation relies on structured and empathetic communication to facilitate understanding and cooperation between parties, potentially preserving relationships and improving outcomes for children (Mardiyah et al., 2025, p. 52). Open and empathetic communication is crucial in maintaining relational harmony, whereas closed communication patterns and lack of empathy tend to escalate conflict and reduce relationship quality, ultimately affecting children's well-being (Suciati & Indrani, 2025, p. 8). In circumstances where parents are absent or unable to provide adequate care, caregivers play an important role in offering emotional support to children, helping to reduce feelings of loneliness and instability commonly experienced by children of separated parents (Desmarchelier et al., 2025, p. 1823). Moreover, face-to-face legal socialization and community support can enhance understanding and communication among separated parents, addressing underlying issues that contribute to divorce and improving overall family dynamics (Villavicencio Aguilar & Jaramillo Paladinez, 2020, p. 58).

While the negative impacts of poor communication and disharmony are evident, it is important to consider potential positive outcomes through effective intervention strategies. Mediation and improved communication frameworks can help parents navigate their responsibilities more effectively, ultimately benefiting the child. In addition, empathetic caregivers and community support can provide the emotional stability children need during challenging periods. This approach underscores the importance of addressing the social and psychological dimensions of parental separation in fostering healthier family dynamics.

From a legal and law enforcement perspective, ongoing personal conflicts make it difficult for one party to implement court decisions in good faith. Witnesses Fatmawati and Zukiah, who are the biological sisters of the Respondent, stated that although the court decision determined child custody and maintenance obligations, implementation was often hindered by poor communication and mutual accusations between the disputing parties. Furthermore, the involvement of children in parental conflict as evidenced by testimony from their daughter, Auralia Dirmanti, who stated that she had experienced physical violence from the Petitioner

and had witnessed her father's relationship with another woman demonstrates that emotional conflict creates an uncondusive environment for the peaceful execution of court decisions.

However, based on witness testimonies in Case No. 180/Pdt.G/2025/PA.Spn, the implementation of post-divorce child maintenance decisions in practice does not always proceed as planned. Although the court clearly determined the amount and responsibility of child maintenance, execution frequently encounters economic, social, and communication-related obstacles.

From an economic perspective, the testimony of NF., Treasurer of the Sungai Penuh City Office of Cooperatives and SMEs, revealed that the Defendant, who serves as Head of the Agency, receives a fixed income comprising basic salary, structural allowances, and performance-based incentives (TPP), totaling approximately IDR 12,000,000 per month, excluding additional honoraria. Normatively, this level of income should enable fulfillment of child maintenance obligations. However, obstacles arise due to bank deductions, personal debts, and other expenditures that are not always transparent to the family. Consequently, the actual provision of child maintenance often fails to meet real needs, particularly given that the Defendant also bears the cost of higher education for both children.

From a social and psychological perspective, testimonies from witnesses Lismawati binti Peklu, Nurliana binti Ajudin, and Alpera bin Ali Rasul emphasized that the marital relationship between the Plaintiff and the Defendant had been strained for a long time. They stated that the marriage initially functioned harmoniously for approximately twenty-four years, but began to deteriorate significantly in 2023. Despite repeated reconciliation attempts by family members up to six times all efforts failed. This situation illustrates that emotional disconnection and loss of trust between spouses directly affect the implementation of child maintenance responsibilities.

Based on testimonies from the children themselves, Shafa Diva An-Nisa and Alif Tiar Ar-Rahman, it was revealed that the Defendant continued to provide regular living expenses of IDR 2,400,000 and IDR 1,500,000 per month, respectively. However, they also disclosed that the primary causes of separation were debt issues and the Defendant's dishonesty in selling assets without the Plaintiff's knowledge. This indicates that child maintenance problems are not solely the result of explicit refusal to comply with court decisions, but also stem from longstanding financial conflicts and breaches of trust within the family.

Furthermore, moral and social reputation issues also constitute significant obstacles. Family testimonies indicated allegations of infidelity against the Defendant, although these claims could not be conclusively proven in court. Nevertheless, such allegations caused deep emotional distress for the Plaintiff and the children, resulting in a breakdown of family communication. Even without legal proof, social stigma within the surrounding community further deteriorated relations between the parties and hindered fulfillment of family maintenance obligations.

From a legal enforcement perspective, delays, non-compliance, and weak enforcement mechanisms remain common challenges. Although the Religious Court may have determined child maintenance obligations, the absence of effective monitoring and enforcement mechanisms often renders implementation dependent on the moral conscience of the obligated party. When communication is severed and relationships are marked by suspicion, such moral awareness becomes difficult to cultivate, resulting in incomplete execution of court decisions.

### **Judicial Efforts and Solutions to Optimize the Implementation of Child Maintenance Decisions**

Based on Religious Court of Sungai Penuh Decision No. 408/Pdt.G/2024/PA.Spn, it is evident that the court undertook various concrete efforts and solutions to optimize the implementation of child maintenance decisions to ensure that children's rights are fulfilled

effectively and fairly. In the case between Plaintiff Weni Lisa Fitria binti Lisman and Defendant Defriwan bin Anwar, the court not only considered formal legal aspects but also prioritized principles of justice, child welfare, and the father's economic capacity as the party obligated to provide maintenance. From the outset, judges emphasized amicable settlement through mediation, resulting in a partial agreement regarding child custody (*hadhanah*) for the two children, Sandiano Fahlefi and Shauqy Assegaf. This agreement was deemed valid and binding as it did not contravene law, public order, or morality, and possessed permanent legal force pursuant to Supreme Court Regulation No. 1 of 2016 on Court Mediation Procedures and Supreme Court Jurisprudence No. 454 K/Pdt/1991.

The court further emphasized that child custody determinations do not sever biological ties between children and parents. Judges stressed the importance of children's rights to continue receiving affection and access from both parents. Accordingly, the Plaintiff as the custodial parent was obliged to grant the Defendant access to the children, as stipulated in Supreme Court Circular Letter (SEMA) No. 1 of 2017, Section C, Religious Chamber Legal Formulation No. 4. This provision reflects the court's active role in safeguarding children's emotional and social rights even after divorce, ensuring balanced parental responsibilities rather than separation.

In determining child maintenance, the court adopted a proportional and realistic approach. While the Plaintiff demanded IDR 2,000,000 per month for two children and the Defendant claimed the ability to pay only IDR 1,000,000, judges assessed the Defendant's financial capacity based on evidence of his income as a civil servant earning IDR 6,206,515 per month. The maintenance obligation of IDR 2,000,000 was considered reasonable and did not exceed one-third of the father's income, consistent with principles of justice in Islamic law and Article 41(b) of Law No. 1 of 1974 in conjunction with Article 105(c) of the Compilation of Islamic Law (KHI). The court reinforced its reasoning with classical *fiqh* arguments drawn from *Al-Muhadzdzab* and *I'anatut Thalibin*, demonstrating synchronization between positive law and Sharia norms.

The court also linked its decision to the standard of living in Jambi Province based on the 2021 Human Development Index (HDI) data from Statistics Indonesia (BPS), indicating minimum per capita expenditure of approximately IDR 882,000 per month. Considering inflation and rising costs, IDR 1,000,000 per child per month was deemed moderate and sufficient to meet basic needs. Furthermore, the court applied SEMA No. 3 of 2015, recommending annual child maintenance increases of 10–20%, excluding education and healthcare costs, reflecting a progressive legal innovation to ensure sustainable child welfare. In its ruling, the court granted the Plaintiff's claim in full, issued a single irrevocable divorce (*cerai bain sughra*), and ordered the Defendant to pay child maintenance of IDR 3,000,000 and *mut'ah* of IDR 1,000,000 prior to issuance of the divorce certificate. Additionally, the Defendant was ordered to provide monthly child maintenance of IDR 2,000,000 until the children reach adulthood or financial independence, excluding education and healthcare costs, with an annual increase of 10%. The court also instructed the court clerk not to issue the divorce certificate until the Defendant fulfilled these obligations, demonstrating active enforcement and oversight. This reflects the court's role not merely as an adjudicator but as a guardian of substantive justice.

Similarly, in Decision No. 405/Pdt.G/2024/PA.Spn, the Religious Court demonstrated strong commitment to optimizing child maintenance enforcement. Judges granted the counterclaim and ordered the counter-defendant to pay outstanding spousal maintenance (*nafkah madhiyah*) of IDR 17,000,000, *iddah* maintenance of IDR 2,000,000, and outstanding child maintenance of IDR 8,500,000 prior to divorce declaration. Custody arrangements were divided between parents with reciprocal visitation rights, and monthly maintenance of IDR 1,000,000 per child was ordered with a 10% annual increase pursuant to SEMA No. 3 of 2015.

The joint marital home was allocated to the children to safeguard their economic rights and future security.

Overall, through these decisions, the Religious Court consistently applied the principle of the best interests of the child, ensuring that children's rights are protected not only legally, but also morally and socially, thereby safeguarding their welfare after divorce.

In Decision Number 180/Pdt.G/2025/PA.Sp, the Sungai Penuh Religious Court reaffirmed the importance of protecting the rights of children and former wives after divorce by stipulating clear and measurable maintenance obligations. In this case, the panel of judges partially granted the Plaintiff's claim and rendered a decision of *talak satu ba'in sughra* pronounced by the Defendant against the Plaintiff. As a form of post-divorce economic protection, the court ordered the Defendant to pay *iddah* maintenance amounting to IDR 6,900,000, *mut'ah* of IDR 27,600,000, and outstanding (*madhiyah*) maintenance of IDR 39,100,000 prior to the issuance of the divorce certificate. This provision reflects a concrete step taken by the court to ensure that the husband's obligations are fulfilled in advance, thereby guaranteeing justice for the wife.

Furthermore, the court determined that the children born from the marriage, Shafa Diva An-Nisaa and Alif Tiar Ar-Rahman, shall remain under the custody of their mother (the Plaintiff), while still granting the father (the Defendant) access rights in order to preserve the emotional relationship between the children and both parents. The judges also ordered the Defendant to provide periodic child support, amounting to IDR 4,000,000 per month for Shafa Diva An-Nisaa and IDR 3,000,000 per month for Alif Tiar Ar-Rahman, with a 10% annual increase until the children become financially independent, marry, or complete their education. This arrangement is not merely normative but also reflects a progressive approach adopted by the Religious Court in adjusting children's needs to economic conditions and inflation.

This decision demonstrates the efforts and solutions implemented by the Religious Court to optimize the enforcement of child maintenance by ensuring that each ruling includes provisions for incremental increases in maintenance, monitoring mechanisms through court clerks, and mandatory fulfillment of obligations prior to the issuance of the divorce certificate. Such an approach illustrates the judiciary's commitment to safeguarding children's welfare on a sustainable basis, ensuring that their rights remain effectively and fairly protected even after the dissolution of their parents' marriage.

## CONCLUSION

Based on the analysis of Decisions Number 180/Pdt.G/2025/PA.Sp, Number 405/Pdt.G/2024/PA.Sp, and Number 408/Pdt.G/2024/PA.Sp, it can be concluded that the implementation of Religious Court decisions concerning the enforcement of child maintenance after divorce continues to face various obstacles, encompassing legal, economic, and social aspects. From a legal perspective, limitations in enforcement mechanisms and low levels of paternal compliance constitute major challenges. Economically, variations in fathers' financial capacity affect the consistency of maintenance payments. Socially, the lack of awareness regarding parental responsibilities after divorce further exacerbates the ineffective implementation of court rulings. Nevertheless, the Religious Courts persist in their efforts to optimize the enforcement of such decisions through mediation, the issuance of clear and realistic judgments, and supervision of implementation, so that children's rights can be protected effectively and fairly.

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