

THE IMPACT OF DIVORCE IN CONTEMPORARY ISLAMIC LAW: CHILDREN'S RIGHTS AND PARENTS' OBLIGATIONS AFTER DIVORCE

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Abstract

Purpose – This study aims to examine the impact of divorce from a contemporary Islamic legal perspective, focusing on the fulfillment of children's rights and parental obligations post-divorce. The background of this research is driven by the increasing number of divorce cases in Indonesia, which often leave behind child custody issues. Therefore, an in-depth study of how Islamic and positive laws protect children is necessary.

Method - This study employs a normative juridical approach, analyzing statutory regulations, Islamic law, and contemporary interpretations. This analysis is also supported by contemporary Islamic legal theory, which emphasizes child protection in modern law to assess the alignment between religious norms and national regulations.

Findings – The study's findings indicate that although divorce ends a marriage, parental responsibilities, both material and immaterial, remain unchanged. Fathers are obligated to provide child support, and mothers play a primary role in childcare. Both parents are obligated to ensure their child's education, emotional stability, and moral development. Furthermore, religious courts play a central role in ensuring the fulfillment of children's rights through custody decisions, although implementation is often hampered by economic disparity, emotional conflict between parents, weak legal awareness, and a lack of post-divorce oversight mechanisms. This demonstrates the gap between legal norms and social reality, which has implications for child welfare.

Research contribution/limitations – This study emphasizes the role of religious courts in protecting children's rights through custody arrangements and enforcing post-divorce maintenance obligations in Indonesia. However, obstacles such as economic disparity, interparental conflict, and social stigma often undermine the effectiveness of fulfilling children's rights.

Originality/value – This study contributes to the literature by offering solutions through strengthening parental legal awareness, increasing cooperation between parents even after divorce, and improving institutional mechanisms. These efforts are crucial for ensuring the best interests of children and providing input for policymakers, legal practitioners, and researchers focusing on family law and child welfare.

Keywords: Divorce, Islamic law, child custody, parental obligations

Abstrak

Tujuan – Penelitian ini bertujuan mengkaji dampak perceraian dalam perspektif hukum Islam kontemporer dengan fokus pada pemenuhan hak-hak anak serta kewajiban orang tua setelah perceraian. Latar belakang penelitian ini didorong oleh meningkatnya kasus perceraian di Indonesia yang sering kali menyisakan persoalan pemeliharaan anak, sehingga diperlukan kajian mendalam mengenai bagaimana hukum Islam dan hukum positif memberikan perlindungan bagi anak.

Metode – Pendekatan yang digunakan adalah yuridis normatif dengan menganalisis peraturan perundang-undangan, hukum Islam, serta tafsir kontemporer. Analisis ini juga diperkuat dengan teori hukum Islam kontemporer yang menekankan pada perlindungan anak dalam hukum modern untuk menilai keselarasan antara norma agama dan regulasi nasional.

Temuan – Hasil penelitian menunjukkan bahwa meskipun perceraian mengakhiri ikatan perkawinan, tanggung jawab orang tua baik secara materiil maupun immateriil tetap melekat. Ayah memiliki kewajiban memberikan nafkah, sedangkan ibu berperan utama dalam pengasuhan anak. Kedua orang tua berkewajiban menjaga pendidikan, stabilitas emosi, dan perkembangan moral anak. Selain itu, ditemukan bahwa pengadilan agama memiliki peran sentral dalam memastikan pemenuhan hak anak melalui putusan hak asuh, meskipun implementasi di lapangan sering terkendala oleh disparitas ekonomi, konflik emosional antar orang tua, lemahnya kesadaran hukum, serta minimnya mekanisme pengawasan pascaperceraian. Hal ini menunjukkan adanya kesenjangan antara norma hukum dan realitas sosial yang berimplikasi pada kesejahteraan anak.

Kontribusi/Keterbatasan Penelitian – Penelitian ini menekankan peran pengadilan agama dalam melindungi hak-hak anak melalui pengaturan hak asuh dan penegakan kewajiban pemeliharaan pasca perceraian. Namun, hambatan seperti kesenjangan ekonomi, konflik antarorang tua, dan stigma sosial sering kali mengurangi efektivitas pemenuhan hak-hak anak.

Keaslian/Nilai – Penelitian ini memberikan kontribusi berupa tawaran solusi melalui penguatan kesadaran hukum orang tua, peningkatan kerja sama antarorang tua meskipun telah bercerai, serta perbaikan mekanisme kelembagaan. Upaya tersebut penting untuk menjamin kepentingan terbaik anak sekaligus memberikan masukan bagi pembuat kebijakan, praktisi hukum, maupun peneliti yang fokus pada isu hukum keluarga dan kesejahteraan anak.

Kata kunci: Perceraian, hukum Islam, hak asuh anak, kewajiban orang tua

INTRODUCTION

In Contemporary Islamic Law, children are considered a trust that must be protected. This concept is interpreted not only from a physical and material perspective, but also includes the psychological and emotional aspects of the child. post-divorce, the challenges children face are often related to uncertainty and changes in the family environment, which can affect their development both socially (Cipta 2017). In this context, parents' obligation to provide optimal protection and care becomes very crucial.

In Islamic teachings, parents are responsible for fulfilling their children's

basic needs, including shelter, education, and love. Analysis of Children's Rights in the Context of Divorce in Islamic Law Involves Considerations Related to Custody, Support, and Legal Protection. Child custody after divorce is one of the most critical issues that must be decided, often resulting in disputes between parents. Islamic Law Emphasizes the Child's welfare as the main priority in determining custody rights, which often considers the child's condition, including emotional relationships with both parents. Therefore, decisions regarding custody rights do not only refer to legal aspects alone, but also consider the best interests of the child.

In this case, the obligation of parents to provide support after the *Pierrai* is also an important highlight in Islamic law. In this context, support includes all forms of support, both financial and psychological. Parents without custody of their children still have the responsibility to provide for their children, in accordance with the applicable provisions of Islamic law. This aspect also shows that even though the husband and wife relationship has broken up, the limited responsibility towards children does not end, but still exists and must be worked on properly. In the context of Islamic law, divorce is not just a physical separation between husband and wife but also has a wide impact on children. Children, as individuals under legal protection, have rights that must be respected and protected by both parents post-divorce. According to Article 52 of Law no. 1 of 1974 Concerning Marriage, Children Have the Right to Receive Attention, Affection and Education from Their Parents (Tanjung 2015). However, *Sperrai* often creates disputes over roles and responsibilities between the two parents, which can impact the child's psychological and emotional well-being.

Divorce is not merely the dissolution of a marital contract but a complex social and legal phenomenon with far-reaching implications for children's welfare. In Islamic law, children are regarded as a trust (*amanah*) whose rights must be protected holistically, covering physical

care, financial support, emotional stability, and spiritual development. The increasing divorce rates in Indonesia, as reported by Religious Courts in recent years, have intensified concerns regarding the ability of parents and legal institutions to safeguard children's rights in post-divorce contexts. This issue is significant not only because it affects children's developmental outcomes, but also because it challenges the effectiveness of Islamic law and national legal frameworks in ensuring justice and child protection.

Existing studies have examined the psychological and social impact of divorce on children, highlighting heightened risks of depression, anxiety, and behavioral problems compared to peers from intact families (Sarmadi and Khodabakhshi-Koolaei 2023). Research in the Indonesian context underscores the additional burden of social stigma and inter-parental conflict, which often exacerbates children's vulnerability (Siagian et al. 2019). From a legal perspective, classical Islamic jurisprudence provides detailed rules on custody (*hadhanah*) and financial maintenance (*nafkah*), while contemporary scholarship debates their adequacy in addressing the complexities of modern family structures. However, most studies treat Islamic law and Indonesian positive law as separate domains, with limited attention to their intersection and practical application in safeguarding children's rights through religious courts and legal enforcement

mechanisms (Sumarni and Darmawan 2024).

In Islamic law, children are considered a trust (*amanah*) whose rights must be protected comprehensively, physically, materially, emotionally, and spiritually. However, divorce remains one of the most challenging family law issues, as it disrupts the balance of parental roles and often leaves children vulnerable to neglect and psychological harm. In Indonesia, where divorce rates have steadily increased over the past decade, the implications for children's welfare have become significant legal and social concerns.

Recent studies emphasize that children of divorced parents are more prone to academic difficulties, behavioral problems, and mental health issues than children from intact families. A number of previous studies have made important contributions to understanding the impact of divorce on children and its regulation from the perspective of Islamic law and positive law (Demir-Dagdas et al. 2018). Studies show that children of divorced parents are more susceptible to academic difficulties, behavioral problems, and mental health disorders compared to children from intact families.

In the Indonesian context, the social stigma surrounding divorce exacerbates children's vulnerability, as it often creates loyalty conflicts between the two parents (Apata et al. 2023). Highlights that although classical fiqh has regulated in detail regarding custody (*ḥaḍānah*)

and maintenance, there is still debate among contemporary academics regarding the relevance and adequacy of these rules to deal with the realities of modern family structures. Within Islamic jurisprudence, classical fiqh provides detailed regulations on custody (*ḥaḍānah*) and financial maintenance (*naḥk*), yet contemporary scholarship has debated the adequacy of these provisions in addressing the complex realities of modern family structures (Fitriyana 2016).

Cross cultural research by Al Krenawi and Graham (2000) also shows that the family system in Muslim societies generally places the mother as the primary caregiver and the father as the breadwinner, but custody disputes remain a serious problem due to uncertainty in the implementation of the law. In Indonesia, found that although religious courts have the authority to determine child custody, the effectiveness of their decisions is often hampered by low parental legal awareness and weak oversight mechanisms (Sudirman, Sunuwati, and Fasieh 2023). Furthermore, emphasized the need for integration between Islamic law and national legislation to ensure child protection after divorce, although this research did not detail the role of legal institutions in addressing social challenges such as emotional conflict, economic inequality, and societal stigma (Nafisah et al. 2024).

Based on these studies, a research gap can be identified: most studies focus on

the psychological and social impacts of divorce on children, as well as on normative debates regarding Islamic jurisprudence and positive law. However, few studies have comprehensively examined how parental responsibilities post-divorce are regulated in contemporary Islamic law and Indonesian positive law, and how religious courts play a role in balancing legal norms with social realities. Therefore, this study aims to fill this gap by emphasizing normative analysis and practical implications for child protection and welfare in Indonesia.

Despite the growing body of literature on divorce and child welfare, there remains a scholarly gap in integrating Islamic legal principles with Indonesia's evolving legal framework, particularly regarding the enforcement of parental obligations and the role of legal institutions in safeguarding children's rights. Previous studies have often treated Islamic and positive laws separately, overlooking their intersection in shaping judicial practice and policy. This study aims to fill this gap by examining how Islamic law and Indonesian national legislation converge in regulating custody, child support, and emotional well-being after divorce.

By employing a normative juridical approach, this research contributes to the discourse in three ways: (1) it critically analyzes parental responsibilities post-divorce within the dual framework of Islamic and Indonesian law; (2) it highlights the role

of religious courts in enforcing children's rights; and (3) it identifies structural challenges, such as economic disparities, parental conflict, and institutional limitations, that hinder the fulfillment of those rights. In doing so, this study not only extends the scholarly conversation on Islamic family law but also provides policy-relevant insights for strengthening child protection mechanisms in Muslim-majority societies.

METHOD

This study employs a normative juridical (doctrinal) approach (Soetandyo Wignjosebroto 2008), focusing on the interpretation and analysis of Islamic law and national legislation governing children's rights and parental obligations post-divorce. The materials and instruments of this study involve documentary analysis guided by a conceptual framework rooted in Islamic jurisprudence and Indonesian legal positivism. Data collection was conducted through an extensive literature study, while data analysis applied a qualitative-descriptive method, synthesizing doctrinal interpretations with sociolegal perspectives (Peter Mahmud Marzuki 2005). This method allows for the systematic identification of legal principles, evaluation of their implementation in practice, and critical examination of the gaps between normative provisions and real-life enforcement.

This study uses primary and secondary data as sources. Primary data sources are the main legal materials that have binding force, including the Qur'an and the Prophet's hadith, which serve as the normative basis for divorce, custody (ḥaḍānah), and parental obligations towards children. In addition, primary sources also include classical fiqh books that regulate divorce, child support, and maintenance in detail, as well as laws and regulations in Indonesia, such as Law No. 1 of 1974 concerning Marriage and its amendments, the Compilation of Islamic Law (KHI), Law No. 23 of 2002 in conjunction with Law No. 35 of 2014 concerning Child Protection, and religious court decisions as a form of jurisprudence. Secondary data sources were obtained from the supporting literature in the form of academic books on Islamic family law and child protection, national and international journal articles that examine the impact of divorce on children, and contemporary interpretations that examine verses about the family. This method allows for the systematic identification of legal principles, evaluation of their implementation in practice, and critical examination of the gaps between normative provisions and real-life enforcement.

RESULTS AND DISCUSSION

Principles of *Talaq* in Islamic Law

The Qur'an regulates *talaq* by emphasizing justice, patience, and the protection of the rights of wives and

children. This is mentioned in the Al-Quran, Surah Al-Baqarah, verse 229:

الطَّلَاقُ مَرَّتَيْنِ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ
بِإِحْسَانٍ

“*Talaq* (which can be referred to) twice: After that, you can reconcile again in a peaceful way or divorce in a good way.”

In the same surah, verse 231, it is also stated:

وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَبَلَّغُنَّ أَجَلَهُنَّ فَأُمْسِكُوهُنَّ
بِمَعْرُوفٍ أَوْ سَرَّحُوهُنَّ بِمَعْرُوفٍ وَلَا تُمْسِكُوهُنَّ ضِرَارًا
لِّتَعْتَدُوا

“The husband is obliged to refer to or release his wife at the end of the *iddah* in a good manner without being oppressive.”

This verse emphasizes that divorce is not just the termination of a relationship but must be carried out fairly and without harming the other party, including the prohibition on detaining a wife after divorce just to hurt or harm her rights. Explicitly, in the Al-Quran, surah At-Talaq verses 6-7 gives emphasizes that divorce does not remove a parent's obligation to their child. A husband, as a father, remains obligated to provide a home and sustenance within his means and is prohibited from causing hardship or mistreating his ex-wife, as this directly impacts the child's well-being. If a mother breastfeeds a child after a divorce, she is entitled to a wage, demonstrating Islam's respect for the mother's role in the child's development

and ensuring that the child continues to receive nutrition and affection from the mother.

Furthermore, the commandment for a father to provide sustenance, whether in good times or bad, emphasizes that a child's right to material support remains intact even if the parents are separated. Thus, this verse emphasizes the continuity of children's rights after divorce, including physical, emotional, and financial needs, and demands continued responsibility from both parents in the child's best interests (As-Sa'di 2003).

In many hadiths, it is also found that it is related to divorce, including the hadith narrated by Abu Dawud, hadith number 2178, and Ibn Majah, hadith number 2018:

أَبْغَضُ الْحَلَالِ إِلَى اللَّهِ الطَّلَاقُ

"The lawful act that Allah hates most is *talaq* (divorce)."

In the hadith narrated by Abu Dawood, number 1692, the Prophet Muhammad (peace be upon him) forbade neglecting children, as stated below (Al Albani 2005):

كَفَى بِالْمَرْءِ إِثْمًا أَنْ يُضَيِّعَ مَنْ يَتَوَلَّى

"It is enough for a person to be considered a sinner if he neglects his dependents."

This means that even if parents separate, the obligation to provide for, protect, and care for the child should not be neglected, as narrated by Imam Muslim in Hadith number 996:

كَفَى بِالْمَرْءِ إِثْمًا أَنْ يَحْسَسَ عَمَّنْ يَمْلِكُ قُوَّتَهُ

"It is enough for a person to be considered a sin if he withholds support from people who are his dependents." (Muslim 2007)

Although divorce is permitted in Islamic law, it has strict rules to ensure that human values are not lost, including treating children as the party most affected by their parents' divorce. This principle emphasizes that a smooth divorce is a last resort, and every effort is made to improve the relationship. In this context, Islamic law encourages mediation and reconciliation between couples, creating an atmosphere that promotes harmony rather than conflict. Islamic law also regulates various forms of talak, including *talak raj'i*, where the husband has the right to return his wife during the iddah period (waiting period), and *talaq bain*, which forgets the termination of the undoing) (Sabiq 2000). The initial difference is one of the important questions that affects the rights and obligations of Orange Your Divorce Party. Seumi who pronounce divorce must pay attention to the rights of the wife and children in the decision, and are required to provide adequate support and protection during the Iddah period (Rehman 2007).

Recognition of children's rights under Islamic law. Sear divorce is crucial to ensure the continuation of healthy and balanced development for children. In this sense, both Sharia and modern legal practice require cooperation between

parents to provide everything that children need physically, emotionally, and spiritually, acting synergistically in safeguarding rights for better times. From the perspective of Islamic law, parents' responsibilities towards their children after divorce remain crucial and are clearly regulated. Islamic law emphasizes the obligations and laws of parents in providing care and protection for children, even when the husband-wife relationship has ended. This responsibility covers several aspects, including the physical, emotional, educational, and spiritual needs of children.

In contemporary Islamic law, the principles of *talaq* (divorce) emphasize justice, public welfare, and the protection of the rights of wives and children. The Qur'an emphasizes that divorce must be carried out in a good manner (*bi al-ma'ruf*), without the intention of harming or oppressing either party (Al-Jaza'iri 2003). *Talaq* should not be used to pressure or harm a partner, but is only permitted as a last resort when marital life is no longer sustainable. Its implementation must comply with Sharia provisions, including the obligation to observe the *'iddah* period, which provides an opportunity for reconciliation while protecting the wife's rights.

Another principle is to maintain the honor and dignity of both parties so that the divorce process does not cause conflict or shame the family. After divorce, the husband remains obligated

to provide maintenance during the *'iddah* period, provide *mut'ah* as compensation, and guarantee the fulfillment of the child's rights, including maintenance, education, and care. Thus, *ṭalāq* in Islamic law is not only seen as the termination of the marriage bond but also as a legal mechanism regulated to ensure protection, balance of rights and obligations, and the welfare of the family, especially for more vulnerable parties such as wives and children.

Parents' Obligations Towards Children After Divorce

Divorce does not remove a parent's obligations towards their child because, from an Islamic legal perspective, a child is a trust whose rights must be protected and fulfilled in full. The Qur'an emphasizes that a father must continue to provide a place to live, provide for his family, and provide wages if his ex-wife breastfeeds their child (QS. al-Talaq verse 6–7). This shows that fulfilling a child's needs, whether physical, material, or emotional, remains an ongoing obligation even after the marriage bond ends. The Prophet Muhammad (peace be upon him) also emphasized that parents have full responsibility for the children they give birth to, as he said: "It is enough of a sin for a man to neglect those under his care" (Al Albani 2005).

In the context of Indonesian positive law, parental obligations after divorce are explicitly regulated by Law Number 1 of 1974 concerning Marriage. Article 41

states that following the dissolution of a marriage, both the father and mother remain obligated to care for and educate their children, solely based on the child's interests. The primary obligation to provide maintenance falls on the father; however, if the father is unable to do so, the mother may also take over. This provision is further reinforced in Article 156 of the Compilation of Islamic Law (KHI), which states that the maintenance of a child who is not yet legally married is the mother's right, while a child who is legally married has the right to choose whether to be raised by the father or the mother. However, in both circumstances, the father remains obligated to cover all costs of the child's maintenance and education to the best of his ability.

Academic studies also show that the continuity of child support and care after divorce significantly impacts a child's psychological and social development. states that post divorce conflict and neglect of responsibilities often increase the risk of emotional and behavioral disorders in children. Dupret (2023) emphasizes that post-divorce parental involvement, both in the form of financial and emotional support, is a crucial factor in minimizing the negative impact of divorce on children. The results of this analysis are presented in the following table:

Table 1. Parents' Obligations Towards Children After Divorce

Legal Sources	Contents/Terms	Focus on Obligations
Al-Qur'an Surah At-Talaq verse 6-7)	The father is obliged to provide a place to live, a living according to his ability, and provide wages if the ex-wife breastfeeds the child.	Living, housing, mother's rights as a breast-feeder, child welfare.
Hadith of the Prophet narrated by Abu Dawud	<i>"It is enough for a person to sin if he neglects the people he depends on."</i>	Prohibition on neglecting children, full responsibility of parents.
Law No. 1 of 1974 concerning Marriage (Article 41)	Divorce does not absolve parents of their responsibilities. Fathers and mothers remain obligated to care for and educate their children for their own benefit. Support falls to the father.	Maintenance, education, child support.
Compilation of Islamic Law (Article 156)	Children who are not yet mumayyiz are raised by their mother, children who are mumayyiz can choose father or mother. The father still bears the costs of maintaining and educating the child according to his ability.	Custody, maintenance, education, care.

When Discussing Your Obligations After Divorce, Islamic Law Emphasizes the Continuous Responsibility to Meet the Child's Needs, Both Material and Emotional. Child support is one of the main obligations that must be fulfilled by the father as the main breadwinner (Safii 2025). However, mothers also have an important role in the care and education of children, and the initial role is that no party is harmed fairly. The Islamic Legal System Recognizes That Divorce Can Create Significant Psychological Impacts on Children, So Their Protection Must Be a Top Priority.

The location of protection not only covers basic needs but also includes emotional support and ongoing education. Thus, divorce in Islamic law is not only a termination of the relationship between your people, but also includes the responsibility of each person to provide love and assurance to their children in accordance with the provisions of the Sharia (Wulandari, Alwi, and Musyfikah 2022). Islamic law emphasizes that children have clear rights, which must be protected by both parents, even though they are no longer

bound by marriage. These rights include the right to protection, education, livelihood, and the right to receive love from both parents.

Furthermore, the right of children to earn a living is an important pillar of Islamic law and peace. This subsistence includes meeting basic needs such as food, restaurants, education, and health. According to Islamic law, the ex-husband has an obligation to provide support for his children based on the provisions in the Fiqh books. In some opinions, support must be provided as long as the child is still present during the period of parental responsibility, whether until the child reaches adulthood or completes a proper education. Education is another fundamental right of children according to Islamic law. In the context of divorce, the role of both parents remains important in providing equal and powerful access to education for children. Islam encourages parents to ensure that their children receive a good education, which includes not only formal education at school but also spiritual education at home. Post-divorce, this can require both parents to work together in planning their child's education, even though there may be emotional feelings left behind by them.

Law of the Republic of Indonesia Number 1 of 1974 on Marriage and Law Number 23 of 2002 on Child Protection provide a clear legal framework regarding the rights of children that must be protected. These two laws

emphasize that children have the right to receive adequate care and education, as well as protection from violence. In practice, when a divorce occurs, both parents still have the legal responsibility to provide for the child's basic needs, including food, shelter, education, and close supervision.

Furthermore, Pementah Regulation Number 9 of 1975 (Zulfikar and Fathinuddin n.d.), which is an implementation of the Play Marriage Law, regulates custody rights in divorce cases. The article states that decisions regarding child custody must consider the best interests of the child. This is in conflict with the principles of Islamic law, which make children a trust whose rights are protected and safeguarded. In this case, a crucial role has to assess the condition of the family's welfare and make decisions that support the protection of children's rights after post-natal care.

In addition, the child's right to receive love and attention from both parents after a divorce is no less important. Islamic law emphasizes maintaining emotional relationships between children and parents, where love and attention can help children adapt to new situations. Even though there is a separation, the parent is expected to maintain good communication and be actively involved in their child's life. In such cases, a shared parenting model (shared case) is often recommended to ensure that children continue to receive full support from both parents.

Given the instability of children's lives from toddler to teenage years, parents' obligations can be classified into several points as follows: *First*, in the context of physical care, parents are obliged to fulfill their children's basic needs, including living, food, clothing, and health. According to Sharia principles, child support is a never-ending responsibility of parents, even after divorce. This covers daily needs, as well as education and health costs.

In this case, both fathers and mothers are expected to contribute to looking after children, with the emphasis that this obligation is not only material but also moral. *Second*, the educational aspects of play have received significant attention. Islamic law emphasizes the importance of education in child development. Parents must ensure that their children receive a good education, both formal and informal, which includes not only academic aspects but also religious and moral values. This is important for shaping the character of a child into a responsible individual with noble character. Religious education, in particular, has received great attention, considering that the main aim of Islamic law is to instill strong beliefs and teachings that can guide children in everyday life (Linda Azizah 2012).

From an emotional perspective, divorce often negatively impacts children's mental health and development. In this context, parents' obligations are to provide emotional

support and create a stable environment. Parents must maintain good communication and show mutual respect for each other for their children's welfare. In this case, Islamic law encourages collaboration between both parents, ensuring that children do not feel trapped in parental conflict so that they can grow in an atmosphere that supports good psychological development.

From an Islamic perspective, people are expected to continue communicating and working together in the best interests of their children. This includes removing conflict between parents so that children are not influenced by existing tensions. Psychologically, children will be more capable of adapting to new situations if they feel that both parents are still involved in their lives and are committed to being responsible for their well-being. One of the fundamental aspects that needs to be analyzed in the context of divorce is the support obligations of parents towards their children after marriage. In the perspective of Islamic law, the obligation to support is not only a physical and financial responsibility but also includes the attention, education and psychological protection of children (Cipta 2017). According to the principles of Islamic law, the father as the head of the family has the main responsibility for providing a living. However, after divorce, both parents are required to continue fulfilling the child's basic needs.

The implementation of Indonesian State Law also reflects these principles. Law No. 1 of 1974 concerning Marriage and Regulations of the Supreme Court of the Republic of Indonesia provide the basis for post-marriage child support. Fathers are generally required to provide support until the child reaches adulthood or until the child completes his or her formal education, depending on the individual situation.

Meanwhile, Sharia Law Provides Flexibility, Taking into Account the Different Economic Conditions of Both Parents (Faridaziah Syahrain 2017). This responsibility for maintenance cannot be passed on to non biological parents, although there are cases where it is alleged that maintenance is paid by the new parent of one of the partners. This is in line with the view that the main protection and responsibility remain with the biological parents. In this case, if alternation or division of child custody occurs, both parties remain responsible for collaborating to ensure that the child's needs are met.(Nuruddin 2019)

Father's Child Support Practices After Divorce

Within the framework of Islamic and national law, fathers remain obligated to provide child support after divorce, including basic needs, education, and emotional well-being. However, their implementation in the field is often challenging. Research shows that many fathers neglect or fail to comply with court-ordered child support payments

(Gushairi 2021). For example, a case study at the Tembilahan Religious Court showed that in nine cases, fathers' awareness of providing child support was very low; even if they did provide child support, the amount was often below the court's stipulations.

The contributing factors included a lack of communication, social stigma, and losing track of the father's whereabouts after the divorce. Furthermore, research at the Bandar Lampung High Religious Court found that since the court ruling, the provision of child support to children and ex-wives often does not comply with Islamic or positive law. The main contributing factors are fathers' lack of awareness of their obligations and weak preventive legal protections (A 2015).

In practice, a father's post-divorce obligations to his underaged child include several components. First, they must provide support for daily needs, including food, clothing, shelter, and security. Second, fathers are also expected to provide educational support, which covers school fees and other needs related to teaching and learning. If the child requires special attention, such as additional education to deal with emergency problems, it is the father's responsibility to meet these needs (Agustina 2023). Because when parents separate, the problem purely belongs to both parents and the child cannot bear the burden based on the problems that occur. So that ex children do not act like ex partners in the

husband and wife system (Dupret et al. 2023b).

Post-divorce fathers often face challenges in fulfilling their maintenance obligations. Fathers face economic difficulties that may prevent them from fulfilling their obligations to their children. However, Islamic law does not require obedience to unrealistic financial capabilities. Fathers are expected to do the best in their ability to meet their children's needs (Arwin Dunggio 2023). Rather than just focusing on material aspects, it is also important to consider the emotional and psychological aspects. A living is not just financial support but must also include attention, affection, and quality time spent by a father for his child. Therefore, good communication between former partners is important to achieve the best interests of the child. Islamic law encourages collaboration to provide maximum protection for children.

In cases where the father is reluctant or unable to fulfill his support obligations, Islamic law provides a way for the mother to seek assistance through legal channels such as the court. The court can decide on the amount of maintenance that must be paid, and ensure that the child's rights are not compromised in the divorce decree (Sebyar et al. 2025). This contributes to the legal system's efforts to safeguard children's welfare and supports the fulfillment of Orange Cell's obligations fairly. (mohamad Aulia 2024) Thus, the father's obligation to provide support for

post-marriage children in the perspective of Islamic law is something that cannot be ruled out. Material from Ask, Emotional, and Psychological, Fathers Play a Key Role in Ensuring Their Children Get Their Rights.

In addition, good cooperation between people is necessary to create a conducive environment for the growth and development of children after divorce. The role of legal institutions in protecting children's rights after precision is a vital question that needs to be analyzed to ensure that children's needs and rights are fulfilled under complex legal conditions. From the perspective of Islamic law, there are clear principles regarding the protection of children's rights and the responsibilities of people who are interested in divorce. Legal institutions, including religious courts and other related institutions, have the responsibility to enforce these provisions, so that children's rights can be optimally protected, Even in customary law, legal provisions are still in line with what is decided by customary law, positive law and Islamic law in order to maintain a more harmonious human life (Putra, Nasution, and Edi 2025).

Post-divorce parental obligations also include efforts to ensure that children do not feel abandoned or deprived of the support they need. Research shows that positive interactions and emotional support from both parents can help children deal with divorce better. In this

context, Islamic law provides clear guidelines regarding the division of parental responsibilities, including child custody, which ideally facilitates the fulfillment of children's emotional needs.

The Position of Legal Institutions in Protecting Children's Rights After Divorce

The dynamics of protecting children's constitutional rights also face various challenges and obstacles. The social stigma associated with children from racial families often limits their movement and prevents them from obtaining their rights. Therefore, the collective attention of all stakeholders, including the government, society, and educational institutions, is very important to create an ecosystem that supports and protects children in this transitional situation. In the context of Islamic law, parents' responsibility to support their children after divorce is an obligation that cannot be ignored. (Suriani et al. 2024). Islamic law places the financial contribution of older people as an integral part of fulfilling children's rights, which is based on various legal sources, including the Koran and Hadith. According to Islamic law, both fathers and mothers are obligated to support their children's living needs, including basic needs such as food, clothing, shelter, education, and health.

Legal Institutions as Guardians of the Implementation of Child Custody Rights in Accordance with the Principles of

Justice and the Best Interests of the Child. According to Islamic Law, from the beginning of a divorce, primary attention must be given to the welfare of the child. The role of religious courts is to determine custody rights, which must be based on the child's age, condition, and psychological needs. Thus, the Legal Institution not only functions as a mediator between the two people, but also as the main protector for those affected by the decision (Alvandi et al. 2024).

Almost all legal systems, including Islamic law, recognize that children are vulnerable individuals who require special attention and protection. In the context of divorce, this situation often becomes more complex, and children often become involved in conflicts with their parents. In Islamic law, there is a principle that is firmly adhered to, namely the obligation of parents to pay attention to the child's needs as a whole, both physically and materially (Haris, Lisdiyono, and Setiyowati 2024).

In this case, divorce should not prevent parents from continuing to fulfill their responsibility to raise and educate their children well. Protection of Children's Rights in Loca Loceraian Also Includes the Enforcement of Custody Rights. In many legal systems, including Islamic law, norms govern child custody. According to the classical view in Fiqh, the party with the right to care for a child is usually the mother, especially if the child is still small. However, in field implementation, the

child's enjoyment and best interests are often the main considerations in determining custody. This consideration reflects the commitment of Islamic law to protect children from the negative impact of their parents.

Legal institutions also provide understanding and guidance to community organizations regarding their post-divorce obligations. Within the context of Islamic law, humans have responsibilities that cannot be neglected, including the obligation to provide, educate, and protect children. Legal institutions can develop protection programs that facilitate communication between parents and children and ensure that parents understand the consequences of divorce and the remaining collaborations. This is crucial for preventing post-divorce conflicts that can negatively impact children's well-being.

Furthermore, legal institutions should collaborate with other institutions, such as child protection agencies, to create a comprehensive support network for children experiencing the same experiences as their parents (Muhammad Holid 2024). Through synergy between legal institutions and other institutions, it is hoped that programs can be formed that are specifically aimed at the psychological rehabilitation of children, who may have experienced trauma due to breakup. In addition, this institution has the potential to increase public awareness of

the rights and protection of children in divorce.

In its implementation, legal institutions must be able to carry out their functions with transparency and justice by listening to children in legal proceedings. This is important considering that one of the principles of Islamic law is justice. Protection of children's rights is not only the responsibility of parents, but is also a social responsibility that must be carried out by legal institutions (Margareth Tijow 2024).

Legal education as an effort to increase public awareness and provide a better understanding of rights and obligations in the context of legal proceedings is also very important. In addition, child protection is very important in this context. Every livelihood decision must consider the welfare and needs of children. This is in line with the principles of child protection in Islam, where children's rights are protected and prioritized. For example, in determining the amount of support a father must provide, the court usually considers many factors, including the child's age, education costs, health, and other special needs. This shows that Islamic law only places support as an obligation, but is played as a means to ensure the welfare of post-Pirraian children (Faizah n.d.).

Efforts to terminate this livelihood must involve good communication between former partners to reach a fair and sustainable agreement. This is

important to create a stable environment for children, where they not only guarantee their material needs but also receive support from both parents. From a legal perspective, the success of the post-divorce support system in Islamic law depends on how effective the system is in protecting children's rights and ensuring continued parental responsibility.

In this case, further research and analysis regarding the implementation of this law in the context of Islamic law islam islam islam islam itlam itlam itlam itlam itlam itlam in, resolving child custody disputes in the context of divorce is one of the aroused aspects that requires special attention in Islamic law. Islamic law offers various settlement methods to ensure that children's rights and parental obligations are guaranteed, even if there is a separation between partners. Referring to Pétélitien by Anwar (2024) there are several approaches that can be taken in handling child custody disputes.

First, mediation is often recommended for resolving custody disputes. In this context, the mediator's role is crucial in creating constructive communication between disputing parties. A mediator with extensive knowledge of Islamic law principles can help both parents understand each parent's rights and obligations, as well as the child's best interests. Islamic law emphasizes efforts to reach mutually beneficial agreements, so that mediation

becomes a solution that is not only efficient but also harmonious in maintaining good relations in the future.

Second, if mediation is unsuccessful, Islamic law allows for settlement through the court. In this case, the panel of judges plays a causal role in determining custody rights based on the principles of justice and the child's best interests. Articles in the Marriage Code and Fatwas from Various Pandan Religious Institutions for Judges Deciding on Custody Rights. By arousing, it is noted that the most fundamental consideration in this decision is the welfare of the child, including emotional, social, and educational aspects.

Third, in situations where young children are present, Islam emphasizes determining the child's residence. Mothers are often considered the more important guardians (hadhana), especially for children under a certain age. However, Islamic law also recognizes that custody can be transferred to the father if he can demonstrate a better capacity to care for and educate the child. Therefore, decisions regarding custody are not only determined based on gender but also consider factors related to the ability to parent.

Dispute Resolution on Refusal of Child Custody Post-Divorce

Divorce not only terminates the marital relationship between husband and wife but also raises crucial issues

regarding child custody (*hadhanah*) for the husband. In practice, custody disputes do not always arise from both parents demanding custody; sometimes, one parent may refuse the responsibility of childrearing. Such refusals may stem from economic hardship, psychological burdens, incapacity, or prolonged post-divorce conflicts. Legal basis of child custody according to the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) Article 105 (Tono 1999):

- 1 Custody of a child who is not yet *mumayyiz* (under 12 years of age) belongs to the mother.
- 2 A child who has reached the age of *mumayyiz* has the right to choose whether to live with the father or mother.
- 3 The father is responsible for the child's financial support.

This provision aligns with the Law No. 35 of 2014 on the Amendment of Law No. 23 of 2002 on Child Protection, which guarantees every child the right to parental care, maintenance, education, and protection, even when the parents are divorced. (Sugianto, Wibowo, and Michael 2020)

Disputes over child custody refusal can be resolved through two main mechanisms.

1. Non-Litigation (Mediation and Deliberation)

Based on Supreme Court Regulation (PERMA) No. 1 of 2016 on Mediation Procedures in Court, mediation is mandatory in divorce cases involving child custody

disputes. Mediation emphasizes the best interests of the child, aiming to reduce psychological trauma and avoid prolonged parental conflict (Saladin 2017).

2. Litigation (Court Adjudication)

If mediation fails, the case is resolved in the Religious Court (for Muslims) or the District Court (for non-Muslims). Judges consider various factors, including financial capability, moral conduct, and psychological readiness of each parent (Witanto 2012). Court rulings are final and binding. In cases where one parent refuses to grant custody, the court may issue enforcement orders according to procedural law.

3. Principle of the Best Interests of the Child

Judges are bound by the principle of the best interests of the child (Article 4, paragraph (1), Law No. 35/2014). Therefore, custody is not merely a parental right but also a legal duty. Refusal of custody that results in neglect may be categorized as a criminal act of child neglect under Article 76B, in conjunction with Article 77, of the Child Protection Law. Case Example In the Supreme Court of Indonesia, Decision No. 110 K/AG/2007, the father refused custody after the divorce, citing financial incapacity. The court nevertheless awarded custody to the mother, considering the child's

psychological well-being and best interests.(Suadi 2018)

When a dispute arises over the denial of child custody and support, the resolution of the custody dispute from an Islamic legal perspective shows that a restorative approach is preferred over punitive one. In many cases, solutions reached through dialogue and compromise are more effective in maintaining good relationships and providing stability for the child. The emphasis on the best interests of children in all legal transactions underlines Islamic philosophy, which is based directly on the values of care, justice, and shared responsibility. In the context of marriage, one of the legal issues that arise is the child's right to visit parents with whom they do not live. According to Rufaida (2021), Islamic law recognizes the importance of the relationship between children and their parents, even though they are divorced. This visit has significant relevance, not only from an emotional perspective but also psychologically, for the development of children affected by their parents' separation.

From the perspective of Islamic law, the right to meet and visit parents who do not live together is part of the parents' obligation to ensure that positive and mutually supportive relationships are maintained. In many cases, children may experience sadness and confusion due to the new move, so it is important for them to feel the presence and support of both parents.

This is in line with the principle of child protection, which is an important concept in Islam, where children are seen as the trust and responsibility of parents. These visitation practices must be carefully organized to avoid potential conflicts between former spouses. In Many Cases, A Formal Agreement Or Mediation Is Often Necessary To Ensure That The Visitation Schedule Is Well Arranged And Meets The Child's Needs And Best Interests. Islamic law directs parents to look for solutions that foster healthy cooperation and communication, which in turn can strengthen the relationship between the child and his parents (Mumtaz JR et al. 2023).

However, challenges may arise in implementing the right to visit. Some parents may try to prevent visits for certain reasons, whether emotional or a desire to control the situation. This kind of action not only violates children's rights but can also cause deeper psychological trauma, making children feel neglected or unwanted by parents who do not live with them. Therefore, it is important for society and legal institutions to protect children through advocacy and education about their rights in a legal context.

In this case, the role of Shariah law institutions and courts is crucial. Both are expected to provide guidance and fair solutions regarding the child's right to visitation, as well as ensuring that this right is recognized and implemented as effectively as possible. Through a

comprehensive and sensitive legal approach to children's needs, it is hoped that children's right to visit parents who do not live with them can be guaranteed while supporting the child's adaptation process in faith, emotional support, and stability, which are essential needs for children experiencing separation. In the context of Islamic law, understanding this need is not only related to psychological aspects but also concerns the obligation of parents to provide protection and care that is appropriate to each individual's wishes. Divorce often creates uncertainty and instability in children's lives, which can have a major impact on their mental and emotional development (M. Natsir Asnawi 2022).

Thus, it is important for parents to understand that, although they may be involved in conflict with each other, the primary focus must be on the needs and rights of the child. Actions that support children's mental and emotional health, such as avoiding conflict in their presence and facilitating interactions with both parents, are necessary to maintain a child's post-apocalyptic psychological balance. In the context of Islamic law, prioritizing children's welfare to protect their rights is a moral and legal obligation that parents cannot ignore. In the context of Islamic law, fulfilling children's rights after divorce often faces significant challenges. Among these challenges, we identified some of the main obstacles faced by the Orange Cell in their efforts to fulfill

children's rights and carry out their post-divorce responsibilities.

Therefore, the challenges in fulfilling children's rights after divorce involve many dimensions, which require comprehensive attention and solutions from both the Keduon Your Masyarakat Institute throughout the whole. Efforts to create legal awareness, emotional support, and assistance ensure that children's rights are maintained and that obligations are carried out properly. Legislation plays an important role in guaranteeing children's rights in Indonesia after a divorce. From the perspective of Islamic law, where the family is viewed as a fundamental social unit, the protection of children after divorce becomes fundamental. Islamic law emphasizes the responsibility of parents to meet children's needs from both emotional and material perspectives. In this context, existing laws in Indonesia function as a legal umbrella to regulate and protect children's rights and to determine parental obligations after divorce.

Regardless of the existing legal framework, challenges remain in dealing with the social dynamics of divorce. For example, awareness of issues of custody and responsibility of children in society needs to be increased so that all parties understand and respect their role in maintaining the welfare of children (Handayani, UIN Sultan Syarif Kasim Riau, and Kab Kampar 2017). Development of educational programs for parents and legal counseling related

to post divorce care are important steps to increase understanding of positive law in this context. Case regarding child care in the context of domestic violence provides in-depth insight into how divorce can interfere with children's rights and parental obligations in the context of Islamic law (Putra and Hamid 2020). In this study, researchers analyzed the impact of external factors related to domestic violence (KDRT) on post-divorce child care decisions.

Domestic violence can cause long-lasting trauma in children, which not only affects their psychosocial development but also raises questions about ensuring equality and well-being. In the context of Islamic law, the violation of children's rights due to domestic violence is a serious issue that requires intervention by the authorities. Islamic law views children as a trust, which means that their protection and welfare is the responsibility of the parents, even after divorce.

CONCLUSION

This study demonstrates that divorce, while legally dissolving the marital bond, does not extinguish parents' continuing obligations toward their children. Islamic law and Indonesian legislation converge in affirming that children remain a trust (*amanah*) whose material, emotional, educational, and spiritual rights must be safeguarded. The persistence of paternal responsibility for financial support and maternal primacy in day-to-day care

reflects a shared obligation rooted in both normative jurisprudence and positive law. Simultaneously, religious courts serve as pivotal institutions in upholding the best interests of children by adjudicating custody disputes and enforcing maintenance duties.

However, practical challenges such as economic inequality, parental conflict, limited institutional resources, and enduring social stigma complicate the fulfillment of children's rights in post-divorce settings. These findings highlight the tension between the ideal principles of Islamic law, which emphasize justice, compassion, and child welfare, and the realities of their enforcement within Indonesia's legal and social environments. Ultimately, protecting children after divorce is not only a legal mandate but also a moral imperative that requires sustained commitment from parents, courts, and society at large.

Future efforts should prioritize strengthening legal awareness among parents to ensure that they internalize their obligations beyond the dissolution of marriage. Religious and state institutions must expand legal education and counseling programs for divorcing couples, particularly focusing on child welfare and the risk of neglect. Legal institutions should also reinforce enforcement mechanisms, such as stricter sanctions for failure to pay child support and improved monitoring systems to track compliance.

In addition, broader social support networks involving schools, community organizations, and child protection agencies are necessary to provide psychosocial assistance to children affected by divorce. Research and policy should explore models of shared parenting and restorative mediation that fairly balance responsibilities and minimize children's exposure to parental conflict. Finally, greater collaboration between Islamic jurists, policymakers, and practitioners is needed to harmonize doctrinal principles with contemporary family dynamics, ensuring that legal frameworks evolve in line with the complexities of modern society, while remaining faithful to the overarching objective of protecting the best interests of the child.

BIBLIOGRAPHY

- Agustina, Feni. 2023. "FULFILLING CHILDREN'S RIGHTS THROUGH POST-DIVORCE RELATIONSHIPS: An Investigation from Bima." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16(1):158–79. doi:10.14421/ahwal.2023.16108.
- Al Albani, Muhammad Nashiruddin. 2005. *Sahih Abu Dawod*. 2nd ed. Riyadh: Darussalam.
- Al-Jaza'iri, Syaikh Abu Bakar Jabir. 2003. *Minhajul Muslim*. Vol. III. 2nd ed. Riyadh: Daar Ibn Jauzi.
- Al-Krenawi, A., and J. R. Graham. 2000. "Culturally Sensitive Social Work Practice With Arab Clients in Mental Health Settings." *Health & Social Work* 25(1):9–22. doi:10.1093/hsw/25.1.9.
- Alvandi, Agung, Nasya Aliyyah Putri, Yusabbihu Zafarina Sadiyah, Yohanes, and Muhammad Dhava Dienullah. 2024. "Akibat Hukum Perceraian Dalam Perkawinan Campuran Antar Warga Negara." *Indonesian Journal of Law and Justice* 1(4):11. doi:10.47134/ijlj.v1i4.2132.
- Apata, Olukayode Emmanuel, Oluwakemi Elizabeth Falana, Uyok Hanson, Eseoghene Oderhohwo, and Peter Oluwaseyi Oyewole. 2023. "Exploring the Effects of Divorce on Children's Psychological and Physiological Wellbeing." *Asian Journal of Education and Social Studies* 49(4):124–33. doi:10.9734/ajess/2023/v49i41193.
- Arwin Dunggio, , Nur Mohamad Kasim2, Dolot Alhasni Bakung3. 2023. "Pengaturan Dan Tanggung Jawab Hukum Pemberian Nafkah Anak Setelah Perceraian Orang Tua Dalam Undang-Undang Perkawinan Berdasarkan Putusan Pengadilan Agama Kota Gorontalo." *INNOVATIVE: Journal Of Social Science Research* 3(3):4712–22. https://j-innovative.org/index.php/Innovative/article/view/871/684.
- As-Sa'di, Syaikh Abdurrahman bin Nashir. 2003. *Tafsir As-Sa'di*. Vol. 2. II. Cairo: Darul Maimanah.
- Cipta, Hendra. 2017. "Dampak Perceraian Terhadap Kenakalan Remaja." *Eduagama: Jurnal Kependidikan Dan Sosial Keagamaan* 3(2):88–103. doi:10.32923/edugama.v3i2.724.
- Demir-Dagdas, Tuba, Zeynep Isik-Ercan, Seyma Intepe-Tingir, and Yasemin

- Cava-Tadik. 2018. "Parental Divorce and Children From Diverse Backgrounds: Multidisciplinary Perspectives on Mental Health, Parent-Child Relationships, and Educational Experiences." *Journal of Divorce & Remarriage* 59(6):469–85. doi:10.1080/10502556.2017.1403821.
- A, Choiri. 2015. *PENJAMINAN HARTA AYAH TERHADAP KELALAIAN PEMBAYARAN*. Badilag Mahkamah Agung. <https://badilag.mahkamahagung.go.id/artikel/publikasi/artikel/penjaminan-harta-ayah-terhadap-kelalaian-pembayaran-nafkah-anak-pasca-perceraian-oleh-dr-h-a-choiri-sh-mh-28-10>.
- Dupret, Baudouin, Adam Belkadi, Monika Lindbekk, and Ayang Utriza Yakin. 2023a. "Paternal Filiation in Muslim-Majority Environments: A Comparative Look at the Interpretive Practice of Positive Islamic Law in Indonesia, Egypt, and Morocco." *Journal of Law, Religion and State* 10(2–3):167–217. doi:10.1163/22124810-20230002.
- Dupret, Baudouin, Adam Belkadi, Monika Lindbekk, and Ayang Utriza Yakin. 2023b. "Paternal Filiation in Muslim-Majority Environments: A Comparative Look at the Interpretive Practice of Positive Islamic Law in Indonesia, Egypt, and Morocco." *Journal of Law, Religion and State* 10(2–3):167–217. doi:10.1163/22124810-20230002.
- Faizah. n.d. *SYARIAH: Journal of Islamic Law* PERAN LEMBAGA SWADAYA MASYARAKAT DALAM PENYELESAIAN HAK ASUH ANAK PASCA PERCERAIAN DI BANDA ACEH. <https://putusan3.mahkamahagung.go.id>.
- Faridaziah Syahrain. 2017. "PENETAPAN HAK ASUH ANAK DI BAWAH UMUR AKIBAT PERCERAIAN PERSPEKTIF HUKUM ISLAM." *e journal fakultas hukum unsrat* 2(5).
- Fitriyana, Dewi. 2016. "Pemenuhan Hak-Hak Hadhanah Anak Pasca Perceraian Ditinjau Dari UU No. 35 Tahun 2014 Tentang Perlindungan Anak Dan Kompilasi Hukum Islam: Studi Kasus Di Dusun Banjarwaru Desa Kelir Kecamatan Kalipuro Kabupaten Banyuwangi." <http://etheses.uin-malang.ac.id/id/eprint/10288>, Universitas Islam Negeri Maulana Malik Ibrahim, Malang.
- Gushairi, Gushairi. 2021. *PELAKSANAAN PEMENUHAN NAFKAH ANAK PASCA PERCERAIAN (Studi Kasus Pengadilan Agama Tembilahan)*. Badilag Mahkamah Agung. <https://badilag.mahkamahagung.go.id/laptah/laptah/laptah>.
- Handayani, Febri, Syafliwir UIN Sultan Syarif Kasim Riau, and Kemenag Kab Kampar. 2017. *Implementasi Mediasi Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama*. Vol. 1. <http://journal.iaingorontalo.ac.id/index.php/ah>.
- Haris, Ahmad, Edy Lisdiyono, and Setiyowati. 2024. "THE RECONSTRUCTION OF RELIGIOUS COURT DECISION EXECUTION ON THE FULFILMENT OF CHILDREN'S RIGHTS POST-DIVORCE IN INDONESIA." *Revista de Gestao Social*

- e *Ambiental* 18(7).
doi:10.24857/rgsa.v18n7-035.
- Linda Azizah. 2012. "ANALISIS PERCERAIAN DALAM KOMPILASI HUKUM ISLAM." *Al-Ādalah Fakultas Syari'ah, Universitas Islam Negeri Raden Intan Lampung, Indonesia* 9(9).
- M. Natsir Asnawi, S. H. I. ., M. H. 2022. *Hukum Hak Asuh Anak: Penerapan Hukum Dalam Upaya Menindungi Kepentingan Terbaik Anak*. Vol. 1. 1st ed. Prenada Media, 2022.
- M. Rafi'i Anwar, Lilik Andar Yuni. 2024. "Legalitas Hak Asuh Anak Dibawah Umur (Hadhanah) Akibat Perceraian Orang Tua Studi Kajian Tafsir Tematik." *Bulletin of Community Engagement* 4(1).
- Margareth Tijow, Lusiana. 2024. "Progressive Legal Perspective on the Fulfilment of Women's and Children's Rights Post-Divorce in Divorce Cases Suitable in Religious Courts." *IJLR: International Journal of Law Recontruction* 8(2).
doi:10.26532/ijlr.v8i2.38384.
- mohamad Aulia. 2024. "ANALISIS HUKUM TERHADAP HAK ASUH (HADHANAH) ANAK AKIBAT PERCERAIAN ANALISIS HUKUM TERHADAP HAK ASUH (HADHANAH) ANAK AKIBAT PERCERAIAN." *Jurnal RASI* 4(1).
- Muhammad Holid. 2024. "Implementasi Pemenuhan Hak Anak Pasca Perceraian Di Desa Kembang Tlogosari Bondowoso Ditinjau Dari Kompilasi Hukum Islam Dan Undang-Undang Perlindungan Anak Nomor 23 Tahun 2002." *Jurnal Pendidikan Tambusai* 8(1).
- Mumtaz JR, Habib, Yahya Saepul Uyun, Encep Rifqi, Nurrohman Syarif, and Usep Saepullah. 2023. "ANALISA PENYELESAIAN SENGKETA HAK ASUH ANAK PASCA PERCERAIAN MELALUI LITIGASI." *Jurnal Locus Penelitian Dan Pengabdian* 2(7):715–26.
doi:10.58344/locus.v2i7.1433.
- Muslim, Abul Hasan Muslim bin Hajjaj bin. 2007. *Sahih Muslim*. Riyad: Darussalam.
- Nafisah, Durotun, Nasrudin Nasrudin, Ahmad Rezy Meidina, and Muhammad Fuad Zain. 2024. "Comparative Analysis of Islamic Family Law and Normative Law: Examining the Causes of Divorce in Purwokerto, Indonesia." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8(2):847.
doi:10.22373/sjhk.v8i2.16825.
- Nuruddin, Amiur; Tarigan, Azhari Akmal. 2019. "Hukum Perdata Islam Di Indonesia Studi Kritis Perkembangan Hukum Islam Dari Fikih, Undang-Undang Nomor 1 Tahun 1974 Sampai Kompilasi Hukum Islam."
- Peter Mahmud Marzuki. 2005. *Penelitian Hukum*. Vol. 2. 2nd ed. Jakarta: Prenadamedia Group.
- Putra, Dedisyah, and Asrul Hamid. 2020. "TINJAUAN MAQASHID AS-SYARI'AH TERHADAP PERLINDUNGAN ANAK PANTI ASUHAN SITI AISYAH KABUPATEN MANDAILING NATAL." *Dusturiyah: Jurnal Hukum Islam, Perundang-Undangan Dan Pranata Sosial* 10(1).
doi:10.22373/dusturiyah.v10i1.7402.
- Putra, Dedisyah, Martua Nasution, and Sabrun Edi. 2025. "Reviving the Past:

- The Role of Sharia in Preserving Forgotten Customs within Islamic Culture." *Al-Rasikh: Jurnal Hukum Islam* 14(1):30–50. doi:10.38073/rasikh.v14i1.2367.
- Rehman, J. 2007. "The Sharia, Islamic Family Laws and International Human Rights Law: Examining the Theory and Practice of Polygamy and Talaq." *International Journal of Law, Policy and the Family* 21(1):108–27. doi:10.1093/lawfam/eb1023.
- Rifki Rufaida. 2021. "AKIBAT HUKUM ADANYA PERCERAIAN." *Iqtisoduna:Jurnal Ekonomi Syariah Dan Hukum* 4(2). doi:https://doi.org/10.35127/iqtisodin.a.v4i2.5379.
- Sabiq, Sayyid. 2000. *Fikih Sunnah*. II. Cairo-Mesir: Daar Ar-Risalah.
- Safii, Nur Muhammad. 2025. "The Role of Islamic Family Law in Modern Child Custody Cases: Balancing Sharia Principles with Contemporary Needs." *Journal of Islamic Family Law* 1(1):31–38. doi:10.59784/jifl.v1i1.5.
- Saladin, Tomy. 2017. "PENERAPAN MEDIASI DALAM PENYELESAIAN PERKARA DI PENGADILAN AGAMA." *Mahkamah: Jurnal Kajian Hukum Islam* (2).
- Sarmadi, Yasaman, and Anahita Khodabakhshi-Koolae. 2023. "Psychological and Social Consequences of Divorce Emphasis on Children's Well-Being: A Systematic Review." 4(2):1–34. doi:10.22098/jpc.2023.12578.1162.
- Sebyar, Muhamad Hasan, Wahyu Abdul Jafar, Sumper Mulia Harahap, Dedisyah Putra, and Rahmad Efendi. 2025. "Divorce Mediation at Panyabungan Religious Court: Transforming the Desire for Divorce into Reconciliation through Cultural Values in Contemporary Islamic Jurisprudence." *Al-Manahij: Jurnal Kajian Hukum Islam* 19(1):81–100. doi:10.24090/mnh.v19i1.12255.
- Siagian, Clara, Sandra Arifiani, Putri Amanda, and Santi Kusumaningrum. 2019. "Supporting Children, Blaming Parents: Frontline Providers' Perception of Childhood's Adversity and Parenthood in Indonesia." *Social Sciences* 8(2):64. doi:10.3390/socsci8020064.
- Soetandyo Wignjosebroto. 2008. *Hukum Dalam Masyarakat : Perkembangan Dan Masalah*. Vol. 2. 2nd ed. Malang: Bayumadia Publishing.
- Suadi, Amran. 2018. "PERANAN PERADILAN AGAMA DALAM MELINDUNGI HAK PEREMPUAN DAN ANAK MELALUI PUTUSAN YANG MEMIHAK DAN DAPAT DILAKSANAKAN / THE ROLE OF RELIGIOUS COURT IN WOMEN AND CHILDREN RIGHTS PROTECTION THROUGH PARTIAL AND EXECUTABLE DECISION." *Jurnal Hukum Dan Peradilan* 7(3):353. doi:10.25216/jhp.7.3.2018.353-374.
- Sudirman, L., Sunuwati, and Muh Alim Fasieh. 2023. "Dwangsom: Investigate the Conceptual Basis of Religious Court on Child Custody Rulings." *Jurnal Ilmiah Al-Syir'ah* 21(2):173–85. doi:10.30984/jis.v21i2.2500.
- Sugianto, Fajar, Denny Ardhi Wibowo, and Tomy Michael. 2020. *KEDUDUKAN INSTRUKSI PRESIDEN REPUBLIK INDONESIA*

- NOMOR 1 TAHUN 1991 TENTANG PENYEBARLUASAN KOMPILASI HUKUM ISLAM DALAM SISTEM HUKUM KEWARISAN INDONESIA. Vol. 5.
- Sumarni, Sumai, and Salman Darmawan. 2024. "NEGLECT AND STIGMA: UNDERSTANDING THE PROCESS AND MULTIPLE IMPACTS OF SOCIAL EXCLUSION ON CHILDREN FROM DRUG-ABUSING PARENTS." *Social Work/Maatskaplike Werk* 60(4). doi:10.15270/60-4-1204.
- Suriani, Suriani, Nurul Aini, Marlin Marlin, Muh. Fitriadi, Rizal Darwis, and A. Zamakhsyari Baharuddin. 2024. "The Fulfillment of Women's and Children's Rights Post-Divorce in Judicial Decisions of the Unaaha Religious Court." *Jurnal Ilmiah Al-Syir'ah* 22(1):95. doi:10.30984/jis.v22i1.2904.
- Tanjung, Elfina. 2015. *DAMPAK PERCERAIAN TERHADAP HARTA BERSAMA MENURUT HUKUM ISLAM DAN UNDANG-UNDANG NOMOR 1 TAHUN 1974 TENTANG PERKAWINAN*. Vol. 10.
- Tono, Sidiq. Muttaqien, Dadan. 1999. *Peradilan Agama Dan Kompilasi Hukum Islam Dalam Tata Hukum Indonesia* . Vol. 1. 1st ed. edited by Moh. M. MD. Yogyakarta : UII Press .
- Witanto. 2012. *Hukum Acara Mediasi Dalam Perkara Perdata Di Lingkungan Peradilan Umum Dan Peradilan Agama : Menurut PERMA No.1 Tahun 2008 Tentang Prosedur Mediasi Di Pengadilan*. Vol. 2. 2nd ed. Bandung: Bandung : Alfabeta.
- Wulandari, Zulfahmi Alwi, and Musyfikah. 2022. "TINJAUAN HUKUM ISLAM DAN HUKUM POSITIF TENTANG DAMPAK PENELANTARAN ANAK AKIBAT PERCERAIAN ORANG TUA." *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 3(3):470–81. doi:10.24252/qadauna.v3i3.24874.
- Zulfikar, Teuku, and Muhammad Fathinuddin. n.d. *HAK DAN KEWAJIBAN ORANG TUA TERHADAP ANAK BERDASARKAN PASAL 45 UNDANG UNDANG NOMOR 1 TAHUN 1974 TENTANG PERKAWINAN*. Vol. 2. Muhammad Fathinuddin. <https://jurnal.erapublikasi.id/index.php/JEL>.

