

## **FULFILLING CHILDREN'S RIGHTS THROUGH POST-DIVORCE RELATIONSHIPS**

### **An Investigation from Bima**

Feni Agustina

Universitas Islam Negeri (UIN) Mataram, Indonesia

Email: [fefadlillah@gmail.com](mailto:fefadlillah@gmail.com)

#### **Abstract**

This article sheds light on the fulfillment of children's rights after divorce. The fulfillment of children's rights is explained by examining the relationships built by divorced parents. To collect data, interviews were conducted with divorced couples who have children. Taking place in Bima, West Nusa Tenggara, this article identifies at least three patterns of post-divorce parental relationships: (1) the relationship built by both ex-spouses, (2) the relationship built by only one of them, and (3) the relationship that is not built by both ex-spouses. It is arguable to say that the relationship built by both ex-spouses is the best for fulfilling the rights of the child. Conversely, the last type of relationship is mostly ineffective in many cases.

[Artikel ini membahas tentang pemenuhan hak-hak anak pasca perceraian. Pemenuhan hak anak dijelaskan setelah meneliti relasi yang dibangun oleh orang tua yang bercerai. Data dikumpulkan dengan melakukan wawancara terhadap pasangan-pasangan yang telah bercerai dan memiliki anak. Mengambil tempat penelitian di Bima, Nusa Tenggara Barat, artikel ini menemukan setidaknya terdapat tiga pola relasi orang tua pasca perceraian: (1) relasi yang dibangun oleh kedua mantan pasangan, (2) relasi yang dibangun oleh salah satunya, dan (3) relasi yang enggan dibangun oleh kedua mantan pasangan. Relasi yang dibangun oleh dua mantan pasangan merupakan relasi yang terbaik bagi pemenuhan hak-hak anak. Sedangkan relasi tipe terakhir sama sekali tidak efektif dalam pemenuhan anak.]

#### **Keywords**

Children's rights, post-divorce relationship, the best interest of the child

## Article History

Received 13 May 2022

Approved for Publication 30 June 2023

## To Cite this Article

Feni Agustina, "FULFILLING CHILDREN'S RIGHTS THROUGH POST-DIVORCE RELATIONSHIPS: An Investigation from Bima," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 1 (2023): 158-179, <https://doi.org/10.14421/ahwal.2023.16108>.



Copyright © 2023 by Author(s)  
This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License.

## Introduction

Statistics indicate that the number of divorce cases among the Muslim community in Indonesia is high and increases each year, especially in the context of divorce lawsuits filed by wives.<sup>1</sup> In certain regions, the number of divorce lawsuits (*cerai gugat*) surpasses multiple times that of divorce by repudiation (*cerai talak*). In the case of divorces within the districts of Bima, they rank second in terms of the highest divorce rates in Nusa Tenggara Barat province. In 2018, it was recorded as 1,446 cases. On January 6, 2020, the total number of divorce cases filed in the Bima Religious Courts for the year 2019 amounted to 1,723 cases. The majority of divorce cases were initiated by wives, with a total of 1,589 divorce petitions, while husbands filed for divorce by repudiation is the rest of the total.<sup>2</sup> The number is increasing day by day.

Similar to marriage, divorce also involves causes and consequences, as well as the transfer of new rights and obligations that both parties (ex-spouses) must fulfill. Among these rights is the responsibility towards their children that must be fulfilled even after their

<sup>1</sup> Ulin Na'mah, *Makna Cerai Talak Bagi Para Pelaku Matrilocal Residence Di Lingkungan Masyarakat Muslim, Yogyakarta: Pustaka Pelajar* (Yogyakarta: Pustaka Pelajar, 2015).

<sup>2</sup> Uki, "Perceraian Di Bima Meningkatkan, Jumlah Janda Capai 1.469 Orang," *Suara NTB*, April 16, 2021.

divorce.<sup>3</sup> Article 41 of the Marriage Law No. 1 of 1974 emphasizes that both the mother and father are obligated to care for and educate their children, solely based on the children's best interests (point a). The expenses for the care and education of the children are the responsibility of the father, except when the father is incapable of fulfilling these obligations due to financial constraints (point b).<sup>4</sup> Regarding the parents' responsibilities towards their children, it is stated in Chapter 10, starting from Article 45, paragraph (1), which declares: "Both parents are obliged to provide the best possible care and education for their children." This provision emphasizes the joint responsibility of both parents in nurturing and educating their children to the best of their abilities. It underscores the importance of ensuring the well-being and proper upbringing of the children, with both parents actively involved in fulfilling these obligations.

Based on Article 41 of the Marriage Law quoted above, it is evident that even when a marriage is dissolved due to divorce, the relationship between the parents (the husband and wife who have divorced) and the children born from that marriage remains intact. This is because it is explicitly stipulated that divorced spouses still retain their obligations as parents, which include providing care and education for their children, including the financial responsibilities arising from the upbringing and education of the children.<sup>5</sup>

In the event of parental divorce, the Compilation of Islamic Law (KHI) specifically regulates it in Article 105, stating that the custody of children who are not yet *mumayyiz* (logically competence) or below the age of 12 is granted to the mother (point a). Meanwhile, point (c) stipulates that the financial responsibility for the child's upbringing is to be borne by the father.<sup>6</sup> If we examine the provisions stated above, it argues that the full responsibility for a child below the age of 12 is inherently vested in the mother. However, concerning the financial aspect of child maintenance, it falls entirely under the responsibility of the father. Consequently, both the father and the mother share an equal

<sup>3</sup> Minhar Minhar, Zainal Zainal, and Hilal Malarangan, "The Role of Husband and Wife in Child Care From Islamic Law Perspectives," *International Journal of Contemporary Islamic Law and Society* 2, no. 1 (2020): 1–19, <https://doi.org/10.24239/ijcils.Vol2.Iss1.11>.

<sup>4</sup> Amiur Nuruddin and Azhari Akmal Tarigan, "Hukum Perdata Islam Di Indonesia: Studi Kritis Perkembangan Hukum Islam Dari Fikih, Undang-Undang Nomor 1 Tahun 1974 Sampai Kompilasi Hukum Islam" (Kencana, 2019).

<sup>5</sup> Sirajudin Sirajudin, "Pemenuhan Hak-Hak Anak Pasca Perceraian Orang Tua Di Desa Bonder Kecamatan Praya Barat Kabupaten Lombok Tengah NTB" (Universitas Islam Negeri Maulana Malik Ibrahim, 2011).

<sup>6</sup> Nuruddin and Tarigan, "Hukum Perdata Islam Di Indonesia: Studi Kritis Perkembangan Hukum Islam Dari Fikih, Undang-Undang Nomor 1 Tahun 1974 Sampai Kompilasi Hukum Islam."

role in caring for their child, with the mother being fully responsible for the child's care when they are not yet *mumayyiz*, while the father ensures the financial support for the child's upbringing.

The regulations concerning child maintenance (*badhanah*) in Law No. 1 of 1974 on marriage and the Compilation of Islamic Law (KHI) are not immune to being neglected within society. This is due to the aftermath of divorce, which often leads to various problems related to the fulfillment of the child's rights. This issue is further compounded by the lack of a sound relationship between the parents following the divorce.

The interaction or relationship that occurs between individuals over a relatively long period of time will form a pattern, which is also referred to as a relationship pattern. Likewise, post-divorce, ensuring the fulfillment of a child's rights requires cooperation between both parents in fulfilling all their needs, both material and emotional. The inherent rights of the child include the right to education, health, maintenance expenses, affection, support, equal treatment, etc.<sup>7</sup> Various understandings have emerged in the community after divorce, particularly in the Ambalawi District of Bima, where resuming a relationship might lead to rekindling an attraction to one's former spouse. Such interpretations support the decision to terminate relations post-divorce.

The termination of relations after divorce is also influenced by various pre and post-divorce factors. The severed relationship between the parents also extends to the child.<sup>8</sup> The parent who does not reside with the child may be led to believe that there are negative aspects to the other parent, thus resulting in avoidance of meeting or communicating with them. In extreme cases, this prohibition may lead to physical violence against the child if it is discovered that they are maintaining a relationship with one of their parents.<sup>9</sup>

The Law No. 3 of 1997 concerning Juvenile Courts has outlined the rights of children, and the implementation of obligations by parents, communities, and the government.<sup>10</sup> However, the protection of children's rights still requires serious attention,

<sup>7</sup> Sharon Detrick, Jakob Egbert Doek, and Nigel Cantwell, *The United Nations Convention on the Rights of the Child: A Guide to the "Travaux Préparatoires"* (Netherlands: Martinus Nijhoff Publishers, 1992).

<sup>8</sup> LeeAnn Kot and Holly M Shoemaker, "Children of Divorce: An Investigation of the Developmental Effects from Infancy through Adulthood," *Journal of Divorce & Remarriage* 31, no. 1–2 (1999): 161–78, [https://doi.org/10.1300/J087v31n01\\_09](https://doi.org/10.1300/J087v31n01_09).

<sup>9</sup> Interview with Yisa, 20 July 2021.

<sup>10</sup> Titis Anindyajati, "Improving the Protection of Children's Constitutional Rights Through Constitutional Court Decision," in *ICOLEG 2021: Proceedings of the 2nd International Conference on Law, Economic, Governance,*

especially when dealing with specific matters related to legal protection for themselves. Addressing these concerns will empower every child to assume their responsibilities in the future, allowing them ample opportunities for optimal physical, mental, and social growth, while upholding noble character. To achieve the welfare of children, protective measures are necessary, to ensure the fulfillment of their rights and fair treatment without discrimination. An underage child remains under the supervision of their parents and cannot perform legal actions within society, both before and after divorce.<sup>11</sup>

The above-mentioned points confirm that a child will develop appropriately, both cognitively and emotionally, through positive interactions and good relational patterns between both parents.<sup>12</sup> This effectiveness will also serve as a benchmark for assessing the success of building relationships with the fulfillment of children's rights. According to Mardiasmo, effectiveness is a measure of the achievement of an organization's goals. If an organization achieves its objectives, it is considered to be operating effectively.<sup>13</sup> In this context, if the purpose of establishing a relationship is achieved, it can be said that the child obtains their rights. This also reinforces the notion that the cohesiveness of parents determines a child's physical and mental well-being. Conversely, ego issues stemming from past divorces often make children victims, as they are compelled to sever communication with one parent, leading them to lose the presence of the desired parental figure.<sup>14</sup> Consequently, children may develop feelings of resentment towards one or both parents due to the divorce.

Several studies indicate negative implications resulting from divorce on a child's overall well-being. Research findings demonstrate that post-divorce circumstances,

*ICOLEG 2021, 29-30 June 2021, Semarang, Indonesia* (European Alliance for Innovation, 2021), 312, <https://doi.org/10.4108/eai.29-6-2021.2312659>; Sharyn Graham Davies and Jazz Robson, "Juvenile (in) Justice: Children in Conflict with the Law in Indonesia," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 119–47, <https://doi.org/10.1163/15718158-01701009>.

<sup>11</sup> Awaluddin Sallatu, "Efektivitas Pemenuhan Hak Anak Setelah Perceraian (Studi Kasus Di Kota Makassar)," *El-Iqthisady: Jurnal Hukum Ekonomi Syariah* 1, no. 2 (2019): 1–10, <https://doi.org/10.24252/el-iqthisady.v1i2.11488>.

<sup>12</sup> Ross D Parke et al., "Familial Contribution to Peer Competence among Young Children: The Role of Interactive and Affective Processes," in *Family-Peer Relationships*, ed. Ross D. Parke et al. (London: Routledge, 2016), 107–34, <https://doi.org/10.4324/9781315625928-6>.

<sup>13</sup> Heince Wokas, "Analisis Efektivitas Dan Kontribusi Pajak Kendaraan Bermotor Terhadap Penerimaan Pendapatan Asli Daerah Di Provinsi Maluku Utara," *ACCOUNTABILITY* 3, no. 1 (2014): 56–65, <https://doi.org/10.32400/ja.4941.3.1.2014.56-65>.

<sup>14</sup> Ph D Darnall, *Divorce Casualties: Protecting Your Children from Parental Alienation* (Lanham: Taylor Trade Publications, 1998).

particularly with low levels of meeting their needs, can lead to feelings of low self-esteem, internal conflicts, decreased academic performance, apathy, reduced social interactions, behavioral problems, and difficulty in adapting and obeying parental figures.<sup>15</sup> The ignorance of a child's needs is influenced by several factors, including economic constraints, parents remarrying, and the lack of communication between the child and the parents due to changes in the place of residence.<sup>16</sup> In this article, the author aims to illustrate the establishment of a relationship between the parents (former husband and wife) to effectively fulfill the rights of the child post-divorce. The effectiveness in meeting the child's rights is intended to realize the child's character.

The type of research that underlies this article is qualitative research, which involves an in-depth examination of phenomena occurring in the field related to the formation of post-divorce relationships. Data collection techniques were conducted through interviews, observations, and documentation. The researchers began with observations in Bima to assess the viability of divorce and the availability of informants to provide information related to the research topic. Due to the sensitive nature of this study, the author attempted to establish rapport beforehand before conducting interviews. This approach ensured that no data was concealed, and there was comfort in communication between the informants and the researchers.

The researchers also took care to use respectful Mbojo language, considering the psychological conditions of each informant. Throughout the research, the researchers made efforts to conduct interviews in the most comfortable locations for the informants, even separate from their families and, in the case of children, even separate from their parents. The selection of these locations was intended to ensure that each informant felt at ease and not threatened by the information shared. 13 divorced couples were interviewed.

### **Factors Contributing to Divorce in Bima**

Divorce, as per Article 38 of Law No. 1 of 1974, is defined as the "termination of marriage."<sup>17</sup> The concept of marriage, as stated in Article 1 of the same law, is described as

<sup>15</sup> Sirajudin, "Pemenuhan Hak-Hak Anak Pasca Perceraian Orang Tua Di Desa Bonder Kecamatan Praya Barat Kabupaten Lombok Tengah NTB."

<sup>16</sup> Sallatu, "Efektivitas Pemenuhan Hak Anak Setelah Perceraian (Studi Kasus Di Kota Makassar)."

<sup>17</sup> Imam Sujono, "Legal Review of Marriage for Divorced Women Outside the Religious Courts," *International Journal of Islamic Thought and Humanities* 1, no. 1 (2022): 1–16, <https://doi.org/10.54298/ijith.v1i1.10>; Moh Afandi, "Hukum Perceraian Di Indonesia: Studi Komparatif

the "emotional and spiritual bond between a man and a woman as husband and wife, to form a diverse and eternal family (household) based on the belief in the Almighty God."<sup>18</sup> From this definition, it can be understood that divorce is the dissolution of the emotional and spiritual bond between a husband and wife, resulting in the termination of the family relationship (household) between them.<sup>19</sup>

Based on the interview results, the following are some factors identified as the causes of divorce in Bima: economy, domestic violence, and infidelity. Economic issues often arise from the husband's inability to provide for his family or from the wife feeling unsatisfied with the husband's financial support. When a wife decides to replace her husband by seeking employment to fulfill the family's economic needs, she may inadvertently neglect her responsibilities as a mother and wife within the household. Moreover, even after obtaining a job, the wife might feel independent and capable of providing for the family. However, whether consciously or unconsciously, this change in roles can create problems within the family. As a consequence of either party's negligence in fulfilling their obligations, disputes may arise between them.<sup>20</sup>

The majority of Islamic scholars agree that if a husband is unable to provide financial support to his wife, and the wife is willing to accept this situation, then there is no divorce (*talak*) or annulment (*fasakh*). However, they differ in opinion when the wife is not willing to accept the husband's financial situation. According to Imam Malik, Syafi'i, and Ahmad, if the wife is not willing to accept the situation, she has the right to request a divorce, and the judge has the authority to separate them. On the other hand, the Hanafi school of thought states that the wife should not seek a divorce; instead, she must exercise patience and try to meet the expenses with the husband's support. However, if the economic situation is genuinely dire, and the husband neglects his responsibilities, causing distress to the wife,

Antara Fikih Konvensional, UU Kontemporer Di Indonesia Dan Negara-Negara Muslim Perspektif HAM Dan CEDAW," *AL-AHWAL Jurnal Hukum Keluarga Islam* 7, no. 2 (2014): 191–201.

<sup>18</sup> Salma Salma, Hasanatul Wahida, and Muhammad Adib bin Samsudin, "IGNORING FAMILY LAW ADMINISTRATIVE PROCEDURE: Falsifying Death of Spouses for the Registration of New Marriage in Lengayang Muslim Community," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 15, no. 1 (2022): 1–20, <https://doi.org/10.14421/ahwal.2022.15101>.

<sup>19</sup> Salma, Wahida, and bin Samsudin.

<sup>20</sup> Mazroatus Saadah, "Perempuan Dan Perceraian: Kajian Tentang Cerai Gugat Di Pengadilan Agama Bekasi," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 11, no. 2 (2020): 116–32, <https://doi.org/10.14421/ahwal.2018.11202>.



then she is allowed to request a divorce.<sup>21</sup> Normatively, regarding the obligations of husband and wife, they are outlined in Law No. 1 of 1974 concerning marriage as follows: (1) the husband is obliged to protect and provide for his wife, ensuring all the necessities for their household according to his capacity; (2) the wife is obliged to manage household affairs in the best possible manner; and (3) if either the husband or wife neglects their respective obligations, they can file a lawsuit with the court.

Based on the interview results, it is evident that domestic violence is one of the contributing factors to divorce in Bima. Domestic violence within families is often preceded by frequent disputes and conflicts between spouses, caused by various factors such as financial issues, unequal income between husband and wife, the husband's reluctance to support the family financially, loss of trust between the couple, dissatisfaction with one's spouse, among others.<sup>22</sup> The Law No. 23 of 2004 concerning the Eradication of Domestic Violence explicitly prohibits all forms of violence, as stipulated in Article 5, which states that "Any person is prohibited from committing domestic violence against individuals within the scope of physical violence, psychological violence, sexual violence, or neglect of the household." Article 6 defines physical violence as actions that result in pain, illness, or severe injury; Article 7 defines psychological violence as actions that cause fear, loss of self-confidence, inability to act, feelings of helplessness, and/or severe psychological suffering for an individual; and Article 8 defines sexual violence as including forced sexual relations committed against individuals residing in the household, or forced sexual relations between one member of the household and another person for a specific purpose.<sup>23</sup>

Cases of domestic violence have become the primary trigger for divorce cases in Bima Regency. The incidents of violence experienced by several informants have even led to feelings of trauma and a reluctance to re-establish communication with their former spouses after divorce. Domestic violence is sometimes perceived as common and goes unpunished for husbands due to the prevailing ignorance of the law within the community.

<sup>21</sup> Saadah.

<sup>22</sup> Martina Purna Nisa, "Critical Review of Domestic Violence as Reason for Divorce (Comparison of Divorce Laws in Indonesia, Malaysia and the Maldives)," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 1 (2021): 1–23, <https://doi.org/10.19105/al-lhkam.v16i1.4292>.

<sup>23</sup> Rika Saraswati, "Shame and Indonesian Women Victims of Domestic Violence in Making the Decision to Divorce," *Identities* 27, no. 5 (2020): 557–73, <https://doi.org/10.1080/1070289X.2019.1600313>; Mohammad Taufik Makarao, "Hukum Perlindungan Anak Dan Penghapusan Kekerasan Dalam Rumah Tangga," 2013.



This results in cases of domestic violence perpetrated by husbands not being reported by their wives, who instead choose to terminate their marriages.

Infidelity is a term associated with dishonest and deviant actions or activities committed by an individual against their partner.<sup>24</sup> This term is used to describe the violation of the agreement of faithfulness in a person's relationship. The cause of divorce due to infidelity is not explicitly mentioned in the Law. The law only mentions adultery as a reason (Article 39 paragraph (2) of Law No. 1 of 1974, Article 19 of Government Regulation No. 9 of 1975, and Articles 116 and 51 of Compilation of Islamic Law). However, this reason is very difficult to prove, and the punishment is severe for those who accuse others of committing adultery.

### **Rights of Children after Divorce**

Children's rights are everything that should be granted to children from birth. These rights are inherent in the child and are recognized as Human Rights. Under the prevailing law in Indonesia, a person is considered a child if they are below 18 years of age.<sup>25</sup> According to Prakoso in his book, children refer to those who are still young and in the developmental phase, determining their identities, and thus are easily influenced by their living environment.<sup>26</sup> Meanwhile, according to Law No. 23 of 2002 on Child Protection, which has been amended by Law No. 35 of 2014, Article 1 explains that a child is defined as an individual who has not reached the age of 18 (eighteen) years, including unborn children.<sup>27</sup>

The definition of child welfare in Law No. 4 of 1979 is a child who can ensure normal growth and development, both physically and socially.<sup>28</sup> Meanwhile, in terms of child protection, it is mentioned as all activities to ensure and protect children and their rights so that they can live, grow, develop, and participate optimally according to their

<sup>24</sup> Rachel Rinaldo, Eva F Nisa, and Nina Nurmila, "Divorce Narratives and Class Inequalities in Indonesia," *Journal of Family Issues*, 2022, 0192513X231155657, <https://doi.org/10.1177/0192513X231155657>.

<sup>25</sup> Nurkholis Nurkholis, "Penetapan Usia Dewasa Cakap Hukum Berdasarkan Undang-Undang Dan Hukum Islam," *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam* 8, no. 1 (2018): 75–91, <https://doi.org/10.21043/yudisia.v8i1.3223>; Adib Machrus, "Fondasi Keluarga Sakinah Bacaan Mandiri Calon Pengantin," *Jakarta: Direktorat Bina KUA Dan Keluarga Sakinah Ditjen Bimas Islam*, 2017.

<sup>26</sup> Abintoro Prakoso, "Penemuan Hukum: Sistem, Metode, Aliran Dan Prosedur Dalam Menemukan Hukum," 2016.

<sup>27</sup> Iman Jauhari, "Comparison of Child Protection Law between Indonesia and Malaysia," *Indonesian J. Int'l L.* 12 (2014): 84, <https://doi.org/10.17304/ijil.vol12.1.593>.

<sup>28</sup> Irma Setyowati, *Aspek Hukum Perlindungan Anak*, Bumi Aksara, Jakarta (Jakarta: Bumi Aksara, 1990).

human dignity, as well as receive protection from violence and discrimination. In Law No. 23 of 2002 on Child Protection, the rights of children are regulated and explicitly stated in Articles 4 to 18, as the table below.

**Table 1:** Rights of children

No	Rights
1	The right to live, grow, develop, and participate in a manner consistent with human dignity and worth (Article 4).
2	The right to receive protection from violence and discrimination (Article 4).
3	The right to have a name for personal identity and citizenship status (Article 5).
4	he right to practice their religion according to their beliefs (Article 6).
5	The right to express themselves according to their level of intelligence and age, under the guidance of their parents (Article 6).
6	The right to know their parents, be raised, and be nurtured by their own parents (Article 7, paragraph 1).
7	Abandoned children have the right to be nurtured and adopted by others in accordance with applicable regulations (Article 7, paragraph 2).
8	The right to access health services and social security according to their physical, mental, spiritual, and social needs (Article 8).
9	The right to receive education and instruction for personal development, intelligence level in line with their interests and talents. This right includes the right to receive special education for children with disabilities and children with exceptional abilities (Article 9, paragraph 1).
10	The right to express opinions and have their opinions heard (Article 10).
11	The right to receive, seek, and provide information according to their level of intelligence and age (Article 10).
12	he right to rest and use leisure time, socialize with peers, play, and engage in recreational activities according to their interests, talents, and level of intelligence.
13	The right to receive protection (Article 13) from discrimination, economic and sexual exploitation, neglect, cruelty, violence, persecution, injustice, and other forms of wrongful behavior.
14	The right to receive protection (Article 15) from involvement in political activities, engagement in armed conflicts, involvement in social unrest, involvement in events involving violence, and involvement in wars.
15	The right to receive legal assistance when becoming a victim or perpetrator of a crime.

The above-mentioned rights of children essentially are to be granted by parents after their divorce, and all these aspects are part of specific developmental activities aimed at advancing the nation's life and state. In practice, after a divorce, cooperation between both

parents is required to fulfill the rights of the children.<sup>29</sup> The fulfillment of children's rights in Bima varies in patterns, ranging from providing them in full, providing half of the rights, and some parents not providing them at all. Regarding the rights granted to children, they include the right to living expenses, education, accommodation, and other facilities, as mandated by the above-mentioned laws. In Article 41 of the Marriage Law No. 1 of 1974, it is stipulated that "The consequences of the termination of a marriage due to divorce are as follows: 1) Both the mother and father remain obliged to maintain and educate their children, solely for the benefit of the children; in the event of disputes over child custody, the Court will render a decision; 2) The father is responsible for all the necessary expenses for the maintenance and education of the children; if the father is unable to fulfill these requirements, the Court may determine that the mother shall also bear these expenses; 3) The Court may oblige the former husband to provide living expenses and/or determine an obligation for the former wife."<sup>30</sup>

In the matter of fulfilling the child's economic needs, the judge of the Religious Court must first be informed of the income of the father and then determine the amount of the child support payment per month, according to the parent's ability to provide for the child's daily living needs.<sup>31</sup> This ensures that the child's daily life remains fulfilled and secured after the parents' divorce. The child support payment must be regular and in accordance with the amount determined by the Religious Court. The fulfillment of economic needs post-divorce in Bima cannot be considered to have adhered to the mandate of the Law. After the divorce, there are numerous challenges in meeting the child's economic needs, such as unemployment, severed communication with the child, negligence, unwillingness, and ego issues that persist with one of the parties living with the child. Economic limitations lead to children feeling inferior, falling behind in school payments, struggling to adapt to new environments, and even rebelling against their parents. Based on the interview results, it is not uncommon for parents to cut off communication with their children to avoid reconnecting with their former spouse after the

<sup>29</sup> Ummu Salamah et al., "Ratio Legis Establishment of Execution and Supervisory Institutions Fulfillment of Child Rights in Family Law Due to Divorce," *Jurnal Multidisiplin Madani* 3, no. 1 (2023): 260–69, <https://doi.org/10.55927/mudima.v3i1.2151>.

<sup>30</sup> Salamah et al.

<sup>31</sup> Ahmatnijar Ahmatnijar et al., "CHILDREN'S RIGHTS IN THE CASE OF DIVORCE: Field Inquiry in Padangsidempuan Religious Court," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 15, no. 2 (2022), <https://doi.org/10.14421/ahwal.2022.15204>.

divorce.<sup>32</sup>

Education is crucial for the well-being of children following their parent's divorce, and it constitutes one of the essential elements in fulfilling children's rights. Therefore, ensuring continuous education becomes the responsibility of the parents, as mandated by the court. Parents are obligated to supervise and guarantee their children's education to prevent any neglect, including providing financial support for schooling expenses, school attire, and necessary school supplies.<sup>33</sup>

The Law Number 4 of 1979 on Child Welfare stipulates the rights of children. Article 2 states that: 1) Children have the right to well-being, care, guidance, and nurturing with affection, both within their families and under special care, to grow and develop properly; 2) Children have the right to services that enable them to develop their abilities and social life, in line with the good and beneficial objectives of the State; 3) Children have the right to maintenance and protection, both during pregnancy and after birth; and 4) Children have the right to protection from conditions that may endanger or hinder their normal growth and development.<sup>34</sup> Similar to the fulfillment of economic needs which is a fundamental requirement, education also plays a crucial role in a child's growth. Through education, a child can accomplish many things in life and even bring about significant changes by immersing themselves in the world of learning. Therefore, it is essential for parents to meet this need. However, the comprehensive fulfillment of a child's educational needs often cannot be achieved by both parties due to the lack of pre-divorce agreements between them. In practice, the father, who holds full responsibility for the child's education, fails to allocate specific funding for educational needs and provides only a lump sum of money. Such provision is far from sufficient to cover educational expenses, leading to the common scenario where the mother, who resides with the child, becomes the sole provider for all educational needs. Consequently, many children growing up in divorced families choose not to pursue further education and opt for migration. Typically, children

<sup>32</sup> Khoiruddin Nasution and Syamruddin Nasution, "Implementation of Indonesian Islamic Family Law to Guarantee Children's Rights," *Al-Jami'ah: Journal of Islamic Studies* 59, no. 2 (2021): 347–74, <https://doi.org/10.14421/ajis.2021.592.347-374>.

<sup>33</sup> Sallatu, "Efektivitas Pemenuhan Hak Anak Setelah Perceraian (Studi Kasus Di Kota Makassar)."

<sup>34</sup> Arief Syahrul Alam, Andy Usmina Wijaya, and Fifin Dwi Purwaningtyas, "Harmonization of Law to the Protection of Children's Right Caused by Divorce in Indonesia," *JL Pol'y & Globalization* 93 (2020): 58, <https://doi.org/10.7176/JLPG/93-05>; Prakoso, "Penemuan Hukum: Sistem, Metode, Aliran Dan Prosedur Dalam Menemukan Hukum."

who discontinue their education often do so due to their parents' limited awareness of the importance of education for their children's future.

The health of the child becomes one of the important elements so that the fulfillment of the child's rights after divorce is not considered neglected. Parents should often supervise the child's health in terms of growth, as well as the child's lifestyle and psychological well-being. From the results of the Convention on the Rights of the Child, several rights of the child are generated, namely: 1) The right to receive protection (Protection Rights); 2) The right to maintain the existence of life (Survival Rights); 3) The right to physical, psychological, and biological development (Development Rights); and 4) The right to participation (Participation Rights).<sup>35</sup>

As often observed, in terms of meeting healthcare needs, parents frequently neglect and fail to pay sufficient attention to the physical, psychological, and biological health of their children, leading to significant impacts on the children's growth and overall well-being. The assurance of a child's health is often disregarded by one parent who does not reside with the child. Several factors underlie this situation, including limited access provided by the parent residing with the child, lack of transparency regarding the child's condition, breakdown of communication, and parental relocations that are not accessible to the child.

### **Post-Divorced Relationships in Bima**

To understand the forms of parental relationships after divorce, the author conducted interviews with informants, in this case, the parents (former husband and wife) and children in Bima. According to Ruben and Stewart, interpersonal relationships are based on reciprocal message processing. A relationship is formed through the occurrence of reciprocal message processing. According to Spradley and McCurdy, the relationship or bond that occurs between individuals over a relatively long period of time will create a pattern, which is also referred to as a relationship pattern. There are three types of post-divorce relationship patterns based on the respondents' feedback, with different levels of fulfillment of children's rights.

<sup>35</sup> Sallatu, "Efektivitas Pemenuhan Hak Anak Setelah Perceraian (Studi Kasus Di Kota Makassar)."

### 1. The relationship built by one side (most common)

The relationship built by one side is a form of relationship with normal communication (approaching a good relationship) formed based on the interests of the communicating parties. In practice, The relationship built by one side also emerges through agreements between parents to achieve specific objectives, namely, to comprehensively and maximally fulfill the child's rights. Based on the presentation of Family A, it is evident that several factors contribute to the formation of a regular relationship pattern, including a) one party's attitude of respecting the new family of the former spouse; b) the ability to meet the child's financial needs; c) the child's willingness to accept both parents' forms of communication and choices; and d) the form of the parent's relationship and communication does not influence the child's development after the divorce.<sup>36</sup>

Building on the belief that divorce only legally ends the marital relationship but does not sever the parental relationship with the child, which remains the primary responsibility for meeting needs and providing education. The formation of one side relationship is supported by several factors, including family, the child's interests, education, and place of residence. According to Andi, these factors influencing the formation of interpersonal relationships have implications on the level, significance, and purpose of their development.<sup>37</sup> In this context, there are two main objectives related to the formation of this relationship that are directly connected to fulfilling children's rights, namely task-oriented relationships and social relationships.<sup>38</sup> In all contexts of discussion, providing education for the child requires good cooperation from both parents. This task-oriented relationship allows the most common relationship to endure, as it is known that both Law No. 1 of 1974 and the Compilation of Islamic Law do not explicitly state the legal consequences for failing to fulfill the obligation of child support.

During this stage of relationships, the interactions between parents only form relationships primarily for social interactions within society. Unfortunately, there is a lack of specific objectives for forming relationships to fulfill children's rights, leading to negligence and deviations in fulfilling the child's rights, which are the primary responsibility of the parents. As a result, the effectiveness of meeting the child's rights cannot be fully

<sup>36</sup> Interview with Family A, 9-15 November 2021.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

realized. The task-oriented and social relationships that occur after divorce should be grounded in full awareness of fulfilling the child's needs. Following the mandate of Law No. 1 of 1974 concerning Marriage, Article 41 states that "both the mother and father remain obligated to nurture and educate their children solely based on the children's interests." Meanwhile, point b mentions that "the father is responsible for all expenses needed for the child's maintenance and education; if the father is unable to fulfill these obligations in reality, the court may determine that the mother will also share the expenses." That is the provision found in the Marriage Law concerning parental obligations, with the exception being that if the father is unable to fulfill his duties, the mother also shares the financial responsibility for the child's maintenance. The Marriage Law mentioned in Article 41 does not appear to differentiate between the responsibility for material support and the responsibility for non-material aspects of parenting. The emphasis of the Marriage Law seems to focus on the material value, whereas Article 105 of the Compilation of Islamic Law emphasizes both aspects. In one side relationship, in many cases, it does not run effectively due to the presence of awareness only in fulfilling tasks and social responsibilities during its implementation.<sup>39</sup>

### 2. The relationship that is not built by both ex-spouses (poor relationship)

A poor relationship pattern is a form of rejection from one or both parties to engage in communication that leads to the re-establishment of a post-divorce relationship. In this type of relationship pattern, there is reluctance from one or both parties to resume communication due to several pre-divorce factors, such as physical violence, sexual violence, and domestic abuse, which may result in trauma. The reasons mentioned above are supported by the accounts from Family C, which include the following reasons for not reestablishing the relationship after divorce: a) trauma due to domestic violence; b) lack of good intentions from both parties to engage in communication; c) absence of resolution and agreement on the form of the post-divorce relationship; d) involvement of extended family in problem-solving with different consequences; e) not involving the child in parental decision-making; and f) disregarding the child's opinions and non-material needs

<sup>39</sup> Suci Ramadhan and J M Muslimin, "Indonesian Religious Court Decisions on Child Custody Cases: Between Positivism and Progressive Legal Thought," *JURIS (Jurnal Ilmiah Syariah)* 21, no. 1 (2022): 89–100, <https://doi.org/10.31958/juris.v21i1.5723>.



(fulfillment of non-material rights).<sup>40</sup> Such a situation also occurred in Family I, where they chose to sever various forms of communication after divorce. However, the severance of communication, which resulted in the formation of a poor relationship pattern in Family I, has deeply concerned the author regarding the well-being of the child. In reality, Father I imposes strict sanctions, even resorting to physical violence against the child when the child contacts their Mother. Father I's decision to cut off communication has instilled trauma and fear in the child. To make matters worse, divorce not only ends the marital bond but also severs the bond between the child and the Mother. Mother I has made the same decision as Father I, driven by trauma resulting from domestic violence perpetrated by Father I.<sup>41</sup>

The inability to minimize the factors of adjustment in re-establishing a relationship results in the inability to fulfill the child's rights. Consequently, the fulfillment of the child's rights becomes suboptimal. This is due to the lack of openness and unresolved issues between the parents, making the child a victim of their selfishness. The process of fulfilling children's rights after divorce can occur through cooperation between both parents. The dependent pattern relies on others, especially in fulfilling financial needs, such as educational expenses and daily expenses, which depend on one party. However, there is also a vulnerable pattern where only one party, especially the parent living with the child, meets the child's needs independently. This pattern is associated with the development of relationship formation, which may result in termination due to disappointment on one side.<sup>42</sup>

The termination of communication brings an impact on the maintenance and fulfillment of the child's rights. The maintenance of the child is of utmost importance, and therefore, Islam lays down two fundamental principles for addressing children's issues. *First*, it focuses on the status and rights of the child; *second*, it emphasizes nurturing and guiding them throughout their growth and development.<sup>43</sup> In the modern world, where globalization permeates all aspects of human life, the care and upbringing of children need to be approached with a more comprehensive and holistic understanding. This entails

<sup>40</sup> Interview with Family C, 4-9 November 2023.

<sup>41</sup> Interview with Family I, 3-10 November 2021.

<sup>42</sup> Rahmat Jalaludin, "Psikologi Komunikasi Suatu Pengantar," *Bandung: Remaja Rosdakarya*, 2004.

<sup>43</sup> Hasbi Ash-Shidiqiyah, *Pedoman Rumah Tangga* (Medan: Pustaka Maju, n.d.).

parents not solely focusing on fulfilling their child's material needs but also recognizing and fulfilling their emotional needs for love and affection from both parents. The presence of genuine love and affection from parents plays a crucial role in shaping a child's personality and determining their life path. When these emotional needs are not adequately met, children are more susceptible to negative influences from their interactions outside the home. Therefore, parents need to foster a loving and nurturing environment to support their child's overall development and well-being in today's globalized world.<sup>44</sup>

### 3. The relationship built by both ex-spouses (good relationship)

A good relationship pattern is formed through effective cooperation between both parents before and after divorce. Several factors contribute to the formation of a good relationship pattern, including (1) the presence of agreements between both parents; (2) pre-divorce communication regarding the new relationships formed post-divorce; (3) the ability to forgive the failures of the marriage and turn them into learning experiences; (4) the influence of parents, family, and the living environment. Making the fulfillment of the child's rights a top priority, supersedes the ego of the parents, thus allowing the relationship to be rebuilt. According to Rahmat, to rebuild the relationship, several things are needed, such as trust and openness. The first is trust.<sup>45</sup> Trust is the belief that there is no danger from others in a relationship. It is related to prediction, meaning that when we can predict that someone will not betray us and can cooperate well, trust is stronger. Trust determines the effectiveness of communication and can enhance the level of communication between parents. Trusting one another and re-establishing communication after divorce significantly impact the quality of the child's life. Building trust in parents requires healing and a forgiving attitude towards the failures of their marriage. This trust is solely built for the benefit of the child.

Through the three forms of relationships mentioned above, there is essentially no room or excuse to evade the responsibilities and obligations of parents, as stipulated in Article 26 of Law No. 23 of 2002 paragraph (1). It states that parents are obliged and responsible for a) nurturing, caring for, educating, and protecting their child; b) fostering

<sup>44</sup> Mohammad Hifni, "Hak Asuh Anak Pasca Perceraian Suami Istri Dalam Perspektif Hukum Islam," *Bildalil: Jurnal Hukum Keluarga Islam* 1, no. 02 (2016): 49–80, <https://doi.org/10.32678/bildalil.v1i02.123>.

<sup>45</sup> Jalaludin, "Psikologi Komunikasi Suatu Pengantar."

and developing their child according to their abilities, talents, and interests; and c) preventing child marriage.<sup>46</sup> Child support is the responsibility of a father after a lawful marriage based on Law No. 1 of 1974, as regulated in Article 80 paragraph 4 of the Compilation of Islamic Law (KHI). Fulfilling child support is closely related to ensuring their basic rights. For instance, a child's right to life, to receive care, attention, and maintenance, to have ownership of property, and to receive education.

Child protection is a manifestation of justice within a society. Law No. 23 of 2002 on Child Protection is a regulation that governs all aspects related to children, including their rights, obligations, and legal protection.<sup>47</sup> The purpose of child protection according to Article 3 of Law No. 23 of 2002 is to ensure the fulfillment of children's rights, enabling them to live, grow, develop, and participate optimally following human dignity, as well as to be protected from violence and discrimination. This aims to achieve a quality, noble, and prosperous Indonesian generation.

The mandate of the above-mentioned law justifies that experiencing love and affection from both parents is an essential element for a child's mental growth. The form of parental love is manifested through a good upbringing, even after divorce.<sup>48</sup> Therefore, the argument regarding the reformation of post-divorce relationships to enhance the effectiveness of fulfilling children's rights is indeed valid. Establishing a good relationship and communication between the child and the parents through the built relationship after divorce facilitates the fulfillment of all the child's needs. The provisions of the KHI indicate that a father's responsibility to his child cannot be waived even if he has divorced his wife or remarried. It can also be understood that when the child is still young (not yet mature), the mother has the right to take care of the child, but the father bears the financial responsibility. Although the child is not yet mature and their care is under the authority of the mother, all expenses related to the child are fully borne by the father. Based on the exposition above, the author argues that the fulfillment of a child's rights can be achieved through the formation of post-divorce relationships. To effectively fulfill the child's rights,

<sup>46</sup> Machrus, "Fondasi Keluarga Sakinah Bacaan Mandiri Calon Pengantin."

<sup>47</sup> Siti Nurjanah et al., "Lessons Learned From Child Protection Rights in Religion Paradigm and National Law," *Journal of Social Studies Education Research* 13, no. 1 (2022): 237–58.

<sup>48</sup> Compare to the authoritative parenting in Shannon M Suldo and E Scott Huebner, "The Role of Life Satisfaction in the Relationship between Authoritative Parenting Dimensions and Adolescent Problem Behavior," *Social Indicators Research* 66 (2004): 165–95, <https://doi.org/10.1023/B:SOCI.0000007498.62080.1e>.

a good relationship or at least a normal relationship is needed, so that the child can still feel a connection with both parents. It is important to emphasize that a child's capacity is influenced by family relationships that can transform emotions positively through communication.

### **Concluding Remark**

The formation of parental relationships after divorce significantly affects the level of effectiveness in fulfilling children's rights. The termination of relationships hinders the fulfillment of children's rights and even strains the relationship between the child and the parents. Based on the author's analysis, there are three levels of post-divorce relationships: (1) the relationship built by both ex-spouses, where the fulfillment of children's rights can be achieved due to cooperation between both parents. (2) the relationship that is not built by both ex-spouses, where the fulfillment of children's rights is not maximized due to barriers in communication between the parents. As a result, the child feels lacking and loses the presence of a good father or mother due to the divorce. The rights encompass not only basic necessities like food and drink but also education, care, and affection. (3) the relationship built by only one of them, where the fulfillment of children's rights happens but not as effectively as in a good relationship.

In conclusion, there is a correlation between the pattern of relationships and the level of fulfillment of children's rights. Parents need to understand whether they are in a good, poor, or common relationship to determine the fulfillment of their children's rights. It is difficult to deny that effective fulfillment of children's rights cannot be achieved without openness, expressing the interests of the child, and understanding the child's actual condition. Indeed, discussing poor relationships after divorce is common. However, what is more, important and undeniable is to understand the characteristics of the Bima society, which are strongly influenced by education, parenting styles, geographical conditions, beliefs, and others. This leads to decision-making, such as cutting off communication and being influenced solely by the parents. As presented in this article, it is crucial to reflect on the involvement of children in decision-making and forgiving past mistakes for the well-being of the child. Cooperation and re-establishing a good relationship between parents (ex-spouses) and children maintain the connection and ensure the fulfillment of both material and non-material rights after divorce. Consequently, the child will be better

equipped to handle conflicts in the future through practical examples from both parents. The failure of a marriage does not necessarily imply a failure in fulfilling the child's rights after divorce.

## References

- Afandi, Moh. "Hukum Perceraian Di Indonesia: Studi Komparatif Antara Fikih Konvensional, UU Kontemporer Di Indonesia Dan Negara-Negara Muslim Perspektif HAM Dan CEDAW." *AL-AHWAL Jurnal Hukum Keluarga Islam* 7, no. 2 (2014): 191–201.
- Ahmatnihar, Ahmatnihar, Dian Furqani Tenrilawa, Asmuni Asmuni, Hasan Matsum, and Rahman Subha. "CHILDREN'S RIGHTS IN THE CASE OF DIVORCE: Field Inquiry in Padangsidempuan Religious Court." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 15, no. 2 (2022). <https://doi.org/10.14421/ahwal.2022.15204>.
- Alam, Arief Syahrul, Andy Usmina Wijaya, and Fifin Dwi Purwaningtyas. "Harmonization of Law to the Protection of Children's Right Caused by Divorce in Indonesia." *JL Pol'y & Globalization* 93 (2020): 58. <https://doi.org/10.7176/JLPG/93-05>.
- Anindyajati, Titis. "Improving the Protection of Children's Constitutional Rights Through Constitutional Court Decision." In *ICOLEG 2021: Proceedings of the 2nd International Conference on Law, Economic, Governance, ICOLEG 2021, 29-30 June 2021, Semarang, Indonesia*, 312. European Alliance for Innovation, 2021. <https://doi.org/10.4108/eai.29-6-2021.2312659>.
- Ash-Shidiqiyah, Hasbi. *Pedoman Rumah Tangga*. Medan: Pustaka Maju, n.d.
- Darnall, Ph D. *Divorce Casualties: Protecting Your Children from Parental Alienation*. Lanham: Taylor Trade Publications, 1998.
- Davies, Sharyn Graham, and Jazz Robson. "Juvenile (in) Justice: Children in Conflict with the Law in Indonesia." *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 119–47. <https://doi.org/10.1163/15718158-01701009>.
- Detrick, Sharon, Jakob Egbert Doek, and Nigel Cantwell. *The United Nations Convention on the Rights of the Child: A Guide to the "Travaux Préparatoires"*. Netherland: Martinus Nijhoff Publishers, 1992.
- Hifni, Mohammad. "Hak Asuh Anak Pasca Perceraian Suami Istri Dalam Perspektif Hukum Islam." *Bil Dalil: Jurnal Hukum Keluarga Islam* 1, no. 02 (2016): 49–80. <https://doi.org/10.32678/bildalil.v1i02.123>.
- Jalaludin, Rahmat. "Psikologi Komunikasi Suatu Pengantar." *Bandung: Remaja Rosdakarya*, 2004.
- Jauhari, Iman. "Comparison of Child Protection Law between Indonesia and Malaysia." *Indonesian J. Int'l L.* 12 (2014): 84. <https://doi.org/10.17304/ijil.vol12.1.593>.
- Kot, LeeAnn, and Holly M Shoemaker. "Children of Divorce: An Investigation of the Developmental Effects from Infancy through Adulthood." *Journal of Divorce & Remarriage* 31, no. 1–2 (1999): 161–78. [https://doi.org/10.1300/J087v31n01\\_09](https://doi.org/10.1300/J087v31n01_09).
- Machrus, Adib. "Fondasi Keluarga Sakinah Bacaan Mandiri Calon Pengantin." *Jakarta: Direktorat Bina KUA Dan Keluarga Sakinah Ditjen Bimas Islam*, 2017.
- Makarao, Mohammad Taufik. "Hukum Perlindungan Anak Dan Penghapusan Kekerasan Dalam Rumah Tangga," 2013.

- Minhar, Minhar, Zainal Zainal, and Hilal Malarangan. "The Role of Husband and Wife in Child Care From Islamic Law Perspectives." *International Journal of Contemporary Islamic Law and Society* 2, no. 1 (2020): 1–19. <https://doi.org/10.24239/ijcils.Vol2.Iss1.11>.
- Na'mah, Ulin. *Makna Cerai Talak Bagi Para Pelaku Matrilocat Residence Di Lingkungan Masyarakat Muslim*. Yogyakarta: Pustaka Pelajar, 2015.
- Nasution, Khoiruddin, and Syamruddin Nasution. "Implementation of Indonesian Islamic Family Law to Guarantee Children's Rights." *Al-Jami'ah: Journal of Islamic Studies* 59, no. 2 (2021): 347–74. <https://doi.org/10.14421/ajis.2021.592.347-374>.
- Nisa, Martina Purna. "Critical Review of Domestic Violence as Reason for Divorce (Comparison of Divorce Laws in Indonesia, Malaysia and the Maldives)." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 1 (2021): 1–23. <https://doi.org/10.19105/al-lhkam.v16i1.4292>.
- Nurjanah, Siti, Dri Santoso, Husnul Fatarib, Mat Jalil, and Elfa Murdiana. "Lessons Learned From Child Protection Rights in Religion Paradigm and National Law." *Journal of Social Studies Education Research* 13, no. 1 (2022): 237–58.
- Nurkholis, Nurkholis. "Penetapan Usia Dewasa Cakap Hukum Berdasarkan Undang-Undang Dan Hukum Islam." *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam* 8, no. 1 (2018): 75–91. <https://doi.org/10.21043/yudisia.v8i1.3223>.
- Nuruddin, Amiur, and Azhari Akmal Tarigan. "Hukum Perdata Islam Di Indonesia: Studi Kritis Perkembangan Hukum Islam Dari Fikih, Undang-Undang Nomor 1 Tahun 1974 Sampai Kompilasi Hukum Islam." Kencana, 2019.
- Parke, Ross D, Jude Cassidy, Virginia M Burks, James L Carson, and Lisa Boyum. "Familial Contribution to Peer Competence among Young Children: The Role of Interactive and Affective Processes." In *Family-Peer Relationships*, edited by Ross D. Parke, Jude Cassidy, Virginia M. Burks, James L. Carson, and Lisa Boyum, 107–34. London: Routledge, 2016. <https://doi.org/10.4324/9781315625928-6>.
- Prakoso, Abintoro. "Penemuan Hukum: Sistem, Metode, Aliran Dan Prosedur Dalam Menemukan Hukum," 2016.
- Ramadhan, Suci, and J M Muslimin. "Indonesian Religious Court Decisions on Child Custody Cases: Between Positivism and Progressive Legal Thought." *JURIS (Jurnal Ilmiah Syariah)* 21, no. 1 (2022): 89–100. <https://doi.org/10.31958/juris.v21i1.5723>.
- Rinaldo, Rachel, Eva F Nisa, and Nina Nurmila. "Divorce Narratives and Class Inequalities in Indonesia." *Journal of Family Issues*, 2022, 0192513X231155657. <https://doi.org/10.1177/0192513X231155657>.
- Saadah, Mazroatus. "Perempuan Dan Perceraian: Kajian Tentang Cerai Gugat Di Pengadilan Agama Bekasi." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 11, no. 2 (2020): 116–32. <https://doi.org/10.14421/ahwal.2018.11202>.
- Salamah, Ummu, Thohir Luth, Rachmi Sulistyarini, and Dhiana Puspitawati. "Ratio Legis Establishment of Execution and Supervisory Institutions Fulfillment of Child Rights in Family Law Due to Divorce." *Jurnal Multidisiplin Madani* 3, no. 1 (2023): 260–69. <https://doi.org/10.55927/mudima.v3i1.2151>.
- Sallatu, Awaluddin. "Efektivitas Pemenuhan Hak Anak Setelah Perceraian (Studi Kasus Di Kota Makassar)." *El-Iqthisady: Jurnal Hukum Ekonomi Syariah* 1, no. 2 (2019): 1–10. <https://doi.org/10.24252/el-iqthisadi.v1i2.11488>.
- Salma, Salma, Hasanatul Wahida, and Muhammad Adib bin Samsudin. "IGNORING FAMILY LAW ADMINISTRATIVE PROCEDURE: Falsifying Death of Spouses for the Registration of New Marriage in Lengayang Muslim Community." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 15, no. 1 (2022): 1–20.

- <https://doi.org/10.14421/ahwal.2022.15101>.
- Saraswati, Rika. "Shame and Indonesian Women Victims of Domestic Violence in Making the Decision to Divorce." *Identities* 27, no. 5 (2020): 557–73. <https://doi.org/10.1080/1070289X.2019.1600313>.
- Setyowati, Irma. *Aspek Hukum Perlindungan Anak*. Bumi Aksara, Jakarta. Jakarta: Bumi Aksara, 1990.
- Sirajudin, Sirajudin. "Pemenuhan Hak-Hak Anak Pasca Perceraian Orang Tua Di Desa Bondar Kecamatan Praya Barat Kabupaten Lombok Tengah NTB." Universitas Islam Negeri Maulana Malik Ibrahim, 2011.
- Sujono, Imam. "Legal Review of Marriage for Divorced Women Outside the Religious Courts." *International Journal of Islamic Thought and Humanities* 1, no. 1 (2022): 1–16. <https://doi.org/10.54298/ijth.v1i1.10>.
- Suldo, Shannon M, and E Scott Huebner. "The Role of Life Satisfaction in the Relationship between Authoritative Parenting Dimensions and Adolescent Problem Behavior." *Social Indicators Research* 66 (2004): 165–95. <https://doi.org/10.1023/B:SOCI.0000007498.62080.1e>.
- Uki. "Perceraian Di Bima Meningkat, Jumlah Janda Capai 1.469 Orang." *Suara NTB*. April 16, 2021.
- Wokas, Heince. "Analisis Efektivitas Dan Kontribusi Pajak Kendaraan Bermotor Terhadap Penerimaan Pendapatan Asli Daerah Di Provinsi Maluku Utara." *ACCOUNTABILITY* 3, no. 1 (2014): 56–65. <https://doi.org/10.32400/ja.4941.3.1.2014.56-65>.