

IMPLEMENTATION OF THE FULFILLMENT OF CHILD SUPPORT
AFTER DIVORCE AT THE SUKADANA RELIGIOUS COURT
OF LAMPUNG PROVINCE
(Sociology of Law Perspective)

Evy Septiana Rachman¹, Zuhraini², Jayusman³, Siti Mahmudah⁴

Doctoral Program Family Law Student Raden Intan State Islamic University Lampung¹

Lecturer Raden Intan State Islamic University Lampung^{2,3,4}

ABSTRACT

Child support is an obligation that arises because of the marriage bond. A father is obliged to meet the needs of the child's life until adulthood, even if there is a divorce. However, at the Sukadana Religious Court, this did not happen, there were still many fathers who neglected to provide for their children after the divorce decision was made. This is what becomes interesting for further research using the empirical legal approach method, data collection methods using interviews and documentation. This study will analyze the perspective of the sociology of law and draw conclusions using inductive and deductive thinking frameworks. The results of this study indicate that there are still children whose livelihood rights are not fulfilled in accordance with what has been stipulated in the decision of the Sukadana Religious Court. The father only carries out his obligations a few times in providing a support for the child and the amount given is not in accordance with what is stipulated in the court decision. This happens due to two factors: internal factors and external factors. So that this causes the ineffectiveness of implementing laws and regulations related to children's livelihoods.

Keywords: *Child Support, Divorce, Religious Courts, Sociology of Law.*

A. INTRODUCTION

Marriage is a form of external and internal relationship between a man and a woman that is created after the marriage contract (Ja'far et.al., 2021; Wibowo & Luth, 2020), where the bond has the aim of creating a harmonious, calm, comfortable and happy bond in accordance with Islamic values. Thus the essence of a marriage bond is to form a *sakinah, mawaddah* and *warahmah* family (Abadi, 2021; Tim Redaksi, 2012). The Marriage Law explains that the purpose of marriage is to create synergy between husband and wife so that they can work hand in hand, help and complement each other, so that husband or wife can become better in personality and can achieve spiritual and economic prosperity (Rofic, 2000).

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Occupation : Doctoral Program Family Law Student Raden Intan State Islamic University Lampung¹

Lecturer Raden Intan State Islamic University Lampung^{2,3,4}

E-mail: evyseptiana@metrouniv.ac.id¹, zuhraini@radenintan.ac.id², jayusman@radenintan.ac.id³, sitimahmudah@radenintan.ac.id⁴

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However, not all marriages can achieve this goal. The husband or wife may be negligent in carrying out their obligations, or there is an imbalance between rights and obligations creating quarrels and disharmony in the household which ends in the severance of the marital bond. The dissolution of the marriage bond according to legal terms is called divorce (Syarifuddin, 2006), whereas in fiqh it is termed *talak* or *firqoh*. *Talak* is the termination or cancellation of the marriage bond (cancellation of the agreement) (Nur'aeni & Dwiyantri, 2016; Supit, 2015). *Furqoh* is divorce or the opposite of the word gathering (Soemiati, 1982). In every divorce case, it is undeniable that the child becomes the victim, they should be able to grow up under the care of their father and mother and get full love from both of them, but due to the divorce this is not accomplished (Maimun & Thoha, 2018; Siswanto, 2020). Even though the termination of a marriage does not abolish the obligations of parents to their children, especially fathers, to still continue to provide support for the children born in the marriage bond, they are still entitled to the *hadanah* fee until 21 years old (Tim Redaksi, 2012).

According to the provisions of the Marriage Law, a child under 12 years old or not yet *mumayiz* deserves *hadanah* or custody rights from his mother and his father is still obliged to meet all of the child's support expenses. However, if there are conditions that make the father unable to carry out his dependents, the court can determine the mother's side to help covering the costs (Mahmudah et.al., 2018). This is as contained in Article 1 letter b of Law Number 1 of 1974 concerning Marriage. The essence of the father's contribution in terms of fulfilling a support is that the child's growth is not disrupted due to divorce. The livelihood that must be met by a father is the material (physical) and immaterial (spiritual) needs of the child such as education, affection, attention and others. However, in practice the fulfillment of post-divorce livelihoods is not always carried out, such as the results of Euis Nurlelawati's research which illustrates that the fulfillment of children's livelihoods after divorce only occurs for a few months or is not routinely given, so that in the end it is the mother who has to fulfill the child's own support and this makes women find it difficult (Nurlelawati, 2010).

The word support comes from the word *an-nafaqah* which means expenditure; expenses that are usually used by someone for something good or spent on people who are their responsibility (Lubis, 2021; Tarigan, 2004). Support is defined as an obligation for a (male) that arises from actions that give birth to dependents or burdens of responsibility (Hidayatulloh, 2019; Mutamakin & Ansari, 2020). Dependents or the burden of responsibility can be in the form of fulfilling the needs (payment of a number of costs) primary and secondary for the people (something) that are in the dependents (Djauli, 2006). In

etymological understanding, support has the meaning of everything you spend (live/spend) for your family and for yourself (Muin, 2021).

The study of support comprehensively has been widely discussed and studied in *fiqh* books or statutory regulations. The law of support in *fiqh* books has been considered capable of providing guarantees for the needs of those who deserve to be supported and is considered to have been able to anticipate the negative consequences of the possibility of parties neglecting their responsibilities related to the support (Hammad, 2016). In principle, the law of support is the result of the relationship related to the law of marriage (Cahyani, 2020; Fitriany, 2015). Thus, support is the obligation of a husband or father both in meeting the needs of the life of everyone who is his responsibility (wife, children and mother).

The Qur'an has regulated the role of the wife as a mother and the role of the husband as well as a father. The wife plays a major role in the growth and development of a child through the provision of breast milk (ASI) and breast milk is the best food intake for toddlers (Asad, tt.), and it is recommended to breastfeed for two years (Shihab, 2000). The husband's role is to earn a support to meet the needs of his wife and children in the form of food, clothing and shelter as well as protection of the husband against his wife according to his ability. This role is given to the husband because the husband is the leader of the household, so it is obligatory for a leader to protect and guard those he leads (Quthb, 2011). Likewise, it is regulated in the Hadith of the Prophet Muhammad that the husband's obligation to his wife is to feed and clothe her properly, it is forbidden to hit her in the face, badmouth her, and isolate her in the house. So we can understand that a husband has an obligation to provide physical and spiritual support to his wife in accordance with the husband's ability. Physical support is in the form of fulfilling external needs: food, clothing and shelter, while spiritual support is in the form of love and protection. Thus, a support is very important in a child's life, because it is related to his physical or psychological development. However, the implementation of the provision of child support that occurs in reality in the field is vice versa, it is still far from what is expected, as various cases that have arisen in the Sukadana Religious Court of Lampung Province.

Data obtained from the Sukadana Religious Court of the total number of cases that have been decided, only a small part contains decisions regarding the rights of wives and children, as well as 3 (three) cases containing requests for execution. The lack of lawsuits against children's support is due to the lack of a Religious Court mechanism in enforcing children's livelihood cases after divorce. The obstacle faced in carrying out the execution is that the costs incurred are not proportional to the amount of support requested. So that the ex-wife

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only hopes for the commitment and sincerity of her husband to meet the needs of the child's support.

An example is the Decision Number: 0206/Pdt.G/2020/PA.Sdn which is handled by the Sukadana Religious Court, the divorce decision between Abd (husband) 52 years old as the applicant and Nu (wife) 46 years old as the respondent. The arguments for filing this lawsuit are constant bickering, the respondent is disobedient to the applicant, the respondent is often angry and unclear. The climax is when they are quarrelling and the respondent leaves the house, the applicant and the respondent have been separated from home for approximately 1 (one) year and do not care about each other anymore. In this case, the respondent filed a counterclaim demanding the fulfillment of *iddah* and *mut'ah* expenses, as well as child support. The Sukadana Religious Court granted the counterclaim and determined the child's support at Rp. 1,500,000.00 excluding education and benefit costs (Nu, 2021). The child's income is only paid in full twice, after that the ex-husband only occasionally gives money to his child and the amount is not in accordance with court decisions (Nu, 2021). Nu (46 years old) does not intend to file a lawsuit against the non-fulfillment of the support, because the costs are quite large and the time required to process the case is quite long. Nu only hopes for her ex-husband's awareness of the welfare of their children.

Referring to various facts in the field related to the implementation of child support after divorce at the Sukadana Religious Court, it is interesting to research and study in depth. Since when the physical and spiritual needs of a child are not met, it will affect the psychological condition and can interfere with the child's growth and development, as this period is a very vulnerable period for the growth and development of children. The low level of paternal compliance in fulfilling court decisions related to child support is interesting to analyze from the perspective of legal sociology studies.

B. METHOD

This research is a qualitative descriptive type, a research that focuses on the exposure or illustration of a situation objectively (Fitrah & Luthfiyah, 2018). This research focuses on qualitative data which is then presented in narrative format, not in numerical format (Danim, 2002). The approach used is an empirical legal approach by examining the discrepancy between theory (*das sollen*) and the facts found in the field (*das sein*). Empirical legal studies have the aim of knowing the effectiveness of the workings of legal functions (Danim, 2002). Data collection methods used are interviews and documentation. Interviews were addressed to the Sukadana Religious Court judges and the parties to the divorce case, while the documentation

method referred to the decisions of divorce cases at the Sukada Religious Court and other documents from 2019 and 2020.

This study uses a sociological study of law, which does not describe legal analysis as a set of norms or a set of normative rules, but focuses on explaining legal analysis as a social fact in the field, and manifests itself as an empirical analysis of people's social life using social science methods (Danim, 2002). The study of the sociology of law has the aim of explaining an application of law in people's lives, as well as describing the causes and factors that influence it. The implementation of statutory rules or legal affirmations is tested by the sociology of law method, thus we can see the suitability or incompatibility of the law with conditions in society. The study of the sociology of law includes descriptions, explanations and making anticipation of what will happen (Wignjosoebroto, 2002). At the end of this study, researchers will use inductive and deductive thinking frameworks in making final conclusions in the study (Hadi, 2012; Hanif & Susanto, 2020).

C. THE RESULT OF THE RESEARCH AND DISCUSSION

I. Data on Divorce and Implementation of Decisions at the Sukadana Religious Court

Data at the Sukadana Religious Court shows the highest divorce cases compared to other cases, and divorce lawsuits are the most. Some of the most dominant reasons for divorce are: the husband's factor does not fulfill the family's support, often drinks alcoholic beverages, cheating/adultery, while the most dominant argument for filing for divorce is the wife's disobedience, the wife does not carry out her obligations, the wife leaves the house without permission and so on (Satjipto, 2010).

In the 2019 Annual Report, it is known that there are around 178 remaining cases from 2018 that have not been decided, 171 cases of litigation and 1 case of divorce. In 2019, there were 2,101 registered divorce cases. There are 489 divorce cases and 1,612 divorce cases. Divorce cases that have been decided by the court in 2019 were 2,051 with details of 463 divorce cases and 1,588 lawsuits. Meanwhile, the number of divorce cases that have been decided and contains the child's support rights in it amounted to 17 decisions. In 2020, the number of divorce cases was 2,103 cases, with details of the remaining divorce cases in 2019 - divorces totaling 29 cases and divorce lawsuits totaling 103 cases. The cases that entered in 2020 were 419 divorce cases and 1552 lawsuits. The number of cases that have been decided in 2020 is 442 divorce cases and 1625 divorce cases. While the number of decisions that contain children's support rights are 22 decisions.

Based on the data obtained, it is known that in 2019 only 17 divorce decisions contained decisions and in 2020 only 22 decisions, a very small number of the thousands of

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divorce decisions at the Sukadana Religious Court. According to Fakhulmuji, this is due to the psychological influence of the wife when facing divorce. They want to finish the divorce process as soon as possible and live a quieter life. Especially if the divorced women are financially well-off, they feel they are able to support their children independently. This is what makes women when filing for divorce do not include a support claim or file a lawsuit when their ex-husband does not fulfill their child support obligations after the divorce.

According to the results of interviews with parties in the decision of the Sukadana Religious Court, it is known that the fulfillment of a child's support by the father is only given a few times and often the amount requested is not in accordance with the amount set by the religious court, but there are also fathers who have never fulfilled the obligation of support to children after divorce. In fact, if we look at the amount of support that is set, it is far from feasible to meet the life of a child every month, especially if there is more than one child born from the marriage. Thus there are still children who do not get the rights that should be obtained: love, attention, education, assistance and fulfilling the cost of support. This of course greatly affects his physical and spiritual development.

2. Scope of Sociology of Law

Sociology comes from the word *socius* which means having a herd, and *logos* which means science (Stolley, 2005; Subadi, 2008). Sociology is also known as the science that studies society (Juwita et al., 2020; Mahyudi, 2016), while the science of law is the science that studies or examines all matters relating to the rules in society (whether written or unwritten) (Mahdi, 2016; Salam, 2019). So that it can be interpreted that the sociology of law is a science that examines legal rules correlated with actual people's lives (Adi, 2012; Anwar & Adang, 2008). As stated by Soerjono Soekamto, sociology of law is a branch of science that investigates, studies and examines several legal issues, including: why humans obey the law and why humans do not obey the law, as well as what social aspects affect it (Soekanto, 1989).

Sociology of law has its own mechanism in its efforts to overcome various kinds of social problems that exist in society. The law moves, which affects its real dynamics in social society. Sociology of law exists and grows in a complex social community. Sociological law has many methods to resolve various social conflicts that arise in people's lives. This sociological law as described by Eugen Ehrlich is a heral rule, specifically the complete regularity of citizens' behavior from their real everyday way of life and has grown into a tradition. This sociological regulation and sociological mechanism can provide opportunity factors and answers to social problems that exist in society, in the form of difficulties in supporting children after divorce which is not carried out with the help of the father (Wignjosoebroto, 2002).

The study of the sociology of law focuses on law as a social phenomenon (ie behavior) by looking at its reciprocal impact on other social phenomena. Therefore, law can be seen from two perspectives: law as an *independent variable* (influencing factor) and *dependent variable* (influenced factor), both of which are priorities in the study of the sociology of law. Therefore, there are two studies of the sociology of law, first centered on the identification of unwritten law in the form of customary law or common law (Soekanto, 1989).

The second is the effectiveness of positive law (statutory regulations), in the sociology of law the effectiveness of positive law is assessed from whether the law has achieved its goals or not, functions in people's lives or not, is known or not, understood or not, obeyed or not, as well as appreciated or not. The more positive values of these components, the higher the effectiveness of the positive law. With a high effectiveness assessment, it can be assessed how the legal position is as an *independent variable* or *dependent variable*. The effectiveness of written law is seen from how the law is obeyed. Is the law obeyed voluntarily or is there an element of coercion from groups or authorities (Soekanto, 1989).

Third, problems related to the gap between expectations (ideal) and reality (facts), between the formulation of normative values (standards) and implementation in the field (empirical), between *das sollen* (theory) or *das sein* (which is expected in practice). practice in the field), will always be found in every community group. There are various norms and standards of values in society, this is a factor that determines individual behavior, all of which are forms of behavior that can cause problems in society (Ali, 2014).

In relation to the implementation of giving child support after divorce at the Sukadana Religious Court, because there was a discrepancy between *das Sollen* and *das Sein*, as the data obtained, this study attempted to describe these symptoms and also examine whether positive law or legislation governing about children's support is known to the public, functions and has achieved its goals and describes the obstacles faced in enforcing the positive law.

3. Child Support After Divorce

Islamic law and positive law regulate that even though the marital bond between husband and wife has been broken (divorce occurs), they still have the obligation to care for and provide education to the children born in the marriage bond. Although the court's decision stipulates *hadanah* (childcare) rights on the mother and father as the main responsibility for the fulfillment of the child's support, it does not mean that the other party (mother) is free from responsibility for the maintenance (Undang-undang No. 35 Tahun 2014). The legal basis for *hadanah* is contained in the letter at-Tahrim verse 6 (Hidayat et.al., 2021; Muhajir, 2017).

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Where the verse means that da'wah and education begins in the family, although editorially it is the men (fathers) referred to in the verse, but the meaning of the verse is that fathers and mothers are responsible for their children. Ideally father and mother are able to create a family relationship that is based on religious law and is shaded by a good relationship.

The provisions contained in Islamic law in determining the forms of children's needs that must be borne by the father are a spiritual and physical supports. Spiritual supports are non-material supports such as: religious education, affection, care, protection and others. While physical support is a material support, such as:

- a) Food needs are the need to eat and drink with a series of habits or staple foods that apply in their respective regions. Fulfillment of food needs is very important, because food and drink are supporting activities of human life. Fulfillment of food needs must pay attention to the nutritional needs of children for growth. The nutritional needs of each child vary according to age, gender, physical activity and body weight, father or mother must understand this (Muh, 2003).
- b) The need for clothing is the need for everything to protect him from heat and cold, cover his aurat in appropriate ways according to the customs of the local community. The role of the father in fulfilling this need for clothing is not only an effort to meet the need for decent, beautiful clothes according to current fashion trends, but also accompanied by education to children about the function of clothing as a covering for the genitals to avoid sin. Especially the introduction of the use of the hijab as early as possible to girls.
- c) Medical needs are health care needs for children, such as the need for doctor's examination fees, the need for vitamins and medicines (Bahri, 2015).

The period of providing a child's hadhanah support is not regulated in detail in the Qur'an and hadith, therefore the scholars carry out *ijtihad* to determine the period of giving a support to the child. In the opinion of the Hanafi School, boys have the right to earn a support/*hadanah* until the child can take care of himself and can fulfill his own needs, while women have the right to earn a support/*hadanah* until they reach puberty or have their first menstrual period. Tamyiz and the ability to be independent are the basis for the provision of a support in this school.

Provisions regarding forms of supports in positive law are contained in the Marriage Law contained in Article 34 paragraph (2) which stipulates that the husband is obliged to take care of his partner (wife) and provide all the necessities of family life according to his ability (Tim Redaksi, 2012). While the Compilation of Islamic Law is contained in Article 80 paragraph four (4) which details the forms of child support that must be fulfilled by the father

are *kiswah*, housing, treatment costs, medical expenses and education costs for children (Tim Redaksi, 2012).

Compilation of Islamic Law (KHI) Chapter XVII article 149 explains that there are several consequences that arise from the breakup of a marriage, one of which is that fathers are obliged to meet *hadanah* costs for children who have not reached the age of 21 years old. Article 156 is more detailed regarding the consequences that arise from divorce, including children who have not been *mumayyiz* and deserve *hadanah* from their mothers, unless the mother has died or is considered incompetent by the court, children who are *mumayyiz* or adults can choose to be cared for by their father or mother. *Hadanah* can be transferred to a party who is considered more capable than the party holding the previous *hadanah* rights, all costs of *hadanah* are the responsibility of the father according to his ability (Tim Redaksi, 2012).

4. Causing Factors of the Low Level of Father's Compliance in Fulfilling Children's Support After Divorce

The implementation of child support payments after the divorce decision that is not in accordance with the court's decision is a gap or discrepancy between expectations and reality, theory and implementation in the field. Data from the Sukadana Religious Court shows that after the divorce, almost most of the decisions of the religious courts containing the decision on the imposition of a child's support on the father were not carried out as expected. This fact is one of the social deviations in society, and has an impact on congeniality, social order, and harmony in society. This fact also proves that the law as social control does not work according to its function.

The rule of law is a guideline or benchmark in behavior, and is also a means to overcome social problems that arise. In the sociological approach, the law is remedial, meaning that it restores the social scenario of the proper condition. Therefore, what topic is not only about winning and losing, but the most important main factor is eliminating the unsightly conditions. The regulation provides a way to reconcile in returning scenarios as a way out, the same term is normality, harmony, and settlement which is commonly known as harmony (Ali, 2014).

According to the results of the interview, there are several factors that cause a father's negligence in fulfilling his children's support after a divorce (Fakhulmuji, 2021), they are: internal factors and external factors. Internal factors consist of several kinds, *First*: the wife does not demand a support for the child in a divorce lawsuit or *reconciliation*, this is as the

result of an interview with one of the ex-wife initials Va (38 years old) who prioritizes the completion of the divorce process rather than including the obligation of support from the former husband after divorce (Va, 2021); *Second*: the ex-husband's economy declined after the divorce, this is as explained by Ah (56 years old) who is charged with the obligation to provide support for children, but this support is not routinely provided because the trading business that is run has decreased (Ah, 2021); *Third*: there is no sense of responsibility, this is as explained by Ti (21 years old) who explained that after the divorce her ex-husband only provided support for their children three times, after that he never did it again (Ti, 2021).

While external factors consist of several kinds, *First*: there is no supervision over the implementation of court decisions, this is as explained by Fakhulmuji judge at the Sukadana Religious Court that until now there is no supervision system regarding the implementation of court decisions related to support (Fakhulmuji, 2021); *Second*: the implementation of legal sanctions does not work, this is as explained by Fakhulmuji who stated that actually ex-wives understand their rights as well as the rights of children. However, they do not want to claim these rights, this is because litigation in court is considered complicated and requires no small amount of money and time, while there is no guarantee that the lawsuit will fulfill expectations about fulfilling a decent support from the father (Fakhulmuji, 2021).

5. The Sociology of Law Approach in the Problems of Fulfilling Children's Support After Divorce

According to the study of the sociology of law, the many problems of a father who neglect his obligations in fulfilling his child's support after a divorce can be viewed from two aspects as follow:

a. Father's Negligence in Fulfilling Children's Support After Divorce as a Social Symptom

Allah SWT entrusts children to parents as a mandate that must be guarded and educated with full responsibility, given attention and affection. Educating is the most important obligation of both parents and greatly affects the growth and development of children to adulthood. The obligation to educate includes education for the provision of living life and religious education (spiritual) which begins as early as possible (Zuhaili, 2011). Education is a continuous process, developing, and simultaneously with the individual growth of a child in learning what is in the surrounding environment. The knowledge and skills that children acquire in the learning process can be applied in every aspect of their daily life, as preparation for their adult life.

Parents in educating children must pay attention to their potential. Ideally parents in educating children is by guiding, supporting or directing them so that they recognize the norms and lifestyle desires they want to achieve. Parents play a central role and have a great influence in the process. Since infancy, the mother who usually accompanies and supervises, it is natural that a child will tend to imitate his mother. The role of the father in the development and growth of his child is also very influential, the father as the main breadwinner in the family should provide and prepare all the needs of the child as well as possible according to the father's ability. So that the father figure can be a role model and pedestal for the child, then child does not need to look for a role model outside his family as the father figure has provided an example of responsibility in everyday life.

The picture above is the responsibility of each parent towards their children for their present and future lives. Therefore, the responsibility for meeting children's needs (support) and education is largely borne by parents. Whether or not the responsibility is accepted, redeemed wholeheartedly or not, fulfillment of support is a nature that has been determined by the Almighty to father and mother. They cannot avoid that responsibility since it is a mandate from Allah SWT which is obliged on them (Sipahutar, 2013). The responsibility for all costs of raising and educating children is mostly borne by each parent who supports the interests of the child, and once a divorce occurs between both of them, they are still to blame for the child to be worried about and educated for the benefit of the child. In such maintenance, even though in its implementation it is carried out by one of them, it does not mean that the other party is free from his responsibilities.

According to data obtained from the decision of the Sukadana Religious Court, it is known that there are still many fathers who do not fulfill their obligations to support children in accordance with court decisions, this is as stated by Dn (39 years old) (Dn, 2021) and Ri (34 years old) (Ri, 2021) who never received support to meet the needs of children who were the responsibility of her ex-husband after the divorce decision from the Sukadana Religious Court.

The non-fulfillment of child support after divorce is a form of social deviation. In fact, divorce only breaks the legal relationship between husband and wife, only the rights and obligations between husband and wife are eliminated. While the rights and obligations for children remain the responsibility of both parents (father and mother) as before the divorce. When the father does not fulfill his responsibilities, then the function of the family institution is not carried out properly. The non-functioning of family institutions will certainly affect the social order of society since the family is the smallest part of society.

The father's obligation to earn a living is regulated in the Marriage Law which was later strengthened by the Compilation of Islamic Law. According to the Marriage Law in Article 45 paragraphs (1) and (2) it is stated that every parent is obliged to care for and educate their children as well as possible. Then, the obligations of parents apply until the child is married (marriage) or will stand by his own feet. These obligations are still valid even if the marriage between the two parents is broken. Likewise, according to the Compilation of Islamic Law Article 156 letter a, it states that when divorce happens, the legal consequences for a father, one of which is that every *hadanah* price and payment of allowances is the responsibility of the father according to his ability, at least until the child is an adult and can take care of himself alone (21 years old) (Wijayanti, 2010).

Islamic law stipulates that a father is obliged to provide support for his children. The amount of support given can be according to the ability of the father, so that if the father deliberately ignores the obligation to provide support even though he is in a capable condition, then the act is injustice and unlawful. In the norms of Islamic law, unlawful or prohibited acts by Islamic law are actions that can be subject to punishment and torture, as Wahbah al-Zuhaili's opinion explains that unlawful acts are actions that must be abandoned and have consequences for reproach and torment in the hereafter and '*iqab* (sanctions) for the perpetrators in the world (Azizi, 2020).

Legal problems that occur in fulfilling children's livelihoods after divorce are the gap between expectations (ideal) and reality (facts), between the formulation of normative values (standards) and implementation in the field (empirical), between *das sollen* (theory) or *das sein* (which is expected in practice in the field). Strictly Islamic law and positive law have regulated the obligation to properly provide for children, and this obligation is not lost even though there is a divorce. The research data shows that there is a gap between expectations (ideal) and reality on the ground. The reality that happens is that most of the children who are victims of divorce do not get the rights they should. This is evidenced by the research data obtained, that there are still children whose parents are divorced whose right to get support from their father is not fulfilled. While some other children get support but not regularly and the amount given is not appropriate because it is far below the amount that has been determined by the judge in the decision. The cost of supporting children after divorce is very necessary to ensure the life span of a child into adulthood. For that, a father must understand it without burden and pressure, because all of this can be a logical consequence of the existence of marital status relationships and kinship relationships.

b. Effectiveness of Law Enforcement related to Father's Negligence in Fulfilling Children's Support after Divorce

The regulation regarding the right to support children after divorce is included in the scope of Islamic family law and is still in the family of civil law. Islamic family law does not have a firm force of coercion, as in the realm of criminal law. The absence of strict sanctions is one of the causes of the low level of father compliance in fulfilling the obligation to fulfill the child's support after divorce. However, the Indonesian state itself already has a set of laws and regulations in terms of protecting children. This legislation specifically describes that the act of neglecting the obligation to fulfill a child's support is categorized as an act of neglecting a child.

Article 49 paragraph I of the Marriage Law stipulates that a person can be sanctioned by revoking the right of custody to his child, if he is negligent in fulfilling his obligations or behaves badly to his child. Therefore, a person who neglects the responsibility of support for children is also included in the category where custody of his child can be revoked. Similar sanctions are also contained in Law Number 4 of 1979 concerning Child Welfare, which explains that the revocation of parental rights as parents of children under five is often given if parents are proven not to carry out their responsibilities, resulting in obstacles in the child's growth and development. Article 10 paragraph (1) of this law stipulates that in the event that guardianship is revoked, a person or legal entity is appointed as guardian of the child from his parents.

Failure to fulfill a child's support after a divorce can be categorized as an act of child neglect. Law Number 23 of 2002 concerning Child Protection as contained in Article 13 letter c stipulates that the act of neglecting children is deliberately ignoring the obligation to take care of, maintain and care for children properly. This law provides obligations and responsibilities for parents in terms of nurturing, looking after, educating and protecting children, providing proper education so that children can grow and develop according to their interests and talents, instill character values and provide character education. Since parents are parties who often interact, meet and be close to children, so they can directly guide their physical and psychological growth (Undang-undang No. 35 Tahun 2014).

The threat of criminal sanctions against child neglect is regulated in Article 77 b of Law Number 35 of 2014 which is a maximum imprisonment of 5 (five) years and or a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah) (Azizi, 2020). These criminal sanctions can be imposed on fathers who do not fulfill their obligations regarding the child's post-divorce support as support is an important factor in providing and guaranteeing the child to obtain these rights. Likewise, what is contained in Articles 4 to 18 of Law Number 39

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of 2009 concerning Human Rights, regulates children's rights. Then it is contained in Article 16 of Government Regulation Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants.

Various laws and regulations for fathers who do not fulfill their child support obligations have been clearly regulated, but the results of research in the field show that until now these sanctions have never been applied to fathers who do not fulfill their obligations to children's support rights after divorce. Thus, it can be said that the regulations related to the support and protection of children have not been effectively implemented, even though the threat of punishment has been regulated by law. Muchsin explained that if civil proceedings cannot solve the problem of fulfilling the formal rights of children after the divorce decision, they can take criminal law based on laws and regulations related to child protection (Muchsin, 2010).

The procedure for resolving cases in the realm of criminal law and civil law has differences. Law enforcement agencies that handle it are also different. A mother who wants to demand the fulfillment of the child's formal rights must make a report to the investigator from the Police in accordance with his jurisdiction, thus the mother must undergo a long legal procedure again after the legal process of the divorce trial. In the end, there was a reluctance to take the criminal law route, and until now there has been no criminal case regarding child neglect related to post-divorce support in Lampung Province. Data obtained from the Lampung Police, until now there has never been a handling of a criminal case regarding child neglect.

The problem of implementing the child's support obligations by the father should still be resolved with a family approach. The communication factor between father, mother, and family is the main thing in resolving this case. The role of the family, especially from the father's side, in increasing awareness to fulfill post-divorce obligations can be in the form of providing advice and knowledge about religious knowledge. Fathers must realize that the implementation of fulfilling children's support does not only lie in fulfilling material needs, but also fulfilling immaterial needs such as love, attention, and education from the father which is very important in the formation of children's character.

D. CONCLUSION

Based on the results of studies and analyzes that have been carried out, it can be concluded that the Sukadana Religious Court in 2019 only 17 divorce decisions containing provisions regarding child support and in 2020 there were only 22 decisions. Court decisions

related to living have not been fully implemented with what is stipulated in the decision, where fathers do not carry out their obligations in providing support for children after divorce. The father only provides support for the child a few times and the amount given is not in accordance with what is stipulated in the court decision. There are two factors that become obstacles in the implementation of providing support for children after divorce, internal and external factors. Internal factors, the wife did not file a claim for support in the divorce process, the economic conditions declined after the divorce, and there was no sense of responsibility from the father. While external factors, there is no supervision from the court and there are no strict legal sanctions for violations of court decisions related to the implementation of providing child support after divorce. This results in the ineffective application of laws and regulations related to children's support.

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