

Interconnection of the Caper E-Motion System as a Guarantee of Protection of Women's and Children's Rights After Divorce in the Religious Courts of Bengkulu, Indonesia

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Abstract: This article examines the form of guaranteeing the protection of women's and children's rights after divorce by implementing an application called E-Mosi Caper, namely Electronic Monitoring of the Execution of Financing the Rights of Women and Children after Divorce which is implemented at the Bengkulu Religious Court as a follow-up to the memorandum of agreement between the Religious Courts. Bengkulu with the Bengkulu Bank and the Bengkulu City Government because the ex-husband did not voluntarily implement the decision of the Bengkulu Religious Court regarding these rights, while the ex-wife, due to several obstacles, did not submit an attempt to execute the rights regarding herself and her children. This paper uses a mixed method with a normative juridical and empirical juridical approach. The object of this research is the decision of the Bengkulu Religious Court which has permanent legal force. The primary data sources for this research are the litigants and Bengkulu Religious Court officials. Data collection techniques through observation, interviews and documentation. Inductive data analysis using *Maqashid as-Shari'ah* theory. The results of the analysis include cases that were decided in 2013, one of the cases was divorce by a husband who worked as an ASN in Bengkulu Province, the ex-wife used this application in February 2023, the result was that as of April 2023, the ex-husband's account was debited in the amount of Rp. 1,000,000/month for his children through his ex-wife's account. The E Mosi Caper application implemented by the Bengkulu Religious Court is an effort to provide excellent service to justice seekers.

Keyword: Protection, Rights of Women and Children, Interconnection System.

Abstrak: Artikel ini mengkaji tentang bentuk jaminan perlindungan hak-hak perempuan dan anak pasca perceraian dengan menerapkan aplikasi yang disebut *E-Mosi Caper* yakni Elektronik Monitoring Eksekusi Pembiayaan Hak Perempuan dan Anak pasca Perceraian yang diterapkan di Pengadilan Agama Bengkulu sebagai tindak lanjut adanya nota kesepakatan antara Pengadilan Agama Bengkulu dengan Bank Bengkulu dan Pemerintah Kota Bengkulu karena tidak dilaksanakannya secara sukarela putusan Pengadilan Agama Bengkulu mengenai hak-hak tersebut oleh bekas suami, sementara bekas istri karena beberapa kendala tidak mengajukan upaya eksekusi mengenai hak-hak atas diri dan anak-anaknya. Tulisan ini menggunakan mixed methode dengan pendekatan yuridis normative dan yuridis empiris. Obyek penelitian ini adalah putusan Pengadilan Agama Bengkulu yang telah berkekuatan hukum tetap. Sumber data primer penelitian ini adalah para pihak yang berperkara dan aparat Pengadilan Agama Bengkulu. Tehnik pengumpulan data melalui observasi, wawancara dan dokumentasi. Analisis data secara induktif dengan menggunakan teori *Maqashid as-Syari'ah*. Hasil analisis antara lain perkara yang diputus tahun 2013 salah satu perkaranya adalah cerai talak oleh suami yang berprofesi sebagai ASN di Provinsi Bengkulu, bekas istri menggunakan aplikasi ini bulan februari 2023, hasilnya per april 2023 terdebit rekening bekas

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suami sebesar Rp. 1.000.000,-/bulan untuk anaknya melalui rekening bekas istri. Aplikasi *E Mosi Caper* yang diterapkan oleh pengadilan Agama Bengkulu ini sebagai upaya pelayanan prima kepada para pencari keadilan.

Kata Kunci: Perlindungan, Hak Perempuan dan Anak, Interkoneksi Sistem.

A. Introduction

The fulfillment of the rights of women and children after divorce is a national issue and a legal problem that has not been comprehensively resolved from time to time. This is because the former husband often ignores and does not implement the decision voluntarily. Meanwhile, the ex-wife also does not file a legal action which is her right because there are several obstacles so that the ex-wife feels reluctant to file an execution of these rights. As a result, women and children as one of the vulnerable groups have not felt the existence of justice.

A husband who divorces his wife is obliged to provide rights in the form of maintenance both for his former wife and for the children born. These livelihood include livelihood maskan and kiswah to the former wife during iddah, paying off the dowry that is still owed, hadhanah costs for children who have not reached the age of 21 years and the division of marital property between the former husband and former wife, as contained in Articles 105, 149 and 96 and 97 of the Compilation of Islamic Law (KHI) (Mahkamah Agung RI Direktorat Jenderal Badan Peradilan Agama, 2014)

Based on data obtained by the author in the span of 2022 to June 2023, Bengkulu Religious Court received 2000 cases. Of these, the number of decisions containing the rights of wives and children after divorce amounted to 33 cases. Of these, 29 were divorce cases and 4 were contested divorce cases. In 10 cases one of the parties was a State Civil Servant and the remaining 23 cases were private parties. (Data Perkara tahun 2022-2023) of all these cases no ex-wife filed a request for execution with the Bengkulu Religious Court, although many ex-wives complained to the Bengkulu Religious Court about the behavior of their ex-husbands who never provided maintenance even though in the decision there were obligations that had to be fulfilled. (Wawancara Petugas Informasi : 15 Juni 2023)

Justice as an ideal and goal of law that has long reached the area of legal philosophy is concluded that justice can only be realized through law. (Inge Dwisvimiari, n.d.) Because in fact the law is synonymous with justice, so a law that does not reflect justice is not a law. (I Dewe Gede Atmaja, 2013) Thus, in the context of law enforcement, court decisions are only authoritative in writing but weak in implementation.

One solution so that the rights of women and children after divorce can be implemented quickly and precisely, the Bengkulu Religious Court implements an application called *E-Mosi Caper*, namely Electronic Monitoring of the Execution of Post-Divorce Women's and Children's Rights Financing, an application that is connected across agencies to ensure the execution of Religious Court decisions, especially for former husbands/fathers, to be well assisted to fulfill their obligations to former wives/widows and children after divorce. (Manual Book : 2022) With this interconnection-based application, the rights of women and children after divorce decided in the Bengkulu Religious Court are expected to be automatically guaranteed.

The study of this article is interesting to write because the fulfillment of the rights of women and children after divorce, which has been difficult to implement, must find a way out so that these rights can be implemented so that women and divorced by their husbands and children who are born can feel the existence of justice.

There are several studies similar to the study of this article (literature review), including research conducted by Nasriah which concluded that the implementation of providing livelihood to the former wife was carried out before the pronouncement of the pledge of divorce or delaying the trial of witnessing the pledge of divorce for husbands who were denied their obligations. This policy is carried out to provide protection for the rights of ex-wives and provide justice for wives who are divorced by their husbands. (Nasriah: 2021), Ahmad Yani, this study analyzes the case of contested divorce where the husband does not want a divorce, then the judge uses his right *ex officio* to punish the husband to provide *mut'ah* according to ability and feasibility. Or if the verdict is a counterclaim about the rights of the wife and children, the panel of judges decides on *iddah* maintenance, *mut'ah*, past maintenance and child costs. (Ahmad Yani, 2021), Lutfi Yana, this research analyzes the non-implementation of child maintenance after the divorce of his parents. There are several patterns in its implementation, including efforts made by the mother by communicating and sending people (children) so that her ex-husband does not forget his obligation to provide maintenance to children. There are also those who do not make any efforts, because they are still able to meet the needs of children alone. (Lutfi Yana, 2022), Amran Suadi, this research analyzes the role of the Religious Courts in protecting the rights of women and children through several regulations and decisions of Religious Courts cases by implementing responsive legal principles as desired in PERMA Number 3 of 2017 so that the decision can be executed properly. In addition, there needs to be synergy across agencies so that efforts to protect the rights of women and children can be realized more significantly. (Amran Suadi, 2018).

The similarity between the above research and this article is that they both examine the rights of women and children after divorce. This article's Research Gap is different from the four studies above. Novelty or novelty of this article is the application of an interconnection system-based application, namely E-Motion Caper as a guarantee of protection of the rights of women and children after divorce. The formulation of the problem in this article is how to guarantee the protection of the rights of women and children after divorce, what are the obstacles to the difficulty of implementing the Religious Court's decision on the rights of women and children after divorce and what form of guarantee of protection of these rights through the interconnection system at the Bengkulu Religious Court.

B. Research Methods

Mixed Method in this article is carried out with a normative juridical and empirical juridical approach. The normative juridical approach is carried out by conducting a literature study of laws and regulations, theories and concepts related to the rights of women and children after divorce. While the empirical juridical approach is carried out to complete data on decisions containing the rights of women and children after divorce. The data in this study were obtained by means of a document study at the Bengkulu Religious Court as well as interviews with

judges and clerks of the Bengkulu Religious Court and several litigants. Data analysis is carried out in the form of qualitative analysis, namely by describing the data in the form of sentences arranged systematically, completely and in detail according to the subject matter that has been determined, this is to facilitate interpretation and draw conclusions as answers to research problems. The results of the analysis and discussion are then written in the form of a research report that describes completely, clearly and systematically.

C. Results and Discussion

Interconnection System Based Application (E-Motion Caper)

The new finding or novelty in this article is the existence of an application implemented in the Bengkulu Religious Court, namely an interconnection system-based application called E-Mosi Caper, namely Electronic Monitoring of the Execution of Women's and Children's Rights Financing after Divorce, which is a technological information system integrated with several agencies in order to oversee the implementation of post-divorce Religious Court decisions with the aim that the ex-husband is helped to carry out his obligations as stipulated in the Religious Court Decision that has permanent legal force. The Legal Umbrella is as follows:

1. Governor's Instruction Bengkulu dated January 20, 2023.
2. Joint Agreement between the Provincial Government of Bengkulu and the Religious High Court of Bengkulu dated May 13, 2022.
3. Office Letter of the Chairman of the Bengkulu High Court of Religious Affairs dated February 9, 2023.
4. Memorandum of Understanding (MoU) between the Bengkulu Religious Court and the Bengkulu City Government, dated 25-8-2023 with attachments as implementers are several Regional Apparatus Organizations (OPD), namely: Disdukcapil, Regional Financial Management Agency (BPKD), Office of Women's Empowerment, Child Protection, Population Control and Family Planning (DP3P2KB), Personnel and Human Resources Development Agency (BKPSDM).
5. Cooperation Agreement (PKS) with Bank Bengkulu.

PeneraThe application of the E-Motion Caper application is actually in the context of realizing the welfare of all mankind (*maqashid ash-shari'ah*), including in order to (1) maintain religious belief; (2) maintain the soul; (3) maintain intelligence; (4) maintain offspring; (5) maintain wealth. Everything that can sustain the existence of these five things is classified as goodness. Conversely, anything that threatens the existence of these five things is considered mafsadat. (Asmawi, 2014).

Women's and Children's Rights After Divorce According to Laws and Regulations

Juridically, the rights of women and children after divorce have been regulated in legislation, including in articles 149, 96 and 97 of the Compilation of Islamic Law, (Mahkamah Agung RI Direktorat Jenderal Badan Peradilan Agama, 2014), namely:

1. Livelihood *mut'ah*, either in the form of money or objects unless the divorced woman is *qobla al-dukhul*.

2. *Nafaqah* iddah, *maskan* and *kiswah* to the former wife during the iddah period unless the divorced woman has been divorced *ba'in* or *nusyuz* and is not pregnant.
3. Livelihood *hadhanah*, which is livelihood given to the child until the child is an adult and can take care of himself.
4. Repay the mahr owed in full or half if *qobla al dukhul*.
5. Division of property in marriage

Article 1 paragraph (1) of PERMA Number 3 of 2017 states that women in conflict with the law are women who are in conflict with the law, among others as victims, witnesses or as parties. In the case of a contested divorce, women are victims of domestic disharmony due to discriminatory treatment from their husbands. For example, the husband's neglect of the wife's rights, domestic violence (KDRT), the existence of another woman and various other forms of discrimination in the household experienced by the woman (Asnawi, 2012).

Likewise, with the situation of children who are often victims of a divorce, children's rights are often ignored by their fathers which results in being victims of neglect by their own parents. Many cases after divorce the former husband releases himself from responsibility for his children (Asnawi, 2015). As a result, many social problems arise, including neglected children because they drop out of school, suffer from malnutrition, experience physical and psychological violence, become victims of sexual crimes, drug crimes, kidnapping crimes and other crimes. The maintenance that must be carried out by the husband to the wife according to the Qur'an is contained in QS. Ath-Thalaq Verse 6:

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ وَلَا تُضَارَّوهُنَّ لِتُضَيِّقُوا عَلَيْهِنَّ وَإِنْ كُنَّ أُولَاتٍ حَمَلًا فَلْيَنْفِقُوا عَلَيْهِنَّ حَتَّىٰ يَضَعْنَ حَمْلَهُنَّ فَإِنْ أَرْضَعْنَ لَكُمْ فَارْتُوهُنَّ أَجُورَهُنَّ وَأَتَمِرُوا بِهِنَّ بِمَعْرُوفٍ وَإِنْ تَعَاَسَرْتُمْ فُتْرَضِعْ لَهَا أُخْرَىٰ

Meaning: *Settle them (the wives) where you live according to your ability and do not trouble them to constrict (their) hearts. And if they (the wives who have been divorced) are pregnant, then give them their maintenance until they give birth, then if they suckle your (children) for you then give them their wages, and negotiate between you (everything) well; and if you encounter difficulties then another woman may suckle (the child) for her.*

As for Civil Servants (PNS), the legal consequences of divorce are regulated in Government Regulation Number 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants in conjunction with Government Regulation Number 45 of 1990 concerning Amendments to Government Regulation Number 10 of 1983, including that the husband is obliged to support his ex-wife by ½ of his salary if he has no children, 1/3 of the salary if he has children until the wife remarries and 1/3 for the children until the children grow up. This provision was not realized because the satker salary officers were reluctant to deduct the husband's salary directly each month. According to them, there is no structural relationship between the court and the institution, so the court cannot directly order the treasurer to directly deduct the salary of the person concerned without any instruction or guidance from his superior. (Amran Suadi : 2018).

Thus according to the legislation and the Qur'an it is very clear that maintenance must be fulfilled when a husband divorces his wife.

Guarantee of Protection of Women's and Children's Rights After Divorce

Indeed, the fulfillment of the obligation of maintenance of the former husband to the former wife and children is very dependent on the good faith of the former husband, because the provisions regarding maintenance are clearly regulated in the legislation and also contained in the decision of the Religious Court that decided the case, the former wife and children should get something that is their right.

In order to provide legal protection for women and children after divorce, Indonesia has made several family law reforms, among others:

1. Supreme Court Circular Letter (SEMA) Number 1 of 2017 concerning the Implementation of the 2017 Supreme Court Chamber Plenary states that in the context of implementing PERMA Number 3 of 2017 concerning Guidelines for Adjudicating Cases of Women Against the Law, payment of obligations due to divorce, especially livelihood iddah, mut'ah and livelihood madliyah, can be included in the verdict with the sentence that it is paid before the pronouncement of the pledge of divorce provided that the pledge of divorce can be carried out if the wife does not object to the husband not paying these obligations during the pronouncement of the pledge of divorce.
2. Supreme Court Circular Letter (SEMA) Number 2 of 2019 concerning the Implementation of the Supreme Court Chamber Plenary in 2019 states that in the context of implementing PERMA Number 3 of 2017 concerning Guidelines for Adjudicating Cases of Women Against the Law, the payment of husband's obligations to his wife in a Plaintiff's Divorce case can add the following sentence: "which is paid before the Defendant takes the divorce certificate", provided that the provision is narrated in the statement of claim and petitum.
3. Supreme Court Circular Letter (SEMA) Number 5 of 2021 concerning the Implementation of the Supreme Court Chamber Plenum in 2021 states that against the imposition of child maintenance, the wife can apply for a confiscation order against the husband's property as a guarantee for the fulfillment of child maintenance and the object of the guarantee is described in detail in the article and petitum of the lawsuit either in the convention, counterclaim or separate lawsuit.
4. Circular Letter of the Directorate General of Religious Courts Number 1660/DJA/HK.00/6/2021 Dated June 18, 2021 regarding Guaranteeing the Fulfillment of the Rights of Women and Children after Divorce.
5. Letter of the Head of BKN Number 6437/B-AK.03/SD/F/2022 dated March 18, 2022 concerning the Affirmation of Letter of the Head of BKN Number: K.26-30/V.99-6/99 concerning Explanation of the Obligation to Give Part of the Salary to the Former Wife and Children of Civil Servants.

Thus, from a juridical perspective, the reform of family law above and the existence of Religious Court decisions on the rights of women and children after divorce are expected to strengthen the protection and implementation of decisions on the rights of women and children, although from a law enforcement perspective there are still many obstacles in their implementation (Ismail, 2020).

Justice as a biological metabolism of law goes hand in hand with human life, influencing each other from various stimuli that exist around the case being tried, fused together so that it is in the form of blood flow as a metabolism for law and justice. (Amran Suadi : 2021)

Menurut Gustav Radbruch, there are 3 (three) main elements in enforcement law, namely justice (Gerechtigkeit), legal certainty (Rechtssicherheit) and expediency (Zwackmatigkeit). (Hasaziduhu Moho, 2019) These three elements cannot be separated and must be reflected in every law enforcement effort.

A true law enforcement must guarantee legal certainty so as to maintain order, regularity and stability in people's lives. Likewise, the law was created for humans so that its implementation must provide benefits to society. On the other hand, law enforcement must also fulfill a sense of justice because justice is the essence of law, so its position is very important in law enforcement.

Obstacles to the Implementation of Decisions on the Rights of Women and Children after Divorce

In the context of law enforcement in Indonesia, the effectiveness of the implementation of decisions regarding the rights of women and children after divorce is relatively weak, there are always cases where the former wife and children who are in her care do not get what they are entitled to even though it has been decided by the Religious Court.

To find out the effectiveness of the implementation of the Bengkulu Religious Court's decision on the rights of women and children after divorce, the author conducted interviews with several parties whose cases had been decided and contained the burden of the rights of women and children, including:

1. Case number 573/2022AW (wife) and SM as husband, the case was dismissed in July 2022 with the imposition of child maintenance, namely LA aged 3 years in the amount of Rp. 900,000.- (Nine hundred thousand rupiah) per month until adulthood with a 10% increase every year. The maintenance was paid from November 2022 to February 2023, after which it was no longer carried out, this was because SM no longer wanted to give it on the grounds that she had no money. With this condition, AW, who was caring for and maintaining the child, was only resigned to SM's behavior (Wawancara Dengan AW Melalui Telpon Tanggal 27 Juli 2023).
2. Case No. 1007/2022 JN (husband) and SK (wife) through a counterclaim the husband was ordered to pay maintenance for the child in the amount of Rp. 1,500,000.- (One million five hundred thousand rupiah) per month until the child reaches adulthood with a 10% increase every year excluding education and health costs. In fact, this obligation was not carried out by JN. SK as the former wife complained to the Bengkulu Religious Court and was advised by the officer to file an execution effort, but it was not carried out because of the problem of costs that were not affordable by SK. With circumstances like this SK only surrendered and chose to finance all the needs of the child without the help of the former husband. (Wawancara Dengan SK Melalui Telpon Tanggal 27 Juli 2023).
3. Case Number 1023/2021 SG (husband) and NH (wife) are both civil servants in Bengkulu Province. Through a counterclaim during the ikrat talak SG has fulfilled his obligations during the ikrat talak both for NH and for his child except for mut'ah in the form of a 5 gram gold ring which SG did not fulfill. For child maintenance the following month is not routinely carried out by SG, even the 15% increase every year until 2023 is only fulfilled as the initial decision, namely Rp. 1,000,000 (one million rupiah). supposedly until 2023 the increase in maintenance has amounted to Rp. 1,300,000.- (one million three hundred

thousand rupiah). According to the NH, as the father of his children, SG argued that he had no money and had also remarried another woman. NH does not want to file an execution because according to him it will be complicated and definitely take a long time and high costs. (Wawancara Dengan NH Tanggal 21 Juli 2023).

The author also conducted interviews with officials of the Bengkulu Religious Court, among others:

1. 3 Judges of the Bengkulu Religious Court, HB, JR and ND, said that most ex-husbands do not fulfill their obligations and ex-wives do not seek execution because of the high cost of execution and most ex-wives are unaware of the mechanism for seeking execution. Judges often suggest that the maintenance obligation be fulfilled during the pledge of divorce hearing and this is often successful. However, the following month's child maintenance cannot be monitored by the Bengkulu Religious Court as to whether or not it is being paid by the father. However, most of the time at the time of the pledge of talak the husband has not been able to fulfill his obligation because there is no money available and the wife does not object. (Wawancara Tanggal 27 Juli 2023).
2. The Registrar of the Bengkulu Religious Court is EFF (Wawancara dengan Panitera Tanggal 24 Juli 2023). One of the duties of the clerk is to execute. The Registrar often receives visitors from a woman who has been divorced at the Agama Court and complains that her ex-husband has never carried out his maintenance obligations even though it is clearly stated in the verdict. When advised to apply for execution, most of them did not do so because there was no money to apply for the execution.
3. 3 Substitute Clerks of the Bengkulu Religious Court, namely DS, YL and DF as information and complaints desk officers at the one Stop Integrated Service (PTSP). All three of them often serve complaints and grievances from ex-wives who have litigated at the Bengkulu Religious Court about the non-fulfillment of their child maintenance obligations by their ex-husbands on the grounds that their ex-husbands have remarried and do not have enough money to support their children. When advised to seek execution most of them are reluctant to do so because it is bound to be convoluted (Wawancara dengan petugas meja informasi pada tanggal 26 Juli 2023).

From the results of interviews with litigants and officials of the Bengkulu Religious Court, it can be concluded that some of the obstacles to the difficulty of implementing decisions on the rights of women and children after divorce include:

1. Reluctance to apply for execution.

The average ex-wife works as a housewife with minimal income. As a result, the wife is reluctant to file for execution and is resigned to the attitude of the former husband who does not carry out the obligation of maintenance for himself and his children.

2. High Cost of Execution

This is because the execution involves many parties and is not sufficient once in its implementation, and it is often the case that the cost of execution is not proportional to the demands for maintenance that will be obtained by the ex-wife.

3. There is no pro bono provision in the execution petition.
4. Difficulty in fulfilling execution requirements

The execution of the fulfillment of the rights of women and children is a type of execution of payment of a sum of money, meaning that there must be an object that will be sold at auction through the state auction office and the proceeds will be given to the former wife and children in accordance with the amount contained in the verdict. In practice, the ex-wife has difficulty fulfilling these conditions because she does not know what assets belong to her ex-husband and it turns out that the ex-husband does not even have assets to be executed.

5. Ignorance of the execution mechanism

With the many obstacles experienced by the former wife to get her rights, the result is that the former wife chooses to surrender and is willing for the livelihood not to be fulfilled by her former husband.

Forms of Guaranteeing the Rights of Women and Children after Divorce in Bengkulu Religious Courts

To realize the rights of women and children after divorce, Amran Suadi, Chairman of the Religious Chamber/Supreme Judge of MARI believes that it is necessary to build a system interconnection with institutions outside the judiciary so that Religious Court decisions can be implemented quickly and accurately. According to him, in Egypt there is a Family Insurance Fund Institution (*shundûq ta'mînîl 'usrah*) based on Egyptian Law Number 11 of 2004, where divorced wives and children in their care can obtain court-ordered maintenance as soon as possible through a government-appointed bank (i.e. Nasser Social Bank) without having to wait for the husband to fulfill his obligations. This practice is one example of how the interconnectedness of the system plays a role in ensuring that the rights of women and children are fulfilled after divorce. (Amran Suadi : 2022)

In order to provide a solution to the difficulty of implementing decisions on the rights of women and children after divorce, the Bengkulu Religious Court provides a solution by implementing an application made by the Bengkulu Religious High Court, namely an application by name: E-Mosi Caper (Electronic Monitoring of Execution of Post-Divorce Women's and Children's Rights Financing) based on interconnection intended for ASN in Bengkulu Province and City.

The E-Motion Caper application is a technological information system that is integrated with several agencies in order to oversee the implementation of post-divorce Religious Court decisions with the aim that the former husband is helped to carry out his obligations as stipulated in the Religious Court Decision that has permanent legal force.

In its implementation, the Caper E-Motion Application consists of several users, including (Tim Emosi Caper Pengadilan Tinggi Agama Bengkulu, 2022) :

a. User Monitoring, consists of:

The Bengkulu Religious High Court, the Regional Personnel Agency and Inspectorate of Bengkulu Province, the Bengkulu Provincial Office of Women's Empowerment, Child Protection, Population Control and Family Planning, the Bengkulu Provincial Population and Civil Registry Office and Bank Bengkulu.

b. Implementation User

The implementing user fully implements the flow in the Caper E-Motion application, starting from:

- 1) Input of decisions by the Religious Courts in the area of the Bengkulu Religious High Court by retrieving personnel data directly from the database of the

Regional Civil Service Agency of Bengkulu province and the staff of the Bengkulu Religious High Court. The Religious Court then notifies the Treasurer of the OPD/satker where the ex-husband works;

- 2) Bank Bengkulu in the district/city is tasked with validating the parties' accounts, as well as setting up an account for the ex-wife or children as an escrow account after deductions have been made from the ex-husband's account.
- 3) The OPD/satker treasurer makes deductions in accordance with the decision of the Religious Court after receiving notification from the Religious Court;
- 4) The district/city Population and Civil Registry Office updates the parties' data and enters the ticket numbers that will be sent to the parties' cell phone numbers. The E-Motion Caper application can be utilized by justice seekers by making complaints to the Bengkulu Religious Court in the event of non-implementation of women's rights and post-divorce as contained in the Bengkulu Religious Court decision that has permanent legal force.

Since the implementation of the E-Motion Caper application in the Bengkulu Religious Court, namely February 2023, there have been several parties as users who have utilized the application through the complaint mechanism, namely:

1. Case number 613/2012 between YT (ex-wife) who was divorced by her husband (DG) both ASN Bengkulu Province has been terminated and BHT in June 2013. On February 20, 2023 YT filed a complaint through the Caper E-motion application because her ex-husband (DG) had never fulfilled his obligations as stated in the Bengkulu Religious Court decision, namely the cost of maintaining the Petitioner's and Respondent's children in the amount of Rp. 1,000,000.- (One million rupiah) per month until the child becomes an adult. After being processed by several users, the result is that since April 2023 the hadlonah fee has been received by YT as the mother through her account by automatically debiting the Petitioner's (DG) account by Bank Bengkulu in the amount of Rp. 1,000,000.- per month. (Tim Satgas Emosi Caper, 2023)
2. In June 2023, a former wife (NV) (housewife) appeared before the Religious Court because her former husband (TD) was a civil servant at the KPU of Seluma Regency Bengkulu in the case of Divorce No. 0612/2014. The case had been terminated and BHT on February 10, 2015, one of the rulings of which was the imposition of child maintenance in the amount of Rp.700,000.- (Seven hundred thousand rupiah)/per month, until June 2023 the obligation was not carried out by the former husband (TD). As a result NV filed a criminal case with the District Court in a case of child neglect. The verdict sentenced the former husband (TD) to 4 months imprisonment. This effort was made to have a deterrent effect, but the ex-husband still did not implement the decision on child maintenance. Finally, NV reported her case to the Bengkulu City Women's Empowerment Office which was then directed to PA Bengkulu through the Caper E-Motion application. At PA Bengkulu, the application could not be followed up because the former husband was not a civil servant of Bengkulu Province and Bengkulu City. (Tim Satgas Emosi Caper, 2023)
3. At the end of July 2023 SG appeared at the information section of the Bengkulu NH Religious Court as a wife in divorce case number 1023/2021. Her ex-husband SG, both civil servants in Bengkulu Province. In the verdict there is an obligation of maintenance for the wife and children. The maintenance has been paid by SG

during the divorce vow hearing except for mut'ah in the form of a 5 gram gold ring which SG did not fulfill. For child maintenance the following month is not routinely carried out by SG, even the 15% increase every year until 2023 is only fulfilled as the initial decision, namely Rp. 1,000,000 (One million rupiah), which should have amounted to Rp. 1,300,000.- (One million three hundred thousand rupiah) Because SG often neglects to carry out his maintenance obligations for his two children, the NH demands these obligations through the E-Motion caper application of the Bengkulu Religious Court. The request through the NH complaint mechanism is being processed by users integrated in the E-Motion Caper application. (Tim Satgas Emosi Caper, 2023)

From some testimonials from users of the E-Motion Caper application above, it can be analyzed as follows:

1. The E-Motion Caper application managed by the Bengkulu Religious Court and integrated with several Regional Apparatus Organizations (OPD) and Bank Bengkulu can protect and implement the rights of women and children after divorce without going through an execution request. Thus the E-Motion Caper application is a breakthrough and a form of contribution to the renewal of Islamic family law in Indonesia so that the obstacles that have been very difficult in implementing the fulfillment of the rights of women and children after divorce can now be relatively well implemented. The new Caper E-Motion application covers parties, especially husbands who work as civil servants in Bengkulu Province and Bengkulu City.
2. The implementation of the rights of women and children after divorce through the E-Motion Caper application is carried out through a complaint mechanism from parties whose cases have been decided by the Bengkulu Religious Court but the former husband does not implement the ruling (this method is the most common). Meanwhile, the use of the E-Motion Caper application directly after the case is decided is waiting for a case that is in accordance with the E-Motion Caper application.

From some of the explanations above, the author concludes that the application of the interconnection system through the E-Motion Caper application in implementing the decision of the Bengkulu Religious Court which has permanent legal force, has provided a quick and precise solution to the non-implementation of decisions which include the rights of women and children after divorce.

The application of the E-Motion Caper application has contributed to the renewal of family law in Indonesia and is in accordance with the theory that the author uses in this article, namely *Maqashid Asy Shari'ah*, among others, the basic purpose of Islamic law is to try to realize the existence of goodness and avoid the emergence of damage.

Conclusion

Most former wives do not apply for execution of their rights as contained in the decision of the Bengkulu Religious Court on the grounds that in addition to the high cost of execution and the difficulty of fulfilling the execution requirements, most former wives do not know that they have the right to apply for execution if the former husband does not carry out the verdict on the obligation of maintenance. As a result, the former wife is only resigned to finance and maintain her own children

without the help of maintenance from the former husband.

The solution offered by the Bengkulu Religious Court is to implement an interconnection system-based application that is integrated with institutions outside the court, namely the E-Motion Caper application, namely Electronic Monitoring of Execution of Post-Divorce Women's and Children's Rights Financing. With this application, the ex-wife with a connected system can receive her rights as contained in the decision of the Religious Court and the ex-husband/father, is well assisted to fulfill his obligations towards the ex-wife/widow and children after divorce.

Because the E-Motion Caper application implemented at the Bengkulu Religious Court is only intended for ASN of Bengkulu Province and City, so that justice can be felt for all justice-seeking communities, it should be able to reach other than vertical ASN and BUMN and BUMD employees in the future to also reach the wider non-ASN community in general.

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