



## **Interconnection Systems as An Alternative Fulfillment of Women and Children Right Post Court Verdict**

**Abdul Haris Naim**

Institut Agama Islam Negeri Kudus

Email : [harisnaim869@gmail.com](mailto:harisnaim869@gmail.com)

### **Abstract**

*After the divorce decision was made by the court, the problem of difficult execution regarding the fulfillment of women's and children's rights arose. This research discusses alternatives after the decision of the Religious Court in adjudicating divorce cases to ensure the fulfillment of women's rights after divorce. The method in this research was carried out using a type of literature. The data was collected through an inventory of related laws and regulations, and through books, journals and other secondary materials related to the research focus. The results of this research offer an alternative interconnection system between institutions that is solution-oriented by utilizing and improving existing cooperation in the Religious Courts to optimize *mut'ah* (contract) and *hadlanah* (children fulfillment) payments from ex-husbands to ex-wives after divorce. In this way, the implementation of religious court decisions regarding women's rights after divorce can be carried out effectively.*

**Keywords:** *Interconnection systems; Women's Rights; Divorce; Execution of Decisions.*

### **Abstrak**

Pasca putusan perceraian oleh pengadilan, muncul masalah sulitnya eksekusi terkait pemenuhan hak perempuan dan anak. Penelitian ini membahas alternatif pasca putusan Pengadilan Agama dalam mengadili kasus perceraian untuk memastikan pemenuhan hak-hak perempuan setelah perceraian. Metode dalam penelitian ini dilakukan dengan jenis kepustakaan. Adapun data dikumpulkan melalui inventarisasi peraturan perundang-undangan terkait, dan melalui buku, jurnal, dan bahan sekunder lain yang terkait dengan focus penelitian. Hasil penelitian ini menawarkan alternative Interkoneksi sistem antar lembaga yang berorientasi pada solusi dengan memanfaatkan dan meningkatkan kerja sama yang ada di Pengadilan Agama untuk mengoptimalkan pembayaran *mut'ah* dan *hadlanah* dari mantan suami kepada mantan istri setelah perceraian. Dengan demikian, pelaksanaan putusan pengadilan agama mengenai hak-hak perempuan setelah perceraian dapat dilakukan secara efektif.

**Kata Kunci :** **Sistem interkoneksi; Hak-hak Perempuan; Perceraian; Eksekusi Putusan**

## Introduction

A legal marriage begins with a man pronouncing vows to form a body and soul bond between himself and a woman (Maloko et al., 2024). Article 2 of the Compilation of Islamic Law explains that marriage is not just an ordinary civil relationship but a sacred contract in front of Allah SWT to form a household.

The husband is responsible for nurturing, protecting and fulfilling his wife's needs, while the wife has the responsibility to manage the household. However, this bond can be broken if there is no compatibility between the two parties, either in terms of communication or negligence in fulfilling their obligations as husband and wife. This is stated in the Supreme Court Circular No. 4 of 2014 regarding indicators of broken marriages. In accordance with Islamic doctrine, divorce is a permissible act, despite the fact that it is hated by God. (Ramadhita et al., 2023).

Divorce can be proposed by each party based on Article 132 paragraph (1) KHI and Article 129 KHI. A wife can file a divorce suit with the Religious Court that oversees the wife's residence, which is called a contested divorce case. Likewise, a husband can give divorce to his wife in the Religious Court in the area where the wife lives, which is called a *cerai talak* (divorce) case.

In Southeast Asia, the trend of increasing divorce coincides with the trend of modernization (Dommaraju, P., & Hu, 2023). According to survey data conducted by the Central Statistics Agency (Badan Pusat Statistik), in 2024 divorces in Indonesia will be recorded at 448,126 (BPS, 2024). 75.2% of divorces were filed by women. This data shows that it is the majority of women who no longer feel the sacredness of marriage. Not a few women experience neglect by their husbands, so their wives have to struggle to support themselves and their children. This is what triggers a broken marriage, because the husband intentionally or unintentionally has diminished his obligations and responsibilities in a marriage.

In divorce cases, the person most affected is the wife. After divorce, women have to fight for themselves, their children and even the societal stigma that is not good towards them (Parker, L., Riyani, I., & Nolan, 2015). The Supreme Court as a judicial body in Indonesia is sensitive to this matter, as evidenced by the Supreme Court Circular Letter Number 3 of 2017 concerning Guidelines for Trying Women's Cases in Conflict with the Law and supported by the Letter of the Director General of Religious Courts Number: 1960/DjA/HK.00/6/2021 concerning Guarantees for the Fulfillment of the Rights of Women and Children After Divorce which calls on all religious courts in Indonesia to provide services to ensure the rights of women and children are fulfilled after divorce.

The effectiveness of Religious Court services is not only assessed by the facilities provided but the quality of the decisions produced. A quality

decision must fulfill three principles, namely legal certainty (*rechtssicherheit*), justice (*gerechtigkei*t) and expediency (*zweckmaszigkeit*) (SE Director General Badilag, 2021: 3). The reality that often occurs is that the parties involved, especially women, after divorce, only feel legal certainty and justice, but not the principle of benefit.

So far, not many articles have been written that discuss providing support for women and children after divorce. Meanwhile, the articles that have been discussed are more concerned with: first, the implementation of the ex-wife's maintenance rights after the religious court decision which is classified as low. (Azani & Cysillia, 2022), as well as the urgency of the executing agency to fulfill the maintenance rights of ex-wives and children after divorce to reduce obstacles to fulfilling these rights (Aurellia & Halim, 2023). Second, assisting ex-wives and children to obtain their rights after divorce, as well as factors that support the fulfillment of these rights (Sholeh et al., 2019); (MARASTI & Hikmatiar Al Qindy, 2023). Third, legal protection against the ex-husband's negligence in providing support for the ex-wife (Pratiwi, 2020), so that justice can be served.

This article will discuss interconnection alternatives in implementing religious court divorce decisions and what steps can be taken so that the implementation of these decisions can fulfill the principle of legal benefit to ensure the fulfillment of women's and children's rights after divorce.

## **Research Method**

This type of research is normative research, in which legal research that examines the principles, norms and legal rules that are relevant to the main research theme. Apart from that, normative research also examines developing legal doctrines related to the research theme (Effendi & Ibrahim, 2018).

The approach used in this research is a statutory approach and a conceptual approach. The legislative approach is carried out by researching and reviewing regulations related to the main research theme. Because the alternative proposed in this research is quite different from existing conceptions and norms, the legislative approach is confirmed with a conceptual approach, namely an approach that seeks to offer a new conception so that the main ideas in the research can be implemented in law enforcement that is oriented towards protecting the rights of people, legal rights of women and children.

This research data sources include two. First, primary legal materials which include legislation and jurisprudence and Circular Letters from the Religious Courts Agency (Surat Edaran Badan Peradilan Agama/SE Badilag). Meanwhile, secondary legal materials include literature relevant

to the research theme as well as the results of the latest research and/or surveys which provide a factual description of the conditions or situations related to the research object in the form of judicial decisions. (Effendi & Ibrahim, 2018).

The data collection technique in this research is an inventory of relevant legislation, books, journals and scientific publications (research results, surveys, etc.) that are relevant to the research theme. All the data obtained is then analyzed through systematic reading and reviewing of the data, that is reading the data as a whole and comparing them with each other.

The data analysis method in this research is prescriptive, that is, the analysis is directed at providing recommendations or further suggestions that can be implemented to overcome or answer legal problems. (Effendi & Ibrahim, 2018).

## **Results and Discussion**

### **Interconnection Alternatives**

Based on the Circular of the Directorate General of Religious Courts Number: 1960/DjA/HK.00/6/2021 concerning Guarantees for the Fulfillment of the Rights of Women and Children After Divorce, all Religious Courts are encouraged to implement the fulfillment of the rights of women and children after divorce through the provision of template (blank/form) of lawsuit letter which includes demands for women's and children's rights after divorce which is placed in the service room (Nurtjahyo, 2021), Posbakum, and the Independent Lawsuit Application and collaborates with related institutions to ensuring the implementation of the contents of the Court's decision which includes the rights of women and children after divorce (SE Badilag, 2021: 4).

The post-divorce rights of women in question are *iddah*, *mut'ah* and *madliyah*. This is regulated in the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) Articles 149, 152 and 156 letter d. *Iddah* is a waiting period for a wife not to marry after being divorced by her husband. The waiting period aims to ensure that the uterus is clean or not (Dalimunthe et al., 2023).

In the Religious Courts, the *iddah* period begins after the divorce decision has permanent legal force, whether it is a divorce case filed by the husband (*cerai talak*) or a divorce filed by the wife (divorce lawsuit). *Mut'ah* is a gift in any form, it can be material or money from an ex-husband to an ex-wife with the aim of pleasing and reducing the wife's pain due to a divorce. *Madliyah* provision is the maintenance owed that has not been given during the marriage period. The amount of post-divorce maintenance will be considered by the judge based on a sense of justice and propriety by

considering the husband's economic capabilities in accordance with SEMA No. 3 of 2018 (Cholil, 2022).

Regarding talak divorce cases, according to SEMA Number 1 of 2017, the reading of the talak vow can be carried out if the husband has submitted *iddah*, *mut'ah* and *madliyah* provision. If the wife comes to the divorce vow hearing, she will be handed over directly in front of the judge. However, if the wife does not come, it will be entrusted to the Registrar's Department of the Religious Court (Kepaniteraan Pengadilan Agama). In this case, the Religious Courts have guaranteed the fulfillment of the rights of women and children after divorce.

A divorce filed by the wife is called a contested divorce case. With this circular letter from the Directorate General of Religious Courts, in deciding divorce cases, especially contested divorce, the Panel of Judges includes the obligation to pay post-divorce maintenance from the ex-husband to the ex-wife. However, in practice, ex-husbands are reluctant to carry out this decision (Hardinal, 2020).

This is an obstacle for ex-wives in demanding post-divorce maintenance, because the cost of the execution request is not small compared to the amount of post-divorce maintenance being demanded. (Aurellia & Halim, 2023). Therefore, requests for execution are not yet the right solution for society to obtain justice regarding women's rights after divorce. Finally, the view was formed that the Court's decision was only a writing that had legal force but ultimately became useless (*illusoir*). The ex-wife did not receive legal justice and legal benefits from the divorce case decision. Moreover, the *verstek* decision in a contested divorce case, where the Defendant never appeared at every trial, however, the Panel of Judges' decision included an obligation to pay post-divorce maintenance.

The main thing that women hope for after a divorce is not only the decision but also the implementation of the decision. The reality that occurs is that there is no mechanism or legal protection that makes it easier for women to fulfill women's rights after divorce. The expected legal benefits is a fast, simple process and low costs, are based on Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power which states that trials are carried out simply, quickly and at low costs.

The sixth point in the circular letter of the Directorate General of Religious Courts Number: 1960/DjA/HK.00/6/2021 is one alternative that will be a solution to this problem. However, until now there has been no clear and precise institution regulated by the Supreme Court to guarantee the implementation of decisions on women's rights after divorce.

## **The Role of Religious Courts in Protecting the Rights of Women and Children**

The Religious Courts have given the authority to judges to determine the consequences of divorce which must be met by the husband whether or not there are demands from the woman, as well as maintenance if the child is clearly with the mother. For Civil Servants (PNS) there are special regulations regarding the consequences of divorce as stated in Government Regulation Number 10 of 1983 Article 8 in conjunction with Government Regulation Number 45 of 1990 where the husband is obliged to support his ex-wife in the amount of  $\frac{1}{2}$  of his salary if he does not have children,  $\frac{1}{3}$  from the salary if he has children until the wife remarries and another  $\frac{1}{3}$  for the children until the children are adults.

However, this provision was not realized as it should be due to the salary treasurer's reluctance to directly deduct the husband's salary every month. This reluctance is caused by the treasurer in the agency considering that there is no structural relationship between the Court and the agency, so they are of the view that the Court cannot directly order the treasurer to directly deduct the salary concerned without any instructions or direction from his superior. (Yusrina et al., 2011).

The Religious Court also finds it difficult to carry out executions every month, so this provision is not included in the decision and usually the judge provides compensation in the form of divorce consequences in the form of *mut'ah*. The same paradigm as this fact is also confirmed in the Supreme Court Circular Letter Number 4 of 2016 concerning the Implementation of the Formulation of the Results of the 2016 Supreme Court Chamber Plenary Meeting as Guidelines for the Implementation of Duties for the Courts, in letter C number (5) confirms that the Religious Courts are ex officio can assign a child's maintenance to his father if the child is actually under the care of his mother, as regulated in Article 156 letter (f) of the Compilation of Islamic Law.

This opinion is in line with the Supreme Court jurisprudence Number 11 K/AG/2001 dated 10 July 2003. The legal rule in this jurisprudence is: "That the giving of  $\frac{1}{2}$  part of the Defendant's salary to the Plaintiff as regulated in article 8 PP Number 10 of 1983, amended by PP Number 45 of 1990, regarding civil servant discipline regulations is not a procedural law for the Religious Courts, because it gives  $\frac{1}{2}$  salary The Defendant to the Plaintiff is the decision of the State Administrative Official." This is the reason that so far, the Religious Courts have not been able to apply a punishment mechanism in the form of direct deductions from the husband's salary through the agency treasurer because this is considered a KaTUN decision which is not included in the procedural law of the Religious Courts. If you pay attention to efforts to protect the rights of

women and children as well as the complexity of executing the costs incurred as a result of divorce, these provisions should be revised (Mahfud et al., 2015).

In Supreme Court Circular Letter Number 1 of 2017 concerning the Implementation of the Formulation of the Results of the 2017 Supreme Court Chamber Plenary Meeting as Guidelines for the Implementation of Duties for the Court, in letter C number (1) it is stated that: In the context of implementing Perma Number 3 of 2017 concerning Guidelines for Trying Women's Cases Dealing with the Law to provide legal protection for women's rights post-divorce, then payment of obligations resulting from divorce, especially *iddah*, *mut'ah*, and *madliyah* alimony, can be included in the verdict with the sentence paid before the pronouncement of the divorce vow. The divorce vow can be carried out if the wife does not object to the husband not paying the obligation at that time. The Religious Courts have made real efforts to support women and children by implementing these regulations, so that they can eliminate all forms of discrimination and legal dysfunction in upholding the legal rights of women in conflict with the law. However, it turns out that there are still several obstacles so that existing instruments do not support the execution of the consequences of divorce, which is different in Jordan, Malaysia and Australia.

### **Religious Court Decisions in the Context of Legal Protection of Women and Children.**

So far, the Religious Courts have received many cases related to women and children. Cases that are specifically directly related to this include divorce, divorce lawsuits, lawsuits for wife maintenance (past and *iddah*), child maintenance, *mut'ah*, and child custody. For example, PTA SEMARANG Decision Number 305/Pdt.G/2024/PTA.Smg.

The burden of paying *madliyah*, *iddah* and *mut'ah* maintenance to a husband who files for divorce at the Religious Court can be imposed by a Religious Court judge in two ways, those are: a). Determined by the judge ex-officio in terms of the husband's obligation to pay *iddah* and *mut'ah* support to the wife as long as the wife is not proven *nusyuz* in accordance with the provisions of article 41 letter (c) of Law Number 1 of 1974 jo. Article 149 letters (a) and (b) Compilation of Islamic Law; b). Sentenced by the judge on the basis of a counterclaim (reconvention) from the wife to the husband to pay *madliyah* (past) maintenance, *iddah* and *mut'ah* maintenance. One of the fundamental aspects of the reflection of Religious Court decisions which prioritize efforts to protect women's rights is the determination of the amount of maintenance that must be paid based on measures of propriety and justice (Wardatun & Smith, 2020). The determination of the amount of maintenance must reflect both, so that it is

beneficial and fair for the woman whose husband has divorced her. One of these efforts can be seen in the Supreme Court Jurisprudence Number 608 K/AG/2003 dated March 23 2003. The considerations in this jurisprudence can be abstracted from legal rules regarding the determination of the amount of *mut'ah*, *nafkah* (maintenance), *maskan* and *kiswah* during the period of *iddah* that: "determining the amount of *mut'ah*, *nafkah*, *maskan* and *kiswah* values during the *iddah* period for the wife (women) whose husbands divorce must fulfill minimum living needs based on propriety and a sense of justice in accordance with KHI provisions and applicable laws."

This legal principle in jurisprudence then becomes a patron for Religious Court Judges in determining the value of alimony charged to husbands who wish to divorce their wives according to the measures of justice and propriety mentioned above. Meanwhile, within the framework of protecting children's rights, the decisions of the Religious Courts in cases involving child custody and support have applied legal rules that represent the spirit of protecting children's rights. In several Supreme Court jurisprudence, decisions regarding child custody no longer simply emphasize the application of the norms of Article 105 of the Compilation of Islamic Law *an-sich*, but place more emphasis on considerations regarding the best interests of the child.

This can be seen in the Supreme Court Jurisprudence Number 110 K/AG/2007 dated 13 November 2007. This jurisprudence is a guideline followed by Religious Court Judges in determining child custody. Briefly, the legal rule in this jurisprudence can be abstracted as follows: "The determination of child maintenance (*hadhanah*) based on Article 105 KHI is not absolutely applicable, if it is proven that the biological mother of the child in question has not carried out her full obligations as a mother, while the biological father is proven to have maintained the child that created children's lives are calmer and more peaceful and provide more security for children's spiritual and physical needs."

Lawsuits regarding child support are also a concern for the Religious Courts. Determining the amount of child support must ensure that the basic rights and interests of children can be fulfilled after divorce. This attention is reflected in a number of updates to the legal rules for determining child support which reflect propriety, justice and benefits for the child and the father who is burdened with this support. Supreme Court jurisprudence Number 608 K/AG/2003 also outlines that determining child support must be based on at least two things. First, determining the amount of child support must take into account the minimum living standards for the child. Second, the measure or benchmark in determining the amount of child support must also take into account aspects of the child's father's factual abilities and measures of propriety and justice (Jurisprudence, 2007: 358).



The issue that arises in the context of Religious Court decisions and the protection of the rights of women and children is regarding the executorial power of decisions which are based on the principles of simplicity, speed and low cost. Indeed, in the last period there have been a number of problems in the execution of maintenance costs charged to husbands who divorce their wives because the amount of maintenance charged to the execution fee is not much different, so that the implementation of the execution is not very effective and beneficial for women who are divorced. In general, the implementation of a divorce decision accompanied by a burden on the husband to pay *iddah*, *mut'ah* and *madliyah* maintenance in the Religious Courts is realized in two ways; voluntary implementation and implementation of the decision using an execution mechanism by the Court. The emphasis in implementing decisions is actually voluntary implementation.

The low number of realizations of the implementation of decisions accompanied by burdens on husbands in talak divorce cases in Indonesia is based on indicators of the large number of complaints from people seeking justice (especially wives) who do not get their rights after the divorce vow is implemented (Hatini, Haniah Ilhami, 2024). Even though there is no valid quantitative data regarding this matter, this assumption can be seen from many reports to the Religious Courts regarding ex-husbands' failure to carry out their obligations to pay *iddah*, *mut'ah* and *madliyah* post-divorce. Women or ex-wives whose rights they cannot obtain can take legal action in the form of a petition for execution or a lawsuit against their ex-wife's rights to the Religious Court, but the figure is still very small from the total number of cases received by the Religious Court.

Several factors include the small number of realizations of voluntary implementation of divorce decisions and talak which are accompanied by burdens on husbands in the Religious Courts, including: a). This is beyond the scope and authority of the Religious Court to force someone to carry it out, unless the parties, in this case the ex-wife, submit a request for execution of the decision; b). There is bad faith on the part of the husband in implementing the decision, especially in the case where the ex-husband is a civil servant, there are difficulties in forcing the salary treasurer of the government office/agency to deduct his employee's salary to be given to his ex-wife based on the Court's decision. On the other hand, the realization of the judge's decision which was accompanied by the burden on the husband to pay the wife post-divorce in the Religious Courts was motivated by the judge's "approach" to the husband during the trial. In practice in the Religious Courts, in order to protect women's rights post-divorce, when the divorce decision and talaq are handed down, the judge emphasizes the husband (petitioner) to commit to carrying out all his obligations to his wife voluntarily post-divorce. (Yusrina et al., 2011).

There are two ways (approaches) taken by the judge to carry out the husband's obligation to pay *iddah*, *mut'ah* and *madliyah* maintenance voluntarily, they are: a). The judge asked the husband to pay his obligations to the wife before the husband pronounced the divorce vow; b). The judge asked for a commitment by postponing the implementation of the divorce vow by giving the husband a deadline until he was able to pay his obligations (Poitras et al., 2021).

The period given by the judge to the husband to pay his obligations cannot exceed 6 (six) months after the decision is handed down as stipulated in Article 131 point (4) of the Compilation of Islamic Law (KHI) (Subekti, Sri, Liliana Tedjosaputro, 2020). This time period has been used as a guideline for judges in carrying out the "commitment" approach mentioned above, even though there have been several decisions in divorce cases which ultimately lost their force because the husband was not willing or able to complete the obligations that had been imposed on him. Therefore, responding to the lack of realization of the implementation of the order to impose obligations on husbands in divorce and divorce cases and as an effort to protect women's rights in dealing with the law.

In the framework of protecting the rights of women and children in cases in the field of family law, it seems that the internal efforts of the Supreme Court, especially in the Religious Courts environment, are not strong enough to make the intended efforts a success. Therefore, it is important to think about synergies between the Supreme Court, especially the Religious Courts, and other related institutions. For example, in order to make coercive power and the power to execute decisions related to women's and children's rights more effective, the Supreme Court can collaborate with the police to encourage men who have been sentenced to fulfill certain obligations.

The position of the police as a law enforcer is seen as quite effective in putting pressure on men to fulfill their obligations. This mechanism can involve criminal law procedures as a medium that can make men who previously refused to become willing to voluntarily fulfill their obligations. Apart from complying with the jurisprudence regarding charging 1/3 of the salary as the domain of State Administrative (Tata Usaha Negara/TUN) officials, the Supreme Court can update the jurisprudential rule that has been followed by making the Religious Courts have the authority to determine the costs that the husband must pay to his children and wife due to divorce with a salary deduction mechanism at the agency where the husband works.

For this matter, the Supreme Court needs to establish an understanding with the relevant agencies and formulate a joint regulation that is able to encourage the implementation of efforts to protect the rights of women and children. It is also necessary to explore sustainable

cooperation and synergy with the ministry of women's empowerment and the ministry of finance so that every woman/mother who is divorced by her husband can obtain socio-economic security as in Jordan, Australia and Malaysia. (Fachri, 2022).

### **Interconnection Alternatives**

One interesting alternative from the Chairman of the Religious Chamber of the Supreme Court, Amran Suadi, is that in terms of ensuring the fulfillment of women's rights after divorce, an approach to limiting public services can be taken for an ex-husband who is reluctant to carry out the decision in the form of an obligation to pay post-divorce support using the term system interconnection. (Fachri, 2022).

System interconnection can be carried out with the cooperation of institutions outside the judiciary as external partners for the effective implementation of post-divorce court decisions. Such as involving the Ministry of Home Affairs, Ministry of Law and Human Rights, Financial Services Authority (OJK), and the police. This is based on System Interconnection (A Thought on Biological Justice Metabolism) ', (Fachri, 2022).

Legal protection for women and children is essentially guaranteed by the constitution through Article 28D of the 1945 Constitution which states that "every person has the right to recognition, guarantees, protection and fair legal certainty as well as equal treatment before the law". However, in practice it is found that law enforcement regarding women's rights after divorce is often violated by men as ex-husbands.

Assuming that the judicial process has been completed at the decision-making stage and then ignoring aspects of its implementation is a degradation of the authority of the judiciary itself. In the context of protecting women and children, ignoring the fulfillment of women's and children's rights which they should obtain quickly in line with needs that cannot be postponed is a form of injustice that is justified. (Fachri, 2022).

As a form of realization of the support for ex-wives and children, Indonesia can follow the example of Egypt which established a joint insurance fund institution (*Shunduq Ta'min Al-Ussrah*) based on Egyptian Law Number 11 of 2004 concerning insurance. In this case, the divorced wife and the children in her care will be able to obtain maintenance determined by the court as soon as possible through the bank without having to wait for the husband to carry out his obligations. This practice is an example of the application of system interconnection in ensuring the fulfillment of women's and children's rights after divorce (Suadi, 2024).

The strategic steps that need to be taken to provide system interconnection in Indonesia are broadly divided into 2 ways. First, build

an integrated database between the judiciary and related ministries. Second, building coordination between the Supreme Court and the Ministry of Women's Empowerment and Child Protection as well as other related ministries or institutions.

The interconnection of the system for implementing court decisions is the fulfillment of the rights of women and children after divorce. (Mujuzi, 2021) Through the courts involving non-judicial institutions in an integrated manner according to their respective authorities without going through the execution request process (Subekti, Sri, Liliana Tedjosaputro, 2020). This new framework will make institutions outside the judiciary as external partners in implementing court decisions based on a single identity that collaborate and synergize with each other.

Such as involving the Ministry of Home Affairs (Kemendagri) which can block the Population Identification Number (NIK) if the husband has not fulfilled his post-divorce obligations within the specified time. Thus, this blocking will limit public access for those concerned. The blocking can be lifted by the Ministry of Home Affairs after receiving notification from the court that the ex-husband has fulfilled his obligations.

The interconnection of these systems can be carried out with the cooperation of institutions outside the judiciary as external partners for the effective implementation of post-divorce court decisions. Such as involving the Ministry of Home Affairs, Ministry of Law, OJK, and the police.

Likewise, the Ministry of Law and Human Rights, through the Directorate General of Immigration, is given the authority to block relevant passport data. So ex-husbands who have not fulfilled their obligations towards ex-wives and children cannot travel abroad (Alterio, 2022).

Regarding financial rights, the Financial Services Authority (OJK) can issue regulations that become the basis for the authority for financial institutions to block the accounts in question if they have not fulfilled the obligations ordered by the court decision. Not only that, the police can block Police Record Certificates (SKCK) and even basic services such as the ex-husband's access to BPJS services or village-level administrative services.

"Fulfilling the rights of women and children, apart from using the approach of limiting public services, can also be carried out for ex-husbands who work as ASN, BUMN employees, BUMD employees and private employees by reducing salaries. "For ex-husbands who do not have income for certain reasons according to law, there needs to be a social guarantee mechanism from the ministry of social affairs or the ministry of women's empowerment and child protection." (Suadi, 2024).

In this way, the interconnection of systems in implementing court decisions regarding the fulfillment of women's and children's rights can help realize legal certainty in a holistic and integrated manner. It is not only limited to the normative juridical level, but can also involve the

implementation stage while still placing the courts as the leading sector of implementation.

Amran concluded 3 main things. First, the state is expected to initiate and strengthen its commitment to provide protection and guarantee the rights of women and children after divorce. Second, judges as law enforcers must understand and apply the principles of metabolic biological justice to guarantee the protection of women and children after divorce. Third, the interconnection of the system for implementing court decisions to protect the rights of women and children is a necessity to realize fair legal certainty. (Suadi, 2021).

This alternative must be supported by the establishment of an interconnection system between agencies that can support women's rights after divorce. Of course, this cannot be implemented in the near future, because it will require coordination of several agencies to create an integrated system regarding the implementation of decisions on fulfilling women's rights after divorce. Solutions that can be taken to overcome this problem in the near term are, First, Religious Courts can increase cooperation with village/district offices by providing open information regarding ex-husbands who must fulfill their ex-wife's rights obligations after divorce. This is because the village/subdistrict office is the government body closest to the community. Restrictions on public services can be imposed if the ex-husband intends to ignore his obligations in fulfilling the ex-wife's rights after the divorce. For example, restrictions on public services for making cover letters for changing domicile. Second, to achieve equal aspects of legal justice in all Religious Courts, special regulations are needed for divorce cases which will serve as technical guidelines for judges in deciding divorce cases. (Suadi, 2021).

This will harmonize religious court decisions for divorce cases, so that the resulting decisions are effective and guarantee the fulfillment of women's and children's rights after divorce.

## **Conclusion**

After divorce, fulfilling the rights of women and children is something that is often ignored by ex-husbands so that these rights cannot be fulfilled. Therefore, things that can be done to ensure the fulfillment of women's rights after divorce can use an interconnection system, those are: first, the Religious Courts can increase cooperation with village/district offices to limit public services requested by ex-husbands if the ex-husband intends to ignore his obligations in fulfilling his ex-wife's rights after divorce. Second, to achieve equal aspects of legal justice in all Religious Courts, it is necessary to have special regulations for divorce cases which will serve as technical guidelines for judges in deciding cases.

## References

### Books

- Effendi, J., & Ibrahim, J. (2018). *Metode Penelitian Hukum Normatif dan Empiris*. Prenadamedia Group.
- Suadi, A. (2021). *Filsafat Keadilan: Biological Justice Dan Praktikanya Dalam Putusan Hakim*. Kencana.
- — —. (2024). *Pemenuhan Hak Perempuan dan Anak Pasca-Perceraian Upaya Interkoneksi Sistem dan Perbandingan dengan Negara Lain*. Kencana.
- Yusrina, A., Budiyati, S., Yumna, A., & Akhmadi. (2011). *Akses Terhadap Keadilan: Pemberdayaan Perempuan Kepala Keluarga di Indonesia: Studi Kasus di Provinsi Nanggroe Aceh Darussalam, Jawa Barat, Kalimantan Barat, dan Nusa Tenggara Timur*. Lembaga Penelitian SMERU:Research Institut.

### Journals

- Alterio, A. M. (2022). Latin American Feminists, Gender, and the Binary System of Human Rights Protection. *AJIL Unbound*, 116(2020), 323–327. <https://doi.org/10.1017/aju.2022.50>
- Aurellia, M. D., & Halim, A. (2023). Urgensi Pembentukan Lembaga Eksekutor Terhadap Pemenuhan Hak Perempuan Dan Anak Pasca Perceraian, 6(2). *Jurnal USM Law Review*. <https://doi.org/10.26623/julr.v6i2.7270>
- Azani, M. A., & Cysillia, C. A. N. (2022). Pelaksanaan Putusan Pengadilan Agama Mengenai Pemenuhan Hak Nafkah Anak Pasca Perceraian di Pengadilan Agama Pekanbaru. *Jotika Research in Business Law*. <https://doi.org/10.56445/jrbl.v1i2.43>
- Dalimunthe, D., Syekh, U., Hasan, A., & Padangsidimpuan, A. A. (2023). Komparasi Tentang Masa Iddah Antara Kompilasi Hukum Islam Dan Kitab Undang-Undang Hukum Perdata. *Jurnal Hukum Keluarga Islam*, 4(1), 2023. <https://doi.org/10.56874/el-ahli.v4i1.1265>.
- Dommaraju, P., & Hu, S. (2023). Gavin Jones' scholarship on divorce in Asia: understanding trends, patterns, and implications. *Asian Population Studies*, 20(1), 26–32. <https://doi.org/https://doi.org/10.1080/17441730.2023.2267225>
- Hatini, Haniah Ilhami, R. M. Y. (2024). Sole Custody and The Implication of Fault-based Divorce Under the Indonesian Legal System. *Journal of Indonesia Legal Studies*, 9(1), 259–278. <https://doi.org/https://doi.org/10.15294/jils.vol9i1.4576>
- Mahfud et al., (2015). The Law of the State Aspect and Institutional Administrative Tax Court. *Jurnal Hukum Dan Peradilan*, 4(3), 351–360.

- <http://dx.doi.org/10.25216/jhp.4.3.2015.351-360>
- Maloko, M. T., Chotban, S., Fuady, M. I. N., & Hasdiwanti. (2024). Analyzing the prohibition of interfaith marriage in Indonesia: legal, religious, and human rights perspectives. *Cogent Social Sciences*, 10(1). <https://doi.org/10.1080/23311886.2024.2308174>
- MARASTI, N., & Hikmatiar Al Qindy, F. (2023). Tanggung Jawab Suami Atas Nafkah Terhadap Mantan Istri dan Anak Pasca Perceraian Menurut Undang-Undang Perkawinan Dan Kompilasi Hukum Islam. *Private Law*. <https://doi.org/10.29303/prlw.v3i3.3410>
- Mujuzi, J. D. (2021). The Islamic Law of Marriage and Inheritance in Kenya. *Journal of African Law*, 65(3), 377–401. <https://doi.org/10.1017/S0021855321000346>
- Nurtjahyo, L. I. (2021). The issue of rights of religious freedom in some domestic violence cases in Indonesia. *Religions*, 12(9). <https://doi.org/10.3390/rel12090733>
- Parker, L., Riyani, I., & Nolan, B. (2015). The stigmatisation of widows and divorcees (janda) in Indonesia, and the possibilities for agency. *Indonesia and the Malay World*, 44(128), 27–46. <https://doi.org/https://doi.org/10.1080/13639811.2016.1111677>
- Poitras, K., Birnbaum, R., Saini, M., Bala, N., & Cyr, F. (2021). Family dispute resolution: Characteristics of cases resolved by trial. *Children and Youth Services Review*, 123. <https://doi.org/10.1016/j.childyouth.2020.105832>
- Pratiwi, R. W. (2020). Perlindungan Hukum Terhadap Kelalaian Pemenuhan Pembayaran Nafkah Anak Pasca Perceraian Berdasarkan Putusan Pengadilan Agama Blitar. *Negara Dan Keadilan*, 9(1), 50. <https://doi.org/10.33474/hukum.v9i1.7491>
- Ramadhita, R., Mahrus, A., & Syabbul, B. (2023). Gender inequality and judicial discretion in Muslims divorce of Indonesia. *Cogent Social Sciences*, 9(1). <https://doi.org/10.1080/23311886.2023.2206347>
- Sholeh, A., Rachmat Gumelar, D., & Tsamrotul Fuadah, A. (2019). Pendampingan Hak-Hak Perempuan Dan Anak Pasca Perceraian. *JCIC: Jurnal CIC Lembaga Riset Dan Konsultan Sosial*, 1(2), 80–99. <https://doi.org/10.51486/jbo.v1i2.19>
- Subekti, Sri, Liliana Tedjosaputro, M. (2020). Legal Protection Concept: Separate Maintenance for the Third Party in Prenuptial Agreement. *Indonesia International Journal of Civil Engineering and Technology*, 11(1), 233–241. <https://www.doi.org/10.34218/IJCIET.11.1.2020.025>
- Wardatun, A., & Smith, B. J. (2020). Woman-initiated divorce and feminist fiqh in Indonesia: Narrating male acts of nushūz in marriage. *Ulumuna*, 24(2), 266–295. <https://doi.org/10.20414/ujis.v24i2.416>

### Others

- Badan Pusat Statistik, *Nikah dan Cerai Menurut Provinsi, 2024* (Nikah dan Cerai Menurut Provinsi, 2024 -Tabel Statistik -Badan Pusat Statistik Indonesia (bps.go.id), diakses pada 6 Juli 2024)
- Cholil, A. (2022). *Kompilasi SEMA Hasil Rapat Pleno Kamar Mahkamah Agung 2012-2022*.
- Ditjen Badilag Mahkamah Agung Republik Indonesia, 2020, *Review Renstra 2020 – 2025*, Ditjen Badilag Mahkamah Agung Republik Indonesia, Jakarta.
- Fachri, F. K. (2022). *Amran Suadi Gagasan Sistem Interkoneksi, Solusi Pelaksanaan Putusan Perceraian*. Hukum Online.
- Hardinal. (2020). *Kewajiban Mut'ah Dan Nafkah Iddah, Keadilan Bayang-Bayang Semu*. Pengadilan Tinggi Banten.
- Mahkamah Agung RI, 2007, *Yurisprudensi Mahkamah Agung RI Tahun 2006*, Mahkamah Agung RI, Jakarta.
- , 2010, *Yurisprudensi Mahkamah Agung RI Tahun 2010*, Mahkamah Agung RI, Jakarta.
- Surat Edaran Dirjen Badilag Nomor 1960/DJA/HK.00/6/2021 , *Jaminan Pemenuhan Hak-Hak Perempuan dan Anak Pasca Perceraian* (Surat Pemenuhan Hak Istri dan Anak Pasca perceraian.pdf -Google Drive, diakses pada 6 Juli 2024)