



Fulfillment of The Living Rights of Children the Victims of Divorce in the Muslim Community of Lombok, Indonesia

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Abstract

This research examines the effectiveness of fulfilling the livelihood rights of children, the victims of divorce, the inhibiting factors, and how alternative solutions solve the problem of providing for children in Lombok Island, West Nusa Tenggara, Indonesia. This research is field research. The research data includes primary data and secondary data. The primary data is data obtained from respondents, informants, and resource persons. Data collection techniques in this research used interview techniques, observation, and documentation. The data that had been collected was inventoried and classified and then analyzed using the deductive method to draw conclusions. The results of this study indicate that fulfilling the livelihood rights of children of divorce victims in Lombok, West Nusa Tenggara, Indonesia is not very effective. Research data shows that 45% of children who are the victims of divorce are not given a living right at all, and the remaining 55% are given a living but not by the nominal needs of the children, 24% of children are given a living of 100,000-300,000 thousand per month and 31% of children who are the victims of divorce are given a living of 350,000 - 500,000 thousand rupiahs. Factors inhibiting the fulfillment of children's livelihood and education rights are 42% due to negligence, 26% due to marriage, 21% family conflict, and 11% due to economic factors. An alternative solution to overcoming the problem of fulfilling children's livelihood rights is socialization law, *tabayyun* and deliberation, religious approach, and legal approach.

Keywords: Effectiveness, livelihoods, children, divorce victims, Islamic family law

Abstrak

Penelitian ini mengkaji tentang efektivitas pemenuhan hak penghidupan anak korban perceraian, faktor penghambatnya, dan bagaimana alternatif solusi penyelesaian permasalahan nafkah anak di Pulau Lombok, Nusa Tenggara Barat, Indonesia. Penelitian ini merupakan penelitian lapangan. Data penelitian meliputi data primer dan data sekunder. Data primer merupakan data yang diperoleh dari responden, informan, dan narasumber. Teknik pengumpulan data dalam penelitian ini menggunakan teknik wawancara, observasi, dan dokumentasi. Data yang telah terkumpul diinventarisasi dan diklasifikasikan kemudian dianalisis dengan menggunakan metode deduktif untuk mendapatkan kesimpulan. Hasil penelitian ini menunjukkan bahwa pemenuhan hak penghidupan anak korban perceraian di Lombok, Nusa Tenggara Barat, Indonesia kurang efektif. Data penelitian menunjukkan bahwa 45% anak korban perceraian tidak diberi hak hidup sama sekali, dan 55% sisanya diberikan nafkah namun tidak sesuai nominal kebutuhan anak, 24% anak diberikan nafkah. 100.000-300.000 ribu per bulan dan 31% anak korban perceraian diberikan nafkah sebesar 350.000 -500.000 ribu rupiah. Faktor penghambat terpenuhinya hak penghidupan dan pendidikan anak sebesar 42% karena kelalaian, 26% karena perkawinan, 21% konflik keluarga dan 11% karena faktor ekonomi. Alternatif solusi dalam mengatasi permasalahan pemenuhan hak penghidupan anak adalah sosialisasi hukum, tabayyun dan musyawarah, pendekatan keagamaan dan pendekatan hukum.

Kata Kunci: *Efektivitas, mata pencaharian, anak-anak, korban perceraian, hukum keluarga Islam*

Introduction

Indonesia is in an emergency divorce Based on data from the Central Statistics Agency (BPS) in Statistics Indonesia 2022, in the last five years there has been a very significant increase in 2017 of 374,516 cases, 2018 of 408,202 cases, 2019 of 439,002 cases, 2020 of 291,677 cases and 2021 of 447,743 divorce cases.¹ Based on the data above, it can be concluded that there has been an increase from 2020 of 53.50% in 2021. The negative effects of divorce are complex,² especially in fulfilling the rights of children who are victims of divorce such as education

¹ Bambang Eko Turisno, et. al., "Negligence in Implementing Child Custody Decisions: A Threat to Child Protection in Indonesia," *International Journal of Criminal Justice Sciences* 16, no. 2 (2021), p. 282–302. Agustin Hanapi and Edy Yuhermansyah, "Urgency of Marriage Registration for Women and Child Protection in Gayo Lues District," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 4, No. 2 (2020).

² Mayadina Rohmi Musfiroh, "Hukum Keluarga dalam Perspektif Perlindungan Anak," *De Jure: Jurnal Hukum dan Syar'iah* 8, No. 2 (2016), p. 64-73.

rights, social rights, and livelihood rights.³ The trend in the number of violations of children's rights that are reported to the Indonesian Child Protection Commission has increased very significantly.⁴

Data on the increase in the number of violations of children's rights: in 2017, there were 4579 violations of children's rights, which increased in 2018 to 4885 cases; in 2019, it decreased to 4369, but increased fast in 2020 to 6519 cases; and in 2021, there were 5953 cases.⁵ One of the most serious violations is the violation of the fulfillment of the livelihood rights of children, the victims of divorce⁶, the right to support children is a right that must be fulfilled by parents under any circumstances,⁷ whether when they become husband and wife or when they are divorced, because the right to support is a human right that cannot be violated for any reason and under any circumstances.⁸

This condition was agreed upon by Gushairi, a Tembilahan Class II Religious Court judge, according to him, the amount of living decided by the Religious court was mostly not obeyed by his father, even if the amount was obeyed, it was not following what was decided by the court, especially since the father was married and busy with his new family.⁹ According to Frangky Sulaiman's research results, the negligence of the father in providing for the child after the divorce was due to three factors, those are the absence of demands in the lawsuit, the father's economic problems, and the absence of a father's sense of responsibility towards his children.¹⁰

³ Everson Ndlovu and Richard Tigere, "Life in the Streets, Children Speak Out: A Case of Harare Metropolitan, Zimbabwe," *African Journal of Social Sciences and Humanities Research* 5, no. 1 (2022), p. 25-45.

⁴ KPAI, "Komisi Perlindungan Anak Indonesia, Catatan Pelanggaran Hak Anak Tahun 2021," <https://www.kpai.go.id/publikasi/catatan-pelanggaran-hak-anak-tahun-2021-dan-proyeksi-pengawasan-penyelenggaraan-perlindungan-anak-tahun-2022>, Accessed Juny, 2022.

⁵ Taufik Hidayat, "Pandangan Hukum Pidana Islam Mengenai Kekerasan Fisik Terhadap Anak," *JURIS: Jurnal Ilmiah Syariah* 15, No. 2 (2016), p. 115-130.

⁶ Elizabeth Donger, "Children and Youth in Strategic Climate Litigation: Advancing Rights through Legal Argument and Legal Mobilization," *Transnational Environmental Law* 11, no. 2 (2022), p. 263-89.

⁷ Syaifuddin Zuhdi, Khudzaifah Dimiyati, Kelik Wardiono, Rahma Shofia, Abdul Hakim, "The Confiscation of Husbands' Wealth as A Collateral for Post-Divorce Child Support: Perspective of Maqāṣid Al-Sharī'ah," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, No. 2 (2024), p. 912-933.

⁸ Julia Barbara Krakowczyk et al., "COVID-19 Vaccine for Children: Vaccination Willingness of Parents and Its Associated Factors—A Network Analysis," *Vaccines* 10, no. 7 (2022), p. 1-14.

⁹ Gushairi Gushairi, "Pemenuhan Nafkah Anak Pasca Perceraian Di Provinsi Riau," *Hukum Islam* 22, no. 1 (2022), p. 23.

¹⁰ Frangky Suleman, "Pandangan Hakim Terhadap Kelalaian Nafkah Anak Pasca Perceraian Di Pengadilan Agama Tondano," *Al-Mujtahid: Journal of Islamic Family Law* 1, no. 1 (2021), p. 24.

Fulfillment of the rights of children,¹¹ the victims of divorce in the Muslim community of Lombok, which incidentally has high religiosity¹², is almost the same as the data above. Based on initial observations, researchers found that fulfilling children's rights, especially in divorced families, was also very concerning, based on initial interviews with 30,¹³ children who live with their mothers from 15 divorced couples, 20 children who do not have a living at all.¹⁴ The above conditions have sparked researchers to examine in depth the fulfillment of the livelihood rights of children of divorce victims in the Lombok Muslim community and provide new solutions to realizing justice in fulfilling the livelihood rights.

The purpose of this research is to examine in depth the practice of fulfilling the livelihood rights of divorce victims in the Lombok Muslim community, the problems of fulfilling children's livelihood rights in the Lombok Muslim community, and find new solutions to these problems so that children of divorce victims can get their rights properly and fairly.¹⁵ Similar research on the fulfillment of children's livelihood rights for divorce victims has been carried out by many previous researchers¹⁶, but previous researchers only focused on problems and solutions that were normative and difficult to implement in practice,¹⁷ so that they did not have a contribution to reduce the number of neglected children's livelihood rights, while this research provides new solutions that are more practical and useful.

This research is very important to be carried out to refine the results of previous research and find new solutions that are more practical can be implemented in real terms and are directly beneficial for reducing the number of neglected child livelihood rights in Indonesia. This research is field research that

¹¹ Zainal Azwar, et.al., "Child Filiation and Its Implications on Maintenance and Inheritance Rights: A Comparative Study of Regulations and Judicial Practices in Indonesia, Malaysia, and Turkey," *Journal of Islamic Law* 5, No. 1 (2024), p. 62-85.

¹² Abdurrazak et al., "Religious Tolerance Based on Local Wisdom: Social Perspective of Lombok Community," *Jurnal Lektur Keagamaan* 20, no. 1 (2022), p. 203–26.

¹³ Interviews with several children, conducted over 10 days, from August 2–11, 2022.

¹⁴ Observation in Lombok, West Nusa Tenggara, August 3-11, 2022.

¹⁵ Siti Marlina, Haris Mubarak, "Joint Property after Divorce in the Polygamous Marriage: Comparative Research in Indonesia and Malaysia," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 22, No. 2 (2020), p. 273-287.

¹⁶ Ummu Salamah et al., "Ratio Legis Establishment of Execution and Supervisory Institutions Fulfillment of Child Rights in Family Law Due to Divorce," *Jurnal Multidisiplin Madani* 3, no. 1 (2023), p. 260–69.

¹⁷ Ismail Rumadan, Ummu Salamah, "Settlement of Divorce Dispute Through The Forum of Mediation In Judicial Institutions As An Effort of Legal Protection For The Rights And Interests of The Child of Post-Divorce," *El-Mashlahah* 21, No. 2 (2022), p. 213-226.

examines the real fulfillment of children's livelihood rights in society,¹⁸ The research data includes primary data and secondary data, the primary data is data obtained from respondents, informants are religious and community leaders, and the resource persons are experts in Islamic family law.

Data collection techniques in this research used interview, observation, and documentation techniques. Through interview observation techniques with respondents, informants, and resource persons, the authors obtained data on implementation, philosophical foundations, or inhibiting factors for fulfilling children's livelihood rights and looking for new solutions to overcome this problem. Documentation techniques to obtain secondary data, such as regional data and others. The data that has been collected in the inventory and classified is then analyzed using the deductive method to conclude.

Overview of Research Locations

West Lombok Regency is one of 10 (Ten) Regencies/Cities in West Nusa Tenggara Province. Administratively, West Lombok Regency is divided into 10 sub-districts, those are Sekotong District, Lembar District, Gerung District, Labuapi District, Kediri District, Kuripan District, Narmada District, Lingsar District, Gunungsari District and Batulayar District. Gerung District is the capital of the regency as well as the center of government, which has an area of + 62.30 km². The existence of West Lombok Regency is located between 1150.46'-1160.20' East Longitude, and 80.25' to 80.55' South Latitude, with regional boundaries: West: Lombok Strait and Mataram City. East: Central Lombok Regency. South: Indian Ocean. North: North Lombok Regency

Judging from its geographical situation, West Lombok Regency is divided into Mountainous Regions, which are clusters of mountains that stretch from Lingsar District to Narmada District. This mountain range is a source of river water that flows into the central region and empties into the west coast. The hilly area, which is located in the south, includes the Districts of Sekotong and Lembar in the south. Lowland area, which is located in the middle stretches from the border of the east end to the west end.

Based on the results of the 2018 population census, the population of West Lombok Regency was recorded at 685,161 people with a male population of 335,111 people and a female population of 350,050. This number is spread over 10 sub-districts with Narmada sub-district as the sub-district with the largest population (93,641). The large population in this sub-district corresponds to the area and the number of villages that cover it, namely 21 villages. while Kuripan District is the district with the lowest population (38,202). In Gerung District, which is the district capital, the composition of the female population (44,042) and

¹⁸ F.C Susilo Adiyanto, "Hukum Dan Studi Penelitian Empiris: Penggunaan Metode Survey Sebagai Instrumen Penelitian Hukum Empiris," *ALGJ Journal* 2, no. 4 (2019).

the male population (39,601) is quite far apart. This number affects the total composition of women in West Lombok Regency in 2018. If you look at the population structure of West Lombok Regency, the female population is more than the male population. The sex ratio, which is in the range of 95%, illustrates to us that the female population is still more than the male population. In the same year, West Lombok Regency recorded a total of 192,401 households.

In West Lombok Regency, it is from this population data that the KPU (General Election Commission) will carry out matching and synchronization to compile voter lists for the 2019 general elections in West Lombok Regency.

The following is data on the number of residents in West Lombok Regency by sub-district :

Table 1. Total Population of West Lombok Regency in 2018¹⁹

| No | Sub-district | Gender | | Number |
|---------------|--------------|----------------|----------------|----------------|
| | | M | F | |
| 1 | Sekotong | 36.016 | 36.373 | 72.389 |
| 2 | Lembar | 24.792 | 25.906 | 50.698 |
| 3 | Gerung | 39.601 | 44.042 | 83.643 |
| 4 | Labuapi | 32.421 | 34.177 | 66.598 |
| 5 | Kediri | 28.340 | 29.763 | 58.103 |
| 6 | Kuripan | 18.796 | 19.406 | 38.202 |
| 7 | Narmada | 45.556 | 48.085 | 93.641 |
| 8 | Lingsar | 34.139 | 35.739 | 69.878 |
| 9 | Gunungsari | 47.029 | 48.053 | 95.082 |
| 10 | Batulayar | 28.421 | 28.506 | 56.927 |
| Number | | 335.111 | 350.050 | 685.161 |

The population of West Lombok Regency, when viewed based on ethnicity, is inhabited by the *Sasak* tribe as the Majority Tribe, then there are Samawa, Mbojo, Javanese, Sundanese, Bugis and others. While the population of West Lombok Regency, if viewed based on their religion, each number is Muslim (677,764), Christian (1,203), Catholic (512), Hindu (37,362), Buddhist (1799) and Confucianism (5), Belief (3).

¹⁹ “<https://Lombokbaratkab.Go.Id/Wp-Content/Uploads/2020/01/Statistik-Daerah-Kabupaten-Lombok-Barat-2019.Pdf>,” n.d.

Divorce in West Lombok District

Indonesia has an emergency number of divorces,²⁰ from year to year the number of divorces soars²¹, in 2020 the divorce rate reached 291,677 cases, and soared high in 2021 with a total of 447,743 cases. In detail, the development of divorce cases in the last five years can be looked at in Figure 1 below:²²

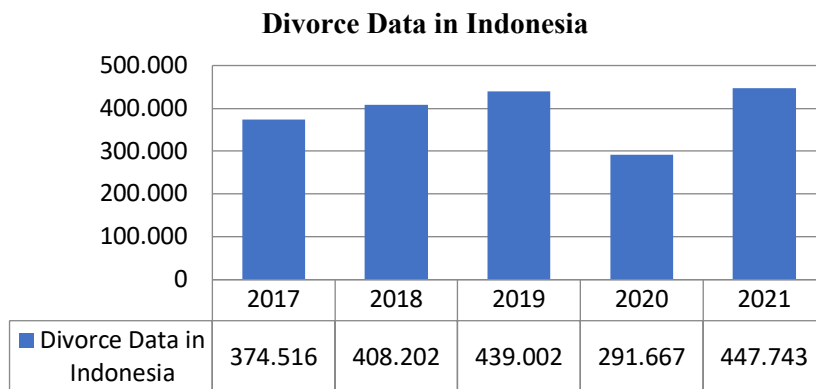


Figure 1. Divorce Data in Indonesia

Looking this Figure 1, the Indonesian government is nervous and immediately looks for problem-based solutions.²³ Based on research results,²⁴ the biggest cause of divorce is due to quarrels that cannot be handled wisely by married couples²⁵, and the numbers are staggering, those are 279,205 cases.²⁶ Apart from the dispute factor, the economic factor is the second biggest cause with a total of

²⁰ Mursyid Djawas. et. al., “The Government’s Role in Decreasing Divorce Rates in Indonesia: The Case of Aceh and South Sulawesi,” *Ahkam: Jurnal Ilmu Syariah* 21, no. 1 (2021), p. 163–88.

²¹ Isnawati Rais, “The Impact of COVID-19 Pandemic on Divorce Rates among Indonesian Muslim Societies,” *Indonesian Journal of Islam and Muslim Societies* 11, no. 2 (2021), p. 271–97.

²² Badan Pusat Statistik Indonesia, “<https://www.bps.go.id/publication/2022/02/25/0a2afea4fab72a5d052cb315/statistik-indonesia-2>, Accessed on April 22, 2022

²³ Muhammad Roy Purwanto, “Divorce and Its Effects on The Social and Religious Life in Malang Indonesia,” *Talent Development & Excellence* 12, no. 2 (2020), p. 1987–94.

²⁴ Imam Yazid, “Menikah untuk Dicerai: Menyorot Hak-Hak Perempuan pada Isbat Nikah untuk Cerai di Pengadilan Agama Medan Tahun 2015-2017,” *Al-Manahij: Jurnal Kajian Hukum Islam* 13, No. 1 (2019), p. 99-110.

²⁵ A Nursyifa, “Shifting Causes of Divorce in Indonesia Due to Social Media In Sociological Perspective,” *Solid State Technology* 63, no. 2s (2020).

²⁶ Turisno et al., “Negligence in Implementing Child Custody Decisions: A Threat to Child Protection in Indonesia.”

113,343 cases. The detailed causes of the causes of divorce can be seen in the table below:²⁷

Table 2: The Causes of Divorces

| No | Name | Number / Cases |
|----|---------------------|----------------|
| 1 | Disputes & Quarrel | 279.205 |
| 2 | Economic | 113.343 |
| 3 | Left each other | 42.387 |
| 4 | domestic violence | 4.779 |
| 5 | drunk | 1.779 |
| 6 | apostate | 1.447 |
| 7 | punished to prison | 1.392 |
| 8 | Sentenced to prison | 993 |
| 9 | Polygamy | 893 |
| 10 | adultery | 449 |
| 11 | Forced marriage | 365 |
| 12 | disability | 360 |
| 13 | Opium | 349 |
| 14 | others | 2 |

This data shows that the number of divorces due to disputes and quarrels occupies the highest position in 279,205 cases. In response to this case, the Indonesian government has tried to reduce the divorce rate by issuing various regulations including Law No. 1 of 1974 concerning marriage, compilation of Islamic law, and pre-marital education.²⁸ All of these regulations aim to provide sufficient stock of knowledge for the prospective marriage partner so that they can solve family problems wisely, not by divorce.²⁹

²⁷Indonesia, “<https://www.bps.go.id/publication/2022/02/25/0a2afea4fab72a5d052cb315/statistik-indonesia-2>, Accessed, April 22, 2022.”

²⁸ Eva F. Nisa, “The Bureaucratization Of Muslim Marriage In Indonesia,” *Journal of Law and Religion* 33, no. 2 (2018), p. 291–309

²⁹ Esti Yunitasari, et.al., “The Effects of Health Education on Increasing Knowledge, Attitudes, and Stunting Prevention in Pre-Marriage Couples in Bangkalan Madura,” *EurAsian Journal of BioSciences. Eurasia J Biosci* 14, no. 1 (2020), p. 2519–2525.

In West Lombok, the divorce rate is still high even though the divorce rate in the last two years has tended to decrease. In 2020 there were 1,484 divorce cases with details of 1,115 contested divorces and 369 talak divorces, while in 2021 there were 1,383 divorce cases with details of 1,069 contested divorces and 320 talak divorces. The trend of divorce rates can be seen in the following figure 2:

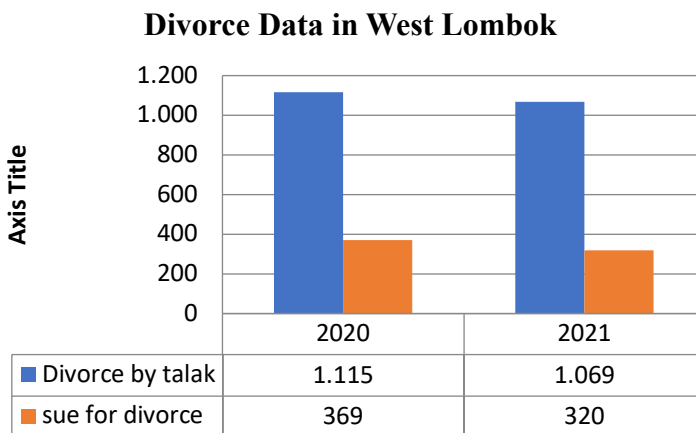


Figure 2. Divorce Data in West Lombok

Figure 2 shows that the trend of divorce rates in West Lombok in the last two years has shown a decline, for *talak* divorces it has decreased by 44 points while for contested divorces it has decreased by 49 points.

Based on the factors that cause divorce are as follows:

Table 3: The Factors that Cause Divorces

| 2020 | | 2021 | |
|--------------------------|--------|--------------------------|--------|
| Factor | Number | Factor | Number |
| bad Polygamy | 1 | bad Polygamy | 3 |
| Krisis Ahklak | 1 | Krisis Ahklak | 1 |
| Economic | 294 | Economic | 118 |
| No Responsibility | 156 | No Responsibility | 124 |
| Persecution | 5 | Persecution | 28 |
| Be punished | 12 | Be punished | 1 |
| Biological Defects | 2 | Biological Defects | |
| Third-Party Interference | 10 | Third-Party Interference | |
| No Harmony | 950 | No Harmony | 1.057 |
| others | 53 | others | 5 |

Data on the Fulfillment of the Livelihoods of Children of Divorce Victims

Based on the population in the data presentation, the researchers determined 76 couples. Out of the 76 couples sampled, 126 children were victims of divorce.³⁰ Data on fulfilling children's livelihood rights can be described as follows.

Based on the results of interviews with informants and respondents, the researcher found that 57 children were not provided with a living at all by their fathers and 69 children earned a living.³¹ The percentage of subsistence can be seen in the following Figure 3:

Fulfillment of Child Support

■ be supported ■ not be supported

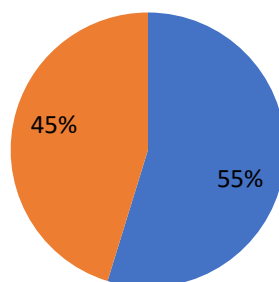


Figure 3. Percentage Fulfillment of Child Support

Based on the diagram above, it can be concluded that there are 45% of children who are not provided with a living by their father and there are 55% are supported, but this figure does not show whether they are properly or improperly supported. The number is a very amazing number where there are 45% of children who are victims of divorce are not supported at all by their fathers.³² Regarding children who are given maintenance, it does not mean that the income given is sufficient below, it will be continued with the amount of maintenance given by the father to the child who is the victim of a divorce.

The amount of maintenance provided by parents is divided into two, it is between 100,000-300,000 thousand per month and 300,000 thousand to 500,000 per month. Based on the data collected, 30 children were supported with a range of 100,000 to 300,000, and 39 children were provided with an income ranging from

³⁰ "Dokumentasi, 2022," n.d.

³¹ Interview with B, Religious figures, Lombok, West Nusa Tenggara, 2022.

³² Syukrawati, et. al., "Post-Divorce Rights of Women and Children in Pekalongan City, Central Java: Challenges in Islamic Law Analysis," *Al-Ahkam* 34, No. 1 (2024), p. 121-146.

350,000-500,000 (interview: 2022). The income scale diagram can be seen in the following Figure 4.

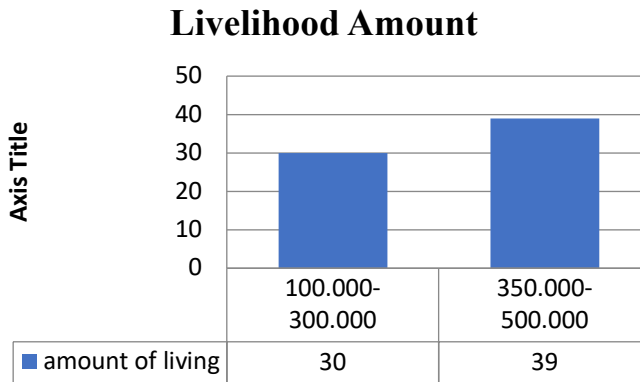


Figure 4. Livelihood Amount

Referring to the figure 4 above, the graph of living expenses shows that fulfilling living expenses at 350,000 is higher than fulfilling living expenses in the range of 100,000. The percentage can be looked at in the Figure 5 below:

Percentage of Fulfillment of Livelihoods

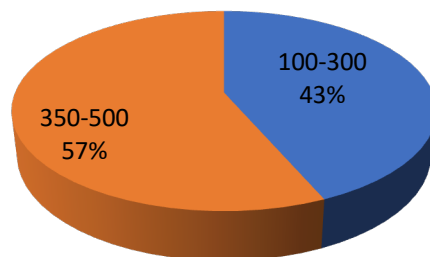


Figure 5. Percentage of Fulfillment of Livelihoods

The figure 5 above shows that 43% of children of divorce victims only earn 100-300 thousand a living and 57% of children of divorce victims get a living of 350-500 thousand per month. If combined with data that is not provided with a living at all, the data is that 57 children are not provided with a living at all, 30 children are supported by 100-300 thousand per month and 39 children are supported from a range of 350-500 thousand per month, the percentages can be seen in the following Figure 6.

Fulfillment of a living for children who are victims of divorce

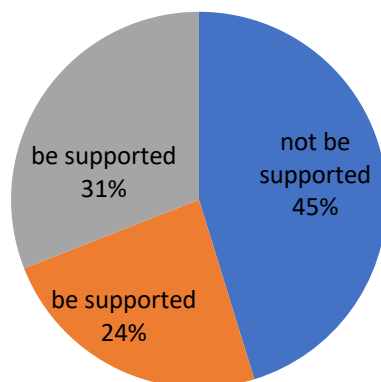


Figure 6. Fulfillment of Living for Children who are Victims of Divorce

Based on the figure 6 data above, the percentage of child victims of divorce who are not supported reaches 45%, those who are supported by 100-300 thousand reach 24%, and those who are supported by 350-500 thousand per month reach 31% percent.³³

Factors that Hindering the Fulfillment of Livelihoods and Education for Children of Divorce Victims

Factors inhibiting the fulfillment of the right to livelihood and education for children of divorce victims include several things, those are:

1. No Awareness (Omission)

There is no awareness of the obligation to support, which is one of the factors that influence the implementation of the fulfillment of the right to livelihood and education of children.³⁴ Several interview results show that many fathers do not feel obligated to support for reasons of long distances. Children who are with their mothers must be fed by their mothers and so on which rests on a lack of awareness of their obligations.³⁵

³³ Interview with B, Religious figures, Lombok, West Nusa Tenggara, 2022

³⁴ Fajri M Kasim, et.al., "The Protection of Women and Children Post-Divorce in Sharia Courts in Aceh: A Sociological Perspective," *Ahkam: Jurnal Ilmu Syariah* 22, No. 2 (2022), p. 411-432.

³⁵ Interview with C, Religious figures, Lombok, West Nusa Tenggara, 2022

2. Marriage Factor

The first inhibiting factor is the marriage factor, many cases show that if the ex-husband remarries a new wife, then this ex-husband is hindered from providing alimony to his children because of the prohibition from his new wife.³⁶ As happened in the case of LD. On the other hand, the ex-wife's marriage caused the ex-husband to be reluctant to provide more support for his children because he was worried that the income provided would be used by his mother and her new husband.³⁷

3. Economic Factors

Economic factors are factors that greatly influence the implementation of the fulfillment of the right to livelihood and education of children. Many parents cannot provide this because the economy is insufficient to give it to their children, especially if they have many children.³⁸

4. Family Conflict

Conflicts that occur between fathers and women's families are one of the triggers for the children's not being able to provide for the children, as happened in ED's family.³⁹ Because the conflict was based on the child's grandmother not allowing him to meet his child, for the benefit of the child, ED no longer provided a living for his child.

Data on the number of each factor can be seen in the following table 4:

Table 4. Factors Hindering the Fulfillment of Living Rights and Children's Education

| Factors Hindering the Fulfillment of Living Rights and Children's Education | | | |
|---|----------|----------|----------|
| Negligence | Marriage | Conflict | economic |
| 24 | 15 | 12 | 6 |

³⁶ Umi Supraptiningsih, "Perlindungan Hukum Anak dan Istri dalam Perkawinan Siri di Kecamatan Proppo Kabupaten Pamekasan," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 12, No. 2 (2017), p. 248-271.

³⁷ Interview with LD, one of the families in Lombok, West Nusa Tenggara, 2022.

³⁸ Interview with E, Religious figures, Lombok, West Nusa Tenggara, 2022.

³⁹ Interview with ED, one of the families in Lombok, West Nusa Tenggara, 2022.

The percentage of each factor above is explained in the following Figure 7;

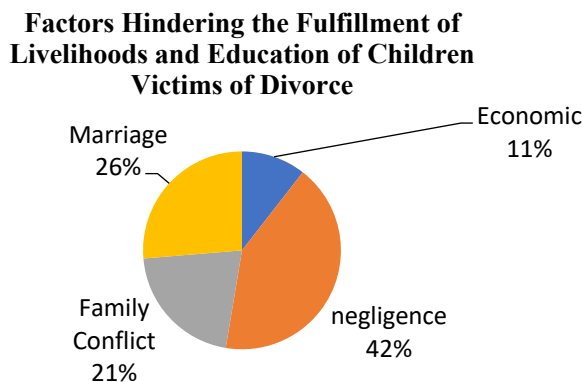


Figure 7. Factors Hindering the Fulfillment of Livelihoods and Education of Children Victims of Divorce

Based on the diagram above, it can be concluded that the factor of negligence or lack of awareness from parents occupies the highest position as the reason for not fulfilling the right to livelihood and education of children who are divorced, it occupies 42%, followed by marriage factor 26%, family conflict factor 21% and economic factors 11%.

Alternative Solutions to Obstacles to Fulfillment of the Right to Livelihood and Education for Children of Divorce Victims

These alternative solutions were offered by various groups, namely academics, law enforcers, Religious Affairs Office (KUA) chairs, religious leaders, and community leaders. The various solutions offered in overcoming the problem of fulfilling children's rights are summarized in the following interview results:

First, it is necessary to create an institution or legal entity that is specifically tasked with overseeing the fulfillment of children's rights as has been made by Malaysia, this is due to the limited authority of the court which cannot enter into the realm of fulfilling children's rights unless there is a lawsuit for executing rights but so far no one doing that.⁴⁰ Second, to ensure the fulfillment of the livelihood rights of children of divorce victims, synergy and cooperation between ministries is

⁴⁰ Interview G, Religious figures, Lombok, West Nusa Tenggara, 2022.

needed,⁴¹ in this case, the Supreme Court of the Republic of Indonesia, the Minister of Finance, and the Menpan RB to formulate techniques for fulfilling the livelihood rights of children victims of divorce, such as direct deductions from civil servant salaries by the authorities and given directly to their children is like cutting wages to pay off loans at the bank.⁴²

To do is a violation of the law, as well as massive socialization, a mother and grandfather where the child lives can take legal action if the child is not supported by the father.⁴³ Very effective is with p approach of kinship, when asked by residents the first thing to do is *tabayun* to the problem then summon residents who have problems, and then with a kinship approach he invites his father to pay attention to his son which is then stated in the agreement letter. Finally is a religious approach. The religious approach needs to be done, if someone has the awareness that providing for a child is an obligation that will be held accountable in the afterlife, we are sure that no one will neglect their obligation. With that, it will have a deterrent effect on husbands and not do arbitrary things to their children.⁴⁴

Conclusion

Based on the explanation of the data and discussion of the research, the researchers concluded several things. First, 45% of children of divorce victims were not given the right to living and the right to education, 24% were given a living of 100,000-300,000 thousand per month and 31% of children of divorce victims were given a living of 350,000-500,000 thousand rupiah, the two factors inhibiting the fulfillment of children's livelihood and education rights are 42% due to negligence, 26% due to marriage, 21% family conflict and 11% due to economic factors and deliberation, religious approach and legal approach. Based on the author's analysis of the results of the discussion, the authors recommend, First, it is necessary to carry out a legal reformulation of the livelihood rights of children of divorce victims by changing several articles related to the protection of children's rights so that their protection can provide legal certainty. supervising the fulfillment of children's rights as has been made by Malaysia, this is due to the limited authority of the court which cannot enter the realm of fulfilling children's rights unless there is a lawsuit for the execution of rights but so far no one has done that. Third, to ensure the fulfillment of rights The maintenance of children of divorce victims needs synergy and cooperation between ministries, in this case, the

⁴¹ Fauzul Hanif Noor Athief and Resti Hedi Juwanti, "Court decisions on Post-Divorce Children's Livelihood: Islamic Law Analysis on their Practices in Indonesia and Malaysia," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 20, NO. 2 (2020), p. 151-173.

⁴² Interview with B, Religious figures, Lombok, West Nusa Tenggara, 2022.

⁴³ Interview with H, Religious figures, Lombok, West Nusa Tenggara, 2022.

⁴⁴ Interview with I, Community figures, Lombok, West Nusa Tenggara, 2022.

Supreme Court of the Republic of Indonesia, the Minister of Finance, the Minister of Administrative and Bureaucratic Reform to formulate techniques for fulfilling the livelihood rights of children victims of divorce, such as direct deductions from civil servant salaries by the authorities and given directly to their children, such as deductions aji to pay off the loan at the bank.

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