

Community Dissonance Against the Decision of the Batang Religious Court regarding Child Support After Divorce

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Abstract

This research aims to reveal the effectiveness of the implementation of decisions and the factors that cause negligence in fulfilling child support after the Batang Religious Court Decision seen from Prof. Soerjono Soekanto's Theory of Legal Awareness. The research method used is qualitative with an empirical juridical approach. The primary data source is the parties who have litigated at the Batang Religious Court which is considered directly related to this research. Several research instruments used in collecting data in this research are: 1) Document Study, 2) Observation, 3) Interview. The results of the research reveal that: 1) The judge's decision regarding child support after parental divorce which has legal force is still not effective and able to fully bind the responsibility for providing child support to a father, so that many male parents often neglect to provide support to his children. 2) The factors causing negligence in fulfilling child support after the Class 1B Batang Religious Court Decision were the husband's economic factors, the lack of a sense of responsibility, and the public's lack of understanding regarding the possibility of a lawsuit and execution of child support from the ex-wife.

Keywords: *Legal Awareness, Livelihood, Children*

A. Introduction

In Indonesia, attention to children's rights predates the UN children's rights convention. It is proven that in 1979, Law no. 4 of 1979 concerning Child Welfare. In this Law (Chapter II article 2) it is emphasized that there are 4 groups of children's rights, namely: first, children have the right to welfare, care, upbringing and guidance based on love both within the family and in special care for growth and development. develop naturally; secondly, children have the right to services to develop their abilities and social life, in accordance with the nation's culture and personality, to become good and useful citizens; third, children have the right to care and protection, both while in the womb and after birth; Fourth, children have

the right to protection from the environment which can harm or hinder their normal growth and development.¹

Divorce in Indonesia shows a significant increase from year to year because the impact of divorce is quite serious, one of which is the impact experienced by children. Children are victims of their parents' divorce. Therefore, children's civil rights should not be ignored, especially child support. According to the UUP and KHI, after a divorce occurs, it will give rise to certain legal consequences, according to KHI Article 156, the consequences of breaking up a marriage due to divorce are:

1. Children who are not yet mumayyiz have the right to receive hadhanah from their mother, unless the mother has died.
2. Children who are mumayyiz have the right to choose whether to receive hadhanah from their father or mother.
3. If the hadhanah holder turns out to be unable to guarantee the physical and spiritual safety of the child, even though the costs of living and hadhanah have been covered, then at the request of the relative concerned the Religious Court can transfer the hadhanah rights to another relative who also has hadhanah rights.
4. All costs of the child's gift and child support are borne by the father according to his ability, at least until the child is an adult and can take care of himself (21 years).
5. If there is a dispute regarding hadhanah and child support, the Religious Court makes a decision based on letters a, b, c, and d.
6. The court can also take into account the father's ability to determine the amount of expenses for the maintenance and education of children who do not share him..²

In the decision of the Batang Religious Court from January 1, 2023 to October 13, 2023³, there were 48 cases related to the father's obligations towards child support. From the total number of cases, the author took 10 random samples of respondents who were interviewed by the author and the conclusion was that most children did not receive support from their fathers after pronouncing the divorce vows and only

¹ Budiyanto, H. M. "Hak-hak anak dalam perspektif islam." *Jurnal IAIN Pontianak* 149 (2019).h. 1

² Saputera, Abdurrahman Adi. "Analisis Terhadap Kelalaian Pemenuhan Nafkah Anak Pasca Putusan Pengadilan Agama Gorontalo." *Tamaddun Journal of Islamic Studies* 2.1 (2023): h. 3

³ Paryanto, Panitera Muda Hukum Pengadilan Agama Batang, Desember 07, 2023

provided support for the children at the beginning of the vows trial, thus making the children's lives even more worrying. In several cases, the conditions of parents (fathers) vary in responding to the responsibility of fulfilling child support after the court decision. There are some fathers who come to see their children just to give pocket money and do not provide proper maintenance, this is not done regularly every month, depending on the father's desire to see his child. There are those who just spontaneously meet their child on one occasion, at that time the father only gives the child a small amount of pocket money.

In reality, there are situations where a father really never meets his child, even just to give money or just to meet face to face. There are many reasons behind this. One of them is the departure of the father who went abroad after the divorce, and the wife no longer looked for or contacted him. On the other hand, the father has taken a new path by remarrying and focusing on providing a living for his new family. The situation became more complicated when the father married a widow who was carrying children, which automatically made the responsibility for supporting the wife's children fall on the father. In terms of education, health and all other needs, he is responsible. However, ironically, the children from the previous marriage were neglected in terms of maintenance by the father, which should also be his responsibility.

Looking at the phenomenon above, the author, using Soerjono Soekanto's Legal Awareness Theory approach, explains that he explains that legal awareness is a matter of values that exist in humans regarding existing laws or about laws that are expected to exist. In fact, what is emphasized are values regarding the function of law and not a legal assessment of concrete events in the society concerned. Legal awareness is an abstract conception within humans about the harmony between order and tranquility that is desired. So legal awareness in this case means awareness to act in accordance with legal provisions. Legal awareness in society is a kind of bridge that connects regulations and the legal behavior of members of society.⁴ So from this theory the author wants to know what the knowledge, understanding, attitudes and behavior of fathers are regarding their child support obligations after divorce.

RESEARCH PURPOSES

⁴ Muttaqin, Faizal Amrul, and Wahyu Saputra. "Budaya Hukum Malu Sebagai Nilai Vital Terwujudnya Kesadaran Hukum Masyarakat." *Al-Syakhsiyah: Journal of Law & Family Studies* 1.2 (2019): h. 201-202.

1. How effective is the implementation of the Batang Religious Court's decision regarding child support?
2. What is the father's knowledge, understanding, attitudes and behavior regarding his child support obligations after divorce?
3. What are the factors causing negligence in fulfilling child support after the Batang Religious Court Decision?

B. Previous Research

Previous studies that serve as benchmarks to see the extent of the research that has been carried out and the novelty brought about in this research are as follows:

Frangky Suleman's research entitled "Judges' Views on Child Support Negligence Post-Divorce in the Tondano Religious Court" The method used in this research is normative legal research and empirical legal research. The purpose of this research is to reveal the factors of Negligence in Child Support after Divorce in the Tondano Religious Court.⁵ The results of this research. The occurrence of negligence in child support after divorce is caused by three factors, namely, first, there are no demands in the contents of the lawsuit letter in the sense of the wife when filing a lawsuit with the court. Don't think about including child support, just divorce claims, joint assets, custody, and so on. Child support is very important because if it is not stated in the contents of the lawsuit letter then there is no legal effort to sue the ex-husband after the court decision. Second, the husband's economy is no longer sufficient because the ex-husband has financial problems, his physical fitness is starting to decrease and he is only working barely enough. So I can no longer afford to support my children, even when my husband has money. So the ex-husband asked his ex-wife for help to support his child. Third, there is no taste. What Frangky Suleman's research has in common with the author's research is that they both discuss child support after divorce. The difference between Frangky Suleman's research and the author's research is that Frangky Suleman's research focuses on the judge's view of children's post-divorce maintenance negligence at the Tondano Religious Court, while the author's research focuses on the factors causing the father's negligence post-divorce from the perspective of the direct case parties, both father and mother.

Nora Andini's research entitled "Legal Sanctions for Fathers Who Do Not Carry Out Supporting Obligations for Children Post-Divorce (Comparative Study of

⁵ Suleman, Frangky. "Pandangan Hakim Terhadap Kelalaian Nafkah Anak Pasca Perceraian Di Pengadilan Agama Tondano." *Al-Mujtahid: Journal of Islamic Family Law* 1.1 (2021): h. 24

Islamic Law and Positive Law Perspectives in Indonesia)"⁶ The method used in this research is library research legal research, which is an approach to the problem in a way examine and examine applicable and competent legal regulations to be used as a basis for solving problems, so that the steps in this research use juridical logic. The approach used is a statutory and conceptual approach, using primary legal materials and secondary legal materials. The procedures carried out to process legal materials are carried out in accordance with scientific standards for writing scientific papers, which are generally carried out through identification and inventory procedures and then classification according to the problem being studied. The aim of this research is to analyze the provisions regarding the father's support obligations towards children after divorce. according to the perspective of Islamic law and positive law in Indonesia. And to find out the legal sanctions for fathers who do not carry out their child support obligations after divorce. The results of this research are that there are disparities in legal sanctions for fathers who do not carry out their obligations to support their children after divorce from an Islamic legal perspective, namely the opinion of Hanafi scholars that the child's previous support becomes the father's debt even though he is poor, so that when he If you can afford it, dad is obliged to replace it. If the father is capable, but refuses to provide support to the child, then the judge is obliged to force the father to pay. According to the Syafi'i school of thought, Hambali and Maliki are of the opinion that a child's previous support will be forfeited unless there is a decision from a judge. Meanwhile, according to positive law in Indonesia, legal sanctions for a father who neglects his child support obligations can be subject to civil or criminal sanctions. Islamic law provisions regarding the father's obligations towards children after divorce are more borne by the father and a mother is not obliged to provide support for her child. Meanwhile, according to the provisions of positive law in Indonesia regarding the father's obligations towards children after divorce, the father is given more priority, but if the father is in fact unable, then the mother will also bear the costs. What Nora Andini's research has in common with the author's research is that they both discuss child support after divorce. The difference between Nora Andini's research and the author's research is that Nora Andini's research focuses on legal sanctions for fathers who do not carry out support obligations towards children after divorce, while the author's research focuses on the factors causing negligence by fathers after divorce from the perspective of the direct parties to the case, both father and mother.

⁶ Andini, Nora. "Sanksi Hukum Bagi Ayah yang Tidak Melaksanakan Kewajiban Nafkah Terhadap Anak Pasca Perceraian (Studi Komparatif Perspektif Hukum Islam dan Hukum Positif di Indonesia)." *Qiyas: Jurnal Hukum Islam dan Peradilan* 4.1 (2019).h. 1

Betra Sarianti's research entitled "Father's Compliance Level in Paying Children's Support Post-Divorce"⁷ The method used in this research is empirical legal research, which focuses more on the symptoms of society as a social institution. The aim of this research is to determine and analyze the level of compliance of fathers in paying child support costs after divorce. The results of this study of the seven cases studied show that the level of fathers' awareness of paying child support is very low, even if there is a father providing support after divorce, the value is not in accordance with the court decision. What Betra Sarianti's research has in common with the author's research is that they both discuss child support after divorce. The difference between Betra Sarianti's research and the author's research is that Betra Sarianti's research focuses on the level of compliance of fathers in paying children's support after divorce, while the author's research focuses on factors causing negligence by fathers after divorce from the perspective of the direct parties to the case, both father and mother.

A. Method

The method used in this research is an empirical legal research method which focuses more on the symptoms of society as a social institution.⁸ This research uses primary data and secondary data. Primary data is research material in the form of empirical facts as behavior and the results of human behavior. Either in the form of verbal behavior or real behavior. Primary data was obtained directly from the research location, namely by direct interviews and direct observation or observations in the field. Secondary data is legal material in research taken from literature studies.

This research was conducted at the Batang Religious Court which is located at I. KH Achmad Dahlan No. 62B, Bogoran, Kauman, Kec. Batang, Batang Regency, Central Java. The data collection technique uses a random technique based on purposive sampling, so from this population several parties were selected as samples and were considered representative. Apart from conducting interviews with a predetermined sample, data was also collected through library research and interviews with several sources within the Batang Religious Court. Meanwhile, secondary data was obtained by literature study, namely collecting data through literature and other documents related to the problem. Next, the data is analyzed

⁷ Sarianti, Betra. "Tingkat Kepatuhan Ayah Membayar Nafkah Anak Pasca Perceraian." *Supremasi Hukum: Jurnal Penelitian Hukum* 27.2 (2018): h. 105

⁸ Anton F.Susanto, *Penelitian Hukum Transformatif Partisipatoris*, Malang,Setara Press, 2015, h. 17

qualitatively, and presented in descriptive form in the form of writing about observable human behavior.

Discussion

1. Level of Awareness of Parents (Fathers) to Continue Supporting Their Children After Divorce in Batang Regency.

Judges as enforcers of law and justice in carrying out their duties must always refer to the applicable rules of procedural law. Specifically in law enforcement in the civil sector, judges refer to the Civil Procedure Code. To provide decisions that can reflect justice, benefit and legal certainty in every case he handles, a judge is required to comprehensively understand the case and legal regulations that are relevant to the subject matter of the case he is handling, both written and unwritten law. like customary law. This also includes judges who handle divorce cases at the Batang Religious Court who in their decisions have provided aspects of justice for a child who is a victim of divorce

The divorce rate tends to increase from year to year although there is a decline in 2021 in Batang Regency from 2020 to 2022. For more details, see the table below.

No	Case	Year 2020	Year 2021	Year 2022
1	Cerai Gugat	1.542	1.526	1.608
2	Cerai Talak	464	464	455
Total		2.006	1.990	2.063

According to data from the Legal Aid Post (Posbakum) of the K.H Abdurrahman Wahid State Islamic University, as an institution providing legal aid services at the Batang Religious Court in 2023, there are several reasons that cause divorce, such as gambling problems, domestic violence, leaving the shared residence. , living, having an affair/unregistered marriage, being busy, being dishonest about financial matters, not caring or being selfish, often going out without permission, disharmonious relations with the extended family, family interference, and blind jealousy.

The rise of divorce is an indicator of the lack of understanding of the meaning of marriage for husbands and wives. Rights and obligations as prescribed by religion.

Husbands should treat their wives well, carry out their duties properly and be full of affection towards their wives and children. If not, affection will end and the wife will demand a divorce and vice versa.

The cause of divorce cannot be single, but is interrelated between several causes, such as domestic violence related to economic factors or income factors related to selfishness or dishonest financial matters. Where in a lawsuit for divorce or divorce petition for divorce the reasons for the divorce will be included in the posita of the petition or lawsuit.

Divorce cases that include child support are found in talak divorce cases, where the husband is the applicant who brings the case to court while the wife is the respondent. In divorce cases, if the wife comes to comply with a court summons for a hearing, she will usually file a counterclaim (reconvention). One of the reconvention lawsuits filed is asking for child support costs. The Religious Court granted the amount of child support based on the amount of the Petitioner's income.

Apart from divorce cases which include child support in the judge's decision. In a lawsuit case where the wife acts as the Plaintiff who files a lawsuit in court, while the husband acts as the Defendant. In her lawsuit, the wife also includes child support in the lawsuit, and if the lawsuit has legal grounds to be accepted, the judge will grant the lawsuit. However, even though the court has decided on child support obligations that must be paid by the Petitioner/Defendant, the Petitioner/Defendant still does not comply with this decision, but in the case of Divorce, child support must be given at least once (1 month) when the divorce vow is read.

For example, Decision Number 65/Pdt.G/2023/PA.Btg dated March 1 2023, where the Petitioner, who is a Factory Employee, filed a divorce petition against the Respondent who works as a Private Employee, at the Batang Religious Court on the grounds: "The Respondent is not grateful for "The livelihood provided by the Petitioner, in fact the Respondent demanded more economic support beyond the Petitioner's capabilities and the Respondent did not comply and always denied the advice given by the Petitioner." The Batang Religious Court in its decision granted the petition for divorce and talak which stated:

In Convention

1. Grant the Petitioner's request;
2. Giving permission to the Petitioner (Agus Yulianto bin Misban), to impose one raj'i talaq on the Respondent (Nyi Imas Ana Malianawati bint Muh. Lazim), before the Batang Religious Court trial after this decision has permanent legal

force;

In Reconvention

1. Granting the Plaintiff's lawsuit in part;
2. Sentencing the Defendant to pay the Plaintiff a living allowance for 25 (twenty five) months in the amount of IDR 2,500,000 (two million five hundred thousand rupiah);
3. Punish the Defendant to give the Plaintiff shortly before pronouncing the divorce vow in the form of:
 - a. The living allowance during the iddah period is IDR 2,100,000.00 (two million one hundred thousand rupiah);
 - b. Memento (mut'ah) in the form of money in the amount of IDR 750,000.00 (seven hundred and fifty thousand rupiah);
4. Determining that the child named Atharauf Falah Ghaizan bin Agus Yulianto is in the custody and care of the Plaintiff as his biological mother, by giving the Defendant the right of widest access to express his affection;
5. Sentenced the Defendant to provide support to a child named Atharauf Falah Ghaizan bin Agus Yulianto, in the amount of IDR 750,000.00 (seven hundred and fifty thousand rupiah) every month, with an increase of 10% (ten percent) every year, excluding health and education costs up to the child is an adult (21 years old) and/or can take care of himself;
6. Rejecting anything other than that;

In Conventions and Reconventions

Charge the Petitioner/Reconvention Defendant to pay the costs of this case in the amount of Rp. 370,000.00 (three hundred and seventy thousand rupiah);

After the parents separate, the child remains with the mother. Based on the decision of the Batang Religious Court, even though the children live with their mother, the father is still obliged to provide maintenance of seven hundred and fifty thousand rupiah per month, but in reality the biological father of the two children who live with their mother is not supported by their father after the divorce. According to an interview the author conducted with his wife regarding the reasons why her ex-husband was negligent in not providing for his children, according to the respondent, he had tried to remind her via WhatsApp but her ex-husband could not be contacted again and the wife also felt uncomfortable if she asked his ex-husband's family about his whereabouts. This shows that the ex-husband has no sense of responsibility.

An example of the next case is Decision Number 1583/Pdt.G/2022/PA.Btg dated 22 December 2022, where the Petitioner who is a Civil Servant submitted a divorce petition to the Respondent who worked as an entrepreneur, the

case was filed at the Batang Religious Court on the grounds: "There is no longer any compatibility between the Petitioner and the Respondent, which often leads to continuous disputes and disputes." The Batang Religious Court in its decision granted the petition for divorce and talak which stated:

In Exception:

Reject the Respondent's exception;

In Convention:

1. Grant the Petitioner's request;
2. Giving permission to the Petitioner (Luqmanul Hakim bin Eko Mardiyanto) to impose one raj'i talaq on the Respondent (Tunggadewi Kumalasari bint Bambang Sigit S) before the Batang Religious Court;

In Reconvention:

1. Granting the Reconvention Plaintiff's lawsuit in part;
2. Determine custody rights (hadhonah) for the first child named Radilya Pratama Hakim bin Luqmanul Hakim, aged 12 years and the third child named Alesha Zahra bint Luqmanul Hakim, aged 2 years goes to the Reconvention Plaintiff, and the second child named Aydin Zufar ibni Hakim bin Luqmanul Judge, the age of 10 years falls to the Reconvention Defendant while still giving access to the Reconvention Defendant and/or Reconvention Plaintiff as parents who do not have custody to meet, communicate and interact with the child;
3. Sentencing the Rekonvention Defendant to give the Rekonvention Plaintiff 1/3 (one third) of the Rekonvention Defendant's salary to support two children who are in the care of the Rekonvention Plaintiff named Radilya Pratama Hakim bin Luqmanul Hakim, aged 12 years and Alesha Zahra bint Luqmanul Hakim, aged 2 a minimum amount of IDR 1,300,000.00 (one million three hundred rupiah) per month excluding education and health costs, until the children are adults and able to stand on their own with a minimum increase of 10% each year;
4. Punish the Rekonvention Defendant to give the Rekonvention Plaintiff 1/3 (one third) of the Rekonvention Defendant's salary for the maintenance of his ex-wife (Rekonvention Plaintiff) in the amount of Rp. 1,300,000.00 (one million three hundred thousand rupiah) every month, until his ex-wife (Rekonvention Plaintiff) married again;
5. Sentence the Reconvention Defendant to pay the Reconvention Plaintiff in the form of:

5.1. Mut'ah in the form of money amounting to Rp. 1,100,000.00 (one million one hundred thousand rupiah);

5.2. Iddah living in the amount of IDR 3,900,000.00 (three million nine hundred thousand rupiah);

6. Sentenced the Reconvension Defendant to provide the Reconvension Plaintiff with child support, mut'ah and iddah support as stated in the decision dictum in point 3, point 4, point 5.1 and point 5.2 above and for child support and ex-wife support only for the first month while for the following month it will be handed over directly to the Reconvension Plaintiff, all obligations of the Reconvension Defendant must be paid by the Reconvension Defendant directly and in cash before pronouncing the divorce vow against the Reconvension Plaintiff before the Batang Religious Court session;

7. Do not accept the Reconvension Plaintiff's claim other than that;

In Conventions and Reconventions:

- Charge the Convention Petitioner / Reconvension Defendant to pay court fees in the amount of Rp. 595,000.00 (five hundred and ninety-five thousand rupiah);

After the parents separated, the 2 children lived with their mother. Meanwhile, 1 other child lives with his father. Based on the decision of the Batang Religious Court, even though the children live with their mother, the father is still obliged to provide maintenance of one million three hundred rupiah per month, but in reality the biological father of the two children who live with their mother is not supported by their father after the divorce. According to the interview the author conducted with his wife regarding the reasons why the ex-husband was negligent in not providing child support, according to the respondent, he did not have a problem with the husband not providing child support because the ex-wife felt she could meet the costs of the two children and the ex-wife said the ex-husband's awareness of the matter this is not enough. This shows that the ex-husband's lack of understanding regarding child support after divorce

The latest example of a case related to child support is Decision Number 1753/Pdt.G/2022/PA.Btg dated 14 December 2022, where the Petitioner who is a Casual Daily Laborer submitted a divorce petition for Divorce to the Respondent who also works as a Casual Daily Laborer, case filed at the Batang Religious Court on the grounds: "the existence of bank debt and the impact on the family's economic condition."

In Conventions:

Grant the Petitioner's request;

2. Gave permission to the Petitioner (Sugianto bin Muhsin) to impose one raj'i talaq on the Respondent (Indah Setiawati bint Damiri) before the Batang Religious Court;
In Reconvention:

1. Grant the Plaintiff's claim for reconvention in part;
2. Punish the Defendant for Reconvention to give the Plaintiff a reconvention just before pronouncing the divorce vow in the form of:
 - 2.1 Past income in the amount of IDR 7,700,000 (seven million seven hundred thousand rupiah);
 - 2.2 The iddah support during the iddah period is IDR 1,500,000 (one million five hundred thousand rupiah);
 - 2.3 Mut'ah in the amount of IDR 1,000,000 (one million rupiah);
 - 2.4 Support for 2 children Rp. 1,000,000.00 (one million rupiah) per month until the child is 21 years old or married, excluding education and health costs;
3. Reject the remainder of the Plaintiff's claim for reconvention;

In Conventions And Reconventions:

- Charge the Convention Petitioner/Reconvention Defendant to pay the costs of this case in the amount of IDR 370,000 (three hundred and seventy thousand rupiah)

2. Legal Awareness Theory

According to the Big Indonesian Dictionary, legal awareness is a person's awareness of the knowledge that certain behavior is regulated by law. According to Soerjono Soekanto, legal awareness is a matter of values and abstract conceptions found within humans, regarding the harmony between order and peace that is desired or appropriate.

According to Scholten, what is meant by legal consciousness is: The awareness that exists in every human being about what the law is or what the law should be, a certain category of our psychological life by which we distinguish between law (recht) and non-law (onrecht), between what is what should be done and what should not be done. Legal awareness at a certain point is expected to be able to encourage someone to obey and carry out or not carry out what is prohibited and/or what is ordered by law. Therefore, increasing legal awareness is an important part of efforts to realize law enforcement.

The public's legal awareness is a form of obedience to the rules made by the government. In Islam, obedience to government regulations is one of the most

basic things in carrying out your obligations as a human being. Obedience to the government is an obligation for believers as explained below:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ مِنكُمْ

Meaning: "O you who believe, obey Allah and obey (His) Messenger, and ulil amri among you", Al-Quran Surah An-Nisa: 59.

In Surah An-Nisa' verse 59, Ibnu Kathir interprets this as relating to the words of Allah above: O you who believe, obey Allah and obey (His) Messenger, and the ulil amri among you, Al-Bukhari. From Ibn Abbas, he said this verse was revealed in connection with Abdullah bin Hudzaifah bin Qais bin Adi when he was sent by Rasulullah SAW in an army. Likewise according to the history of the congregation, except for Ibn Majah.

Building legal awareness and culture in a legal state is very necessary, and law can make society better, more systematic and more reliable in fighting for rights and justice. So that we can know how to create a sense of security from the legal actions we take.

According to Prof. Soerjono Soekanto, there are 4 indicators that form legal awareness sequentially (stage by stage), namely:

1. Legal knowledge; is a person's knowledge regarding certain behavior regulated by written law, namely about what is prohibited and what is permitted.
2. Legal understanding; the amount of information a person has regarding the contents of (written) rules, namely regarding the content, objectives and benefits of these regulations.
3. Legal attitude (legal attitude); is a tendency to accept or reject the law because of appreciation or realization that the law is beneficial for human life. In this case there is an element of appreciation for the rule of law.
4. Legal behavior patterns; about whether or not a legal rule applies in society. If a legal rule applies, to what extent it applies and to what extent society obeys it.

Soerjono Soekanto also stated that the effectiveness of law in society is determined by various factors, namely the legal factor itself, law enforcement factors, facility factors, community legal awareness factors, and legal culture factors.

The legal factors themselves; whether the law meets the juridical, sociological and philosophical requirements. In the practice of administering law in the field, there are times when conflicts occur between legal certainty and justice, this is because the conception of justice is an abstract formulation, while legal certainty is a

procedure that has been determined normatively. In fact, a policy or action that is not fully based on law is something that can be justified as long as the policy or action does not conflict with the law. So in essence the administration of law does not only include law enforcement, but also peace maintenance, because the administration of law is actually a process of harmonizing the values of rules and real patterns of behavior which aims to achieve peace. Thus, it does not mean that every social problem can only be resolved with written laws, because it is impossible for there to be statutory regulations that can regulate all human behavior, the contents of which are clear to every member of the society they regulate and are in harmony with the need to implement regulations with facilities. who supports it. In essence, law has elements including statutory law, treaty law, juridical law, customary law, and scientific law or doctrine. Ideally, these elements must be harmonious, meaning that they do not conflict with each other either vertically or horizontally between one law and another, the language used must be clear, simple and precise because the content is a message to members of the community affected by the law. .

Law enforcement factors; namely whether law enforcers have really carried out their duties and obligations well. In the functioning of the law, the mentality or personality of law enforcement officers plays an important role. If the regulations are good, but the quality of the officers is not good, there is a problem. Therefore, one of the keys to success in law enforcement is the mentality or personality of law enforcers, citing the opinion of J. E. Sahetapy who said: "In the context of law enforcement and the implementation of law enforcement, enforcing justice without truth is a policy. Upholding the truth without honesty is hypocrisy. Within the framework of law enforcement by every law enforcement agency (inclusive of its people) justice and truth must be expressed, must be felt and seen, must be actualized." In the context above which concerns the personality and mentality of law enforcers, there has been a strong tendency among the public to interpret the law as officers or law enforcers, meaning that the law is identified with the actual behavior of officers or law enforcers. Unfortunately, in carrying out their authority, problems often arise due to attitudes or treatment that are deemed to exceed authority or other actions that are considered to tarnish the image and authority of law enforcement, this is caused by the low quality of law enforcement officers.

Facilities factor; Does the infrastructure support the law enforcement process? Facilities or supporting facilities include software and hardware, one example of software is education. The education received by the police today tends to be on conventional practical matters, so that in many cases the police experience obstacles in their goals, including knowledge about computer crimes, in special

crimes which are still given authority to prosecutors, this is because Technically, the police are deemed incapable and not ready. Although it is also recognized that the tasks that the police must carry out are very broad and numerous. Hardware problems in this case are physical facilities that function as supporting factors. Because if physical facilities such as paper are not available and there is not enough carbon and the typewriter is not good, how can officers make an official report about a crime? According to Soerjono Soekanto and Mustafa Abdullah, they once stated that how could the police work well if they were not equipped with proportional vehicles and communication equipment. Therefore, facilities or facilities have a very important role in law enforcement. Without these means or facilities, it will not be possible for law enforcers to harmonize their proper role with their actual role.

Community legal awareness factor; whether society does not take the law into its own hands against criminals. Law enforcers come from society and aim to achieve peace in society. Every citizen or group has more or less legal awareness. The problem that arises is the level of legal compliance, namely high, medium or low legal compliance. The degree of community legal compliance with the law is an indicator of the functioning of the law in question. The attitude of the public is that they are less aware of the police's duties, do not support them, and in fact most are apathetic and consider the task of law enforcement to be solely a matter for the police, as well as a reluctance to get involved as witnesses and so on. This is one of the inhibiting factors in law enforcement.

Legal culture factors; the existence of a culture of "shame" or a culture of feelings of guilt among community members. In everyday culture, people often talk about culture. Culture, according to Soerjono Soekanto, has a very big function for humans and society, namely regulating so that people can understand how they should act, act and determine their attitudes when they relate to other people. Thus, culture is a basic line of behavior that establishes rules regarding what must be done and what is prohibited.

The five factors above are closely related to each other, because they are the main things in law enforcement, as well as a benchmark for the effectiveness of law enforcement. Of the five law enforcement factors, the law enforcement factor itself is the central point. This is because the laws are drafted by law enforcers, their implementation is carried out by law enforcers and the law enforcers themselves are also role models for the wider community.

Of these five factors, it is not stated which factors have the most dominant influence or whether absolutely all of these factors must support the formation of legal effectiveness. However, if the systematicity of these five factors can be

optimal, at least the law can be considered effective. This systematic means that to build the effectiveness of the law you must start by asking how the law is, then followed by how the law is enforced, then what the means and facilities are that support it, then how the community responds and the culture that is developed.

D. Conclusion

Children are the parties who suffer the most if their parents divorce. If parents divorce, children do not receive their rights as children, especially providing support, because the level of father's compliance in paying child support after divorce is very low in Batang Regency. Even though there was a court decision that decided the amount of hadhanah (child support) costs, the father did not comply with the court decision. Even if it is obeyed, it is usually only done during the hearing to pronounce the divorce vow. Meanwhile, the economic impact of divorce results in children's basic needs not being met, including the child's right to education.

The low awareness of fathers providing support for their children after divorce has negative consequences for children's growth and development. For this reason, there needs to be an effort from law enforcement agencies, especially the Religious Courts, not to easily make a decision to grant a divorce before receiving a guarantee that the father will pay child support after the divorce.

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