

Co-parenting method for children in post-divorce families from an Islamic family law perspective

Tahta Alfina Zahri

UIN K.H. Abdurrahman Wahid Pekalongan

Email: tahta.alfina.zahri25013@mhs.uingusdur.ac.id

ABSTRACT

The increasing number of divorce cases in Indonesia each year has serious psychological, emotional, and social consequences, particularly for children. Regarding child custody after divorce, Indonesia adheres to a single custody system based on the Compilation of Islamic Law. However, in recent years, Religious Courts have implemented joint custody, based on the Marriage Law and the Child Protection Law, taking into account the best interests of the child. In practice, many imbalances have been found between children's emotional needs and the resulting decisions. This study aims to explore the Co-Parenting (Cooperative Parenting) parenting pattern as a post-divorce childcare method that complies with Islamic family law. This study used qualitative research with descriptive-analytical methods based on literature review. The results demonstrate that successful Cooperative Parenting can minimize the negative impacts of divorce. This parenting pattern can create a harmonious relationship between children and parents, emotional stability, consistent attention, and can reduce child trauma. Furthermore, Cooperative Parenting not only meets children's physical and psychological needs but also illustrates parental responsibility in accordance with Islamic law. The implementation of Cooperative Parenting also has the potential to optimize child development and can be an effective solution to maintain harmony after divorce.

Keyword: Parenting, Divorce, Cooperative Parenting, Islamic Family Law

INTRODUCTION

The rising global divorce rate demonstrates that modern families face increasingly complex structural and psychosocial pressures (Syifa Nadira, 2025). Divorce is one of the last resorts taken by couples when marital problems cannot be resolved peacefully. The dominant factors that often trigger divorce include infidelity, financial difficulties, domestic violence, and psychological issues (Armansyah, 2014). Divorce has complex impacts, felt by children, including the emotional, psychological, and social impacts of their parents' divorce (Kurniawan, 2023). Therefore, post-divorce parenting issues, particularly those related to child-rearing, have become a crucial focus in studies of global parenting, family psychology, and contemporary family law (MR Lamama, 2025).

Divorce not only has legal consequences for a couple but also has long-term impacts on children. According to Budi Susilo, choosing divorce means choosing to face the courts, and divorce does not always resolve existing problems (Syaifuddin et al. 2022). Conversely, divorce can create new, more crucial issues, including those related to child custody (Muhammad Sholeh, 2021). Children are often faced with the pressure of choosing to live with one parent, feeling lost, and even experiencing depression due to changes in family structure. In many cases, parental attention is limited to meeting material and educational needs, neglecting the importance of emotional support and motivation for children (Putri Erika, Hetty, 2019). This triggers deep trauma and can impact a child's development.

In this context, parenting styles are key to influencing how children adapt to major changes in their lives. Parenting styles can be defined as the interaction between children and parents, meaning parents educate, guide, discipline, and protect children, enabling them to achieve their developmental goals (Fitri Fatmawati, 2020). Therefore, parenting becomes a crucial issue in divorce cases, as effective parenting practices after divorce can help children discover their identity, build character, and mitigate the trauma caused by the divorce.

This study aims to explore the concept of cooperative parenting, which aligns with the principles of Islamic family law. This approach is designed to maintain balance in post-divorce parenting, enabling it to be effectively implemented to protect children's well-being, maintain good relationships between children and their parents, and minimize the negative impact of divorce on child development. This study also maps relevant cooperative parenting strategies for contemporary Muslim families.

METHODS

This study examines the cooperative parenting method (co-parenting) for resolving child custody disputes. Co-parenting, or shared parenting, is a method of child custody exercised equally by divorced fathers and mothers in the best interests of the child. This method was chosen because child custody disputes are increasing annually and are detrimental to children's lives. Therefore, this study is considered capable of mitigating the negative impacts that may arise after divorce.

This research was conducted using a qualitative approach using descriptive-analytical methods. A qualitative approach was chosen due to its relevance in gaining a deeper

understanding of social phenomena, including post-divorce parenting, which requires context-based analysis and interpretation. A descriptive-analytical method was used to describe the phenomena and analyze the various factors influencing parenting in the context of divorce.

This type of research is categorized as library research, focusing on the collection and analysis of literature from various sources. Primary data were obtained from books, reputable journal articles, previous research findings, and normative legal sources relevant to the topic of post-divorce parenting. These sources were critically analyzed to generate a comprehensive understanding of the application of parenting patterns and their relationship to the principles of Islamic family law.

RESULT AND DISCUSSION

The Impact of Divorce on Children

The breakdown of a marital bond through divorce between spouses will have consequences, especially for couples who already have children. The social consequences a child experiences as a result of parental divorce can have a largely detrimental impact (Andi Irma, 2019). The primary institution for children is the family unit, where children initially gain an understanding of the essence of existence, compassion, empathy, growth and development, and receive guidance and education, in addition to establishing a safe environment for their growth. Therefore, it can be stated that the family significantly influences the formation of a child's personality.

Although separated parents often attempt to protect children from the conflict of divorce, assuming that children are not yet capable of understanding the situation, research consistently shows that divorce has a significant impact on child development, both psychologically and academically. Specifically, a study conducted by Iowa State University found a negative correlation between childhood parental divorce and higher educational attainment. Children whose parents divorce before the age of 18 are 35% less likely to complete a bachelor's degree than those whose parents divorce after the age of 18 (Camron S. Devor, 2018).

Children whose parents divorced when they were 5 years old or younger are less likely to feel a special bond or experience greater discomfort with their parents than children whose parents divorced after the age of 5. Children from broken homes also tend to exhibit disruptive behavior in their education. These behaviors include talking during the teacher's explanation, wandering around the classroom, and disrupting other students' activities (Mukhlis, 2019).

However, children facing parental divorce often experience shock, sadness, anxiety, anger, and confusion. They also experience greater difficulties socializing. This can lead to feelings of inferiority and envy of children with intact families. Although some children can overcome stressful times and actually grow into better individuals (Andi Irma, 2019), negative risks are also felt by family members, which are closely related to marital distress (unhappy marital conditions), marital conflict, and marital chaos. For example, the detrimental effects on their children's psychological development include depression, social withdrawal, low social competence, neglected health issues, decreased and poor academic performance, and various behavioral disorders, which are closely related to the emotional difficulties faced by children

of couples in conflict during the process leading up to the divorce decision (Ade Irma, et al., 2024). "Divorce is very expensive." This means that there are many costs to be paid because of the numerous negative consequences that divorce poses, both for the individual and their social environment.

Although divorce is generally known for its negative impacts, not all of its impacts are detrimental. In some contexts, children develop a rational understanding of divorce, especially when they recognize that separation is an optimal strategy to avoid greater interpersonal conflict. Children in this category tend to demonstrate a high capacity for acceptance of new situations. Manifestations of this positive adaptation include the ability to support their parents' mental well-being and shift their focus of energy toward self-development. It is important to note that external support also plays a crucial role in facilitating this adjustment. Consistent assistance from a support system, whether from the separating parents or external parties (such as close relatives or counseling professionals), serves as a key protective factor during the adaptation process.

Overall, the impact of divorce on children depends heavily on various factors, including the child's age at the time of the divorce, the quality of their relationship with both parents, and the social support the child receives after the divorce. Therefore, it is crucial for parents to ensure that the parenting style they implement after divorce continues to fully address their child's emotional, psychological, and social needs to minimize potential negative impacts.

Cooperative Parenting for Children

Cooperative parenting is a process aimed at enhancing and supporting a child's physical, emotional, social, financial, and intellectual development from birth to adulthood (Priyatna, 2011). This is the full responsibility of parents, as they are their child's first teachers, learning many things, both academically and in everyday life. Therefore, parents bear a significant responsibility in providing good care for their children so they can grow into capable individuals who are well-suited to society (McHale, 2000).

Within any family, parenting is inherently challenging. The most crucial challenge is when faced with major conflict in the household, namely divorce. Divorce is often a stepping stone that can threaten and damage the image and nature of parenting. Divorce itself represents the severance of the formal bond between a husband and wife who are determined not to fulfill their duties and obligations as husband and wife. Therefore, they no longer live and reside together in the same household because there is no formal marriage bond (Ulum, et al. 2025).

There are two possible outcomes when two legal entities are separated religiously and legally in terms of child custody, as decided by a judge (Ramdani Wahyu, et al. 2024). The first possibility is split parenting. For example, if custody falls to the mother, the father is no longer fulfilling his role as a father, who should still be fully responsible for his child. The only difference is distance and time, which cannot be as usual. Similarly, if custody falls to the father, the mother seems to be unable to foster the closeness the child needs, regardless of age. Fundamentally, children still need a mother figure, although the intensity varies. If split parenting occurs, the child suffers long-term physical and psychological abuse, often unnoticed by the parents. Consequently, in cases seen in mental health clinics, many adolescents fail to overcome the mental barriers caused by their parents' divorce. Besides split parenting, the

second possibility is shared parenting. One factor contributing to poor child health is the poor care they receive (Mary V. Greiner and Others, 2022).

This event can disrupt their lives, leading to a fear of forming friendships, a fear of trying hard in school, and ultimately resulting in learning difficulties that impact their academic performance (Ningrum, 2013). Hetherington (Santrock, 2003) states that adolescent adjustment is usually better when divorcing parents have a harmonious relationship and use an authoritative parenting style. Therefore, one effort to bridge this gap is through co-parenting.

According to Priyatna (2010), co-parenting is collaboration between both parents after the end of a marriage. She believes that co-parenting can help children cope with the changes that occur after their parents are no longer together. Furthermore, McHale et al. Brooks (2008) argues that co-parenting, as a function of an effective co-parenting unit, involves adult figures collaborating to provide a form of family communication to support and foster a sense of solidarity among children, consistent, standardized, and predictable rules, and a comfortable and safe home.

According to Andayani and Koenjtoro (2004), there are several aspects of a co-parenting pattern, including:

1. Time, which is the most important aspect when discussing the duration of meetings with children.
2. Interaction, which refers to the relationship between father and child or mother and child, encompassing daily activities.
3. Attention, which refers to the parents' feelings or treatment of the child.

There are several reasons why co-parenting has received significant attention in normalizing child custody. Mason argues that "the 'best interests of the child' standard has historically reflected a struggle between maternal and paternal rights, with the child's needs considered commensurate with one or the other. Children have been viewed at various times as belonging to the father, as requiring the mother's 'tender care,' and as fully belonging to one or the other parent." Mason's explanation illustrates that parenting should prioritize the child's best interests. The child's interests are the primary basis or preference in parenting management. Therefore, views that tend to view or position the child as "the father's property," "the mother's property," or "as an object of rights" of one parent must be eliminated.

However, consistency in parenting is also necessary, with co-parenting patterns encompassing agreement between parents on rules, expectations, and methods of discipline to reduce confusion (P. P. Sari et al., 2020). If parents coordinate and maintain consistency, the child's social-emotional development will be better assured. Parents must also prioritize their children's emotional and physical needs in every decision they make, by creating a safe, stable, and loving environment (Salsabila, 2023). Parental involvement in parenting programs is also crucial, as these programs help parents understand the dynamics of co-parenting and the best ways to manage post-divorce parenting, including communication techniques, conflict resolution, and the importance of building harmonious cooperation in parenting. This way, children can continue to develop optimally in various aspects of their lives. A child's socio-emotional development can be identified from their age. Ideally, age is directly proportional to a child's abilities; readiness and maturity are influenced by the child's experiences, especially in the behavioral aspects of children who are victims of divorce.

Cooperative Parenting Methods for Post-Divorce Children: An Islamic Family Law Perspective Islam emphasizes the principles of justice, welfare, and cooperation in family relationships. In Islamic law, children are considered a trust from Allah SWT who must be properly protected, nurtured, and loved. As Allah says in Surah At-Tahrim verse 6:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا قُوا أَنفُسَكُمْ وَأِرَا وَفُودَهَا النَّاسُ وَالْحَجَارَةُ عَلَيْهَا O you who believe! Save yourselves and your families from the Fire whose fuel is people and stones; its guardians are angels, harsh and severe, who do not disobey Allah in what He commands them, and who always do what they are commanded. (Q.S. At-Tahrim 66:6)

This verse explains that parents are commanded to protect themselves and their families from the fires of hell. From this, it can be concluded that parents' obligation is to educate, guide, and safeguard the physical, mental, and spiritual well-being of their children.

Islamic family law views co-parenting as a manifestation of both parents' obligation to prioritize the interests of their children above their own. This aligns with Islamic principles, namely the conditions of hadhanah agreed upon by scholars, such as the ability to care for children, emotional closeness, and responsibility for maintaining the child's well-being (M. Mujib, et al. 2023). When both parents work together in parenting, children can feel the full presence of both parental figures even though they no longer live in the same home. This encapsulates the importance of Islamic principles that underscore the need for emotional and spiritual balance in a child's development. This aligns with Allah's command in Surah An-Nisa' 4:9, which explains the command for every Muslim not to abandon their children when they are weak (whether in faith, physically, or financially), and to speak with truthful and appropriate language. This verse emphasizes parents' responsibility for the fate of the next generation, both in terms of education, morals, and preparing for their future.

The phenomenon of divorce in Indonesia continues to experience a significant increase. Data from the Central Statistics Agency (BPS) shows that the divorce rate reached 317,056 cases between 2024 and present, with the majority filed through Religious Courts. Consequently, many divorcing families choose split parenting. However, this type of parenting has significant negative impacts, even though Islamic teachings oblige parents to educate and provide affection.

From the perspective of Islamic legal psychology, co-parenting is not merely a legal obligation, but rather an implementation of the principle of *ihsan* (doing good) in ending a marital relationship. Furthermore, from a psychological perspective, divorce is a traumatic event that can trigger prolonged stress in children. Amato and Anthony (2014) found in their longitudinal study that high conflict between parents after divorce correlated with behavioral problems, low academic achievement, and mental health disorders in children. However, recent research suggests that these negative impacts can be minimized through effective co-parenting. Dillon and Emery (2020) confirmed that children from divorced families who practice cooperative co-parenting demonstrate psychological resilience equivalent to that of children from intact families. This indicates that it is not the divorce itself that damages children's psychology, but rather the conflictual interaction patterns between parents post-divorce.

In Islamic law, the principle of *maslahah* serves as the philosophical foundation for child custody arrangements. The concept of *hadhanah* (parenting) in Islamic jurisprudence emphasizes that the child's best interests must be the primary consideration. Al-Ghazali, in his

book *Ihya Ulumuddin*, states that *maslahah* encompasses physical, psychological, and spiritual dimensions. Research by Ahmad and Aziz (2022) shows that contemporary interpretations of *hadhanah* increasingly accommodate the co-parenting approach, in which both parents have shared rights and responsibilities in childcare after divorce. This approach aligns with the Islamic principle that encourages divorce in a good manner (*ahsanu tafriqa*), as stated in Surah Al-Baqarah, verse 229, which emphasizes "separating in a way that is good." Furthermore, co-parenting supports the justice dimension (*al-'adalah*) in Islamic law, which not only emphasizes equality between fathers and mothers but also prioritizes the welfare of children. Justice in parenting means giving children the right to receive love, attention, and education from both parents (Iim Fahimah, 2019).

The implementation of co-parenting within the context of Islamic family law faces complex challenges. Traditionally, the *hadhanah* system prioritizes parenting for the mother until the child reaches a certain age, after which it shifts to the father. However, developments in contemporary Islamic jurisprudence (*fiqh*) demonstrate a more flexible interpretation that adapts to social realities. A comparative study by Rahman and Hassan (2023) of Religious Court practices in Indonesia found a positive trend, with judges increasingly considering co-parenting agreements drafted jointly by both parents, as long as the agreement prioritizes the child's interests. This approach demonstrates the evolution of Islamic legal thought, responsive to modern psychological findings without abandoning the substance of sharia values.

To realize effective co-parenting within the framework of Islamic law, several integrative strategies are required. First, Religious Courts need to integrate psychological assessments as part of the divorce process to identify potential conflicts and the need for intervention. Second, develop Islamic value-based mediation programs that facilitate constructive communication between both parents. Research by Saposnek and Rose (2020) shows that values-based mediation can increase compliance with co-parenting agreements by up to 75%. Third, strengthen legal and psychological literacy for parents contemplating divorce through pre-divorce education programs that explain the psychological impact of divorce on children and the importance of co-parenting from an Islamic perspective.

Realizing the interests of children in divorce requires synergy between Islamic law and modern psychology. Co-parenting is not simply a pragmatic solution, but rather a manifestation of the values of *ihsan* and *rahmah* (mercy) taught by Islam in ending a marriage. Religious Courts, legal practitioners, psychologists, and the community must collaborate to create an ecosystem that supports effective co-parenting. It is time to transform the paradigm of divorce from a conflictual process to a dignified family transition, where children's psychological interests are protected. Let's work together to create a psychologically resilient generation, even growing up in the reality of separated families.

CONCLUSION

This research strongly underscores that the rise in divorce cases in Indonesia demands a paradigm shift in post-divorce parenting. Cooperative parenting (co-parenting) is not merely a rational solution, but an important manifestation of the principles of *maslahah* (the child's best interests) and *ihsan* (good deeds) in Islamic Family Law. By prioritizing balanced collaboration between both parents, this approach has proven effective in minimizing the negative

psychological and social impacts of divorce on children, while also meeting their physical and psychological needs in accordance with Islamic principles.

The results of this qualitative, descriptive-analytical study based on literature demonstrate that cooperative parenting can create emotional stability, consistent attention, and reduce trauma in children after divorce. Legally, this approach aligns with contemporary interpretations of *hadhanah* (lawful conduct) that prioritizes child welfare and encourages divorce in a *ma'ruf* (good) manner. Consistency in parenting through parental agreement on rules and discipline is key to ensuring optimal social and emotional development of children. These findings also support the positive trend in Religious Courts that are beginning to consider co-parenting agreements that prioritize the child's *maslahah* (the child's best interests). To optimize the implementation of co-parenting within the framework of Islamic Family Law, this study recommends closer synergy between legal and psychological aspects. This requires the integration of psychological assessments into the divorce process, the development of Islamic value-based mediation programs, and the strengthening of pre-divorce literacy for parents. By transforming the paradigm from a conflictual process to a dignified family transition, co-parenting can be an effective and sustainable solution for creating a psychologically resilient generation despite the reality of separated families.

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