Non-Compliance with Post-Divorce Maintenance Judgments at the Purbalingga Religious Court: An Analysis of Legal Effectiveness and *Maqāṣid Al-Sharī'ah*

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Abstract

Post-divorce maintenance orders issued by religious courts serve as a legal instrument to protect the economic rights of women and children once a marriage has ended. In practice, however, husbands do not always comply with the maintenance obligations set out in these rulings. This gap raises a question about the effectiveness of the law in ensuring that the economic rights of women and children, which have been affirmed by a final and binding judgment, are actually fulfilled. This study analyzes the effectiveness of post-divorce maintenance rulings at the Purbalingga Religious Court and examines their alignment with the principles of *maqāṣid al-sharī'ah*. It employs an empirical legal research design with a juridical-sociological approach. Data were gathered from case decisions, documents related to the enforcement of those decisions and were then analyzed through the theory of legal effectiveness and *maqāṣid al-sharī'ah*. The effectiveness analysis focuses on whether the rulings deliver real protection and fulfillment of rights, while the *maqāṣid al-sharī'ah* perspective assesses the extent to which the payment of maintenance supports public welfare (*maṣlaḥah*) and the protection of property (*ḥifẓ al-māl*), life (*ḥifẓ al-nafs*), and lineage (*ḥifẓ al-nasl*). The findings show that the enforcement of maintenance rulings remains suboptimal. Normatively, the obligation to provide maintenance has an adequate legal basis and is stated in the operative part of the judgment, yet no specific and sustained enforcement mechanism exists. The court has shown commitment by requiring that a wife's entitlements be paid through the registrar's office before the divorce certificate is collected, but its passive role and the absence of post-judgment supervision limit the impact of this policy. High execution costs, low legal awareness, and the belief that a husband's responsibility ends with the divorce further hinder compliance. From the perspective of *maqāṣid al-sharī'ah*, non-compliance weakens the protection of property, life, and lineage. This study recommends strengthening enforcement mechanisms and sanctions, introducing post-judgment monitoring, and institutionalizing post-judgment mediation.
***Keywords*:** Post-Divorce Maintenance Rulings, Legal Effectiveness, Protection of Rights, *Maqāṣid al-Sharī'ah*

Introduction

Divorce does not end with the dissolution of the legal relationship between husband and wife. Behind the termination of the marriage lie a number of legal consequences that must still be resolved, particularly those concerning the fulfillment of the rights of women and children. One of the more significant issues is post-divorce maintenance. A court judgment

that awards maintenance is, in essence, intended to ensure that the end of the marital relationship does not simultaneously extinguish the economic rights of the party who remains entitled to livelihood and protection.

Under national law, this obligation has a fairly clear legal basis. Pasal 41 Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, as amended by Undang-Undang Nomor 16 Tahun 2019, affirms that after divorce both parents remain obligated to care for and educate their children. The provision also places the father as the party responsible for the costs of the child's care and education, while the court may require the former husband to provide living expenses and impose certain obligations on the former wife's behalf. Accordingly, divorce does not extinguish the economic responsibility toward the child, nor certain obligations toward the former wife.

This framework is reinforced by the Compilation of Islamic Law (*Kompilasi Hukum Islam*, KHI). Pasal 149 KHI regulates the legal consequences of divorce, including those relating to *mut'ah*, maintenance (*nafkah*), housing (*maskan*), and clothing (*kiswah*) during the *iddah* period, while Article 156(d) affirms the father's responsibility for the costs of the child's care and maintenance in accordance with his financial capacity. The KHI itself was disseminated through Instruksi Presiden Nomor 1 Tahun 1991 and serves as one of the key guidelines in resolving Islamic family law cases within the Religious Courts.

The protection of women's rights following divorce is also reinforced through Supreme Court policy. Peraturan Mahkamah Agung Nomor 3 Tahun 2017 on Guidelines for Adjudicating Cases Involving Women in Conflict with the Law directs judges to observe the principles of respect for human dignity, non-discrimination, gender equality, justice, utility, and legal certainty. In the context of divorce cases, this policy direction indicates that a judgment is not sufficient merely to produce certainty regarding marital status, but must also provide tangible protection for parties in a vulnerable position.

The Supreme Court has also issued guidelines concerning the fulfillment of the rights of women and children following divorce. *Surat Edaran Mahkamah Agung* (SEMA) Nomor 1 Tahun 2017, for instance, allows obligations arising from divorce, particularly *iddah* maintenance, *mut'ah*, and past maintenance (*nafkah madhiyah*), to be stated in the operative part of the judgment (*amar putusan*) so that they are paid before the pronouncement of the *talak* pledge (*ikrar talak*). Furthermore, SEMA Nomor 3 Tahun 2018 affirms that in determining *nafkah madhiyah*, *iddah* maintenance, *mut'ah*, and child maintenance, judges must consider a sense of fairness and appropriateness by examining the facts regarding the husband's economic capacity as well as the basic living needs of the wife and/or children.

A problem then arises when obligations that have been established through a court judgment are not fully realized. At this point, a gap emerges between law as a norm and law as a reality (the distinction between *law in the books* and *law in action*). A judgment that has acquired permanent legal force (*berkekuatan hukum tetap*) is legally binding and enforceable. However, the existence of a judgment does not in itself guarantee that the economic rights stated in its operative part (*amar putusan*) are actually received by the party entitled to them. In other words, the success of the judiciary can be measured not only by the court's capacity to render judgments, but also by the legal system's capacity to bring about the tangible effects of those judgments.

This issue is relevant for examination at the Purbalingga Religious Court. Institutionally, the Purbalingga Religious Court (*Pengadilan Agama* Purbalingga, PA Purbalingga) has given attention to the protection of the rights of women and children following divorce. PA Purbalingga also took part in the launch of a scoping study on the fulfillment of maintenance for former wives and children after divorce in Indonesia.

The Purbalingga Religious Court has also provided a procedure for applying for execution (*permohonan eksekusi*) for parties whose judgments are not carried out voluntarily. The court's official information explains that if the losing party does not comply with the judgment voluntarily, the winning party may file an application for execution with the Religious Court that decided the case. As a general principle, an executable judgment must have acquired final and binding force (*berkekuatan hukum tetap*), must not have been voluntarily complied with, and must contain a condemnatory order (*amar condemnatoir*). The existence of this mechanism shows that the legal system does in fact provide instruments to bridge the gap between a judgment and its implementation.

Nevertheless, the availability of an enforcement mechanism does not mean that the problem of realizing these rights has been resolved. Maintenance differs in character from the object of an ordinary civil dispute. The need for maintenance is continuous, while the needs of children arise every day and cannot wait for a lengthy legal process. When maintenance is not received, the impact is felt immediately in meeting the needs for food, education, healthcare, housing, and other basic necessities. Therefore, the effectiveness of a maintenance judgment should be assessed not merely by the existence of an operative part (*amar putusan*), but by the capacity of that judgment to translate into the actual fulfillment of rights in real life.

These problems can be understood through Soerjono Soekanto's theory of legal effectiveness. Legal effectiveness is concerned not only with the existence of rules but also with how law operates in the life of society. Soekanto identifies five factors that influence law enforcement: the legal factor (the law itself), law enforcers, means or facilities, society, and culture. This framework enables the research to view a court judgment as part of a legal system that must function in practice, rather than merely as a document whose purpose is complete once it has been pronounced.

In addition to the theory of legal effectiveness, this research employs the perspective of *maqāṣid al-sharī'ah*. In the *maqāṣid* approach, law is assessed not only by its conformity with texts or procedures but also by the objectives and public welfare (*maṣlaḥah*) it seeks to realize. Jasser Auda positions *maqāṣid* as an important orientation for understanding Islamic law through a systems approach that views law holistically and considers the interrelationships among the various elements within a system. In the matter of post-divorce maintenance, the fulfillment of economic rights can be viewed through the protection of wealth (*ḥifẓ al-māl*), life (*ḥifẓ al-nafs*), and lineage (*ḥifẓ al-nasl*).

Based on the foregoing discussion, this study formulates three research questions: (1) how are maintenance judgments arising from divorce realized in practice at the Purbalingga Religious Court in 2024-2026; (2) how effective is that implementation when analyzed through Soerjono Soekanto's five factors of law enforcement; and (3) to what extent does that implementation realize the protection of wealth (*ḥifẓ al-māl*), life (*ḥifẓ al-nafs*), and lineage (*ḥifẓ al-nasl*). The study aims to map the gap between the operative part of the

judgment (*amar putusan*) and the fulfillment of rights, and to identify the systemic aspects that influence it.

Methods

This research employs an empirical legal research method with a juridical-sociological approach. The juridical approach is used to analyze the provisions on post-divorce maintenance under the Marriage Law (*Undang-Undang Perkawinan*), the Child Protection Law (*Undang-Undang Perlindungan Anak*), the Compilation of Islamic Law (KHI), PERMA Nomor 3 Tahun 2017, and the Supreme Court Circular Letters (SEMA) relating to the rights of women and children. The sociological approach is used to examine the fulfillment of maintenance rights after a court judgment has acquired final and binding force (*berkekuatan hukum tetap*). The data were obtained through a study of case judgments at the Purbalingga Religious Court, documents related to the implementation of judgments, and interviews with relevant parties.

Cases were selected purposively, namely divorce cases containing maintenance obligations for the former wife and/or children that have acquired final and binding force. The data were analyzed qualitatively by comparing the content of the operative part of each judgment (*amar putusan*) with the actual realization of the maintenance obligations, in order to identify the gap between the rights that were awarded and the rights that were actually received. The analysis of legal effectiveness employs Soerjono Soekanto's five factors, namely the law, law enforcers, means or facilities, society, and culture, to assess the extent to which the legal system is able to ensure the implementation of judgments.

Furthermore, the *maqāṣid al-sharī'ah* perspective is used to assess whether the fulfillment of maintenance has supported the attainment of welfare (*maṣlaḥah*) for women and children. The analysis focuses on three relevant objectives: *ḥifẓ al-māl* (protection of wealth), *ḥifẓ al-nafs* (protection of life and basic needs), and *ḥifẓ al-nasl* (protection of lineage and children's welfare). Accordingly, the study not only assesses formal compliance with judgments but also examines their impact on the fulfillment of rights and the protection of those entitled to them.

Results

The analysis of divorce cases, court judgments, and relevant legal documents at the Purbalingga Religious Court Class 1A identifies four major findings: (1) the development of divorce cases and the imposition of post-divorce maintenance obligations; (2) factors associated with non-compliance with maintenance judgments and their consequences; (3) the implementation of maintenance judgments in relation to legal effectiveness; and (4) the fulfillment of post-divorce maintenance obligations in relation to the protection of women's and children's rights.

Divorce Dynamics and Post-Divorce Maintenance Obligations

The data indicate an increasing trend in divorce cases at the Purbalingga Religious Court. In 2024, the court recorded 1,836 wife-initiated divorce cases (cerai gugat) and 473 husband-initiated divorce cases (cerai talak). In 2025, the figures increased to 2,026 *cerai gugat* cases and 490 *cerai talak* cases. By the end of September 2026, the court had recorded 1,707 cerai gugat cases and 393 *cerai talak* cases.

The recorded cases were dominated by *cerai gugat*, indicating that divorce proceedings were more frequently initiated by wives. The main reported causes of divorce included

continuous disputes and quarrels, domestic violence, desertion, maintenance-related problems, infidelity, and family interference.

Between 2024 and 2026, the research identified 77 divorce cases in which the operative parts of the judgments (amar putusan) imposed post-divorce maintenance obligations on former husbands. These cases consisted of 30 *cerai gugat* cases and 47 *cerai talak* cases. The obligations included *nafkah iddah, mut'ah, nafkah madhiyah*, and/or child maintenance.

The annual distribution of cases containing maintenance obligations is presented below.

Year	Cerai Talak	Cerai Gugat	Total
2024	5	2	7
2025	24	13	37
2026 (through September)	18	15	33
Total	**47**	**30**	**77**

One example is Decision No. 638/Pdt.G/2025/PA.Pbg. In this case, the plaintiff (the wife) stated that the defendant (the husband) had not provided financial maintenance from the time they separated until the divorce petition was filed. The plaintiff also stated that she had borne the family's financial needs independently.

The legal basis for post-divorce maintenance obligations includes Article 41 of Law No. 1 of 1974 concerning Marriage, Article 149 of the Compilation of Islamic Law (KHI), and Supreme Court Circular Letter (SEMA) No. 3 of 2018. SEMA No. 3 of 2018 provides the basis for awarding mut'ah and nafkah iddah in *cerai gugat* cases, provided that the wife is not proven to be nusyuz. SEMA No. 5 of 2021 also provides for the possibility of conservatory attachment (sita jaminan) over the husband's assets to support the fulfillment of children's rights.

Factors Associated with Non-Compliance and Its Consequences

The examination of court decisions and related documents identifies several factors associated with non-compliance with post-divorce maintenance obligations.

Economic factors. Limited or irregular income may prevent former husbands from fulfilling the obligations stipulated in court judgments. Decision No. 319/Pdt.G/2026/PA.Pbg provides an example. The judge determined nafkah iddah of IDR 1,500,000, mut'ah of IDR 2,000,000, and child maintenance of IDR 1,500,000 per month. However, the petitioner had not performed the divorce pronouncement (ikrar talak) because he considered himself unable to bear the financial obligations.

Remarriage. The establishment of a new family may result in the redistribution of a former husband's financial resources and attention. The documents reviewed also refer to reports from the Directorate General of Religious Courts (Badilag) concerning fathers who discontinue their responsibilities after establishing new families.

Communication difficulties after divorce. Strained relationships between former spouses may obstruct the fulfillment of maintenance obligations. Some former husbands become difficult to contact or avoid communication concerning financial responsibilities. The documents also describe situations in which children become affected by unresolved conflicts between their parents.

Absence of post-judgment monitoring and sanctions. The reviewed documents indicate that the implementation of maintenance judgments is not supported by a systematic

monitoring mechanism. The court generally becomes involved in enforcement when an aggrieved party submits an application for execution.

High enforcement costs. The enforcement process may involve filing fees, summons, and asset seizure. These expenses can discourage former wives from pursuing enforcement, particularly when the amount of maintenance claimed is relatively limited.

For former husbands who are Civil Servants (PNS), salary deductions are legally possible under Article 8 of Government Regulation No. 10 of 1983, as amended by Government Regulation No. 45 of 1990. However, the documents identify administrative coordination between the court and the relevant employing institutions as a practical obstacle.

The reviewed literature and documents also identify potential consequences for women and children when maintenance obligations are not fulfilled. These include increased financial burdens on mothers, limitations in children's access to education, nutrition, and healthcare, and potential psychological consequences associated with inadequate parental support.

Implementation of Maintenance Judgments at the Purbalingga Religious Court

The examination of court practices identifies several institutional measures and continuing obstacles in implementing post-divorce maintenance judgments.

In terms of legal enforcement initiatives, representatives of the Purbalingga Religious Court participated in a scoping study on the fulfillment of maintenance obligations toward former wives and children following divorce in Indonesia in December 2025. The court also participated in an international webinar in March 2025 concerning practices for protecting and fulfilling the maintenance rights of former wives and children in Indonesia, Brunei Darussalam, and Malaysia.

The court has also implemented an administrative policy requiring the payment of certain post-divorce financial entitlements, including nafkah iddah, mut'ah, and outstanding maintenance, through the court registry before the divorce certificate (Akta Cerai) is collected.

Regarding supporting facilities and infrastructure, the Purbalingga Religious Court provides several digital services, including E-Court, Gugatan Mandiri, the Case Information System (SIPP), the Case Radius and Cost Checker, and Divorce Certificate Validation. The Gugatan Mandiri application also provides templates concerning the legal consequences of divorce, facilitating the submission of maintenance claims.

Nevertheless, the reviewed documents identify several limitations. There is no integrated salary deduction system connecting the court with institutions employing former husbands who are Civil Servants. The court also lacks an integrated financial information system for verifying former husbands' income and assets in real time. Furthermore, enforcement procedures such as aanmaning, asset seizure, and auction still require time and financial resources.

Findings on the Protection of Women's and Children's Rights

The examination of the legal framework and court judgments identifies three principal dimensions of protection under maqāṣid al-sharī'ah: protection of property (ḥifẓ al-māl), protection of life (ḥifẓ al-nafs), and protection of progeny (ḥifẓ al-nasl).

Protection of property (ḥifẓ al-māl). Post-divorce maintenance, including nafkah iddah, mut'ah, nafkah madhiyah, and child maintenance, constitutes an economic entitlement of women and children following divorce. The study identifies 77 cases in which maintenance obligations were imposed through court judgments between 2024 and 2026.

Protection of life (ḥifẓ al-nafs). The examined documents highlight the importance of financial support in maintaining children's physical and psychological well-being. Inadequate maintenance may affect children's access to essential needs, including nutrition, healthcare, education, and a stable living environment.

Protection of progeny (ḥifẓ al-nasl). The study identifies child maintenance as an important element of parental responsibility following divorce. Qur'an 2:233 establishes the father's obligation to provide for children and clothe them in a reasonable manner. The examined judgments and legal documents provide the basis for considering the fulfillment of child maintenance as part of the protection of children's welfare and future development.

Overall, the findings indicate that although the legal framework recognizes post-divorce maintenance obligations, practical implementation continues to face economic, administrative, institutional, and social obstacles.

Discussion

The findings demonstrate that the effectiveness of post-divorce maintenance judgments at the Purbalingga Religious Court cannot be assessed solely through the existence of legal provisions or the number of judgments imposing maintenance obligations. It must also be examined through the extent to which these obligations are implemented and the economic rights of women and children are actually fulfilled. This discussion interprets the findings through Soerjono Soekanto's theory of legal effectiveness and the perspective of maqāṣid al-sharī'ah.

Divorce Dynamics and the Implementation of Post-Divorce Maintenance Rights

The predominance of wife-initiated divorce (*cerai gugat*) indicates that women frequently take the initiative to end marriages. The case of Decision No. 638/Pdt.G/2025/PA.Pbg illustrates how the failure to provide maintenance during marriage can become part of the circumstances leading to divorce proceedings.

This finding highlights the importance of treating post-divorce maintenance as a substantive protection of women's and children's economic rights rather than merely an additional consequence of divorce. The legal provisions contained in Article 41 of Law No. 1 of 1974, Article 149 of the Compilation of Islamic Law, and SEMA No. 3 of 2018 provide a normative basis for judges to determine post-divorce financial entitlements.

However, the existence of these provisions does not automatically guarantee that the obligations will be fulfilled. The distinction between the determination of maintenance in a judgment and its actual payment is central to evaluating the effectiveness of legal protection. Consequently, the quality of judicial protection should be assessed not only through the formulation of judgments but also through the availability of mechanisms that support their implementation.

Factors Affecting Compliance with Post-Divorce Maintenance Judgments

The findings identify economic conditions, remarriage, communication difficulties, limited monitoring, and enforcement costs as factors associated with non-compliance. These

factors demonstrate that the implementation of post-divorce maintenance judgments is influenced by more than the legal relationship between the parties.

Economic limitations may explain why some former husbands experience difficulties in paying maintenance. Nevertheless, the existence of financial constraints should not automatically eliminate their legal responsibilities. Judges need to consider the actual financial capacity of the husband when determining the amount of maintenance, while enforcement mechanisms should remain available to protect the rights of women and children.

Remarriage and communication difficulties also demonstrate the importance of maintaining parental responsibilities independently of changes in family relationships. The termination of a marriage does not terminate a father's responsibility toward his children. Children should not become victims of conflict between former spouses or be deprived of their rights because their parents have established new households.

The absence of systematic monitoring and the high costs of enforcement further demonstrate the limitations of relying exclusively on the initiative of former wives. When the enforcement process requires substantial time, money, and procedural knowledge, women may be discouraged from pursuing their legal entitlements. This situation can create a gap between rights formally recognized in court judgments and their actual realization.

Legal Effectiveness Through Soerjono Soekanto's Theory

The effectiveness of post-divorce maintenance judgments can be analyzed through Soerjono Soekanto's five factors of legal effectiveness: legal factors, law enforcement factors, facilities and infrastructure, societal factors, and cultural factors. The findings indicate that these five dimensions are interrelated and collectively influence the implementation of maintenance obligations.

Legal factors. The normative framework governing post-divorce maintenance is relatively established through the Marriage Law, the Compilation of Islamic Law, and relevant Supreme Court circular letters. The judges' consideration of the husband's financial capacity and the wife's economic circumstances also demonstrates an effort to apply the law in a responsive manner.

For example, in Decision No. 814/Pdt.G/2026/PA.Pbg, the judge awarded nafkah iddah of IDR 3,000,000, mut’ah of IDR 5,000,000, nafkah madhiyah of IDR 7,000,000, and child maintenance of IDR 800,000 per month. These amounts were substantially lower than the plaintiff's claim of IDR 80,000,000 for nafkah iddah, mut’ah, and nafkah madhiyah.

Nevertheless, the principal weakness lies in the limited specific mechanisms for enforcing ongoing maintenance obligations. General civil enforcement procedures may not adequately address the recurring and urgent nature of monthly child maintenance. Consequently, the legal factor is relatively strong in terms of normative recognition but remains limited in terms of practical enforcement.

Law enforcement factors. The participation of the Purbalingga Religious Court in national and international initiatives concerning the protection of women's and children's rights demonstrates institutional commitment. The policy requiring certain post-divorce entitlements to be paid through the court registry before the divorce certificate is collected also represents an effort to facilitate the fulfillment of financial rights.

However, the court's reliance on applications for execution remains a structural limitation. Without an application from the aggrieved party, the court generally does not initiate enforcement or systematically monitor compliance. This passive enforcement mechanism may disadvantage former wives who lack the financial resources or legal knowledge required to pursue execution.

Facilities and infrastructure factors. Digital services such as E-Court, Gugatan Mandiri, and SIPP have improved access to judicial services and administrative information. The availability of divorce-related claim templates in Gugatan Mandiri also facilitates the submission of maintenance claims.

Nevertheless, digital access to court services does not necessarily guarantee the fulfillment of maintenance obligations. The absence of an integrated salary deduction mechanism and financial information system limits the court's ability to monitor the financial capacity of former husbands and facilitate recurring payments. Therefore, the existing infrastructure supports access to justice but does not yet fully address post-judgment enforcement.

Societal factors. The predominance of *cerai gugat* and the reported maintenance-related problems indicate the importance of examining public awareness of financial responsibilities within marriage and after divorce. Some former wives may choose not to pursue enforcement because of procedural complexity, financial constraints, or their ability to support their children independently.

From Soekanto's perspective, legal effectiveness is also influenced by the extent to which members of society understand and comply with applicable legal obligations. The absence of voluntary compliance among some former husbands therefore represents an obstacle to the practical effectiveness of maintenance judgments.

Cultural factors. Social perceptions of gender roles and family responsibilities may influence the fulfillment of post-divorce maintenance. A patriarchal understanding of family relationships may lead some individuals to regard divorce as the termination of a husband's responsibilities toward his former wife and children.

At the same time, local values emphasizing family relationships and musyawarah may provide opportunities for resolving maintenance disputes through dialogue. However, these values need to be supported by institutional mechanisms to ensure that voluntary settlement does not replace or undermine the legal rights of women and children.

Taken together, the five factors indicate that the effectiveness of post-divorce maintenance judgments at the Purbalingga Religious Court remains suboptimal. The legal framework is relatively established, and the court has undertaken several institutional initiatives. Nevertheless, limited monitoring, insufficient enforcement infrastructure, societal awareness, and cultural perceptions continue to affect the fulfillment of maintenance obligations.

Post-Divorce Maintenance from the Perspective of Maqāṣid al-Sharī‘ah

The findings also demonstrate that post-divorce maintenance has a broader significance within Islamic law because it is closely connected to the realization of public welfare (maṣlaḥah) and the protection of essential human interests. In this study, three dimensions of maqāṣid al-sharī‘ah are particularly relevant: ḥifẓ al-māl, ḥifẓ al-nafs, and ḥifẓ al-nasl.

Protection of property (ḥifẓ al-māl). Post-divorce maintenance constitutes an important means of protecting the economic rights of former wives and children. The failure to fulfill maintenance obligations may deprive them of financial resources needed to meet their basic needs. From the perspective of ḥifẓ al-māl, the legal recognition of maintenance rights must therefore be accompanied by effective mechanisms that enable their actual fulfillment.

The 77 cases identified in this study demonstrate that maintenance obligations have been incorporated into judicial decisions at the Purbalingga Religious Court. However, the existence of these judgments alone does not establish that the corresponding payments have been made. The protection of property therefore requires attention to both the determination of financial entitlements and their implementation.

Protection of life (ḥifẓ al-nafs). The fulfillment of maintenance obligations is also connected to the protection of children's lives and well-being. Financial support contributes to children's access to nutrition, healthcare, education, and a secure living environment. When maintenance is not provided, children may experience economic insecurity and psychological difficulties.

Qur'an 17:31 prohibits killing children out of fear of poverty. Although the verse addresses a specific prohibition, its broader ethical significance reinforces the responsibility to protect children's lives and welfare. In this context, the fulfillment of child maintenance represents one practical dimension of safeguarding children's well-being following divorce.

Protection of progeny (ḥifẓ al-nasl). Child maintenance is closely related to the protection of future generations. Qur'an 2:233 explicitly establishes the father's responsibility to provide for children and clothe them in a reasonable manner. This responsibility remains important when parents separate or divorce.

The findings indicate that non-compliance with child maintenance judgments may undermine children's welfare and development. The failure to provide financial support can affect their education, health, and social development. Therefore, the fulfillment of maintenance obligations should be understood not merely as compliance with a judicial decision but also as an expression of parental responsibility and the protection of future generations.

These three dimensions demonstrate that the effectiveness of post-divorce maintenance judgments is closely connected to the realization of maqāṣid al-sharī‘ah. Although the applicable legal provisions provide a normative foundation for protecting women's and children's rights, the failure to ensure their implementation limits the realization of the intended maṣlaḥah.

Implications for Strengthening the Fulfillment of Post-Divorce Maintenance

The findings have several implications for improving the implementation of post-divorce maintenance judgments.

First, the enforcement of maintenance obligations requires more responsive mechanisms, particularly for recurring child maintenance payments. The development of administrative arrangements for regular payment may reduce dependence on repeated enforcement applications.

Second, coordination between the Religious Court and institutions employing former husbands who are Civil Servants should be strengthened to facilitate the implementation of salary deductions in accordance with applicable regulations.

Third, the court should consider developing a more systematic post-judgment monitoring mechanism that enables the identification of unpaid maintenance obligations and provides accessible information to former wives regarding enforcement procedures.

Fourth, legal awareness programs should be strengthened to ensure that former husbands understand their continuing financial responsibilities and that former wives are aware of the legal remedies available to them.

Finally, the values of musyawarah and family responsibility should be integrated into institutional approaches to dispute resolution. However, any amicable settlement must preserve the legal entitlements of women and children and should not become a reason for neglecting court-ordered obligations.

Conclusion

The implementation of post-divorce maintenance judgments at the Purbalingga Religious Court has not been optimal. Normatively, former husbands' maintenance obligations have an adequate legal basis, namely Pasal 41 Undang-Undang Nomor 1 Tahun 1974, Pasal 149 Kompilasi Hukum Islam, PERMA Nomor 3 Tahun 2017, as well as SEMA Nomor 3 Tahun 2018 and Nomor 5 Tahun 2021. The Court has also established these obligations in its judgments, as reflected in 77 cases between 2024 and 2026. However, the existence of legal provisions and court judgments does not guarantee that women and children actually receive the financial support to which they are entitled.

Based on Soerjono Soekanto's theory of legal effectiveness, the legal factor is adequate in terms of substantive provisions but remains weak in providing a sustainable mechanism for enforcing maintenance obligations. The law enforcement factor demonstrates a positive commitment, including through a policy requiring the payment of women's rights through the court registry before the divorce certificate can be collected. However, implementation is constrained by the passive nature of the judiciary and the absence of post-judgment monitoring. Supporting facilities have expanded access to services but have not yet addressed enforcement challenges, such as the absence of an integrated income-deduction mechanism and the high cost of enforcement proceedings. The societal factor is characterized by low legal awareness, while the cultural factor reflects the perception that a husband's responsibilities end upon divorce, even though musyawarah (deliberation) has not yet been institutionalized as a dispute resolution mechanism.

From the perspective of maqāṣid al-sharīʿah, the non-implementation of maintenance judgments undermines the protection of property (ḥifẓ al-māl), life (ḥifẓ al-nafs), and progeny (ḥifẓ al-nasl). Therefore, the implementation of maintenance judgments at the Purbalingga Religious Court is not yet fully aligned with the objectives of Islamic law, as the maṣlaḥah (public benefit) intended by the legal provisions has not been realized in practice.

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