



A Hybrid Model for Post-Divorce Child Support Enforcement: Comparative Insights and Legal Reform

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Abstract. The enforcement of post-divorce child support rights remains a significant challenge in Indonesia. Despite legal provisions under Law Number 1 of 1974 on Marriage, the Compilation of Islamic Law (KHI), and Law Number 35 of 2014 on Child Protection, compliance with child support obligations remains low due to the absence of an effective enforcement mechanism. This study aims to analyze the weaknesses of Indonesia's child support enforcement system, examine comparative practices in the United States, Singapore, Japan, and China, and formulate an enforcement model suitable for Indonesia. Using a normative-juridical approach combined with an international comparative method, the study evaluates child support systems through five analytical parameters: legal basis, implementing institutions, sanction mechanisms, information systems, and compliance levels. The findings reveal that effective enforcement systems consistently rely on specialized institutions, integrated information systems, and graduated sanctions. Based on these findings, this study proposes a Hybrid Child Support Enforcement Model supported by the Child Support Enforcement Agency (BPNA) and the Integrated Child Support Information System (SINAT) as its primary innovations. The model offers a practical framework for strengthening child rights protection and improving compliance with child support obligations in Indonesia.

Keywords: Child Support Enforcement, Comparative Law, Hybrid Model, Legal Reform, Post-Divorce Child Support.

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Abstrak. *Penegakan hak nafkah anak pasca perceraian masih menjadi tantangan signifikan di Indonesia. Meskipun terdapat ketentuan hukum dalam Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, Kompilasi Hukum Islam (KHI), dan Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak, kepatuhan terhadap kewajiban nafkah anak masih rendah karena tidak adanya mekanisme penegakan yang efektif. Studi ini bertujuan untuk menganalisis kelemahan sistem penegakan nafkah anak di Indonesia, meneliti praktik komparatif di Amerika Serikat, Singapura, Jepang, dan Tiongkok, serta merumuskan model penegakan yang sesuai untuk Indonesia. Dengan menggunakan pendekatan normatif-yuridis yang dikombinasikan dengan metode komparatif internasional, studi ini mengevaluasi sistem nafkah anak melalui lima parameter analitis: dasar hukum, lembaga pelaksana, mekanisme sanksi, sistem informasi, dan tingkat kepatuhan. Temuan menunjukkan bahwa sistem penegakan yang efektif secara konsisten bergantung pada lembaga khusus, sistem informasi terintegrasi, dan sanksi bertingkat. Berdasarkan temuan tersebut, studi ini mengusulkan Model Penegakan Nafkah Anak Hibrida yang didukung oleh Badan Penegakan Nafkah Anak (BPNA) dan Sistem Informasi Nafkah Anak Terpadu (SINAT) sebagai inovasi utamanya. Model ini menawarkan kerangka kerja praktis untuk memperkuat perlindungan hak anak dan meningkatkan kepatuhan terhadap kewajiban nafkah anak di Indonesia.*

Kata kunci: *Penegakan Nafkah Anak, Nafkah Anak Pasca Perceraian, Model Hibrida, Hukum Perbandingan, Reformasi Hukum*

1. Introduction

The protection of children's rights following parental divorce has become an important issue in contemporary family law. Internationally, every child has the right to receive adequate maintenance from both parents as an essential component of child welfare and development. The United Nations Convention on the Rights of the Child (CRC) recognizes parental responsibility for ensuring children's physical, mental, spiritual, and social development.¹ Consequently, child support obligations are increasingly viewed not only as private family responsibilities but also as matters of public interest requiring effective state intervention.² As divorce rates continue to increase worldwide, the effectiveness of child support enforcement has become a key indicator of a legal system's ability to protect children's socio-economic rights after family dissolution.³

Indonesia faces substantial challenges in this area. According to data from the Central Bureau of Statistics (*Badan Pusat Statistik*/BPS), there were 516,334 cases of divorce in 2022.⁴ Many of these cases involve children whose welfare depends on the fulfillment of maintenance obligations after divorce. However, compliance with child support orders remains low. The Supreme Court Annual Report (2022) noted that more than 60% of child support decisions are not effectively implemented.⁵ Consequently, many children fail to receive financial support despite favorable court rulings. This situation reflects a significant gap between legal recognition and practical implementation, indicating that judicial decisions alone are insufficient to guarantee compliance.

¹ United Nations Committee on the Rights of the Child, *General comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration*, CRC/C/GC/14, 2013.

² Mia Hakovirta et al., "Child support policy across high-income countries: Similar problems, different approaches," *The ANNALS of the American Academy of Political and Social Science* 702, no. 1 (2022): 101. See also, Laura Cuesta et al., "Child support policy in middle-and low-income countries: current approaches and policy dilemmas," *Journal of International and Comparative Social Policy* 39, no. 1 (2023): 72.

³ Adedayo Adelokun et al., "Poverty, gender and child support systems in comparative perspective," In *Single Parents and Child Support Systems*, Cheltenham: Edward Elgar Publishing, 2024, 8.

⁴ Badan Pusat Statistik, "Statistik sosial: *Angka perceraian nasional 2022*," February 22, 2024. Retrieved in February 12, 2026 from. <https://www.bps.go.id/id/statistics-table/3/YVdoU1IwVmlTM2h4YzFoV1psWkViRXhqTlZwRFVUMDkjMw==/jumlah-perceraian-menurut-provinsi-dan-faktor.html?year=2023>.

⁵ Mahkamah Agung Republik Indonesia, "*Laporan tahunan Mahkamah Agung Republik Indonesia tahun 2022: Membangun peradilan modern berbasis teknologi informasi*," February 18, 2022. Retrieved in February 23, 2024 from. https://kepaniteraan.mahkamahagung.go.id/images/laporan_tahunan/FA-LAPT.

The consequences of ineffective enforcement extend beyond financial hardship. Studies show that inadequate child support contributes to educational disruption, limited access to healthcare, increased poverty risks, and long-term social vulnerability among children of divorced families.⁶ Custodial mothers also frequently bear disproportionate financial responsibilities, reinforcing economic inequality after divorce.⁷ As a result, weak enforcement affects not only child welfare but also broader concerns relating to social justice and economic equality.

From a regulatory perspective, Indonesia already possesses a relatively comprehensive legal framework. Law Number 1 of 1974 concerning Marriage, the Compilation of Islamic Law (KHI), and Law Number 35 of 2014 concerning Child Protection affirm parental obligations to provide maintenance and ensure children's welfare following divorce.⁸ Religious Courts have authority to determine child support obligations through legally binding decisions. Nevertheless, Indonesia lacks a dedicated enforcement mechanism capable of ensuring compliance. Enforcement remains largely dependent upon voluntary compliance by the obligated parent, while court decisions frequently encounter difficulties during execution. This condition creates a persistent gap between legal rights and their realization in practice.⁹

The limitations of Indonesia's framework become clearer when compared with other jurisdictions. The United States operates specialized child support enforcement agencies supported by wage withholding systems, administrative sanctions, and integrated databases.¹⁰ Singapore has developed an integrated family justice system supported by digital monitoring mechanisms.¹¹ Japan combines Family Court procedures with administrative assistance from government institutions.¹² Meanwhile, China employs judicial and administrative measures, including social credit sanctions for non-compliant parents.¹³ These experiences

⁶ Hakovirta et al., "Child support policy across high-income countries," 101.

⁷ Selvy Yuspitasi, "Women's Rights in Divorce and Post-Divorce Maintenance: Perspectives from Islamic Family Law in Indonesia and Human Rights," *Nusantara: Journal of Law and Islamic Law* 1, no. 3 (2026): 12.

⁸ Sudarsono, *Hukum kekeluargaan Indonesia* (Jakarta Timur: Rineka Cipta, 2018), 28.

⁹ Olif Skear Prabasini, "Legal protection for children in conflict with the law: Process and problems," *The Indonesian Journal of International Clinical Legal Education* 3, no. 3 (2021): 390.

¹⁰ Office of Child Support Services, "FY 2023 Preliminary Data Report and Tables," Administration for Children and Families, June 21, 2024. Retrieved on February 23, 2026, from <https://acf.gov/archive/css/policy-guidance/fy-2023-preliminary-data-report-and-tables>.

¹¹ Singapore Judiciary, "Integrated Family Application Management System (iFAMS)." Singapore Judiciary (Retrieved on February 23, 2026), 32.

¹² Sayoko Goto et al., "The Current Status and Issues of the Advance Care Planning in the Primary Care Domain in Japan." 15, no. 3 (2025): 13.

¹³ Quan Van Nguyen et al., "China's Social Credit System: A Challenge to Human Rights," *Law, State & Telecommunications Review/Revista de Direito, Estado e Telecomunicações* 15, no. 2 (2023): 32. See

demonstrate that effective enforcement requires not only legal obligations but also specialized institutions, integrated information systems, and effective sanction mechanisms.¹⁴

Although child support has received increasing scholarly attention in Indonesia, existing studies remain fragmented. Previous research has mainly focused on child custody, maintenance obligations, and the protection of women's and children's rights after divorce.¹⁵ Other studies discuss digital transformation and access to justice without specifically addressing child support enforcement.¹⁶ Meanwhile, research on judicial practice generally identifies implementation problems but rarely proposes comprehensive enforcement solutions.¹⁷ Consequently, current scholarship lacks an integrated framework that connects legal, institutional, and technological dimensions of child support enforcement. More importantly, limited studies have attempted to formulate a comprehensive Hybrid Model combining juridical, administrative-social, and digital mechanisms within a single enforcement system. This gap constitutes the primary novelty of the present study.

Moreover, recent synthesis of empirical studies shows that Indonesia's child support enforcement problem is not only a matter of weak compliance but also reflects structural weaknesses in legal design and institutional coordination. Court rulings often lack coercive enforcement power, while procedural complexity, social reluctance, and limited institutional capacity further weaken implementation.¹⁸ In

also, S. Wang, "Custody and alimony in international divorce cases in China," YS China Lawyers June 14, 2026. Retrieved in February 23, 2024. from. <https://yschinalawyers.com>.

¹⁴ Cuesta et al., "Child support policy in middle-and low-income countries," 72. See also, Hakovirta et al., "Child support policy across high-income countries," 101.

¹⁵ Mohammad Agni Ariyanto Agni, "Analisa tentang kepastian jaminan hak asuh anak pada kasus perceraian di pengadilan agama kabupaten cirebon: a. kasus perceraian di kabupaten cirebon, b. jaminan kepastian hak asuh anak pada kasus perceraian di kabupaten Cirebon," *Jurnal Studi Islam* 14, no. 1 (2025): 119. See also, Yuspitasari, "Women's Rights in Divorce and Post-Divorce Maintenance," 12.

¹⁶ Nurul Fitri Kayati et al., "Legal implementation in the digital era: Protection of child support rights after divorce in Indonesia," *Hakamain: Journal of Sharia and Law Studies* 4, no. 1 (2025): 7.

¹⁷ Bustanul Arifien Rusydi et al., "Resolution without Enforcement: A Critical Study of Case Closure and Substantive Justice in Indonesian Court Mediation," *Justicia Islamica* 23, no. 2 (2026): 556. See also, R. F. Rini Fathonah, and Heni Siswanto Heni Siswanto, "Humanist law: law enforcement strategy against child persons of crime in indonesia," *International Journal of Advanced Research (IJAR)* 11, no. 1 (2023): 59.

¹⁸ Ahmad Haris, and Edy Lisdiyono, "The Reconstruction of Religious Court Decision Execution on the Fulfilment of Children's Rights Post-Divorce in Indonesia," *Revista de Gestão Social e Ambiental* 18, no. 7 (2024): 13. See also, Asiah Aqilah Abdul Ghani et al, "Delays in the Enforcement of Child Support Orders Among Muslims: An Administrative Perspective in Malaysia and Indonesia," *Al-'Adalah* 22, no. 1 (2025): 110; Fairuza'Alima Fardindaputri, and Fuat Hasanudin, "Legal Protection of Children's Rights Post-Divorce: A Study of Single Mothers in Malang Regency," *Prophetic Law Review* 7, no. 1 (2025): 82.

addition, the absence of standardized national guidelines for child support calculation contributes to inconsistent judicial outcomes across courts.¹⁹ Cultural and gender-related barriers also reinforce non-compliance, where enforcement is often perceived as a private rather than a state responsibility.²⁰

Comparative evidence further shows that countries with effective child support systems rely on integrated enforcement architecture, including specialized agencies, administrative enforcement tools, and digital monitoring systems. However, Indonesia's system remains fragmented between judicial institutions and general administrative bodies without a unified enforcement structure.²¹ This indicates that the core issue is not merely normative deficiency, but the absence of institutional integration and operational enforcement mechanisms.

The urgency of this research is therefore both legal and social. Weak enforcement may result in continuing violations of children's economic rights, undermine public confidence in judicial institutions, and contribute to poverty among vulnerable households.²² Therefore, three key gaps can be identified. First, existing literature has not sufficiently distinguished between the legal framework of child support obligations and the real enforcement mechanisms that determine compliance outcomes. Second, there is limited comparative analysis that systematically connects Indonesia's enforcement weaknesses with institutional models in other jurisdictions such as the United States, Singapore, Japan, and China. Third, there is no comprehensive analytical model that integrates juridical, administrative, and digital dimensions into a unified enforcement framework suitable for Indonesia's socio-legal context.

Based on these gaps, this study focuses on two main analytical dimensions: (1) the legal framework and implementation challenges of child support enforcement in Indonesia, and (2) comparative institutional lessons from selected countries to formulate an improved enforcement model. Accordingly, the research questions are formulated as follows: (1) How does Indonesia's legal framework regulate child support enforcement and what challenges arise in its implementation? (2) What institutional mechanisms are applied in selected jurisdictions to ensure effective

¹⁹ Asrianti Sukirman, "Islamic Judicial Activism in Determining Child Maintenance: Ex Officio Authority and Peaceful Settlement in Indonesian Religious Courts," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 689.

²⁰ Shofiatul Jannah et al., "Implementation of Post-Divorce Alimony Policies from a Gender Justice Perspective: A Comparative Legal Study of Indonesia, Malaysia, and Brunei Darussalam," *Ulumuna* 29, no. 2 (2025): 979.

²¹ E. Musaddad et al., "Guaranteeing the Rights of Children and Women Post-Divorce: A Comparative Study Between Indonesia and Malaysia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 8, no. 1 (2025): 7. See also, Qingmin Guo, "Three essential aspects of child support: a comparative analysis between China and Australia," *International Journal of Private Law* 10, no. 2-4 (2022): 226.

²² Adalakun et al., "Poverty, gender and child support systems," 8. See also, Cuesta et al., "Child support policy in middle-and low-income countries," 72.

enforcement? and (3) How can a hybrid enforcement model be formulated to strengthen child support compliance in Indonesia?

2. Research Methods

This study employs a qualitative research design because it seeks to examine legal norms, institutional arrangements, and law enforcement mechanisms governing post-divorce child support obligations rather than measuring variables quantitatively. The research is grounded in Friedman's legal system theory, which emphasizes the interaction between legal substance, legal structure, and legal culture, and is complemented by the principle of restorative justice that prioritizes the protection and fulfillment of children's rights.

The study applies a normative-juridical approach combined with an international comparative legal method. The normative approach focuses on analyzing legal rules, principles, and institutional frameworks regulating child support enforcement, while the comparative method is used to identify best practices from selected jurisdictions, namely the United States, Singapore, Japan, and China. These countries were selected because they represent different legal traditions and possess relatively effective child support enforcement systems that offer lessons relevant to Indonesia.

The study draws upon three categories of legal materials. Primary legal materials comprise Law Number 1 of 1974 concerning Marriage, the Compilation of Islamic Law (KHI), Law Number 35 of 2014 concerning Child Protection, the Convention on the Rights of the Child (CRC), as well as relevant legal regulations from the selected comparative jurisdictions.²³ Secondary legal materials include academic journal articles, books, court reports, and prior research relevant to the subject matter. Meanwhile, tertiary legal materials consist of legal dictionaries, encyclopedias, and official online resources that support the interpretation and analysis of the primary and secondary materials.

Data was collected through library research by reviewing legislation, judicial reports, international legal instruments, academic publications, and official documents issued by government institutions and international organizations. The collected materials were then classified according to the analytical needs of the study. Data were analyzed qualitatively using five parameters: legal basis, implementing institutions, sanction mechanisms, information systems, and

²³ Muhamad Hasan Sebyar, "Politik Hukum Undang-Undang Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *IUS: Jurnal Ilmiah Fakultas Hukum* 9, no. 01 (2022): 51. See also, Nurul Novitasari, "Analisis undang-undang nomor 35 tahun 2014 terhadap kekerasan anak pada masa pandemi covid-19," *JCE (Journal of Childhood Education)* 5, no. 2 (2021): 345.

compliance levels. Comparative findings were synthesized to formulate a Hybrid Model of Child Support Law Enforcement. To enhance validity, source triangulation was conducted by comparing statutory regulations, judicial documents, academic literature, and official reports from Indonesia and the selected comparative jurisdictions.

3. Results and Discussion

3.1. Legal Framework and Implementation Challenges of Child Support Enforcement in Indonesia

Indonesia has established a relatively comprehensive legal framework governing child support following divorce. The principal legal foundations are Law No. 1 of 1974 on Marriage, as amended by Law Number 16 of 2019, together with the Compilation of Islamic Law (*Kompilasi Hukum Islam/KHI*), both of which impose a continuing obligation on fathers to provide financial support for their children until they reach adulthood, marry, or become economically independent.²⁴ More specifically, Article 41 of the Marriage Law and Article 156 of the Compilation of Islamic Law authorize courts to determine child maintenance obligations after divorce and provide the primary legal basis for post-divorce child support. In addition, the Child Protection Law reinforces the state's commitment to safeguarding children's welfare by recognizing children's rights to receive adequate care, maintenance, and protection from both parents.

Within this legal framework, Religious Courts serve as the principal judicial institutions responsible for resolving child support disputes. Judges may encourage amicable settlements (*šulh*), determine maintenance obligations through adjudication, exercise ex officio authority to protect children's interests, and in certain circumstances authorize confiscation of assets to secure compliance with maintenance orders.²⁵ Nevertheless, judicial practice remains inconsistent because no nationally standardized guidelines exist for determining child support amounts or enforcing maintenance decisions uniformly.²⁶ Although several local

²⁴ Fardindaputri, and Hasanudin, "Legal Protection of Children's Rights Post-Divorce," 82. See also, Haris, and Lisdiyono, "The Reconstruction of Religious Court Decision Execution," 13; Musaddad et al., "*Guaranteeing the Rights of Children and Women Post-*," 7.

²⁵ Syaifuddin Zuhdi et al., "The Confiscation of Husbands' Wealth as A Collateral for Post-Divorce Child Support: Perspective of Maqāšid Al-Sharī'ah," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 926. See also, Farida Nurun Nazah et al., "Gender Justice in Child Custody Disputes: The Maqāšid Al-Sharī'ah Approach in Contemporary Judicial Practice," *MilRev: Metro Islamic Law Review* 4, no. 2 (2025): 1348; Sukirman et al., "Islamic Judicial Activism in Determining Child Maintenance," 681.

²⁶ Hotnidah Nasution, "Implementation of the Principle of Ultra Petitum Partium in Deciding Children Livelihood in Divorce Lawsuit in Religious Courts," *AHKAM: Jurnal Ilmu Syariah* 18, no.

innovations, including digital monitoring initiatives such as the E-Mosi Caper application, have attempted to strengthen implementation, their adoption remains fragmented and limited to jurisdictions.²⁷

Beyond judiciary, several government agencies indirectly contribute to child welfare and protection. The Ministry of Social Affairs administers child welfare programmes, while institutions such as the Indonesian Child Protection Commission (KPAI) and regional child protection agencies are mandated to promote children's rights and welfare. However, their functions primarily emphasize child protection rather than enforcing court-ordered maintenance. Coordination among these institutions remains fragmented, regional implementation varies considerably, and persistent shortages of financial resources, human capacity, and integrated information systems continue to constrain effective enforcement.²⁸

Consequently, although Indonesia possesses a relatively complete normative framework governing child support, the effectiveness of the system depends not only on the existence of legal rules but also on the institutional capacity to implement them consistently. However, several substantive deficiencies continue to undermine their effectiveness. Indonesian family law has recognized parental obligations to provide financial support for children after divorce through the Marriage Law, the Compilation of Islamic Law (KHI), and the Child Protection Law.²⁹ These instruments establish that children's welfare remains the responsibility of both parents despite the dissolution of marriage. However, legal recognition alone does not guarantee compliance. Effective protection of children's rights requires enforcement mechanisms capable of ensuring that

1 (2018): 61. See also Sukirman et al., "Islamic Judicial Activism in Determining Child Maintenance," 681; Jannah et al., "Implementation of Post-Divorce Alimony Policies," 979.

²⁷ Haris, and Lisdiyono, "The Reconstruction of Religious Court Decision Execution," 13. See also, Musaddad et al., "Guaranteeing the Rights of Children and Women Post-," 7.

²⁸ Adnan Hammad, "Design of Family and Child Welfare Policy in Indonesia," In *E3S Web of Conferences* (December 21, 2018), 09006. See also, Beniharmoni Harefa Supardi et al., "The Increasing Role of Children Protection Institutions to Assist in Dealing with The Law During the Covid-19 Period," *Rigeo* 11, no. 3 (2021): 10; Inosentius Samsul, Strengthening Komnas HAM and Building Synergies with Other National State Institutions on Human Rights, In *National Human Rights Institutions in Southeast Asia: Selected Case Studies* (Singapore: Springer Singapore, 2020), 172; Neil Boothby, and Lindsay Stark, "Data surveillance in child protection systems development: An Indonesian case study," *Child abuse & neglect* 35, no. 12 (2011): 997; Erfaniah Zuhriah et al., "Dimensions of The Islamic Law and Human Rights in The Protection of Children from Convicted Parents," *De Jure: Jurnal Hukum dan Syar'iah* 16, no. 2 (2024): 446.

²⁹ Purva D. Lanjekar et al., "The effect of parenting and the parent-child relationship on a child's cognitive development: A literature review," *Cureus* 14, no. 10 (2022): 13.

support obligations are fulfilled and that violations result in meaningful legal consequences.³⁰

First, Indonesian law does not provide specific administrative or criminal sanctions for parents who deliberately fail to fulfill court-ordered child support obligations. Although the Child Protection Law contains general sanctions for child neglect, its application in child support cases remains limited because non-payment is not specifically regulated.³¹ Consequently, many obligated parents face few practical consequences for non-compliance, reducing the deterrent effect of legal norms and weakening the authority of judicial decisions.

Second, child support judgments do not possess direct executorial force. Custodial parents must initiate separate execution proceedings to compel payment, a process that is often lengthy, costly, and procedurally burdensome, particularly for mothers who commonly become primary caregivers after divorce.³² As a result, many judgments remain unenforced, creating a gap between legal recognition and the realization of children's rights while reducing public confidence in the legal system.

Third, Indonesia lacks a nationally standardized formula for determining child support amounts. Judges generally rely on discretionary assessments of parental income and children's needs, resulting in inconsistent decisions across courts.³³ Existing regulations also provide limited mechanisms for adjusting support obligations in response to inflation, changing income levels, or increasing educational and healthcare costs. Consequently, the substantive legal framework remains insufficiently responsive to socio-economic changes.

At the structural level, a major weakness is the absence of a specialized institution responsible for monitoring and enforcing compliance with child support orders. Religious Courts have authority to determine support obligations but lack dedicated enforcement units and post-judgment monitoring mechanisms.³⁴ Once a decision becomes final, responsibility for pursuing enforcement largely falls upon the custodial parent. This arrangement places a disproportionate burden on caregivers and limits the state's role in ensuring compliance with judicial decisions.

³⁰ Zahara et al., "Perlindungan Hukum Bagi Anak Angkat Berdasarkan Undang-Undang No 23 Tahun 2002 Tentang Perlindungan Anak di Propinsi Sumatera Barat," *UNES Journal of Swara Justisia* 7, no. 3 (2023): 1010.

³¹ Musaddad et al., "Guaranteeing the Rights of Children and Women Post-," 7.

³² Rusydi et al., "Resolution without Enforcement," 556

³³ Yuspitasari, "Women's Rights in Divorce and Post-Divorce Maintenance," 12. See also, Sudarsono, *Hukum kekeluargaan Indonesia*, 28.

³⁴ Mahkamah Agung Republik Indonesia, "Laporan tahunan Mahkamah Agung Republik Indonesia tahun 2022: Membangun peradilan modern berbasis teknologi informasi," February 18, 2022.

Unlike jurisdictions that operate specialized child support agencies, Indonesia has no dedicated body authorized to monitor payments, collect arrears, verify financial information, or impose administrative sanctions. Consequently, enforcement remains fragmented and highly dependent upon individual initiative rather than systematic state intervention. The absence of a centralized institution also limits the availability of reliable data on compliance rates and enforcement outcomes, reducing opportunities for evidence-based policy development.³⁵

Another structural weakness concerns the lack of an integrated national information system. Data relating to child support cases remain dispersed across Religious Courts, the Ministry of Social Affairs, the Indonesian Child Protection Commission (KPAI), the Directorate General of Population and Civil Registration, and financial institutions. The absence of integrated data-sharing mechanisms makes it difficult to monitor compliance, identify delinquent parents, and verify economic capacity. Consequently, enforcement authorities frequently encounter obstacles in obtaining accurate information regarding income, employment, and residential status.

Comparative studies demonstrate that effective child support enforcement requires strong institutional coordination and integrated information systems capable of supporting compliance monitoring and verification processes.³⁶ Countries with relatively high compliance rates generally utilize centralized databases connecting employment, banking, taxation, and population records. Such systems improve administrative efficiency, facilitate enforcement measures, and enable faster detection of violations. Indonesia's current institutional structure lacks these capabilities, limiting enforcement effectiveness.

Human resource limitations further weaken implementation. Courts frequently handle large caseloads, leaving limited capacity to monitor post-judgment compliance. The absence of specialized personnel dedicated to child support enforcement reduces institutional ability to ensure that judicial decisions are effectively implemented. Limited administrative resources also constrain efforts to provide legal assistance, compliance monitoring, and follow-up actions in cases of persistent non-payment.

The legal culture dimension is equally important in explaining weak child support enforcement. According to legal system theory, legal effectiveness depends not only on legal substance and legal structure but also on societal attitudes toward

³⁵ Dyah Mustika Prasetyaningsih, "Effectiveness of Environmental Law Implementation: Compliance and Enforcement," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 5, no. 2 (2022): 33-45.

³⁶ Chien-Chung Huang, and Ke-Qing Han, "Child support enforcement in the United States: Has policy made a difference?" *Children and Youth Services Review* 34, no. 4 (2012): 625. See also, Office of Child Support Services, "FY 2023 Preliminary Data Report and Tables," Administration for Children and Families, June 21, 2024.

legal norms.³⁷ Even well-designed regulations may fail if they are not supported by public awareness, acceptance, and compliance.

In practice, child support obligations are often perceived as personal moral responsibilities rather than legal obligations enforceable by the state.³⁸ Many individuals view support payments as private family matters that should be resolved informally between former spouses. This perception contributes to low reporting rates and limited legal action when violations occur, allowing non-compliance to continue without meaningful consequences.

Cultural factors further influence enforcement weaknesses. Divorced women frequently face social pressure and stigma when pursuing legal remedies against former spouses, causing many violations to remain unreported. Gender inequality exacerbates these challenges, as custodial mothers often encounter economic constraints, limited legal knowledge, and procedural barriers in enforcing support orders.³⁹ In addition, low public legal awareness leads many parents to regard child support as a voluntary responsibility rather than a legally enforceable right of the child.

The findings indicate that the weaknesses of Indonesia's child support enforcement system are not merely procedural but systemic in nature. Although statutory provisions clearly recognize parents' continuing obligations following divorce, their implementation is undermined by ineffective enforcement mechanisms, inconsistent judicial practices, complex administrative procedures, limited institutional coordination, and persistent socio-cultural barriers.⁴⁰ Unlike jurisdictions that operate specialized child support enforcement agencies, Indonesia continues to rely predominantly on individual litigation and voluntary compliance, leaving custodial parents to shoulder much of the enforcement burden.⁴¹ These interrelated weaknesses demonstrate that improving child support enforcement requires more than statutory reform alone. Instead, effective protection of children's rights demands an integrated approach encompassing

³⁷ Lawrence M Friedman, *The legal system: A social science perspective* (New York: Russell Sage Foundation, 1975), 39.

³⁸ S. Wignjosoebroto, *Hukum dalam masyarakat* (Yogyakarta: Graha Ilmu, 2013), 85. See also, Satjipto Rahardjo, *Hukum progresif: Sebuah sintesa hukum Indonesia* (Yogyakarta: Genta Pub, 2009), 53.

³⁹ Adelakun et al., "Poverty, gender and child support systems," 8. See also, Musaddad et al., "Guaranteeing the Rights of Children and Women Post-," 7; Yuspitasari, "Women's Rights in Divorce and Post-Divorce Maintenance," 12.

⁴⁰ Mohammad Hidir Baharudin, and Ahmad Munjin Nasih, "Violation of children's maintenance right upon divorce in Indonesia." *Malaysian Journal of Syariah and Law* 14, no. 1 (2026): 55. See also, Daud Rismana et al., "The Legal Effectiveness of Juvenile Diversion: A Study of the Indonesian Juvenile Justice System," *Khazanah Hukum* 7, no. 2 (2025): 193; Ghani et al., "Delays in the Enforcement of Child Support," 110; Fardindaputri, and Hasanudin, "Legal Protection of Children's Rights Post-Divorce," 82.

⁴¹ Musaddad et al., "Guaranteeing the Rights of Children and Women Post-," 7.

stronger legal enforcement, institutional restructuring, interagency coordination, standardized judicial guidance, and greater public legal awareness.

3.2. Comparative Analysis of Child Support Enforcement in Four Countries

Comparative legal analysis was undertaken to identify institutional arrangements and enforcement mechanisms that may inform the reconstruction of Indonesia's child support enforcement system. Comparative family law scholarship emphasizes that legal transplantation should not involve the direct replication of foreign institutions but rather the adaptation of effective principles that are compatible with domestic legal traditions, institutional capacity, and socio-economic conditions. Therefore, before proposing a reconstructed enforcement model, it is necessary to evaluate how different jurisdictions organize legal authority, implementing institutions, information systems, sanction mechanisms, and administrative coordination to ensure compliance with child support obligations.

Indonesia provides an appropriate baseline for this comparison because, despite possessing a relatively comprehensive legal framework governing post-divorce child maintenance, enforcement outcomes remain relatively weak. Religious Courts possess authority to determine maintenance obligations, yet court decisions generally lack effective coercive mechanisms, causing compliance to depend largely upon the voluntary willingness of non-custodial parents.⁴² Enforcement procedures remain procedurally complex, costly, and time-consuming, discouraging many custodial mothers from initiating execution proceedings.⁴³ The absence of nationally standardized guidelines for determining maintenance amounts further contributes to inconsistent judicial decisions among courts.⁴⁴

Beyond legal shortcomings, social and institutional factors substantially influence enforcement effectiveness. Many custodial parents are reluctant to pursue legal remedies because of psychological concerns, continuing conflict with former spouses, limited confidence in judicial institutions, and prevailing gender norms that discourage litigation.⁴⁵ Financial incapacity among non-custodial parents, coupled with the absence of child maintenance insurance and dedicated enforcement institutions, further reduces the practical realization of children's

⁴² Haris, and Lisdiyono, "The Reconstruction of Religious Court Decision Execution," 13. See also, Ghani et al, "Delays in the Enforcement of Child Support," 110

⁴³ Ghani et al, "Delays in the Enforcement of Child Support," 112.

⁴⁴ Haris, and Lisdiyono, "The Reconstruction of Religious Court Decision Execution," 14.

⁴⁵ Anjar Sri Ciptorukmi, and Adalia Safira Rahma, "Children's Rights in The Crossfire: Examining Indonesia's Divorce Legal Culture," *Litigasi* 25, no. 2 (2024): 137. See also, Jannah et al, "Implementation of Post-Divorce Alimony Policies," 977; Ghani et al, "Delays in the Enforcement of Child Support," 113.

rights.⁴⁶ Scholars therefore recommend judicial reforms through standardized maintenance guidelines, broader utilization of judges' ex officio authority, specialized enforcement mechanisms, digital monitoring systems, expanded legal aid, public legal awareness programmes, and institutional innovations inspired by comparative experiences such as Malaysia's Family Support Division.⁴⁷

Against this background, the following comparative analysis in Table 1 examines the institutional models adopted by the United States, Singapore, Japan, and China. These jurisdictions were selected because they represent different legal traditions and administrative approaches while sharing the common objective of ensuring effective enforcement of child support obligations. The comparison focuses on five principal parameters: legal basis, implementing institutions, sanction mechanisms, information systems, and overall compliance, thereby providing an analytical foundation for identifying institutional elements that may be adapted within Indonesia's legal system.

⁴⁶ Mohammad Hidir Baharudin, and Ahmad Munjin Nasih, "Violation of children's maintenance right upon divorce in Indonesia." *Malaysian Journal of Syariah and Law* 14, no. 1 (2026): 55. Ghani et al, "Delays in the Enforcement of Child Support," 115.

⁴⁷ Ahsanul Fahmi et al., "Judicial Practices in Enforcing Post-Divorce Maintenance Rights for Women and Children in Indonesia," *Indonesia Private Law Review* 6, no. 2 (2025): 111. See also, Fardindaputri, and Hasanudin, "Legal Protection of Children's Rights Post-Divorce," 82; Haris, and Lisdiyono, "The Reconstruction of Religious Court Decision Execution," 19.

Table 1. Comparison of Child Support Enforcement Systems in Five Jurisdictions

Parameter	United States of America	Singapore	Japan	Tiongkok	Indonesia (At the moment)
Legal basis	Child Support Enforcement Amendments 1984; Family Support Act 1988	Women's Charter; Family Justice	Civil Code; Family Court Act	Marriage Law; Supreme Court Circular 2017	UU No.1/1974; KHI;
Implementing Agency	Office of Child Support Enforcement (OCSE) under DHHS	Family Justice Courts – MEO Unit	Family Court + Child Support Division (MHLW)	People's Court + Social Credit System	Religious Court (without special units)
Sanction Mechanism	Automatic salary deductions, asset freezing, driver's license/passport revocation	Asset seizure, arrest, electronic reporting (iFAMS)	Automatic income deductio, mandatory mediation	Social blacklists, travel bans, restrictions on public services	There are no effective administrative/criminal sanctions
Information Systems	Federal Parent Locator Service (FPLS) – integrated national database	iFAMS (Integrated Family Application Management System)	Digital court records + automatic payment system	Social Credit Database – connected to all public services	There is no integrated system; data is spread across various institutions.
Compliance Level	Approximately 70% of cases are collected (OCSE data 2023)	Relatively high thanks to the integrated electronic system	Significant increase after digitalization	Increase 30–50% since the implementation of the blacklist	Very low; no comprehensive national data
Approach Model	State responsibility – the state actively collects without waiting for a report	Proactive + digital; courts as integrated hubs	Combination of civil law + ministerial social support	Hybrid of law + administrative social sanctions	Reactive; depends on the caregiver's initiative
Main Weaknesses	High bureaucratic burden; less effective for informal workers	Effective only for permanent residents; less adaptable across borders	Non-confrontational culture; voluntary compliance is still low	Risk of human rights violations;	Main Weaknesses

Source: Compiled from various sources

As shown in Table 1, countries with specialized enforcement institutions, integrated information systems, and effective sanction mechanisms generally demonstrate higher levels of compliance than Indonesia, where enforcement still relies largely on voluntary compliance and lacks institutional support.

The United States operates one of the most developed child support enforcement systems through the Office of Child Support Enforcement (OCSE). Enforcement mechanisms include wage garnishment, tax refund interception, bank account freezes, and suspension of driver's licenses or passports for non-compliant parents. In 2022, the OCSE collected approximately USD 32.7 billion in child support payments, reflecting the effectiveness of the system (Office of Child Support Enforcement, 2023). Its success is supported by the Federal Parent Locator Service (FPLS), which enables authorities to identify and track delinquent parents nationwide. Moreover, enforcement is initiated by state institutions rather than custodial parents, reducing barriers to collection. However, the model requires substantial administrative resources and is less effective for informal workers whose income is difficult to monitor.⁴⁸

Singapore combines judicial efficiency with digital governance through the Family Justice Courts, Maintenance Enforcement Officer (MEO) Units, and the Integrated Family Application Management System (iFAMS). This centralized platform facilitates reporting, monitoring, and case management, improving transparency and administrative efficiency.⁴⁹ The MEO Unit has authority to investigate financial conditions, access banking information, seize assets, and recommend enforcement measures. The integration of judicial, banking, and immigration databases enables rapid verification and enforcement actions.⁵⁰ Although challenges remain in cross-border cases and among individuals with limited traceable assets, Singapore demonstrates the significant role of technology in strengthening child support enforcement.

Japan adopts a model that combines legal enforcement with social support mechanisms. Child support obligations become enforceable through Family Court decisions, while the Child Support Division under the Ministry of Health, Labour and Welfare (MHLW) provides consultation, verification services, legal

⁴⁸ Astraea Augsberger et al., "Examining a child welfare parenting intervention for parents with intellectual disabilities," *Research on Social Work Practice* 31, no. 1 (2021): 69. See also, Hakovirta et al., "Child support policy across high-income countries," 101; Huang, and Han, "Child support enforcement in the United States," 625.

⁴⁹ Singapore Judiciary, "Integrated Family Application Management System (iFAMS)." Singapore Judiciary (Retrieved on February 23, 2026).

⁵⁰ Hamid NoghaniBehambari et al., "Child support enforcement and child mortality," *Applied economics letters* 29, no. 5 (2022): 395.

information, and administrative assistance to custodial parents.⁵¹ Japan also utilizes electronic payment systems and digital records to facilitate monitoring and improve administrative efficiency. However, strong cultural preferences for consensus and voluntary compliance may reduce effectiveness in cases of persistent non-payment. Nevertheless, Japan highlights the importance of combining enforcement with institutional support to achieve sustainable compliance.⁵²

China employs a model characterized by strong state intervention through cooperation between the People's Courts and the Social Credit System. Parents who fail to comply with court orders may be placed on public blacklists that restrict access to travel, financial services, luxury consumption, and certain public benefits.⁵³ Integration with national administrative databases enables rapid identification of violations and efficient sanction implementation.⁵⁴ Although concerns remain regarding privacy, proportionality, and human rights implications, studies indicate that blacklist mechanisms and social credit sanctions have improved compliance rates.⁵⁵

Comparative findings indicate that successful child support enforcement depends on three key elements: specialized institutions, integrated information systems, and effective sanctions. Although the United States, Singapore, Japan, and China employ different approaches, each demonstrates the importance of combining legal authority with institutional and technological support to protect children's rights.⁵⁶ However, differences in administrative capacity, digital readiness, and socio-economic conditions, particularly Indonesia's large informal sector and fragmented governance structure, limit the feasibility of direct replication.

⁵¹ Angela Olivia Burton, and Angeline Montauban, "Toward community control of child welfare funding: Repeal the child abuse prevention and treatment act and delink child protection from family well-being," *Columbia Journal of Race and Law* 11, no. 3 (2021): 25.

⁵² Paul Vinod Khaitani et al., "Advancing child protection systems in Indonesia and Ethiopia: A comparative analysis of progress and challenges," *Child Abuse & Neglect* 170, no. 1 (2025): 107762. See also, Friedman, *The legal system: A social science perspective*, 40.

⁵³ X. Lv, & J. Xia, "Social credit and child support enforcement in China: Effectiveness and human rights implications," *Asian Journal of Law and Society* 24, n. 3 (2024): 24. See also, Wang, "Custody and alimony in international divorce cases in China," YS China Lawyers June 14, 2026. Retrieved in February 23, 2024.

⁵⁴ Bryan R. Early, "Making sanctions work: Promoting compliance, punishing violations, and discouraging sanctions busting," In *Research handbook on economic sanctions* (Cheltenham: Edward Elgar Publishing, 2021), 175.

⁵⁵ Dayong Yu, and Mingxun Xie, "A Review of Administrative Law Mechanisms in China: Balancing Authority and Accountability," *Asian Crime and Society Review* 12, no. 1 (2025): 6. See also, Wang, "Custody and alimony in international divorce cases in China," YS China Lawyers June 14, 2026. Retrieved in February 23, 2024.

⁵⁶ Cuesta et al., "Child support policy in middle-and low-income countries," 77. See also, Hakovirta et al., "Child support policy across high-income countries," 101.

The comparative findings demonstrate that high levels of child support compliance are achieved not through punitive sanctions alone but through the integration of legal authority, specialized institutions, digital information systems, administrative coordination, and sustained state involvement. While the United States emphasizes performance-oriented enforcement, Singapore prioritizes judicial digitalization, Japan combines legal enforcement with social support, and China relies upon extensive administrative sanctions, each jurisdiction illustrates that institutional design is as important as substantive legal rules. Nevertheless, direct transplantation of these models would be inappropriate because Indonesia faces distinctive challenges, including a large informal economy, decentralized governance, uneven administrative capacity, and diverse socio-cultural conditions.⁵⁷ Accordingly, the objective of this comparative analysis is not to identify a single superior model but to extract adaptable institutional principles capable of strengthening Indonesia's child support enforcement system. These comparative insights provide the conceptual and empirical basis for the reconstruction model proposed in the following section.

3.3. Designing a Hybrid Model for Child Support Law Enforcement in Indonesia

The preceding analysis demonstrates that Indonesia's child support enforcement problem cannot be resolved through isolated legal amendments alone. The diagnosis of the Indonesian system revealed persistent weaknesses in legal enforcement, institutional coordination, administrative procedures, and public legal awareness, while the comparative analysis showed that jurisdictions with relatively high compliance consistently integrate legal authority, specialized institutions, administrative support, and digital information systems. These findings indicate that improving child support enforcement requires a

⁵⁷ Anne Benson, "3.2 Child support reforms in the United Kingdom and the United States." *Children and Social Security* Oxfordshire: Taylor & Francis (2017): 179. See also, Keesha Middlemass, and Jyl Josephson, "Child support enforcement, poverty, and the creation of the new debtor's prison," *Feminist Formations* 33, no. 1 (2021): 100; Rebecca Mancuso, "We support child support: American women's activism through the association for children for enforcement of support, 1984–2005," *Women's History Review* 32, no. 5 (2023): 641; Joanne Levine, "The plight of international child support enforcement," *Child & Family Social Work* 22, no. 2 (2017): 621; Na Yeon Kim, and Frances S. Berry, "Strategic stances and programme performance: assessing outcomes of the US states' delivery of the child support enforcement programme," *Public Management Review* 20, no. 4 (2018): 554; Y. Fu, & J. H.-C. Wong, *Protecting child rights: The role of non-governmental organizations*. In *Children and Youth in China Since 1978: Opportunities and Challenges* (Cheltenham: Edward Elgar Publishing, 2019), 29; Guo, "Three essential aspects of child support," 226; Supardi et al., "The Increasing Role of Children Protection," 10; Yu, and Mingxun Xie, "A Review of Administrative Law Mechanisms in China: Balancing Authority and Accountability," *Asian Crime and Society Review* 12, no. 1 (2025): 6.

comprehensive governance framework rather than piecemeal reforms. Existing studies similarly recommend strengthening judicial authority, introducing standardized child support guidelines, expanding judges' *ex officio* powers, establishing specialized enforcement institutions, utilizing digital monitoring systems, improving legal aid, and increasing public awareness to encourage voluntary compliance.⁵⁸

The need for an integrated institutional model is further reinforced by the fragmented nature of Indonesia's current child protection system. Although Religious Courts determine maintenance obligations and several government agencies contribute indirectly to child welfare, enforcement responsibilities remain dispersed, institutional coordination is limited, and no dedicated agency exists to supervise compliance comprehensively.⁵⁹ Previous studies have also highlighted the importance of specialized enforcement mechanisms, digital innovations, child maintenance insurance, legal education programmes, and institutional models inspired by Malaysia's Family Support Division to overcome existing implementation gaps.⁶⁰ Building upon these empirical findings and comparative lessons, this study proposes a Hybrid Model for Child Support Law Enforcement that integrates legal, administrative-social, and digital dimensions within a single operational framework designed specifically for Indonesia's constitutional, institutional, and socio-cultural context.

The hybrid model developed for child support law enforcement is a framework that integrates legal, administrative-social, and digital dimensions. It is grounded in legal system theory, which requires harmony between legal substance, structure, and culture; the principle of the best interests of the child; and the principle of state responsibility under Article 28B paragraph (2) of the 1945 Constitution. The model contains operationalized components, implementing instruments, measurable performance indicators, and a phased implementation roadmap.

The Hybrid Model also reflects restorative justice principles in family law. Rather than focusing solely on punishment, it seeks to restore children's welfare by ensuring the fulfillment of their economic rights while promoting sustainable parental responsibility. This approach combines accountability with supportive measures to prevent harm resulting from unpaid child support.

⁵⁸ Jannah et al., "Implementation of Post-Divorce Alimony Policies," 978. See also, Fardindaputri, and Hasanudin, "Legal Protection of Children's Rights Post-Divorce," 82; Haris, and Lisdiyono, "The Reconstruction of Religious Court Decision Execution," 21.

⁵⁹ Boothby, and Stark, "Data surveillance in child protection," 997. See also, Hammad, "Design of Family," 9006; Samsul, Strengthening Komnas HAM and Building Synergies, 172; Supardi et al., "The Increasing Role of Children Protection Institutions," 10.

⁶⁰ Baharudin, and Nasih, "Violation of children's maintenance right," 55. See also, Fahmi et al., "Judicial Practices in Enforcing Post-Divorce," 112; Haris, and Lisdiyono, "The Reconstruction of Religious Court Decision Execution," 23; Musaddad et al., "Guaranteeing the Rights of Children and Women Post-," 7.

Its restorative orientation is reflected in several mechanisms. The proposed Child Support Enforcement Agency (BPNA) functions as both an enforcement and facilitative institution through mediation, verification, and dispute resolution. Family law education programs strengthen legal awareness and voluntary compliance, while temporary child support subsidies protect children's welfare when parents fail to meet their obligations.⁶¹

Implementation challenges remain, including the need for a clear legal mandate, inter-agency coordination, sustainable funding, effective data sharing, and robust governance safeguards. The model is distinguished by its operationalized structure, synergistic dimensions, and realistic implementation roadmap.

Three things distinguish the Hybrid Model from simply a collection of policy recommendations: (1) each dimension has operationalized components, implementing instruments, and success indicators; (2) the three dimensions are designed to reinforce each other, not operate in isolation; and (3) the model is accompanied by a realistic, phase-based implementation roadmap.

Table 2 presents the comprehensive architecture of the Hybrid Model:

Table 2. Hybrid Model Architecture of Child Support Enforcement

Dimensions	Main Components	Implementation Instruments	Success Indicators
Dimension 1: Legal	Direct executive power over alimony decisions; tiered administrative sanctions; revision of the Compilation of Islamic Law and the Marriage Law	Religious Court; Supreme Court; DPR (legislative revision)	Decrease in re-execution requests; increase in voluntary compliance in the first 6 months
Dimension 2: Administrative & Social	BPNA as an executive institution; temporary subsidy; mediation and family law education	BPNA at provincial/district/city level; Ministry of Social Affairs; KPAI; Social Services	Number of cases resolved per year; percentage of on-time payments; caregiver satisfaction
Dimension 3: Digital & Data Interconnection	SINAT as an integrated national platform; automatic salary deductions; early warning system for violations	OJK; Directorate General of Civil Registration; Banking; Ministry of Communication	Average claims processing time; data accuracy; percentage of cases detected early through the system

Source: Researcher's draft, 2025

⁶¹ Andi Kustanto et al., "Unravelling Rising Divorces in Indonesia: The Interplay of Economic Stress, ICT Use, Domestic Violence, and the Moderating Role of Education," *Journal of Family Violence* 3, no. 5 (2025): 7.

Based on the comparative findings and identified weaknesses of Indonesia's system, Table 2 presents a Hybrid Model integrating legal, administrative-social, and digital dimensions through specific implementation instruments and measurable indicators. The judicial dimension serves as the foundation of the model by ensuring that child support obligations have effective coercive force. First, child support judgments should be granted direct executorial power, enabling courts to issue enforcement orders without separate execution proceedings. This reform would strengthen legal certainty and improve the effectiveness of judicial protection for children's rights.⁶²

Second, a graduated administrative sanction system should be introduced. Arrears of up to three months would trigger official warnings; three to six months would result in inclusion in the National Child Support Arrears List and restrictions on driver's license renewal.⁶³ Arrears exceeding six months would lead to bank account restrictions, limitations on administrative services, asset seizure, travel restrictions, and criminal sanctions under the Child Protection Law.

Third, revisions to the Compilation of Islamic Law (KHI) and Law Number 1 of 1974 are necessary to allow periodic adjustment of child support according to inflation and parental economic capacity, while standardizing calculations across Religious Courts to ensure fairness and legal certainty.⁶⁴

The hybrid model cannot be implemented all at once. A realistic, phased implementation roadmap with measurable targets is needed:

Table 3. Roadmap for Reforming the Child Support Enforcement System

Fase	Short Term (0–2 Years)	Mid Term (2–5 years)	Long Term (5+ Years)
Juridical	Revision of Law No. 1/1974 and the Compilation of Islamic Law; affirmation of the executive power of child support decisions; issuance of a Supreme Court Regulation (PERMA) on	Establishment of a special maintenance execution unit in Religious Courts throughout Indonesia; training of judges and clerks	Full integration with the national legal system; evaluation and improvement of regulations based on empirical data

⁶² Sudikno Mertokusumo, *Penemuan hukum: Sebuah pengantar* (Yogyakarta: Cahaya Atma Pustaka, 2014), 64; Rusydi et al., "Resolution without Enforcement," 556.

⁶³ Sutarjo, and Diah Pudjiastuti, "The Role of Mediators in Dispute Resolution Based on Progressive Law to Achieve Substantive Justice," *Trunojoyo Law Review* 8, no. 2 (2026): 8.

⁶⁴ Elza Qorina Pangestika, "The Role of Responsive and Progressive Law In Addressing Legal Issues from A Sociological Perspective," *Widya Pranata Hukum: Jurnal Kajian dan Penelitian Hukum* 6, no. 2 (2024): 197. See also, John Braithwaite, *Restorative justice & responsive regulation*. (Oxford: Oxford University Press, 2002), 26.

the execution of child support orders			
Administrative and Social	BPNA pilot project in 5 provinces; appointment of child support coordinators at district/city social services offices	Expansion of BPNA to all provinces; massive legal education program; strengthening the capacity of family mediators	BPNA fully operational nationwide; standardized temporary livelihood subsidy program; social impact evaluation
Digital & Data	Development of the SINAT prototype; Integration of Religious Court data with the Civil Registration Office (Dukcapil) and the Financial Services Authority (OJK).	National launch of SINAT; implementation of automatic salary deductions for formal workers; online reporting application	SINAR is fully integrated with all financial institutions and public services; the early warning system operates in real-time.
Responsible Actor	Supreme Court, DPR, Ministry of Social Affairs, Kominfo	Ministry of Social Affairs, OJK, KPAI, Regional Government	All stakeholders; independent evaluation by academics and NGOs

Source: Researcher's draft, 2025

As shown in Table 3, the proposed reform strategy emphasizes gradual implementation to address legal, administrative, financial, and technological constraints while ensuring long-term sustainability. The implementation of the Hybrid Model depends on political, financial, technical, and socio-cultural feasibility. From a political perspective, reforms involving amendments to Law Number 1 of 1974, the Compilation of Islamic Law (KHI), and the issuance of a Supreme Court Regulation (*Peraturan Mahkamah Agung*/PERMA) require support from the legislature, judiciary, and government. Given the strong commitment to child protection, reform prospects are relatively favorable.⁶⁵ However, because legislative reform is often lengthy, PERMA and ministerial policies should be prioritized as short-term measures.⁶⁶

From a financial perspective, establishing the National Child Support Agency (BPNA) and the Integrated Child Support Information System (SINAT) requires significant investment. Nevertheless, experiences from the United States demonstrate that effective enforcement systems can generate substantial returns through improved collection mechanisms (Office of Child Support Enforcement,

⁶⁵ United Nations Committee on the Rights of the Child, “General comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration,” (Florida: CRC/C/GC/, 2013), 14.

⁶⁶ Rahardjo, *Hukum progresif: Sebuah sintesa hukum Indonesia*, 53.

2023).⁶⁷ Technical challenges include unequal digital infrastructure, requiring gradual implementation through pilot projects and institutional capacity building. Comparative evidence highlights the benefits of integrated digital platforms. Socio-cultural challenges remain significant because child support is often perceived as a private matter. Therefore, legal awareness programs and community engagement are essential to strengthen compliance.⁶⁸

Overall, the proposed Hybrid Model differs from conventional policy recommendations because it translates comparative evidence into an operational institutional design tailored to Indonesia's legal system. Rather than relying solely on stronger sanctions, the model integrates judicial reform, specialized administrative institutions, digital governance, and preventive social measures within a phased implementation roadmap. This integrated approach reflects the principle that effective child support enforcement depends on the interaction of legal substance, institutional structure, and legal culture, while simultaneously advancing the constitutional obligation to protect children's rights. By combining comparative best practices with Indonesia's institutional realities, the Hybrid Model offers a feasible framework for improving compliance, reducing enforcement barriers, and ensuring that post-divorce child support becomes an enforceable legal obligation rather than merely a moral expectation.

4. Conclusion

This study demonstrates that the weak enforcement of post-divorce child support obligations in Indonesia is caused not only by regulatory limitations but also by deficiencies in legal structure and legal culture. Although existing laws recognize parental responsibility for child support, the absence of effective enforcement mechanisms, specialized institutions, and integrated monitoring systems has contributed to low compliance and inadequate protection of children's economic rights.

Comparative analysis of the United States, Singapore, Japan, and China indicates that effective child support enforcement generally depends on three key elements: specialized enforcement institutions, integrated information systems, and

⁶⁷ Huang, and Han, "Child support enforcement in the United States," 625.

⁶⁸ Hafiza Ambreen Fatima, and Muhammad Javed Iqbal, "Community Engagement for Promoting Religious Tolerance: A Conceptual and Strategic Analysis in the context of Pakistani society," *Nuqtah Journal of Theological Studies* 5, no. 2 (2025) 23. See also, Handi Kurniyawan, and Sri Wahyuni Tanshzil, "Strategy of civic education teachers in building awareness and legal compliance for the younger generation," *Indonesian Journal of Social Science* 16, no. 2 (2024): 43; Friedman, *The legal system: A social science perspective*, 41; Braithwaite, *Restorative justice & responsive regulation*, 26.

effective sanction mechanisms. These findings highlight the importance of proactive state involvement in ensuring compliance with child support obligations.

Based on these findings, this study proposes a Hybrid Child Support Enforcement Model integrating judicial, administrative-social, and digital dimensions through the establishment of the National Child Support Agency (BPNA) and the Integrated Child Support Information System (SINAT). The model offers a comprehensive framework for strengthening child rights protection and improving compliance in Indonesia.

As a policy priority, the government should first strengthen the executorial power of child support decisions through Supreme Court regulations, followed by pilot implementation of BPNA and SINAT in selected provinces. In the long term, amendments to the Marriage Law and the Compilation of Islamic Law are necessary to establish a sustainable and effective child support enforcement system. Future studies should focus on empirical testing and institutional feasibility assessments of the proposed model.

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