

Fulfilling Economic Rights of Women and Children After Talak Divorce in Gorontalo Religious Court

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Abstract: Divorce cases, particularly cerai talak (husband-initiated divorce), have increased significantly at the Gorontalo Religious Court over the past three years, raising serious concerns about the fulfillment of the economic rights of women and children following marital dissolution. This article analyzes the judicial efforts undertaken to protect and fulfill the economic rights of women and children in cerai talak cases at the Gorontalo Religious Court. It examines both preventive and repressive measures employed by judges to ensure that rights such as mutah, iddah maintenance, child support, and division of marital assets are adequately addressed in court rulings. A normative-juridical method, employing and statute approaches, was utilized. The findings indicate that while judges have made considerable efforts through active fact-finding, mediation, and ex officio authority, the effectiveness of these rulings remains substantially hindered by low legal literacy among women, weak post-judgment execution mechanisms, and limited access to legal aid. Therefore, institutional strengthening, inter-agency synergy, and the consistent optimization of judges' ex officio authority are essential to ensuring that legal protection for women and children extends beyond formal court decisions into substantive justice.

1. Introduction

Marriage is an inner and outer bond between a man and a woman as husband and wife that aims to form a sakinah, mawaddah, and rahmah family as mandated in Law No. 1 of 1974 on marriage¹. But in reality, not all marriages can be preserved until the end of life. Unresolved domestic conflicts often lead to divorce, which is one of the most complex social phenomena in the life of family law in Indonesia. One of the most common forms of divorce is divorce talak, the divorce application filed by the husband through the Religious Court².

The high divorce rate in Indonesia in recent years has become a serious concern for various parties, not only from a social and cultural perspective, but also from the aspect of legal protection

¹ Nur Mohamad Kasim dan Trubus Semiaji, "Divorce Cases in Members of Indonesian Police Force: A Positive Law Perspective," *Jurnal Ilmiah Al-Syir'ah* 20, no. 1 (2022): 91, <https://doi.org/10.30984/jis.v20i1.1793>.

² Mutmainah Indah Lestari, "Perlindungan Hak-Hak Istri Dalam Putusan Cerai Talak: Studi Kasus Pada Putusan Cerai Talak Di Pengadilan Agama Kota Palangka Raya Tahun 2023," *Innovative: Journal Of Social Science Research* 4, no. 6 (2024): 8015-32.

³. In the Gorontalo region, Gorontalo religious court data recorded a significant increase in divorce cases, namely 15 cases in 2023, increasing to 17 cases in 2024, and reaching 20 cases in 2025, with a total of 42 cases in the last three years. Even at the beginning of 2025, the Gorontalo religious court had received more than 400 divorce lawsuits, with economic factors and constant disputes as the main causes. The Data is not just a statistical figure, but reflects the magnitude of the potential legal problems that accompany every divorce process, especially related to the fulfillment of economic rights for the most vulnerable parties, namely women and children.

Normatively, the Indonesian legal system has provided a strong foundation to protect the economic rights of women and children in divorce cases⁴. Law No. 1 of 1974 on marriage, compilation of Islamic law (KHI), and Supreme Court Regulation (PERMA) No. 3 of 2017 on guidelines for adjudicating women's cases dealing with the law expressly stipulates that women are entitled to iddah, mutah, and the division of joint property, while children are entitled to decent living, upbringing, and education⁵. These provisions reflect the state's commitment to realizing substantive justice for socially and economically vulnerable groups due to divorce⁶.

Nevertheless, between the ideal legal norms and practices that occur in the field there is still a significant gap. In many cases of divorce, women do not understand their legal rights adequately, do not get enough legal assistance, or do not even dare to make explicit economic demands due to social pressure, economic dependence, or low legal literacy⁷. As a result, rights such as iddah, mutah, and child maintenance are often not listed in lawsuit petitions, so judges do not have sufficient grounds to decide them in Amar rulings.

This condition is compounded by the fact that not all judges exercise ex officio authority consistently⁸. Ex officio authority is the right of judges to determine the economic obligations of the husband even if not explicitly requested by the wife, in order to protect the interests of women and children⁹. In practice, however, the use of this authority varies among judges, depending on the gender perspective, workload and sensitivity to the social conditions of the parties. This inconsistency creates legal uncertainty that has a direct impact on the fulfillment or not of the economic rights of women and children after divorce¹⁰.

³ Nabila Dina Oktavia dkk., "Pendampingan Hukum pada Perempuan Dalam Gugatan Cerai Ghoib Akibat KDRT dan Penelantaran," *Jurnal Analisis Hukum* 8, no. 2 (2025): 119-36.

⁴ Risanna Aulia Adha Lubis, "Perlindungan Hukum Terhadap Hak Istri Dan Anak Pasca Cerai Talak," *Al-Rasñkh: Jurnal Hukum Islam* 13, no. 2 (2024): 240-55.

⁵ Muhammad Izzuddin dkk., "Perlindungan Hukum Terhadap Anak Yang Lahir Dari Perkawinan Tidak Tercatat Di Tinjau Dari Undang Undang Nomor 1 Tahun 1974 Tentang Perkawinan Studi Kasus Kecamatan Praya Timur," *Unizar Recht Journal (URJ)* 3, no. 3 (2024): 464-73.

⁶ Rifdah Nur Amalina dkk., "Perlindungan Hukum Terhadap Hak-Hak Perempuan dalam Perkara Cerai Gugat di Pengadilan Agama Makassar Kelas 1A," *Jurnal Diskursus Islam* 13, no. 2 (2025), https://journal.uin-alauddin.ac.id/index.php/diskursus_islam/article/view/61238.

⁷ Faisar Ananda Arfa dan Ibnu Radwan Siddiq Turnip, "Perceraian Dan Hak Hak Pasca Perceraian Dalam Hukum Keluarga Islam," *Jurnal Riset Multidisiplin Edukasi* 2, no. 6 (2025): 494-508.

⁸ Muhammad Luqman Asshidiq dan Diana Zuhroh, "Pemenuhan Hak Anak Pasca Perceraian dalam Perspektif Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak dan Kompilasi Hukum Islam," *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi* 4, no. 2 (2022): 215-24.

⁹ Dwiky Darmansyah, "Perceraian Akibat Beralih Agama (Murtad) Serta Dampak Terhadap Hak Asuh Anak Menurut Undang-Undang Nomor 16 Tahun 2019 Tentang Perkawinan dan Instruksi Presiden Nomor 1 Tahun 1991 Tentang Kompilasi Hukum Islam," *Panitera: Jurnal Hukum dan Hukum Islam* 1, no. 1 (2023).

¹⁰ Arwin Dunggio dkk., "Pengaturan Dan Tanggung Jawab Hukum Pemberian Nafkah Anak Setelah Perceraian Orang Tua Dalam Undang-Undang Perkawinan Berdasarkan Putusan Pengadilan Agama Kota Gorontalo," *Innovative: Journal Of Social Science Research* 3, no. 2 (2023): 4712-22.

The problem does not stop at the decision stage. Even when the amar of the verdict has expressly obliged the husband to fulfill his economic obligations, the execution of the verdict often encounters serious obstacles¹¹. Many ex-husbands do not carry out the contents of the decision regarding the maintenance of children and mutah, while the execution process in religious courts is not automatic and requires the initiative of the right party. Women who do not have sufficient procedural knowledge or who are burdened by the additional costs of applying for execution become the most disadvantaged parties in this situation¹². A real case that occurred at the Gorontalo Religious Court in 2022 illustrates the condition vividly, where a woman (Ny. S) cannot enjoy her rights despite the fact that the verdict has permanent legal force (*inkracht*), since the husband refuses to carry out the obligations and the execution process is too burdensome for the woman.

From a sociological perspective, this problem cannot be separated from the social structure that surrounds it. The patriarchal culture that is still deeply rooted in various walks of life, including in the Gorontalo region, creates unequal gender relations so that women tend to be in a weaker position in the legal process. Women who are victims of divorce are also often under pressure from family or the environment not to demand their rights in order to maintain a good name or avoid prolonged conflict. This kind of social pressure indirectly amputates women's access to justice guaranteed by law.

On the other hand, the institution of religious courts also faces its own challenges in the effectiveness of decisions that are executorial. Weak post-decision supervision, limited judicial resources, and lack of coordination between institutions are factors that contribute to the economic rights of women and children are not optimally fulfilled. Religious courts have a strategic role as a means to realize access and control over material rights that are gender-equitable, but this potential has not been fully optimized¹³.

Previous studies have looked at this issue from a variety of perspectives. Research in the Ponorogo religious court found that the main obstacles to the fulfillment of the rights of women and children after divorce are ignorance of legal procedures and the absence of coercive mechanisms on the part of the husband. Empirical research in Medan religious courts shows that judges who actively utilize *ex officio* Authority have been shown to be more effective in preventing neglect of maintenance obligations by ex-husbands. Meanwhile, a study in East Java found that judges with a contextual approach to Islamic Family Law produced higher quality economic decisions because they considered the real needs of the child and the economic conditions of the parties proportionately. These studies confirm that the issue of fulfilling the economic rights of women and children in divorce cases is a multidimensional issue and is urgent to be examined in depth.

This study takes the locus in the Gorontalo religious court by considering the trend of a significant increase in divorce cases in the region as well as the complexity of legal issues that accompany it. The focus of the study was directed to the analysis of the efforts made by Gorontalo Reli-

¹¹ Al Fitri, "Jaminan Hak-hak Perempuan dalam Cerai Gugat Pasca Perceraian: Studi Terhadap Putusan Pengadilan Agama Kota Cimahi," *Jurnal Hukum Legalita* 6, no. 2 (2024): 218–29.

¹² Ahyaril Nurin Gausia dan Fathur Rochim, "Implementasi Kebijakan Direktorat Jenderal Badan Peradilan Agama Mahkamah Agung RI Tentang Pemenuhan Hak Anak Dan Perempuan Pasca Perceraian Di Pengadilan Agama," *Islamic Law: Jurnal Siyasah* 8, no. 01 (2023): 23–39.

¹³ Lailatul Nur Hasanah, "Pendampingan Hukum Bagi Perempuan dan Anak Pasca Cerai oleh Tim Advokat Profit: Studi Kasus di Pengadilan Agama Pati Perkara Nomor 778/Pdt. G/2024/PA. Pt," *AKADEMIK: Jurnal Mahasiswa Humanis* 4, no. 2 (2024): 239–54.

gious Court judges in fulfilling and protecting the economic rights of women and children, both through preventive efforts during the trial process and repressive efforts through Amar verdict. This study uses a juridical-empirical approach by analyzing the seven decisions of divorce cases and interviews with related parties in the Gorontalo Religious Court.

By identifying patterns and dynamics that occur in judicial practice, this study is expected to make a real contribution to strengthening the legal protection system for women and children in divorce cases. Furthermore, the findings of this study are expected to be an input for policy formulation, strengthening the capacity of judges, as well as the development of more effective and gender-responsive execution mechanisms, so that justice is not only formally present in the text of the verdict, but is actually felt substantively by women and children affected by divorce.

2. Method

This study uses juridical-normative research methods, namely research that examines the law by examining the norms, principles, and rules of law in force through the literature materials as the main source. The approach used is case approach and statute approach¹⁴. The approach to the case is carried out by examining seven decisions on divorce cases at the Gorontalo Religious Court in 2023-2025 which have permanent legal force (*inkracht*), especially in the *ratio decidendi* decision section, namely the legal consideration of judges who are the basis for making decisions, in order to understand the application of legal norms in judicial practice related to the fulfillment of women's and children's economic rights. Meanwhile, the legislative approach is done by studying Law Number 1 of 1974 on marriage, compilation of Islamic law (KHI), and Supreme Court Regulation (PERMA) number 3 of 2017. Legal materials in this study consist of primary legal materials in the form of court decisions and legislation, as well as secondary legal materials in the form of literature, legal journals, and relevant research results. Data analysis was conducted in a prescriptive-qualitative manner, namely by analyzing and interpreting legal materials systematically to produce comprehensive legal arguments related to efforts to fulfill the economic rights of women and children after divorce in Gorontalo Religious Court.

3. Preventive efforts of judges in the fulfillment of Economic Rights of women and children in divorce cases in Gorontalo Religious Court

Legal protection of the economic rights of women and children in divorce cases can not only be seen from the final result in the form of a verdict, but also from the process that takes place during the trial. In this context, the preventive efforts of judges play a very strategic role, because the preventive measures taken since the beginning of the examination of the case will largely determine whether the economic rights of women and children can ultimately be fulfilled fairly and proportionately¹⁵. Preventive efforts are defined as a series of steps taken by judges in their capacity as trial leaders to prevent the abandonment of women's and children's economic rights, either

¹⁴ Zainudin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2021).

¹⁵ Leliya Leliya dkk., "Perlindungan Hak-Hak Perempuan Dan Anak Pascaperceraian Perspektif Hukum Islam Dan Hukum Positif Di Kabupaten Cirebon," *Equalita: Jurnal Studi Gender Dan Anak* 7, no. 1 (2025): 28-55.

through active excavation of facts, mediation encouragement, or legal considerations oriented to substantive justice¹⁶.

Based on an analysis of the seven decisions on divorce cases in the Gorontalo Religious Court in 2023-2025, it was found that the judge's preventive efforts were consistently realized through several forms of concrete actions during the trial process. First, the judge actively delves into the economic condition of the parties and the responsibilities of the husband to the wife and children. In Decision No. 112 / Rev.G/2023 / PA.Gtlo, the panel of judges asked a series of questions to the applicant regarding his economic ability, fixed income, and assets owned. Although the applicant objected on the grounds that his income as a private employee was not always stable, the judge nevertheless emphasized that the obligation to provide for his ex-wife and children was an unavoidable legal consequence of every divorce. This step reflects the judge's awareness that without in-depth excavation of the facts, the resulting verdict potentially does not reflect the real conditions of the parties and ultimately harms the interests of women and children.

Second, preventive efforts are also realized through a mediation process driven by judges as a more cooperative dispute resolution mechanism. Mediation in divorce cases not only aims to reconcile the parties, but also becomes a space to build a fair agreement on post-divorce economic obligations. In Decision No. 452 / Rev.G/2025 / PA.Gtlo, the judge encouraged both parties to reach an agreement on childcare and provision of periodic maintenance. In the dynamics of the trial, the applicant does not refuse the child's maintenance obligations because he is aware of his responsibility as a father. The panel of judges then upheld the agreement in amar verdict as binding legal legitimacy. This approach shows that the protection of children's economic rights does not always have to be pursued through coercive measures, but can also be achieved cooperatively when the judge is able to create a conducive dialogue space between the parties. This is in line with the principle of mediation in the religious justice system, which is not only oriented to formal dispute resolution, but also to achieving a substantive balance of rights and obligations.

Third, the preventive efforts of judges are also seen in the consideration of child care rights which have direct implications for the fulfillment of children's economic rights. In Decision Number 311 / Rev.G/2024 / PA.Gtlo, the applicant had expressed objections to the determination of child custody to the respondent because he felt he had a strong affinity with his children. But after hearing the testimony of witnesses and considering the psychological condition of the child in depth, the judges decided that the child remains in the care of the mother, while the father is obliged to provide the child's maintenance every month. This determination is an integrative preventive measure, since it not only ensures the emotional and psychological stability of the child after the divorce, but also provides sustainable economic guarantees. The judge's consideration in this case reflects the application of the best interest of the child principle which is one of the fundamental foundations in child protection law.

Fourth, in some cases, the judge actively delves into information about the possibility of nusyuz as a factor that can affect the wife's iddah living rights. In Decision Number 187 / Rev.G/2023 / PA.Gtlo, the applicant refused to provide Iddah maintenance to the respondent on the grounds that the respondent had left home without permission. The judge then conducts an in-depth ex-

¹⁶ Lubis, "Perlindungan Hukum Terhadap Hak Istri Dan Anak Pasca Cerai Talak."

amination of the facts by listening to the testimony of witnesses before drawing conclusions. This step shows that the preventive efforts of judges are not only aimed at protecting women alone, but also to ensure that every decision made is based on correct and accountable legal facts. Although the judge finally concluded that there was an element of *nusyuz* that did not establish *iddah* living, the Assembly still determined the child's living as the applicant's obligation, which shows that the interests of the child are always positioned as a top priority that cannot be compromised.

Fifth, judges also make preventive efforts through informal legal education to the parties during the trial. In some cases, the judge reminds the respondent of the rights he can claim, provides an explanation of the mechanism for filing claims, and encourages the respondent to explicitly include his economic demands in the answer or reconvention. This step is important in view of the low level of legal literacy among women litigants, which often leads to their not knowing their rights or not being able to correctly formulate a claim. Nevertheless, not all judges perform this step consistently. In Decision No. 389 / Rev.G/2024 / PA.Gtlo, although the judge asked for the possibility of filing a *mutah* and *Iddah* maintenance claim, the respondent still did not file the claim because he wanted to end the conflict immediately. As a result, the judge did not establish these obligations in the *amar* of the judgment due to the absence of an explicit basis for demand.

This situation shows the limitations of preventive efforts that depend on the active participation of the parties. When women choose not to fight for their rights for psychological, social, or economic reasons, the preventive efforts of judges are limited in their mobility. This condition confirms the importance of the availability of an active and accessible Legal Aid Post (*Posbakum*) in the Religious Court environment, so that women who do not have a legal companion can still obtain adequate information and assistance before and during the trial process.

Overall, the analysis of the seven verdicts shows that the judges at the Gorontalo Religious Court have tried to carry out their preventive functions fairly well, although they have not been fully consistent. Judges who are gender responsive and sensitive to social dynamics tend to be more active in exploring the conditions of the parties, encouraging fair agreements, and utilizing *ex officio* authority to protect the interests of women and children. However, the effectiveness of this preventive effort is largely determined by contextual factors such as the level of legal literacy of the respondent, the availability of legal assistance, and the legal awareness of the litigants. In the future, strengthening preventive efforts of judges needs to be supported by a stronger institutional system, including training on gender justice perspectives for judges, strengthening *Posbakum*, and community-based legal education mechanisms that reach the wider community, especially women groups who are vulnerable to injustice in the divorce process.

4. Repressive efforts of judges in the fulfillment of Economic Rights of women and children in divorce cases in Gorontalo Religious Court

If preventive efforts focus on preventing the abandonment of economic rights from the beginning of the trial process, then repressive efforts are law enforcement actions carried out through *Amar* rulings as a formal instrument of the judiciary¹⁷. The repressive efforts of the judge are mani-

¹⁷ alex Kuswardani Dkk., "Faktor-Faktor Penyebab Perceraian Dalam Perspektif Hukum Keluarga Antar Madzhab Islam Dan Realita Sosial," *Jurnal Syntax Imperatif: Jurnal Ilmu Sosial Dan Pendidikan* 3, no. 3 (2022): 176-94.

fested in the form of establishing legal obligations that bind the husband to fulfill the economic rights of the wife and children after the divorce, including mutah, iddah maintenance, child maintenance, and the division of joint property¹⁸. This repressive effort is a manifestation of the function of the judiciary as an institution that not only resolves disputes formally, but also enforces substantive justice for parties who are in a vulnerable position¹⁹.

Based on the analysis of the seven decisions of divorce cases in the Gorontalo religious court, it was found that the repressive efforts of judges were generally realized through four forms of determination in the decision. The first is the determination of mutah, which is a gift given by the husband to the divorced wife as a form of appreciation and compensation for the end of the marriage bond. In Decision No. 112 / Rev.G/2023 / PA.Gtlo, the panel of judges determined mutah's obligation even though the applicant objected on the grounds of income instability. The judge considered that the objection could not serve as a reason for abolishing the legal obligation, and the amount of mutah was established taking into account the economic capabilities of the applicant in proportion. The determination of mutah in this case reflects the flexible application of the principle of justice, in which the amount of the obligation is adjusted to the economic capacity of the obligated party without eliminating the substance of the right itself.

The second is the establishment of iddah maintenance, which is the obligation of the husband to provide maintenance to the former wife during the iddah period which lasts three months and ten days after the divorce is imposed. This obligation is based on the provisions of Article 149 of the compilation of Islamic law which states that when a marriage breaks up due to divorce, the former husband is obliged to provide iddah maintenance to his former wife during iddah, unless the former wife has been sentenced to *Bain* or *nusyuz* divorce. In the majority of the decisions analyzed, the judge determined the maintenance of iddah in the *Amar* of the decision as a form of enforcement of the husband's legal obligations. However, the determination of iddah living cannot always be applied uniformly. In Decision Number 187 / Rev.G/2023 / PA.Gtlo, the judge did not establish Iddah maintenance after concluding the existence of *nusyuz* elements based on the facts of the trial. This suggests that the application of repressive measures in the form of iddah maintenance is conditional and depends on the judge's assessment of the wife's behavior during the marriage period.

The third is the determination of child support, which is the obligation of parents, especially fathers, to finance the needs of life, education, and health of children until the child reaches adulthood or independence. This obligation is regulated in Articles 105 and 156 of the compilation of Islamic law and Article 41 of Law Number 1 of 1974. In all the decisions analyzed, the determination of the child's income is consistently always stated in the *Amar* of the decision, even in cases where iddah income is not established for *nusyuz* reasons. This consistency reflects the judge's view that the right to child maintenance is an absolute obligation and cannot be compromised by factors related to the relationship between husband and wife. In Decision Number 243 / Rev.G/2024 /

¹⁸ Yusrianti Azzahrah Jamil Misbach dkk., "Perlindungan Hak-Hak Perempuan Dan Anak Pasca Perceraian Di Pengadilan Agama Makassar," *Legal Dialogica* 1, no. 1 (2025): 324-43.

¹⁹ Habib Mumtaz Jr dkk., "Analisa Penyelesaian Sengketa Hak Asuh Anak Pasca Perceraian Melalui Litigasi," *Jurnal Locus Penelitian dan Pengabdian* 2, no. 7 (2023): 715-26.

PA.Gtlo, although the applicant who works as a day laborer expressed objections to the amount of income submitted by the respondent, the judge still set the child support obligation in the judgment with an amount adjusted to the applicant's economic ability. This step reflects the judge's attempt to strike a balance between the demands for legal protection of the child and the socio-economic realities of the litigants.

The fourth is the determination of the division of joint property (*gono-gini*) which is the most complex form of repressive efforts of judges in protecting women's economic rights after divorce. The division of joint property is stipulated in Article 97 of the compilation of Islamic law which stipulates that widows or widowers divorced from life are each entitled to half of the joint property as long as it is not otherwise specified in the marriage agreement. In Decision No. 518 / Rev.G/2025 / PA.Gtlo, the applicant initially refused the distribution of property on an equal basis on the pretext that the family business is more managed by him. But the respondent stated that he also contributed in running the business as well as managing the household. Having thoroughly considered the facts of the trial, the panel of judges decided that the common property should be divided equally between the husband and wife. This ruling has important value because it implicitly recognizes women's economic contributions during the marriage period, including contributions that are not financially measurable such as household management and childcare.

However, the effectiveness of a judge's repressive efforts cannot be measured solely by the substance of the verdict. No less crucial issue is the implementation of the execution of decisions in the field²⁰. In practice, many rulings have normatively accommodated the economic rights of women and children, but have failed to be implemented due to various obstacles. These obstacles include, among others, the unwillingness of the ex-husband to carry out his obligations voluntarily, the ex-wife's ignorance of the mechanism for applying for execution, additional costs burdensome for the woman, as well as the nature of the execution process in religious courts, which is not automatic and requires active initiative from the entitled party²¹.

The case that occurred in the Gorontalo Religious Court in 2022 illustrates this issue concretely. In the case of Mr. A and Mrs. S, although the court has established *mutah* obligations, *iddah* maintenance, and child maintenance in *amar* ruling that has permanent legal force, the ex-husband did not carry out his obligations. Mrs. S faced serious difficulties in applying for execution due to the convoluted process and additional costs that he could not afford. This case clearly shows that the repressive efforts of judges through *amar* rulings only become symbolic justice if they are not accompanied by a strong, effective, and accessible execution mechanism for women.

To overcome this problem, some urgent systemic improvements are needed. First, religious courts need to develop a more structured post-decision monitoring mechanism, for example through a periodic reporting system on the implementation of maintenance obligations. Secondly, it is necessary to simplify the execution procedure so that it is more accessible to women who do not have sufficient legal knowledge or financial limitations. Third, a stronger synergy is needed between the religious courts and related institutions such as the women's empowerment and Child

²⁰ Muhammad Aidil Rahman dan Fauziah Lubis, "Perlindungan Hukum Terhadap Hak Atas Nafkah Iddah Istri Yang Mengajukan Cerai Gugat Perspektif Sema Nomor 3 Tahun 2018," *Kabilah: Journal of Social Community* 8, no. 1 (2023): 935-43.

²¹ Akhmad Rezky Padhillah, "Peran Pengadilan Agama dalam Perlindungan Hak-Hak Perempuan dalam Perkara Perceraian," *Sakena: Jurnal Hukum Keluarga* 10, no. 1 (2025): 28-39.

Protection Office, Legal Aid Institutions, and village/kelurahan officials in monitoring the implementation of living obligations at the community level. Fourth, Judicial Administration innovations such as the recording of income obligations in the digital Case Information System can be an effective instrument to strengthen the execution and supervision of decisions, thus minimizing unrealized decisions in the field.

Overall, an analysis of the seven divorce rulings in the Gorontalo religious court shows that judges have attempted to carry out repressive functions through amar rulings that substantively accommodate the economic rights of women and children. The repressive efforts are realized through the determination of mutah, iddah living, child living, and the division of joint property that considers the economic conditions of the parties proportionately. However, the effectiveness of this repressive effort is still very limited because it is not supported by strong execution mechanisms and adequate post-decision surveillance systems. Therefore, strengthening the repressive efforts of judges must be integrated with comprehensive institutional reforms, including simplifying execution procedures, strengthening interagency coordination, increasing the capacity of judicial resources, and developing a case information system that supports continuous monitoring of maintenance obligations. Thus, the Justice produced by the judge's decision does not stop only at the normative text, but is really felt in a real and substantive way by women and children affected by divorce.

5. Conclusion

Based on an analysis of seven divorce case decisions from the Gorontalo Religious Court between 2023 and 2025, it can be concluded that judges employ two types of actions—preventive and repressive—to ensure the economic rights of women and children after divorce. Preventive efforts involve active fact-finding during trials, encouraging mediation to achieve fair agreements, and legal considerations that prioritize the child's best interests. Repressive efforts, conversely, are realized through rulings that mandate mut'ah, iddah, and child support obligations, as well as the proportionate division of joint property based on the parties' economic capabilities.

However, the effectiveness of both types of efforts still faces various obstacles, including women's low legal literacy, insufficient legal assistance, judges' inconsistent use of ex officio authority, and weak mechanisms for execution and post-decision supervision. Therefore, comprehensive reform measures are needed, including strengthening judges' capacity with a gender justice perspective, simplifying execution procedures, optimizing Legal Aid Posts (Posbakum), and fostering interagency synergies among religious courts, women's empowerment and child protection offices, and legal aid institutions. This will ensure that the protection of women's and children's economic rights is not merely articulated in the verdict but is genuinely and sustainably experienced in their lives after divorce.

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