

Uncovering the Roots of Paternal Negligence in Child Support After Divorce in Pariangan District

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Abstract

Child support is a right guaranteed by Islamic law and positive Indonesian law, but in practice, it is often ignored by fathers after the breakup of a marriage. This study aims to uncover the root causes of fathers' negligence in providing child support after divorce in Pariangan District. This type of research is field-based and qualitative. Primary data sources are directly from ex-wives who have divorced and experienced problems in receiving child support, as well as religious leaders, traditional leaders, and the Office of Religious Affairs (KUA) in Pariangan District. Secondary data sources include fiqh books, Law Number 1 of 1974 concerning Marriage, the Compilation of Islamic Law (KHI), journals, and scientific articles. Data obtained through observation, interviews, and documentation from religious leaders and local KUA officials. Data analysis techniques: Qualitative Descriptive. The results of this study indicate that the obligation to provide child support in Pariangan District does not have standard guidelines from the court, so that fathers often provide support according to their wishes and not according to the child's needs. Economic factors cause paternal neglect, a lack of understanding that children are their responsibility, the influence of Minangkabau customs, women's ignorance in court proceedings, fathers who remarry, and a lack of trust from ex-husbands to their wives. In Minangkabau customs, especially in Pariangan, mothers play a role in providing for their nephews, as the saying goes: "Anak dipangku, kamanakan dibimbing" (child in the lap, nephews are guided).

Keywords: Paternal Negligence, Child Support After Divorce.

Abstrak

Nafkah anak merupakan hak yang dijamin oleh hukum Islam maupun hukum positif Indonesia, namun dalam praktiknya sering diabaikan oleh pihak ayah setelah putusnya hubungan perkawinan. Penelitian ini bertujuan untuk mengungkap akar permasalahan kelalaian ayah dalam memberikan nafkah kepada anak pasca perceraian di Kecamatan Pariangan. Jenis penelitian ini adalah penelitian lapangan (*field research*) dengan pendekatan kualitatif. Sumber data primer langsung dari para mantan istri yang telah bercerai dan mengalami permasalahan dalam penerimaan nafkah anak, serta tokoh agama, tokoh adat, dan pihak Kantor Urusan Agama (KUA) di Kecamatan Pariangan sumber data sekunder kitab-kitab fikih, Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, Kompilasi Hukum Islam (KHI), jurnal, artikel ilmiah, Data diperoleh melalui Observasi, wawancara dan dokumentasi, tokoh agama, dan aparat KUA setempat. Teknik analisis data Kualitatif Deskriptif Hasil penelitian ini menunjukkan bahwa Kewajiban nafkah anak di Kecamatan Pariangan tidak memiliki panduan baku dari pengadilan, sehingga ayah sering memberi nafkah sesuai keinginannya dan tidak sesuai kebutuhan anak. Kelalaian ayah disebabkan oleh faktor ekonomi, kurangnya pemahaman bahwa anak adalah tanggung jawabnya, pengaruh adat Minangkabau, ketidaktahuan perempuan dalam berperkara di pengadilan, ayah yang menikah lagi, serta kurangnya kepercayaan mantan suami kepada istri. Dalam adat Minangkabau, khususnya di Pariangan, mamak turut berperan dalam memenuhi nafkah kemenakannya sesuai pepatah *anak dipangku, kamanakan dibimbing*.

Kata Kunci: Kelalaian Ayah, Nafkah Anak Pasca Perceraian.

A. Introduction

Separated husband and wife are still have obligations to support their children as stated in Law Number 1 of 1974.¹ when a divorce occurs between husband and wife, there will be a change in the status of support as stated in chapter 41 of Law Number 1 of 1974 concerning marriage as follows:

1. Father or mother remains obliged to care for and educate their children, based on the child needs. When a dispute occurs, the court will make the decision.
2. Father is responsible for all the costs of child care and education that required. But when father is unable to provide these obligations, the court may determine that mother contribute in the costs.
3. The court may require ex-husband to provide living costs and determine certain obligations for his ex-wife.

¹ Agoes Dariyo, "Understanding the Psychology of Divorce in Family Life," *Journal of Psychology* 2 No. 2 (2004). hlm, 43.

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The father's negligence of his child's support after the divorce ultimately forced mother to bear the entire burden of child care and support.² Many childrens live with working mothers are even neglected in their physical and mental needs. This naturally prompted the researcher to explore what the true reasons of a father might being neglect his child-supporting duties after a divorce.³

Based on first observations conducted by the researcher in Pariangan District, five main informants were obtained who were ex-wives who had divorced and had children from their marriage. The first informant, MS, divorced TMA after marrying in 2011 and have only child of 8 years old. The second informant, FY, married A in 2010 and divorced in 2011 with one child aged 11 years. Next, MH married R in 2013 and separated in 2021, having two children aged 10 and 8 years. The fourth informant, E, married G in 1999 and divorced in 2008, with two children aged 19 and 14 years old. Finally, RJ married EN in 2010 and divorced in 2021, also having two children aged 11 and 5 years old.

Although the researcher's observations are done within the scope of the Village/Nagari, the researcher sees that this case does not only occurs in a Village but also occurs in many places including Sub-districts, Regencies and even almost separated couple in Provinces of West Sumatera. To facilitate the sampling of the study, the researcher limits this study to Pariangan District only for the following reasons: First, Pariangan District is the origin region of the ancestors of Minangkabau people who adhere to matrilineal beliefs. Second, Pariangan District is a region that have variety of people livelihoods including farming, trading, small and medium enterprises (UMKM), livestock farming, etc. Third, the nuance of Islamic understanding and law awareness of the community had better because Pariangan District is a cross-provincial area that is more dynamic and rapid for the development of Islamic insight and community life.

B. Research methods

This research is field research because the data used was obtained directly from residents in Pariangan District who are divorced and have children under their father's care. A qualitative approach was used. This approach was chosen because the focus of the research is not on numbers or statistics, but rather on

² Alsabila Afida Putri, "Exploration of Factors Influencing Couples' Decisions to Divorce and Its Impact on Children," *Sabana (Sociology, Anthropology, and Indonesian Culture)* 3 No. 3 (2024): hlm. 235.

³ Rohmad Agus Solihin, "Protection of Child Support in the Implementation of Divorce Decisions in Religious Courts," *Volume 2 Number 1* (2020). hlm. 72.

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understanding the meaning, motives, and background of fathers' negligent behavior in fulfilling their child support obligations.

The data sources in this study consist of two types, namely: Primary data, obtained directly from the results of interviews and observations of informants, like ex-wives who have divorced and experienced problems in receiving child support, religious leaders (Ulama'), traditional leaders (Niniak Mamak), and the Office of Religious Affairs (KUA) in Pariangan District. Secondary data was obtained from various relevant literature such as fiqh books, Law Number 1 of 1974 concerning Marriage, Compilation of Islamic Law (KHI), journals, scientific articles, and official documents related to the rights and obligations of child support after divorce.

Data collection techniques were conducted through three main methods: Observation, it is direct observation of the social conditions in Pariangan District regarding the practice of providing child support after divorce. In-depth interviews were conducted with informants to explore their experiences, perceptions, and obstacles they face in fulfilling their child support obligations. Documentation, it is the collection of documents, archival data, and legal references related to the research problem. Furthermore, the data analysis technique used was descriptive qualitative analysis.

C. Discussion and Research Results

Children's Rights

Legally, Indonesia has a set of laws and regulations to guarantee children's rights and reduce the impact of child labor, in the 1945 Constitution in chapter 28 B paragraph (2) it is stated that: "Every child has the right to survival, growth and development and has the right to protection from violence and discrimination." (7 Constitution of the Republic of Indonesia 1945) . Based on chapter 28 paragraph (2) of the 1945 Constitution, it can be interpreted that the position of every child is the same, the right to survival, growth development, and protection from all forms of violence and discrimination.

Ratification of the Declaration of the Rights of the Child at the UN (PBB) Session on November 20, 1989 became the Decree of President of the Republic of Indonesia Number 36 of 1990 concerning the Ratification of the Convention on the Rights of the Child (Convention on the Rights of the Child) That on January 26, 1990 in New York, United States, the Government of the Republic of Indonesia signed the Convention on the Rights of the Child (Convention on the Rights of the Child).

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As a result of the United Nations General Assembly Session which was accepted on November 20, 1989, based on considerations, the Indonesian government established its decision through Presidential Decree of the Republic of Indonesia Number 36 of 1990 concerning Ratification of the Convention on the Rights of the Child (Convention on the Rights of the Child) (Presidential Decree of the Republic of Indonesia Number 36 of 1990 concerning Ratification of the Convention on the Rights of the Child).⁴

As for the declaration, it is expected that all parties, both individuals, parents, social organizations, governments, and communities recognize the rights of children, and encourage all efforts to fulfill them. There are ten principles regarding children's rights according to the declaration, namely: first: Every child should get all the rights listed in this declaration without exception, without distinction and discrimination. Second: Every child should receive specific protection, they must be given opportunities and facilities by the law or by other means, therefore they are capable to develop physically, mentally, morally, spiritually, and socially in a healthy and normal way.

Third: Every child must have a name and national identity since they was born . Fourth: Every child have to enjoy the benefits of social security. Fifth: Every disability child, whether physically, mentally, or socially disabled, must be given special treatment, education, and care according to their condition. Sixth: Every child needs love and understanding for the full and balanced development of their personality. Seventh: Every child is guaranteed to get free education on basis of compulsory education. Eighth: Every child in any situation must receive protection and first aid. Ninth: Every child must be protected from all forms of neglect, violence, and exploitation. Tenth: Every child must be protected from all discriminatory practices based on race, religion, and other forms.

The Concept of Hadhanah

The root of the term *hadhana-yadhunu-hadhnan* means to hug ⁵, in other words it resembles the saying "*hadhanah ath-thairu baidhahu* ", a bird flanks an egg. From this word it can be understood that the child is flanked by their mother

⁴ Yusuf Fadil Akbar, "State Protection for the Care of Abandoned Children Based on Law Number 35 of 2014 Concerning Child Protection," *Dinamika: Scientific Journal of Legal Studies* 26, no. 15 (2020). hlm. 41.

⁵ Husnatul et al., "Hadhanah for Children After Divorce Decisions (Comparative Study of Islamic Law and Indonesian Positive Law)," *Sangaji Journal of Sharia and Legal Thought* , 2018. hlm. 72.

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.⁶The meaning of hadhanah from several opinions are, first: Supporting a little child after a divorce/breakdown of marriage. ⁷Second: Very concentrated and focused on teaching. ⁸Third: " *Hadhanah ath-tha'iru badhahu* " means a bird flanks an egg. And also "hadhanatal mar'atu waladaha" means a woman carrying a child.⁹

Child care in fiqh literature is called hadhanah, which is characterized by focusing on little children who do not have guidance, and they are not able to live freely, especially providing for their needs, ensuring security, providing physical and mental school needs, developing their scientific capacity so they can live and be responsible on earth.¹⁰ In Islamic jurisprudence, the word " *hadhanah* " refers to supporting a child in one's arms, specifically when interpreted as " supporting " or " educating. " The implied instruction is to handle, lead, and supervise everything the child that cannot manage alone.¹¹

Living in the world, a child has real and direct rights that cannot be disturbed. Guardians cannot just ignore this because the specialties of children are remembered because the obligations of guardians regarding children are illustrated. specifically, *hadhanah* really focuses on children as a command from Allah SWT which must be carried out precisely because the obligations of guardians are rights.¹²

There are opinions state that children have rights, there are a special right that must be given while in the womb and after birth into the world, pure lineage, ¹³giving a beautiful name, ¹⁴breastfeeding, giving a sense of security, comfort, education, teaching, care, giving wealth.¹⁵

⁶ Sayyid Syabiq, *Fiqh Al-Sunnah Volume II* (Saudi Arabia: Dar Al-Fatkh, 1999). hlm. 61.

⁷ Amir Syarifuddin, *Marriage Law in Indonesia* (Jakarta: Kencana, 2006). hlm. 51.

⁸ Abdul Aziz Muhammad Azzam and Abdul Wahab Sayyed Hawwas, *Fiqh Munakahat, Translator Abdul Majid Khon* (Jakarta: Amzah, 2009). hlm. 49.

⁹ Abu Bakr al-Jabir Al-Jaziry, *Minhajul Muslim* (Dar al-Syuruq, nd). hlm. 321.

¹⁰ Abdul Aziz Dahlan, *Encyclopedia of Islamic Law* (Jakarta, 1999). hlm. 231.

¹¹ Sheikh Hasan Ayyub, *Family Jurisprudence* (Jakarta: Pustaka Al-Kautsar, 2006). hlm. 51.

¹² Ramlah, "Parents' Responsibilities Towards Child Support and Support Rights After Divorce: Islamic Law Perspective and Religious Court Decisions," *HARAKAT AN-NISA Journal of Gender and Child Studies* 1 No. 1 (2021): hlm. 12.

¹³ Koko Komarudin, "The Nature of the Islamic Family," *Al-Ihkam: Journal of Family Law* 12, no. 2 (2020). hlm. 121.

¹⁴ Holan Riadi, "The Islamic Family Law System in Indonesia," *Minhaj: Journal of Sharia Science* 2, no. 1 (2021): hlm. 90, <https://doi.org/10.52431/minhaj.v2i1.370>.

¹⁵ Sanawiah, "Transfer of Hadhanah Rights Falling to the Father for Children Not Yet Mumayyiz (Case Study in the Palangka Raya Religious Court)," *Anterior Journal* 18, no. 2 (2019): hlm. 158.

Implementation and Negligence in Providing Child Support After Divorce

Case Number 361/Pdt.G/2021/PA.Bsk, in this case, Mrs. ZL explained that she was divorcing her husband. During the trial, she did not demand child support from her ex-husband. Since she did not ask for child support, her ex husband has never provided money for her child's costs requirements or needs. The mother, who is the child's caregiver, has two children with her ex-husband. The first child is 3 years old and the second is 18 months old.

Case Number 285/Pdt.G/2021/PA.Bsk, LA in this case, even though she did not receive support after the divorce from her ex-husband. But her children were provided with support. The children's father routinely provides support every week, at the rate of Rp. 2,000,000,- / month plus children's education costs. He has two children, the first child is 9.5 years old and the second child is 4.5 years old.

Case number 0282/Pdt.G/2015/PA.Bsk, EY in this case was not determined by the court when asked to the ex-husband was told to ask the Kodim, because the child's father is an Indonesian National Armed Force (ABRI). In beginning they are given Rp. 400,000/ month and later increased until Rp. 700,000/month. However, because the father has a mental disorder, the child's living costs are provided by the grandmother. The child is still in college aged 20 years and the second child is 17 years old.

Case 0348/Pdt.G/2012/PA.Bsk FY explained that, following the court ruling, her father did not provide full child support. Sometimes, he would only give her Rp. 10,000 each time when they met, and every year he also buy her yearly clothes in feast day. One of her children, 11 years old, is still in school. In this case, the child's mother and maternal grandmother contributed significantly to the child's support.

SF, the divorce certificate has been submitted to the Office of Religious Affairs (KUA) because she has remarried. Her father provides child support of Rp. 1,000,000 annually for her two children, who are still in elementary school and junior high school, who were separated from their father at the ages of 2 and 9 years old. It is estimated that this million rupiah was given by her ex-husband's mother (her children's grandmother) because it was given directly by the grandmother.

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The researcher encountered various child support issues in Pariangan sub-district, most of which involved divorce litigation. Therefore, the amount of support awarded in the decision was not specified, requiring the father to be serious on paying the child support obligations.

Reasons why fathers neglect providing a living

At the time of a court decision is issued, the matter becomes private. The parties in the case that researcher faced having obstacles to the father's failure to provide child support, including the following: First: The economic factors, specially the parties involved in this case almost indeed largely lower-middle economy class. Not providing child support is not simply due to unwillingness, but rather due to economic factors. He has remarried, and also has children from his ex-wife to support. Second: The husband fails to understand that the child is his responsibility and all support obligations fall to him until the child reaches adulthood or as stipulated by law.

Third: Minangkabau customs roles to influence fathers negligence in fulfill their obligations in providing support, children stay with the mother and live in her house. So the father's access to his child is feel difficult, not because the mother is restricted, but because there is a clumsy from the ex-husband coming to his ex-wife's house. Even though in principle he goes to provide a living for his child. Fourth: A woman's lack of understanding in dealing with cases in the court so she does not ask anything should be prosecuted, so that many rights after divorce are neglected.

Fifth: Father remarries, After the divorce, both the man (Father) and the woman (Mother) have the right for remarry. There is no longer a prohibition for both of them to marry because there is no longer any bond between them (Husband and Wife who have divorced) but if something like this happens, the Husband (Father) has remarried after the divorce then the problem of children produced in the previous marriage becomes very important such as child support costs that have been determined in the Court Decision, then it will be difficult for the male parent (Father) to carry out the Court's decision.

Sixth: The ex-husband's lack of trust in his wife. The ex-husband believes that the child support given to his ex-wife will not be used for the child's future needs. Instead, it will be used for the ex-wife's (mother's) daily needs. Consequently, the ex-husband is rejected to pay the child support that has been determined in court. Consequently, the court's decision regarding child support will not be implemented.

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Divorce is often considered a separate and stressful event within a family. However, this event has become a part of life in society. We could say that this is an issue that requires reflection on its consequences and impact on the family after divorce.

At the beginning of the marriage, a couple shared a marriage goal of making a happy and prosperous each other and it will be destroyed if the husband and wife cannot navigate their married life as well as they aspired to. And they will consider that there is no longer any point in them for living together. ¹⁶For this reason, they choose the path of divorce to end their marriage, all of which is caused by several problems including affair, dispute¹⁷and a lack or even complete of responsibility from a husband to his wife, which ultimately leads to a divorce lawsuit by the wife.

The basis of thought used in this article is the principle of *Ultra Petitem Partium*. According to this principle the decision that has been handed down to the court may not grant more than the demands stated in the lawsuit, the judge who decides more than the demands is an act of exceeding the limits of authority, except that which is attached to a wife. The judge's ¹⁸*ex officio* right can be used in religious courts only in divorce cases, especially divorce cases of talaq, the consequences of which are still attached to the wife in terms of iddah support, child support and mutah based on chapter 149 of the compilation of Islamic law.

When deciding on child support, the panel of judges also included the issue of child support. Because children are the next generation in their family, they deserve to be raised properly. ¹⁹Therefore, the panel of judges also granted the

¹⁶ Hafilah Ramadani, "Considerations of Islamic Law in Determining Children's Hadhanah After Divorce for Parents of Different Religions," *Journal of Ar-Risala* 4, no. 2 (2024): hlm. 98, <https://doi.org/10.30863/arrisilah.v4i2.5813>.

¹⁷ Niken Sylvia Puspitasari et al., "Normative Legal Review of Child Protection in the Perspective of the Hadhanah Concept and Law Number 35 of 2014," *BUSTANUL FUQAHA: Journal of Islamic Law* 5, no. 2 (2024): hlm. 309, <https://doi.org/10.36701/bustanul.v5i2.1377>.

¹⁸ Dian Yudhantara Syahputra and Syaifuddin Zuhdi, "Comparison of the Legal Construction of Hadhanah Rights in Saudi Arabia, Turkey and Indonesia," *Jurnal Mahkamah: Kajian Ilmu Hukum dan Hukum Islam* 9, no. 1 (June 30, 2024): hlm. 131, <https://doi.org/10.25217/jm.v9i1.4753>.

¹⁹ Syukri Saleh, "Protection of Child Custody Rights Post-Divorce (Hadhanah): Perspectives on Islamic Law and Child Psychology," *Al-Zayn*, 2025, hlm. 9, <https://doi.org/https://doi.org/10.61104/alz.v3i3.1748>.

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reasons related to child support. They also considered the child's welfare and the Decent Living Needs (KHL) based on *urf* and/or custom.²⁰

Regarding the implementation of the fulfillment of child support after the end of a marriage due to divorce in Pariangan, this study found that there were diverse patterns of fulfillment of support where in the fulfillment of support for children, some fulfilled it and some did not.²¹ In this case, the father's income does not affect the court's decision, even if the father is unable to adequately cover his child's post-divorce living expenses.

This is in accordance with information provided by the parties (the child's mother). Most parents acknowledge that fulfilling a child's rights means providing everything the child needs. Therefore, when these are provided and implemented by the parents, that is what is meant by fulfilling the child's right to support.

Basically there is no reason or excuse whatever to avoid the obligations and responsibilities of parents in accordance with the provisions of chapter 26 paragraph 1 of Law Number 23 of 2002 concerning Child Protection, chapter 26 states that parents are obliged and responsible for: (a) caring for, parenting, educating and protecting children. (b) fostering the development of children according to their abilities, talents and interests; and (c). Preventing marriage at a young age.

The substantive provisions of this chapter are the same as the content of chapter 41 as one of the principles in the 2004 Marriage Law regarding the consequences of a marriage breaking up due to divorce, where the marriage has consequences for the children or descendants of the marriage.

Chapter 41 also explains that a father's responsibility to his child cannot be abrogated even the two are divorced or remarried. It is understood that while the child is still under puberty, childcare is the mother's right, but the costs are the father's full responsibility.

Chapter 41, point c, states that the court may require the father to provide living costs and/or determine certain obligations for the ex-wife. This chapter understood that wife is not automatically obligated to bear all the child's living costs. Therefore, the mother's role, as defined in this chapter, is to be the closest person to the child, somebody who educate the child, provide attention, affection,

²⁰ Maimun, "Application of *Maqāṣ Id Asy-Syari'ah* to the Reconstruction of the Meaning of *Nafqah* in Family Law" 11, no. 2 (2019). hlm. 78.

²¹ Aldy Darmawan Afrinal, "Fulfillment of Child Support After Divorce," *Sakena* 7, no. 1 (2022). hlm. 91.

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and encourage the child to do the kindness. ²²Sometimes, a wife contribute to provide living cost only to support her ex-husband.

Fathers as *qawwam* for women but both of parents are obliged to care for and educate their children as well as possible. This obligation will continue to apply even though the marriage has broken up. Thus, under puberty children is within the rights of their mother, a father still has the obligation to bear the costs of caring the child. Furthermore, it is also explained in chapter 156 regarding the consequences of marriage due to divorce that children who are not *mumayyiz* are entitled to have a custody except the mother has died, then their position is replaced by: women in a straight line from the maternal family, father, women in an upward line from the paternal family, sisters, women from father blood relatives. however while the children has reached maturity/*mumayyiz* have the right to choose whether to get custody from their father or mother.²³

The verse in this chapter explains that the father is responsible for all costs of the child's custody and support according to his financial ability. From various interviews the researcher conducted with the parties, there have been a breach and deviations from the father side regarding the provision of support to his child. The father should have provided the child's rights, which are being his obligations under applicable law and religious provisions, which state the father's obligation to provide support for his child.

After parents divorced, many fathers fail to fulfill their child support obligations therefore they often leaving their children neglected. This weakness lies in the lack of law sanctions for fathers who neglect their children after divorce. In a legally binding divorce decision, the judge considers the legal basis for issuing the decision. This legal basis can be terminated by default, either according to Islamic law or existing laws and regulations. The main basis for this is Surah Al-Talak, verses 6 and 7.²⁴

²² Elimartati and Firdaus, "Study of the Implementation of Sema No. 1 of 2017 at the Talu Religious Court," *Adhki: Journal of Islamic Family Law Vol 3*, no. 1 (2021). hlm. 125.

²³ Muhammad Fiqr, "Application of the Right of Hadhanah to Children Who Are Not Yet *Mumayyiz* Perspective of the Shafi'i School, Popular:," *Student Research Journal*, 2, no. 1 (2023). hlm. 89.

²⁴ Aldi Jaya Mandala Putra, "Legal Review of the Maintenance of Minors (Hadhanah Rights) Due to Divorce Based on the Compilation of Islamic Law," *Journal of Legal Studies*: 5, no. 2 (2019). hlm. 129.

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When a father refuses to provide child support after a divorce, the judge, in this case within the context of Islamic law, must engage in jihad.²⁵ This means that the judge can exercise *ijtihad* in cases where this breach is possible occur by imposing sanctions for the father who refuses to provide child support.²⁶

Sanctions for fathers who fail to comply with this ruling are necessary because there are no regulations regarding sanctions for neglect of child support. Therefore, judicial *ijtihad* is essential, or a recommendation for assistance from the National Zakat Agency (BAZNAS) when a child does not receive support from their father.²⁷ Judicial *ijtihad* should also take into account prevailing cultural or customary values. For example, as the subject of this study, Pariangan, a traditional village in Tanah Datar, adheres to matrilineal or matrilineal law, so that customary rules can be enforced.

In Minangkabau custom, children was taken care by mother. When father had divorced mother, father remains obligated to provide support his child. Otherwise, Bako or paternal family will help provide for his child. The bako refers to the father's side of the family. Maternal uncle also plays a role in providing for his nephew.

Changing times have caused Minangkabau traditional values to be abandoned, resulting in many fathers, fathers family, and mothers neglecting their roles. In Minangkabau tradition, women are given the responsibility of managing property to protect it in the event of a husband's death. Minangkabau family law emphasizes that women are respected and children are cared for according to Islamic law and custom.

D. Conclusion

This article can be concluded that the obligation of child support has no standard guidelines by the court. Fathers only provide support to their children according to their willingness, without accordance with their children's needs. There are several factors that cause fathers to neglect providing child support in Pariangan District, like economic factors, husbands miss understand that children are their responsibility eventhough after divorced, Minangkabau customs influence fathers in fulfill their obligations, a woman's lack of understanding in

²⁵ Prihatini Purwaningsih, "Child Maintenance Rights (Hadhanah) Due to Divorce Reviewed from Positive Law," *Yustisi* 1, no. 2 (2014): hlm. 65, <https://doi.org/10.32832/yustisi.v1i2.1093>.

²⁶ Riadi, "The Islamic Family Law System in Indonesia."

²⁷ Imam Sukadi, "Legal Protection for Abandoned Children from the Perspective of the Welfare State" 14, no. 2 (2020). hlm. 90.

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litigation, fathers remarrying and the factor of ex-husbands' distrust of their ex-wives. Minangkabau customs, especially Pariangan, stipulate that mothers play a role in fulfilling the support of their nephews. In accordance with the proverb *anak dipangku kemanakan dibimbiang* (children in the lap and nephews are guided).

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