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Asset Seizure and Child Support Enforcement: A Maqāṣid-Based Reconstruction of Indonesian Islamic Family Law

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Article Information	Abstract
Received: 5 Maret 2026 Accepted: 1 Juni 2026 Published: 30 Juni 2026 Keywords: Child support; asset seizure; maqāṣid al-sharī'ah; Islamic family law; legal enforcement How to cite: Madchaini, K., Khairuddin, Mubarrak, H., & Daud, Z. F. M. (2026). Asset seizure and child support enforcement: A maqāṣid-based reconstruction of Indonesian Islamic family law. <i>Al-Ulum</i>, 26(1), 1-20. https:// 10.30603/au.v26i1.7842 Corresponding authors email: zakiulfuadymds@gmail.com	This study examines post-divorce child support in Indonesian Islamic law and positive law, focusing on the legal basis for confiscating ex-husbands' assets and reconstructing child support enforcement through a maqāṣid al-sharī'ah perspective. Using a normative-juridical method with statutory, conceptual, and case approaches, the study analyzes legislation, fiqh literature, and religious court decisions concerning child support and maintenance enforcement. The findings reveal that although both Islamic law and positive law impose child support obligations on fathers, enforcement remains weak, with many court decisions left unexecuted. This reflects the absence of effective enforcement norms and results in structural injustice toward children. From a maqāṣid perspective, asset seizure constitutes a legitimate and necessary enforcement instrument consistent with the protection of offspring (ḥifẓ al-nasl) and property (ḥifẓ al-māl). The study highlights the need to strengthen enforcement norms and judicial mechanisms governing child support obligations and recommends more proactive court practices to ensure the effective realization of children's rights in Indonesia.

INTRODUCTION

The phenomenon of non-compliance with child support obligations after divorce has emerged as one of the most persistent challenges in the enforcement of Islamic family

law in Indonesia. Although religious court decisions concerning child support possess binding legal force, their implementation frequently falls short of ensuring the actual fulfillment of children's rights (Fardindaputri & Hasanudin, 2025; Maghfuri & Al-Amin, 2024; Widyakso, 2018). Empirical studies conducted in Malang and Jombang reveal that many ex-husbands fail to comply with child support orders, while payments that are initially made often cease after a short period without any effective enforcement mechanism (Fardindaputri & Hasanudin, 2025; Maghfuri & Al-Amin, 2024; Widyakso, 2018). More specifically, research at the Religious Court of Malang demonstrates that available procedural instruments (Widyakso, 2018), such as *aanmaning* and execution seizure, remain largely ineffective because their implementation depends heavily on the initiative of the custodial parent (Widyakso, 2018). Similar findings have been reported by the Sharia Court of Banda Aceh, where the enforcement of child maintenance claims requires lengthy procedural stages—from filing applications and paying court fees to *aanmaning*, seizure, and auction—without necessarily guaranteeing the realization of children's rights (Devy & Suci, 2020). These findings indicate that the problem of child support in Indonesia is not merely the absence of legal norms but, more fundamentally, the weakness of enforcement mechanisms that transform judicial decisions into effective legal protection.

The persistence of this problem indicates that child support enforcement is not merely a local concern but a national challenge within Indonesia's family justice system. According to Statistics Indonesia (BPS), more than 463,000 divorce cases were recorded nationally in 2023, while the Supreme Court's Annual Report documented that divorce-related disputes continue to dominate the caseload of religious courts across the country. Given the substantial number of children affected by marital dissolution each year, weaknesses in the enforcement of child support obligations potentially affect a significant segment of Indonesia's child population. These figures demonstrate that the gap between legal entitlement and actual fulfillment of child support is not confined to specific jurisdictions but reflects a broader structural problem within Indonesian Islamic family law (Badan Pusat Statistik, 2024; Supreme Court of the Republic of Indonesia, 2024).

The consequences of this enforcement failure are particularly severe for children as the most vulnerable subjects within post-divorce family relations. The inability of the legal system to ensure the fulfillment of child support obligations deprives children of economic rights that are formally recognized by both state law and Islamic law. Empirical studies demonstrate that the non-payment of child support contributes directly to declining child welfare, increased economic insecurity, and a greater financial burden on mothers who assume primary caregiving responsibilities after divorce. In many cases, mothers are compelled to shoulder educational, healthcare, and daily living expenses without meaningful support from the non-custodial parent (Musaddad et al., 2025; Nasution et al., 2024; Setyaningsih, 2026). As a result, the issue of child support can no longer be viewed merely as a private dispute between former

spouses; rather, it represents a form of structural injustice in which legally recognized rights exist without effective mechanisms to guarantee their realization (Musaddad et al., 2025). The persistence of this gap ultimately undermines the protective function of both Islamic family law and the national legal system (Devy & Suci, 2020).

Normatively, Indonesian law has established a relatively clear framework governing child support obligations after divorce. Article 41 of the Marriage Law and several provisions of the Compilation of Islamic Law place primary responsibility for child maintenance on the father, regardless of the dissolution of the marital relationship (Law Number 1 of 1974, Art. 41; Law Number 16 of 2019, Art. 41; Compilation of Islamic Law, Arts. 105(c) and 156(d)). These provisions demonstrate the state's commitment to protecting children's welfare and ensuring parental responsibility after divorce. However, the existence of legal norms does not automatically guarantee their realization. The principal weakness lies in the enforcement stage, where the legal system relies heavily on voluntary compliance and procedural mechanisms initiated by the aggrieved party (Musaddad et al., 2025; Nasution et al., 2024). Unlike several jurisdictions that have developed automatic enforcement instruments such as wage garnishment, income withholding, or asset tracing, Indonesian Islamic family law has yet to establish a specific enforcement framework capable of ensuring the effective fulfillment of child support obligations. Consequently, the legal protection afforded to children often remains normative rather than operational.

From the perspective of Islamic jurisprudence, the obligation of child support after divorce is firmly established and derives from the paternal relationship rather than the continuity of marriage itself. Classical jurists consistently regarded child maintenance as a binding legal duty intended to safeguard children's welfare and ensure the preservation of lineage. Contemporary scholars likewise maintain that divorce does not extinguish a father's financial responsibilities toward his children. Nevertheless, while Islamic jurisprudence provides a strong normative foundation for child support obligations, it offers limited discussion regarding institutional enforcement mechanisms within the context of modern state legal systems. Consequently, a gap remains between the recognition of child support as a legal obligation and the availability of effective mechanisms to secure its implementation (Al-Ghazali, 1993; Al-Zuhayli, 1986; Ibn Qayyim al-Jawziyya, 1991).

In this study, *maqāṣid al-sharī'ah* is not employed merely as a philosophical justification for legal norms but as an operational analytical framework for evaluating whether legal institutions effectively realize the objectives of Islamic law. Particular emphasis is placed on the protection of lineage (*ḥifẓ al-nasl*) and the protection of property (*ḥifẓ al-māl*), both of which are directly implicated in the fulfillment of child support obligations. From this perspective, the effectiveness of law is measured not solely by the existence of legal rules, but by its capacity to secure children's substantive rights and welfare. Consequently, the failure to enforce child support decisions constitutes not only a procedural deficiency but also a failure to realize the

fundamental objectives of Islamic law (Al-Shatibi, 1997; Auda, 2008; Ibn ‘Āshūr, 2001b).

Existing scholarship on post-divorce child support can generally be classified into three interrelated strands. The first examines the effectiveness of enforcing child support obligations and religious court decisions, consistently identifying weak implementation, procedural complexity, dependence on voluntary compliance, and limited use of execution mechanisms as the principal obstacles to enforcement (Musaddad et al., 2025; Nasution et al., 2024). Similar concerns have been documented in comparative studies, which demonstrate that legal obligations alone are insufficient without robust enforcement institutions capable of ensuring compliance and reducing child poverty (Skinner & Meyer, 2020). The second strand approaches child support from the perspectives of child protection, welfare, and access to justice, emphasizing that non-compliance adversely affects children's educational opportunities, social welfare, and long-term development, while highlighting child support as an integral component of children's rights protection (Musaddad et al., 2025; Nasution et al., 2024; Natalier & Hewitt, 2014). The third strand focuses on the application of *maqāṣid al-sharī‘ah* in contemporary Islamic legal reform, demonstrating its potential to strengthen substantive justice, child protection, and legal reform, yet remaining largely concentrated on philosophical and interpretive dimensions rather than operational enforcement mechanisms (Auda, 2008; Istiqomah, 2025; Yusuf et al., 2024). Collectively, these studies provide important insights into child support, enforcement, and *maqāṣid*, but have not systematically integrated Islamic jurisprudence, positive law, and *maqāṣid* into a coherent enforcement framework capable of ensuring the effective realization of children's rights.

Despite these important contributions, a significant gap remains in the existing literature. Previous studies have examined child support obligations, enforcement deficiencies, child welfare, and *maqāṣid al-sharī‘ah* largely as separate analytical domains. Existing research predominantly focuses either on the normative obligation of support, the procedural challenges of execution, or the philosophical dimensions of *maqāṣid*, without systematically integrating these perspectives into an operational legal framework. More importantly, no study has specifically examined asset seizure as a *maqāṣid*-based enforcement mechanism capable of bridging the gap between judicial recognition and the effective realization of children's rights within Indonesian Islamic family law. This article addresses that gap by reconstructing asset seizure not merely as a procedural remedy but as an enforcement instrument grounded in the objectives of Islamic law. Accordingly, this study aims to reconstruct asset seizure as a *maqāṣid*-based enforcement mechanism for post-divorce child support by integrating Islamic jurisprudence, Indonesian positive law, and the objectives of Islamic law to ensure the effective realization of children's rights within Indonesian Islamic family law. The novelty of this study lies in the formulation of a *maqāṣid*-based enforcement model that reconstructs asset seizure as an operational mechanism for child support enforcement within Indonesian Islamic family law.

RESEARCH METHODS

This study employs normative-juridical legal research with a *maqāṣid al-sharī'ah* perspective as its principal analytical framework. Normative legal research is directed toward examining legal norms, legal principles, legal doctrines, and judicial reasoning in order to formulate legal arguments and provide solutions to legal problems (Ibrahim, 2019; Marzuki, 2021). This methodological choice is appropriate because the issue under examination concerns not merely the existence of legal norms governing post-divorce child support, but also the inadequacy of existing enforcement mechanisms in ensuring the effective realization of children's rights. To address this problem, the study employs three complementary approaches. First, the statutory approach is used to examine the consistency and normative structure of legal provisions regulating child support obligations, particularly Article 41 of Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019, as well as Articles 105 and 156 of the Compilation of Islamic Law concerning child custody and maintenance (Marzuki, 2021). Second, the conceptual approach is utilized to analyze legal doctrines and theoretical concepts developed in classical and contemporary Islamic jurisprudence, including *nafaqah al-awlād*, judicial compulsion (*al-ijbār*), financial sanctions (*ta'zīr bi al-māl*), and *maqāṣid al-sharī'ah* as a framework for achieving substantive justice (Al-Shatibi, 1997; Hutchinson, 2015; Ibn 'Āshūr, 2001a).

The study further employs a case approach through the analysis of Decision Number 199/Pdt.G/2024/PA.Prob, which requires the fulfillment of child support and other post-divorce financial obligations before the issuance of the divorce certificate (*akta cerai*). The decision was selected purposively because it represents an emerging judicial innovation aimed at strengthening compliance with child support obligations in the absence of explicit statutory enforcement mechanisms. The case was chosen based on three considerations: (1) it contains an explicit judicial order concerning post-divorce child support; (2) it addresses issues relating to compliance and enforcement; and (3) it provides judicial reasoning directly connected to the protection of children's rights. Rather than serving as empirical evidence for statistical generalization, the decision functions as a representative case through which the strengths, limitations, and normative implications of existing enforcement mechanisms can be critically examined. Such an approach is consistent with case study methodology, which enables the examination of contemporary legal phenomena within their real-life context and facilitates the identification of broader normative implications beyond the specific case under review (Yin, 2018). The legal materials employed in this study consist of primary legal materials, including statutory regulations, Religious Court decisions, and procedural norms relating to the enforcement of judicial decisions, as well as secondary legal materials in the form of classical and contemporary *fiqh* literature, scholarly works on Islamic family law, child protection, child support enforcement, and *maqāṣid al-sharī'ah* (Amiriyyah, 2015; Bahri, 2015; Lubis, 2024).

The analysis was conducted through four interrelated stages. First, legal norms, *fiqh*

doctrines, and judicial decisions relating to child support were identified, classified, and systematically mapped. Second, the normative construction of child support obligations in Indonesian positive law and Islamic jurisprudence was examined to identify areas of convergence and divergence. Third, the identified legal norms and judicial practices were evaluated using *maqāṣid al-sharīʿah* parameters, particularly the protection of life (*ḥifẓ al-naḥs*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*), which are the objectives most directly implicated in the fulfillment of child support obligations and the protection of children's welfare after divorce. The use of *maqāṣid* as an analytical framework is grounded in contemporary developments in Islamic legal methodology that position *maqāṣid* not merely as a philosophical foundation of law, but also as an operational instrument for evaluating the effectiveness of legal institutions in realizing justice and public welfare (Auda, 2008; Ibn ʿĀshūr, 2001a). Fourth, a prescriptive legal reconstruction was formulated by identifying normative gaps between existing enforcement mechanisms and the requirements of *maqāṣid al-sharīʿah*, and subsequently developing asset seizure as a *maqāṣid*-based enforcement instrument capable of ensuring the effective realization of children's rights after divorce. Because the objective of this study is legal reconstruction rather than empirical measurement, the analysis is confined to legal materials, legal doctrines, and judicial decisions. Through this framework, the study explains the concept of post-divorce child support in Islamic law and positive law, examines the philosophical, juridical, and sociological foundations of asset seizure, and formulates a *maqāṣid*-based legal reconstruction for strengthening child support enforcement within Indonesian Islamic family law.

FINDINGS AND DISCUSSION

This study was guided by three interrelated research questions. The first research question (RQ1) asked how post-divorce child support is conceptualized in Indonesian legislation and Islamic jurisprudence, and where the two converge and diverge. The second research question (RQ2) asked what philosophical, legal, and sociological bases justify the seizure of an ex-husband's assets to fulfill child support after divorce. The third research question (RQ3) asked how a legal construction of asset seizure for child support can be formulated on the basis of *maqāṣid al-sharīʿah*. The findings and their discussion are presented below in the order of these questions.

RQ1: The Concept of Child Support after Divorce in Legislation and Islamic Jurisprudence

The concept of post-divorce child support from the perspective of Islamic law and Indonesian positive law essentially stems from the same principle, namely the father's obligation as the primary provider of the child's needs. In Islamic jurisprudence, this obligation is based on consensus and does not depend on the continuation of the marital relationship, but rather on the kinship relationship between father and child. Classical scholars such as Abu Hamid al-Ghazali in *al-Mustaṣfā* emphasized that

preserving the soul and offspring is part of the main objective of sharia (*ḍarūriyyāt al-khams*) (Al-Ghazali, 1993), so that child support cannot be abandoned under any circumstances. This view is reinforced by contemporary scholars such as Wahbah al-Zuhayli, who emphasized that the obligation to provide child support remains in place even after divorce, as long as the child has not achieved economic independence. Thus, conceptually, Islamic jurisprudence has laid a strong normative foundation for the view that child support is an absolute, non-negotiable obligation (Al-Zuhayli, 1985).

In Indonesian positive law, this principle is adopted through Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI). Article 41 of the Marriage Law explicitly states that fathers are responsible for the costs of maintaining and educating children after divorce. The KHI also emphasizes that the obligation to provide child support remains with the father even if custody rests with the mother. However, compared to Islamic jurisprudence (*fiqh*), positive law tends to formulate this obligation in a more administrative, normative form and is less exploratory in its substantive dimensions. This is evident in the absence of clear standards for the amount of child support, eligibility criteria, and mechanisms for adjusting child support to the father's economic situation and the child's evolving needs.

In essence, Islamic jurisprudence views child support as extending beyond basic needs such as food and clothing to encompass all needs that ensure a child's survival and complete development, including education, health, and social needs. This aligns with the *maqāṣid* approach, which positions support as part of protecting the soul (*ḥifẓ al-naḥs*) and offspring (*ḥifẓ al-nasl*). Empirical studies show that the concept of support in Islamic law is contextual and adapts to a society's socio-economic conditions (Bahri, 2015; Laksana et al., 2025). Thus, support is not merely a minimal obligation, but an instrument for ensuring a child's quality of life on an ongoing basis.

However, in Indonesian religious court practice, this concept is often reduced to a nominal figure that fails to reflect the child's actual needs. Many court decisions set fixed alimony amounts without considering inflationary dynamics, educational needs, or a decent standard of living. Research shows that in many cases, the alimony awarded falls far short of the child's actual needs, even failing to meet basic needs (Pratiwi, 2020; Ramlah, 2021). This situation demonstrates a gap between the normative concept of alimony in Islamic jurisprudence and its implementation in positive law, where the law tends to be formalistic and less responsive to social realities.

This gap can be observed in several Religious Court decisions. For example, in Decision Number 199/Pdt.G/2024/PA.Prob, the court ordered the father to fulfill child support obligations and other post-divorce financial responsibilities before the issuance of the divorce certificate. Nevertheless, the determination of maintenance remains largely dependent on judicial discretion and the parties' statements rather than on objective indicators of children's actual needs. Similar patterns can be found in a number of Religious Court decisions in which child support is awarded in fixed amounts that often fall below the cumulative costs of education, health care,

transportation, and daily living expenses. Consequently, the nominal amount awarded by the court does not always correspond to the real socio-economic needs of the child, thereby creating a gap between normative protection and substantive welfare.

Another issue arising in the concept of maintenance concerns *māḍiyah* maintenance (maintenance that was not paid in the past). In Islamic jurisprudence, there are differing opinions regarding the status of *māḍiyah* maintenance: whether it is a right that must be paid or lapses over time. Classical jurists differed on the legal status of unpaid maintenance (*naḥkahl māḍiyah*). The *Ḥanafī* school generally held that maintenance obligations may lapse if they were not judicially determined or formally claimed during the relevant period, on the ground that maintenance is intended to satisfy immediate needs rather than to create a debt (Al-Kāsānī, 1986). In contrast, the *Mālikī* (Al-Ḥaṭṭāb al-Ruʿaynī, 1992), *Shāfiʿī* (Al-Nawawī, 1991), and *Ḥanbalī* (Ibn Qudāmah, 1968) schools tended to regard unpaid maintenance as a continuing financial obligation that remains recoverable once its existence has been established, particularly when the beneficiary's rights have been neglected. This divergence reflects a broader debate concerning whether maintenance should be viewed primarily as a subsistence obligation or as a legally enforceable financial right. However, in the context of child protection, many contemporary scholars tend to emphasize that *māḍiyah* maintenance remains a father's obligation because it relates to the child's rights that must not be lost. In Indonesian legal practice, decisions regarding *māḍiyah* maintenance are often inconsistent, and in some cases, they are not optimally accommodated (Amiriyyah, 2015). This indicates legal uncertainty that directly impacts the protection of children's rights. In the author's view, the opinion that treats unpaid child support as a continuing and recoverable obligation is more consistent with the objectives of Islamic law, particularly the protection of lineage (*ḥifẓ al-nasl*) and property (*ḥifẓ al-māl*). Since child support is fundamentally linked to the protection of children's rights rather than merely the financial interests of parents, allowing such obligations to lapse would undermine the substantive justice that *maqāṣid al-sharīʿah* seeks to achieve.

From the perspective of the *maqāṣid al-syarīʿah* (the principles of Islamic law), this condition indicates that the concept of livelihood has not fully functioned as an effective instrument of protection. Failure to ensure livelihood fulfillment means failing to uphold the primary objectives of sharia, particularly in protecting offspring and child welfare. Within this framework, livelihood is understood not only as an individual obligation but also as a collective responsibility, with the state serving as a guarantor of justice. Therefore, the *maqāṣid* approach demands that the concept of livelihood not stop at the normative level but must be operationalized through effective legal mechanisms.

Furthermore, the analysis shows that the main weakness of the concept of maintenance in Indonesian positive law lies in the lack of integration between substantive norms and implementation mechanisms. The law establishes the obligation to provide maintenance, but does not provide adequate instruments to

ensure its implementation. This causes the concept of maintenance to lose its coercive power and become merely a declarative norm. In this context, a reconstruction of the concept of maintenance is needed, grounded not only in normative obligations but also in effective implementation, thereby ensuring the real fulfillment of children's rights.

Thus, it can be concluded that the concept of post-divorce child support in Islamic jurisprudence and Indonesian positive law is consistent in principle, but suffers from serious weaknesses at the operational level. Islamic jurisprudence has provided a strong and comprehensive normative foundation, while positive law has adopted this principle through regulations. However, without an effective implementation mechanism, this concept cannot ensure optimal protection of children's rights. Therefore, a new approach is needed that integrates legal norms, practices, and objectives, one of which is the *maqāṣid al-syarī'ah* approach, which focuses on substantive justice.

RQ2: Philosophical, Legal, and Sociological Bases for Seizing an Ex-Husband's Assets to Fulfill Child Support after Divorce

The philosophical basis for seizing a former husband's assets to fulfill child support after divorce is rooted in the principle of substantive justice in Islamic law and modern legal theory. Within the framework of *Maqāṣid al-Syarī'ah*, the purpose of law is not merely to establish obligations, but to ensure the realization of welfare and prevent harm. Child support is part of the primary needs (*darūriyyāt*), which are directly related to the protection of life (*ḥifẓ al-naḥs*) and offspring (*ḥifẓ al-nasl*). When the obligation of support is not met, a violation of the basic objectives of sharia occurs. In this context, confiscation of assets is not merely a procedural action, but a form of legal intervention to restore the disturbed balance of justice. This approach aligns with the thinking of Abu Ishaq al-Shatibi (Al-Shatibi, 1997), who places welfare as the primary orientation of law, and was developed from a systems perspective by Jasser Auda, who emphasized the importance of legal effectiveness in achieving its social goals (Auda, 2008).

From a modern legal philosophy perspective, the legitimacy of property confiscation can also be justified through the theory of distributive justice. When a father fails to fulfill his maintenance obligations, an unequal distribution of resources occurs, harming the child as the weaker party. Within this framework, property confiscation functions as a forced redistribution mechanism to ensure the fulfillment of children's rights. This concept aligns with John Rawls's theory of justice, which emphasizes protecting vulnerable groups in the distribution of resources (Rawls, 1997). However, unlike the secular approach, in the *maqāṣid al-sharī'ah*, this redistribution is based not only on social justice but also on moral and religious responsibility.

A comparison between Rawls and al-Shāṭibī reveals important points of convergence and divergence. Both emphasize the protection of vulnerable parties and regard justice as a mechanism for preventing structural disadvantage. Rawls grounds distributive justice in fairness and the equitable distribution of social goods, whereas

al-Shāṭibī situates justice within the broader framework of *maṣlaḥah* and the realization of the objectives of the Sharī'ah. Consequently, while Rawls focuses primarily on institutional fairness, al-Shāṭibī links distributive justice to moral accountability and the preservation of essential human interests, including life, lineage, and property. In the context of child support enforcement, both perspectives support state intervention to protect children, although they differ in their normative foundations (Al-Shatibi, 1997; Rawls, 1997).

From a fiqh perspective, the legitimacy of property confiscation can be traced to the concepts of *al-ijbār* (coercion by authority) and *ta'zīr bi al-māl* (property-based sanctions). Scholars assert that the ruler has the authority to compel an individual to fulfill obligations that impact the public interest. Izz al-Din Ibn Abd al-Salam emphasized that the purpose of law is to "attract benefit and repel harm," so that coercive action against negligent parties is part of the state's function in maintaining social order (Ibn 'Abd al-Salām, 1999). In this context, property confiscation is not only permitted but also becomes mandatory when an individual's negligence threatens the rights of others, particularly children. The practical relevance of these doctrines can be observed in Indonesian Religious Court practice. For instance, Decision Number 199/Pdt.G/2024/PA.Prob introduced a judicial mechanism requiring the fulfillment of child support and other post-divorce financial obligations before the issuance of the divorce certificate (*akta cerai*). Although the decision does not involve direct asset seizure, it reflects the judiciary's attempt to employ coercive measures to ensure compliance with maintenance obligations. This development demonstrates that the principles of *al-ijbār* and *ta'zīr bi al-māl* are not merely theoretical constructs within classical fiqh but continue to inform contemporary efforts to strengthen the enforcement of children's rights in Indonesian Islamic family law.

Legally, Indonesian positive law provides a basis for implementing property confiscation through civil procedural law, although it has not been specifically designed for child support cases. Instruments such as security confiscation (*conservatoire beslag*) and execution confiscation (*executorial beslag*) can be used to enforce court decisions. However, in practice, these mechanisms remain general and do not specifically protect children's rights. Research shows that the use of confiscation in family cases is still limited and has not become a primary instrument for enforcing child support (Azizah et al., 2025; Fauzi & Muslih, 2021). This indicates a lack of operational norms, which contributes to the law's limited effectiveness.

Nevertheless, the legitimacy of asset seizure must remain subject to the principle of proportionality. Asset seizure should be limited to property reasonably necessary to satisfy unpaid child support obligations and should not deprive the obligor of the minimum resources required for subsistence. In practice, priority may be given to liquid assets, income, savings, or non-essential property before measures affecting assets indispensable for the obligor's basic livelihood. Where available assets are insufficient to satisfy the full amount of child support, enforcement should be directed toward proportional recovery while preserving the continuing obligation to fulfill the

remaining balance. Such limitations are consistent with both procedural fairness and the *maqāṣid* principle of preventing greater harm (*dar' al-mafāṣid*) while securing the rights of children (Al-Shatibi, 1997; Al-Zuhayli, 1985; Alexy, 2002).

Furthermore, an analysis of judicial practice shows that the execution of maintenance orders is highly dependent on the initiative of the aggrieved party, namely the mother as the child's guardian. The lengthy execution process, high costs, and procedural complexity are major obstacles to enforcing maintenance rights (Devry & Suci, 2020; Widyakso, 2018). This situation demonstrates that although legally there is a legal basis for confiscation, the legal system is structurally unable to guarantee its effective implementation.

From a sociological perspective, the phenomenon of failure to provide child support reflects the unequal economic power relations between ex-husbands and ex-wives. In many cases, mothers lack access to economic resources, making it impossible for them to uphold children's rights independently. Studies show that neglect of child support is often correlated with patriarchal economic and cultural conditions that place women in a weaker position (Andriyani et al., 2025; Musaddad et al., 2025). In this context, asset confiscation can be understood as a corrective measure to address this inequality.

Furthermore, a sociological approach also shows that failure to enforce child support has the potential to have long-term impacts on social structures, including increasing child poverty and social inequality. Therefore, intervention through property confiscation aims not only to resolve individual conflicts but also to maintain broader social stability. This aligns with the *maqāṣid* approach, which places the public interest (*maṣlaḥah 'āmmah*) as the primary objective of law.

From a comparative legal perspective, various countries have developed more effective asset-based maintenance enforcement mechanisms, such as automatic wage deductions and asset tracking. Studies show that these mechanisms can significantly improve compliance rates with maintenance payments (Cheadle et al., 2010). This strengthens the argument that asset seizure as a maintenance enforcement instrument not only has a normative basis but has also been empirically proven to be effective.

Thus, it can be concluded that the confiscation of an ex-husband's assets has a strong philosophical, legal, and sociological basis. Philosophically, it is rooted in the principles of justice and the *maqāṣid al-syarī'ah*; juridically, it is based in civil procedural law; and sociologically, it is a response to real social inequality. Therefore, strengthening the asset confiscation mechanism as an instrument for enforcing child support is not only legally valid but also necessary to realize substantive justice in Islamic family law in Indonesia.

RQ3: The Legal Construction of Seizing an Ex-Husband's Assets to Fulfill Child Support after Divorce Based on Maqāṣid al-Sharī'ah

From a fiqh perspective, the legal framework for seizing a former husband's assets to fulfill child support obligations is fundamentally legitimate, although it is not always formulated in the terminology of "confiscation" as in modern law. The obligation to

provide child support in Islam is a binding obligation (*ilzāmī*) and does not depend on willingness, but rather on the sharia responsibility inherent in kinship ties. Within the framework of *ushul fiqh*, the principles of *maslahah* and *Maqāṣid al-syarī'ah* serve as the primary justification for coercive action against a negligent party. This aligns with classical thinking, which states that Islamic law aims to safeguard five fundamental principles: religion, life, reason, lineage, and property. Therefore, when child support is not met, intervention through asset confiscation can be viewed as an effort to simultaneously safeguard both *ḥifẓ al-nasl* and *ḥifẓ al-māl*.

Furthermore, in *fiqh*, there is the concept of *al-ijbār* (coercion by authority), which gives the state or judges the authority to compel someone to fulfill their obligations. This concept is strengthened by the idea of *siyāsah shar'iyah*, which allows the ruler to adopt policies for the public good even though they are not explicitly regulated in the text. Ibn Qayyim al-Jawziyya emphasized that every policy that brings humans to justice and keeps them away from destruction is part of the sharia, even though it is not mentioned literally in the Qur'an and hadith (Ibn Qayyim al-Jawziyya, 1995). Thus, the confiscation of assets can be justified as a legitimate form of Sharia policy to enforce maintenance obligations.

In contemporary developments, the *maqāṣid* approach further strengthens this legitimacy by emphasizing that law must be measured by its ability to achieve its objectives, not simply by its conformity to the text. Jasser Auda developed a systems approach that positions law as an instrument for achieving social justice and protecting vulnerable groups (Auda, 2008). In the context of child support, this approach demands that the obligation to provide support not only be recognized normatively but also be implemented through effective mechanisms. Recent research shows that applying *maqāṣid* in judicial practice can encourage judges to be more proactive in protecting children's interests. This opens up space for the construction of property confiscation as part of *maqāṣid*-based judicial activism.

However, when this Islamic jurisprudence perspective is compared with Indonesian positive law, a significant gap is apparent. Positive law recognizes the confiscation mechanism through civil procedure, but its use in child support cases remains very limited and unsystematic. Most court decisions simply stipulate child support obligations without any effective enforcement mechanism. Studies show that child protection in Indonesia's religious court system remains declarative, merely establishing rights without guaranteeing their actual implementation. This indicates that positive law has not fully internalized the principle of *maqāṣid* in its design (Daud & Azahari, 2019; Daud et al., 2023).

From an Indonesian procedural law perspective, a *maqāṣid*-based asset seizure mechanism may be integrated into the existing framework of the *Herziene Indonesisch Reglement* (HIR) and *Rechtsreglement voor de Buitengewesten* (RBg), particularly through the adaptation of conservatory attachment (*conservatoir beslag*) and executory attachment (*executoriaal beslag*). Such integration may also be strengthened through a Supreme Court Regulation (*Peraturan Mahkamah Agung/PERMA*) specifically

addressing the enforcement of child support obligations in Religious Courts. Through this framework, judges could be granted authority to order preventive measures against identified assets when there is a substantial risk of non-compliance, thereby transforming child support enforcement from a purely declaratory system into an operational mechanism capable of protecting children's rights (Harahap, 2017; Iriawan, 2022; Manan, 2004; Mertokusumo, 2009).

This weakness is increasingly apparent in the practice of enforcing child support decisions, which tends to be passive and dependent on the initiative of the aggrieved party. Processes such as *aanmaning* (formal warning prior to execution), seizure (sequestration), and auctions are often lengthy and costly, making them ineffective in guaranteeing children's rights. Research shows that religious courts struggle to balance legal norms with social realities, particularly when fathers lack legal awareness or financial capacity (Devy & Suci, 2020; Widyakso, 2018). This situation demonstrates that the legal system is unable to address the structural challenges in enforcing child support.

A distinction must also be drawn between conservatory attachment and executory attachment in the context of child support enforcement. Conservatory attachment serves a preventive function by securing the obligor's assets before final execution, thereby preventing asset transfers or concealment during litigation. Executory attachment, by contrast, is implemented after a final and binding judgment has been issued and aims directly at satisfying the maintenance obligation through the sale or liquidation of assets. In child support disputes, conservatory attachment may provide greater protection because it preserves assets before enforcement difficulties arise, whereas executory attachment functions as the final coercive mechanism once non-compliance has been established (Harahap, 2017).

From a *maqāṣid* perspective, these weaknesses indicate that the legal system has failed to achieve its primary objective (Daud & Azahari, 2019). A law that fails to ensure the fulfillment of the obligation to provide maintenance fails to protect children's lives and well-being. Therefore, legal reconstruction is needed that focuses not only on norms but also on effective implementation. In this regard, property confiscation can be positioned as an instrument to bridge the gap between norms and practice, so that the law is no longer symbolic but operational. The legal construction of property confiscation must also be viewed within the broader framework of distributive justice. When a father fails to fulfill his obligation to provide maintenance, an unequal distribution of resources occurs, which is detrimental to children. In this context, property confiscation functions as a forced redistribution mechanism to ensure that children's rights are met. This approach aligns with the principles of justice in Islam, which emphasize not only formal equality but also substantive justice that takes socio-economic conditions into account.

Furthermore, a comparative approach shows that legal systems in various countries have developed more effective asset-based maintenance enforcement mechanisms, such as automatic salary deductions and asset tracking. These mechanisms have been

shown to significantly improve compliance with maintenance payments. Therefore, developing a similar system in the Indonesian context is relevant to address existing weaknesses. In this regard, asset confiscation can be a first step towards a more modern and effective maintenance enforcement system (Cheadle et al., 2010). However, asset confiscation cannot be carried out simply without regard for justice and proportionality. From a fiqh perspective, coercive measures must still consider the obligated party's economic capacity to avoid creating new injustices. Therefore, the construction of asset confiscation must be carefully designed, taking into account the principle of balancing the child's rights with the father's situation.

Notwithstanding its potential advantages, the implementation of asset seizure in child support cases faces several practical challenges. First, many assets are unregistered or difficult to identify, particularly in informal economic sectors. Second, assets may be transferred to or registered under the names of third parties, thereby complicating enforcement efforts. Third, certain maintenance obligations may be fulfilled in non-monetary forms, such as direct educational or caregiving services, raising questions regarding valuation and enforcement. These challenges indicate that the effectiveness of a maqāṣid-based asset seizure mechanism will depend not only on legal reform but also on improvements in asset disclosure systems, inter-agency coordination, and judicial capacity (Cooter & Ulen, 2016; Harahap, 2017).

The foregoing challenges demonstrate that the effectiveness of child support enforcement cannot depend solely on the recognition of legal obligations or the availability of execution procedures. Rather, it requires a coherent enforcement framework capable of linking judicial determination, asset identification, preventive safeguards, and execution mechanisms within a single operational model. From a maqāṣid perspective, such a framework is necessary to transform child support protection from a merely declaratory right into an effectively enforceable entitlement. Accordingly, the proposed maqāṣid-based enforcement model seeks to integrate substantive justice, procedural safeguards, and enforcement mechanisms into a systematic process capable of ensuring the realization of children's rights after divorce, as illustrated in Table 1 (Auda, 2008; Yin, 2018).

Table 1 Proposed Maqāṣid-Based Child Support Enforcement Model

Stage	Legal Mechanism	Maqāṣid Objective
Judicial determination of child support	Court judgment	Recognition of children's rights
Identification of assets	Asset disclosure and tracing	Protection of property (ḥifẓ al-māl)
Conservatory attachment	Preventive seizure of assets	Prevention of future harm
Compliance period	Voluntary fulfillment opportunity	Procedural fairness

Stage	Legal Mechanism	Maqāṣid Objective
Executory attachment	Forced execution of assets	Effective realization of rights
Distribution of proceeds	Payment of child support	Protection of lineage (<i>ḥifẓ al-nasl</i>) and welfare
Monitoring of future obligations	Judicial supervision	Sustainable protection of children's rights

In the end, integrating fiqh and positive law perspectives in the construction of property confiscation requires a systemic, *maqāṣid*-based approach. Laws must be designed not only to establish obligations, but also to ensure their implementation through effective and fair mechanisms. In this context, the confiscation of an ex-husband's assets can be understood as a *maqāṣidiyyah* instrument capable of guaranteeing real protection of children's rights. Thus, the legal construction of the confiscation of ex-husband's assets from the perspective of Indonesian jurisprudence and positive law is not only possible, but also necessary. Fiqh provides normative legitimacy through the principles of *maqāṣid* and *maslahah*, while positive law provides a procedural framework that can be developed. The integration of the two through a *maqāṣid*-based enforcement approach will produce a legal system that is not only normatively valid but also effective in realizing substantive justice for children after divorce.

CONCLUSION

This study demonstrates that post-divorce child support in both Islamic jurisprudence and Indonesian positive law is fundamentally based on the father's obligation to provide maintenance for his children. While Islamic jurisprudence offers a comprehensive normative foundation grounded in lineage-based responsibility, Indonesian positive law adopts similar principles through the Marriage Law and the Compilation of Islamic Law. Nevertheless, the study finds that the absence of effective enforcement norms has created a substantial gap between legal entitlement and actual fulfillment, resulting in structural injustice toward children. Furthermore, the analysis confirms that asset seizure possesses strong philosophical, juridical, and sociological legitimacy as an instrument for enforcing child support obligations. From the perspective of *maqāṣid al-sharī'ah*, particularly the protection of lineage (*ḥifẓ al-nasl*) and property (*ḥifẓ al-māl*), asset seizure represents not merely a procedural remedy but an operational mechanism for realizing substantive justice. Accordingly, this study argues that the normative vacuum surrounding child support enforcement in Indonesian Islamic family law should be addressed through a *maqāṣid*-based legal reconstruction that integrates Islamic jurisprudence, positive law, and effective enforcement mechanisms. The principal contribution of this study lies in the

formulation of a maqāṣid-based enforcement model that positions asset seizure as a practical and legally enforceable mechanism for ensuring the effective realization of children's rights after divorce.

This study is limited to normative legal analysis supported by selected Religious Court decisions and therefore does not evaluate the empirical effectiveness of asset seizure in actual judicial practice. Nevertheless, the findings carry important theoretical and practical implications. Theoretically, they reinforce the operational role of maqāṣid al-sharī'ah as a framework for legal reconstruction beyond its traditional normative function. Practically, they highlight the need to strengthen child support enforcement through legislative reform and judicial innovation. At the legislative level, regulations should explicitly provide mechanisms for asset seizure, income garnishment, and other enforcement measures as integral components of Islamic family law. At the judicial level, judges should be encouraged to include enforceable safeguards in divorce judgments, such as automatic wage garnishment orders or asset-freezing measures where there is a substantial risk of non-compliance. Future research should therefore examine the practical implementation and effectiveness of such mechanisms through empirical studies involving Religious Courts, litigants, and enforcement institutions, particularly to assess the extent to which asset seizure can effectively secure children's rights and improve compliance with child support obligations in practice.

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Authors' Contribution

Kuntari Madchaini [conceptualized the study and drafted the manuscript]. Khairuddin [contributed to the analysis of Islamic jurisprudence and revised the manuscript]. Husni Mubarrak [contributed to the analysis of positive law and court decisions]. Zakiul Fuady Muhammad Daud [designed the maqāṣid-based analytical framework, supervised the study, and finalized the manuscript]. All authors read and approved the final manuscript.

AI Generative Statement

The authors declare that generative AI tools were used solely for language refinement, grammar checking, and improving the clarity of expression during the preparation of this manuscript. All core academic activities, including research conceptualization, collection of legal materials, legal analysis, interpretation of findings, and final academic decisions, were conducted independently by the authors. The authors take full responsibility for the originality, accuracy, and integrity of the entire content of

this article.

Statement of Conflict of Interest

The authors declare that there is no conflict of interest that could have influenced the research, authorship, or publication of this article.

REFERENCES

- Al-Ghazali, A. H. (1993). *Al-Mustaşfā min ‘ilm al-uşūl* (Vol. 1). Dār al-Kutub al-‘Ilmiyyah.
- Al-Ḥaṭṭāb al-Ru‘aynī, M. ibn M. (1992). *Mawāhib al-jalīl li sharḥ Mukhtaṣar Khalīl*. Dār al-Fikr.
- Al-Kāsānī, A. B. ibn M. (1986). *Badā’i ‘al-ṣanā’i ‘fī tartīb al-sharā’i*. Dār al-Kutub al-‘Ilmiyyah.
- Al-Nawawī, Y. ibn S. (1991). *Rawḍat al-ṭālibīn wa ‘umdat al-muftīn*. Al-Maktab al-Islāmī.
- Al-Shatibi, A. I. (1997). *Al-Muwāfaqāt fī uşūl al-sharī‘ah* (Vol. 2). Dār al-Ma‘rifah.
- Al-Zuhayli, W. (1985). *Al-fiqh al-Islāmī wa adillatuh* (Vol. 10). Dār al-Fikr.
- Al-Zuhayli, W. (1986). *Uşūl al-fiqh al-Islāmī* (Vol. 2). Dār al-Fikr.
- Alexy, R. (2002). *A theory of constitutional rights* (J. Rivers, Trans.). Oxford University Press.
- Amiriyyah, N. (2015). Nafkah madliyah anak pasca perceraian: Studi putusan Mahkamah Agung Republik Indonesia Nomor 608/K/AG/2003. *Jurisdiction: Jurnal Hukum dan Syariah*, 6(1), 1–15. <https://doi.org/10.18860/j.v6i1.4085>
- Andriyani, Barkah, Q., & Ifrohati. (2025). Pengabaian nafkah anak secara sengaja oleh ayah pasca perceraian. *Journal of Judicial Review*, 27(1), 187–202. <https://doi.org/10.37253/jjr.v27i1.10155>
- Auda, J. (2008). *Maqasid al-shariah as philosophy of Islamic law: A systems approach*. International Institute of Islamic Thought.
- Azizah, A. N., Candra, I. K., & Fauzi, M. Y. (2025). Hikmatu tasyri pernikahan perspektif historis, kesetaraan gender, dan kesehatan. *Jurnal Penelitian Hukum*, 4(2), 141–154.
- Badan Pusat Statistik. (2024). *Statistical yearbook of Indonesia 2024*. BPS-Statistics Indonesia.
- Bahri, S. (2015). Konsep nafkah dalam hukum Islam. *Kanun Jurnal Ilmu Hukum*, (66), 381–399.
- Cheadle, J. E., Amato, P. R., & King, V. (2010). Patterns of nonresident father contact.

- Demography*, 47(1), 205–225.
<https://pmc.ncbi.nlm.nih.gov/articles/PMC2858317/>
- Compilation of Islamic Law [Kompilasi Hukum Islam]. Presidential Instruction Number 1 of 1991.
- Cooter, R., & Ulen, T. (2016). *Law and economics* (6th ed.). Pearson.
- Daud, Z. F. M., & Azahari, R. (2019). Menyoal rekontruksi maqashid dalam pembaharuan hukum kewarisan Islam. *Jurnal Ilmiah Islam Futura*, 18(1), 1. <https://doi.org/10.22373/jiif.v18i1.2843>
- Daud, Z. F. M., Madchaini, K., & Irwanto. (2023). 'Illat dalam penalaran ta'limi sebagai metode istinbat hukum. *El-Wasathy: Journal of Islamic Studies*, 1(1), 1–18. <https://doi.org/10.61693/elwasathy.vol11.2023.1-18>
- Devy, S., & Suci, D. M. (2020). The implementation of verdict execution on providing maḍiyah maintenance following divorce according to Islamic law (Case study in Syar'iyah Court Banda Aceh). *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 4(2), 416–442. <https://doi.org/10.22373/sjhk.v4i2.6179>
- Fardindaputri, F. 'A., & Hasanudin, F. (2025). Legal protection of children's rights post-divorce: A study of single mothers in Malang Regency. *Prophetic Law Review*, 7(1), 70–94. <https://doi.org/10.20885/PLR.vol7.iss1.art4>
- Fauzi, S., & Muslih, A. (2021). Juridical analysis on the legal power of collateral seizure on matrimonial joint assets in the decision of Manna Religious Court No. 54/Pdt.G/2019/PA.Mna based on Islamic law. *Bengkoelen Justice*, 11(1). https://doi.org/10.33369/j_bengkoelenjust.v11i1.15786
- Harahap, M. Y. (2017). *Ruang lingkup permasalahan eksekusi bidang perdata*. Sinar Grafika.
- Hutchinson, T. (2015). *Researching and writing in law*. Lawbook Co.
- Ibn 'Abd al-Salām, 'I. al-D. (1999). *Qawā'id al-aḥkām fī maṣāliḥ al-anām* (Vol. 1). Dār al-Kutub al-'Ilmiyyah.
- Ibn 'Āshūr, M. al-Ṭ. (2001a). *Maqāṣid al-sharī'ah al-Islāmiyyah*. Dār al-Salām.
- Ibn 'Āshūr, M. al-Ṭ. (2001b). *Maqāṣid al-sharī'ah al-Islāmiyyah*. Dār al-Nafā'is.
- Ibn Qayyim al-Jawziyya. (1991). *I'lām al-muwaqqi'in 'an Rabb al-'Ālamīn* (Vol. 3). Dār al-Kutub al-'Ilmiyyah.
- Ibn Qayyim al-Jawziyya. (1995). *Al-ṭuruq al-ḥukmiyyah fī al-siyāsah al-shar'iyyah*. Dār al-Kutub al-'Ilmiyyah.
- Ibn Qudāmah. (1968). *Al-Mughnī* (Vol. 4). Maktabah al-Qāhirah.
- Ibrahim, J. (2019). *Teori dan metodologi penelitian hukum normatif*. Bayumedia Publishing.

- Iriawan, A. I. (2022). Judicial reform and the development of procedural law in Indonesia. *Jurnal Hukum dan Peradilan*, 11(2).
- Istiqomah, M. L. (2025). Rekonstruksi hukum ekonomi syariah dalam perspektif maqashid al-shari'ah. *Jurnal Pustaka Cendekia Hukum dan Ilmu Sosial*, 3(1), 1–9. <https://pchukumsosial.org/index.php/pchs>
- Laksana, A. W., Lubis, M. R., Suwondo, D., Ngazis, M., & Sari, R. M. P. (2025). Integrating maqasid al-shari'ah in contemporary Islamic legal reform on drug policy. *MILRev: Metro Islamic Law Review*, 4(1), 416–439. <https://doi.org/10.32332/milrev.v4i1.10665>
- Law Number 1 of 1974 concerning Marriage. (1974). Republic of Indonesia.
- Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage. (2019). Republic of Indonesia.
- Lubis, S. D. (2024). Pemberian nafkah terhadap anak dari perkawinan tidak tercatat menurut UU Perkawinan dan KHI. *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga*, 6(1), 133–144.
- Maghfuri, M. Z., & Al-Amin, H. (2024). Implementation of fulfillment of children's rights post-divorce in the Jombang Religious Courts. *Jurnal Ilmu Sosial dan Pendidikan (JISIP)*, 8(2), 1187–1198. <https://doi.org/10.58258/jisip.v7i1.6699>
- Manan, B. (2004). *Hukum positif Indonesia: Satu kajian teoretik*. FH UII Press.
- Marzuki, P. M. (2021). *Penelitian hukum*. Kencana.
- Mertokusumo, S. (2009). *Hukum acara perdata Indonesia*. Liberty.
- Musaddad, E., Ishom, M., Hussin, M., & Jambunanda, A. (2025). Guaranteeing the rights of children and women post-divorce: A comparative study between Indonesia and Malaysia. *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi*, 8(1). <https://doi.org/10.24090/volksgeist.v8i1.12214>
- Nasution, H., Triana, W., & Muchtar, A. R. (2024). Ensuring children's rights after divorce in Indonesia: Religious court decisions on nafkah madiyah. *Al-Aḥwāl: Jurnal Hukum Keluarga Islam*, 17(1), 41–57. <https://doi.org/10.14421/ahwal.2024.17103>
- Natalier, K., & Hewitt, B. (2014). Child support and shared care: Exploring the link between parenting arrangements and financial responsibility. *Journal of Family Studies*, 20(3), 188–201. <https://doi.org/10.5172/jfs.2014.20.3.188>
- Pratiwi, R. (2020). Perlindungan hukum terhadap kelalaian pemenuhan pembayaran nafkah anak pasca perceraian berdasarkan putusan Pengadilan Agama Blitar. *[Journal name]*, 9(50). <https://doi.org/10.33474/hukum.v9i1.7491>
- Ramlah. (2021). Tanggungjawab orang tua terhadap hak hadhanah dan nafkah anak pasca perceraian: Perspektif hukum Islam dan putusan pengadilan agama.

- Harakat an-Nisa: Jurnal Studi Gender dan Anak*, 1(1), 1-12.
<https://doi.org/10.30631/harakatan-nisa.2021.61.1-12>
- Rawls, J. (1997). *A theory of justice*. The Belknap Press of Harvard University Press.
- Setyaningsih, I. (2026, April 16). Mengapa ayah tetap wajib menafkahi anak pasca bercerai? Ini alasannya. *Kompas*.
<https://lifestyle.kompas.com/komentar/2026/04/16/193000120/mengapa-ayah-tetap-wajib-menafkahi-anak-pasca-bercerai-ini-alasannya>
- Skinner, C., & Meyer, D. R. (2020). Child maintenance and social security interactions: The poverty reduction effects of child support. *Journal of Social Policy*, 49(1).
<https://doi.org/10.1017/S004727941900039X>
- Supreme Court of the Republic of Indonesia. (2024). *Annual report of the Supreme Court of the Republic of Indonesia 2024*. Supreme Court of the Republic of Indonesia.
- Widyakso, R. (2018). Eksekusi nafkah perceraian di Pengadilan Agama Kota Malang. *Ulu muddin: Journal of Islamic Legal Studies*, 11(1), 116-143.
<https://doi.org/10.22219/ulum.v11i1.10409>
- Yin, R. K. (2018). *Case study research and applications: Design and methods* (6th ed.). Sage Publications.
- Yusuf, N., Harun, S., & Mursyid, S. (2024). Examining the basis of maqashid syariah in renewal of Islamic law in Indonesia. *PETITA: Jurnal Kajian Ilmu Hukum dan Syariah*, 9(1), 358-375.