

LEGAL REFORMULATION ON THE RIGHTS TO SUPPLY FOR CHILDREN OF DIVORCE VICTIMS IN INDONESIA

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Abstract

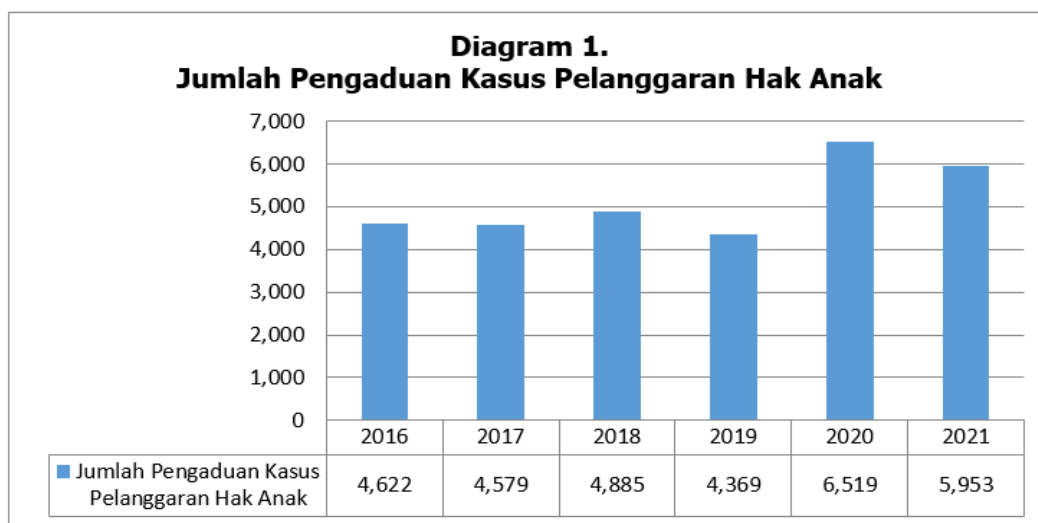
The maintenance rights of children of divorce victims in Indonesia have been regulated in various laws, however, fathers' compliance in fulfilling these rights is very low. This research is presented as an effort to update the existing legal framework so that it is more in line with the demands of modern society. In response to this, the main focus of this research is three things, first, what is the legal regulation regarding the maintenance rights of children of divorce victims in Indonesia. Second, what are the problems with the construction of legal regulations on the maintenance rights of children of divorce victims and third, what form does the legal reconstruction take? This research is normative research with research methods including literature study and document study. The results of this research show that legal protection for children's rights is formulated in various laws, namely the Marriage Law, Child Welfare, Presidential Decree on the Convention on Children's Rights, Presidential Instruction on the Compilation of Islamic Law, Human Rights Law, Law child protection and the Law on the Elimination of Domestic Violence. Problems with legal construction in regulating children's maintenance rights in Indonesia can be seen from two things, firstly a juridical problem and secondly a sociological problem. Below it will be explained in detail. In response to the above problems, reconstruction efforts are needed in several articles in Law Number 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002, namely article 4 which states about rights, article 26 which states obligations, article 45, article 76b and article 77b concerning criminal provisions.

Keywords: Reconstruction, Law, Living Rights, Children of Divorce Victims.

INTRODUCTION

Child protection is one of the crucial issues in modern society today. Children are the most vulnerable part of the human population, who are often victims of various forms of violence, exploitation, and injustice, the latest data released by the Ministry of Women's Empowerment and Child Protection shows that there were 11,150 cases of which 65.5% of the victims were children, and based on the location of the incident 7,334 occurred in the household¹.

In previous years, the trend of the number of child rights violations in Indonesia has increased significantly. Data on the increase in the number of child rights violations can be seen in the following diagram:



Based on the data above, it can be seen that in 2017 there were 4579 violations of children's rights and increased in 2018 to 4885 cases, in 2019 it decreased to 4369 but increased sharply in 2020 to 6519 cases and in 2021 there were 5953 cases².

Stjin Van Huis, a researcher from the Institute University of Leiden in 2010 released the results of his research which concluded that there were serious problems with access to child support rights after divorce. One case that supports his statement is the divorce case between Dewi and her husband, although Dewi has struggled to win her divorce case, until now she has not been able to get her rights for a classic reason that her husband is reluctant to give them these rights³.

Dr. H.A.Choiri, SH., MH. Based on his experience as a judge at the Religious Court in various regions for 28 years, in 2015 he concluded that it is very difficult to execute a recompense decision to pay child support rights after a divorce, this is due to the complexity of the formal procedures for the execution application and the imbalance between the costs and the amount of support determined (the amount demanded is 300 thousand but the cost is 800,000)⁴.

Various solutions have been offered by previous researchers, Epri Wahyudi for example offered that the father's assets be used as collateral that can be sold if he does not fulfill his obligations as stated in article 1131 of the Civil Code which states "All movable and immovable assets belonging to the debtor, both existing and future, become collateral for the debtor's individual obligations" and exempting the cost of the execution application submitted by the ex-wife regarding the payment of child support that must be paid by the ex-husband to the child through his ex-wife⁵.

However, empirical facts show that this case still occurs, based on the results of the latest research from various regions showing that the level of father compliance in paying child support after divorce is very low. In Riau province, for example, Gusairi, a Religious Court judge, released the results of his research which showed that out of 55 cases that had a permanent decision on child support rights, there were 22 fathers or 40% who still provided support and 33 people or 60% who did not provide support⁶, Research results from Shafira

Tsany Tsamara in Klaten Regency, Central Java showed that 82% of fathers did not fulfill their children's support rights after divorce⁷. Based on the results of the author's research funded by LP2M, it showed that in West Lombok Regency, NTB Province, it was not much different with 55% of children not being supported and 45% of children being supported even though the amount was not in accordance with the provisions of the verdict⁸.

The various problems above are certainly a concern for researchers, at least leaving a question as to why such cases continue to occur even though many regulations have been made to regulate this. If referring to the theory of legal effectiveness of Soerjono Soekanto, a hypothesis will be found that it is possible that such cases occur because there is an error in the legal formulation built to protect children's right to support. Because a problematic law will not be able to run effectively. Based on this anxiety and theoretical support, this study was born to examine in depth the construction of the law on children's right to support and give the title Reconstruction of the Law on the Right to Support for Children of Divorce Victims in Indonesia.

Research on child support rights has actually been done a lot, but based on the author's research, all of them research the implementation of the law, while this research examines the legal construction. Based on the author's research on similar research, there has been no research that has ever examined the legal reconstruction of the right to support children of divorce victims in Indonesia.

Legal reconstruction of the right to support children of divorce victims in Indonesia is very important in maintaining the welfare and protection of children in this modern era. Legal protection of the right to support children of divorce victims is not only a matter of justice, but also the child's right to receive proper care and support from both parents. With proper legal reformulation, we can ensure that children who face parental divorce not only survive, but can also grow and develop optimally in a stable and supportive environment. Fair and effective laws are the key to ensuring a bright future for future generations. Legal reformulation is an important step to ensure that every child has the right to grow and develop in a safe, healthy, and supportive environment.

This research is a normative legal research, The primary legal sources in this study are Law 1945 Law No. 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage⁹, Law Number 4 1979 concerning Child Welfare¹⁰, Presidential Decree Number 36 of 1990 concerning the Convention on the Rights of the Child, Presidential Instruction Number 1 of 1991 concerning Compilation of Islamic Law¹¹, Law Number 39 of 1999 concerning Human Rights, Law Number 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection and Law Number 23 of 2004 concerning the Elimination of Domestic Violence. This study focuses its study on three things, first, how is the legal regulation regarding the right to support for children who are victims of divorce in Indonesia. Second, what are the problems of constructing legal regulations regarding the right to support for children of divorce victims in Indonesia? Third, what is the form of legal reconstruction regarding the right to support for children of divorce victims in Indonesia?.

DISCUSSION

Legal Regulations

This study found that the regulation of legal protection for the right to support children of divorce victims is still partial, the existence of which is still spread across various laws and regulations, legal protection for children's rights is formulated in various laws, namely the 1945 Constitution, Law No. 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage, Law Number 4 of 1979 concerning Child Welfare, Presidential Decree Number 36 of 1990 concerning the Convention on the Rights of the Child, Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law, Law Number 39 of 1999 concerning Human Rights, Law Number 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection and Law Number 23 of 2004 concerning the Elimination of Domestic Violence. More complete information will be explained below:

1945 Constitution

The highest law that regulates the right to child support is in Article 28 b paragraph (2) of the 1945 Constitution which states that "Every child has the right to survival, growth, and development and has the right to protection from violence and discrimination".

Law Number 1 of 1974 concerning Marriage

This law does not regulate the provisions of the right to child support during marriage specifically, but is included in the Chapter on the Rights and Obligations of Husband and Wife, as stated in the provisions of Article 34 paragraph (1) which states: "The husband is obliged to protect his wife and provide all the necessities of household life according to his ability".

Article 45 paragraphs (1) and (2) which state: "Both parents are obliged to care for and educate their children as well as possible. The obligations of the parents in question apply until the child is married or can stand alone, which obligations continue to apply even if the marriage between the two parents ends". Article 41 letters (a), (b) and (c) of Law Number 1 of 1974 states: The consequences of a marriage breaking up due to divorce are:

(a) Both the mother and father remain obliged to maintain and educate their children, solely based on the interests of the child; if there is a dispute regarding control of the children, the Court will make its decision;

(b) The father is responsible for all maintenance and education costs required by the child (living), if in reality the father cannot fulfill this obligation, the Court may determine that the mother must also bear these costs;

Divorce law has determined an obligation for the father to be responsible for all maintenance and education costs required by the child born from the marriage. If in the examination of the divorce case the judge finds that the father does not have the ability (mu'sir) to provide for the child, then the judge may determine that the mother is also responsible for the costs of maintaining and educating the child¹².

The first right is the right to be maintained. This article explicitly states that parents are obliged to maintain their children. The question that then arises is what is meant by maintaining, maintaining what, maintaining with what and what form of maintenance. To understand the meaning of the right to be maintained in this article can be approached with two approaches, namely the grammatical approach and the interpretation of legal scholars. Because based on the researcher's review in the explanation of the article, the meaning of maintenance is not explained.

In terms of language, the word maintain comes from the basic word maintain, in the KBBI it is interpreted as an activity to maintain and care for body health. The difference between maintaining and caring for is that maintaining is a preventive effort such as keeping someone from getting sick and the activity of caring is a repressive effort such as recovering someone from illness. According to legal experts, maintenance can be seen from several expert explanations, including first, M. Yahya Harahap stated that what is meant by child maintenance is: 1. The responsibility of parents to supervise, provide appropriate services and meet the needs of the child's life, 2. Maintenance in the form of supervision, service and sufficiency of the child's livelihood is continuous until the child is an adult., second, according to Jamaluddin, child maintenance can be interpreted as an activity to maintain and care for physical, spiritual, intellectual and religious growth.

Based on the grammatical approach and considering the opinions of legal scholars, the researcher concludes that the word maintenance gives rise to the obligation to maintain and care for the physical, intellectual and spiritual growth and development of the child. Maintenance of physical growth can be realized by fulfilling the child's basic living needs such as clothing, food and shelter. This obligation applies continuously until the child is old.

Law Number 39 of 1999 Concerning Human Rights.

Several articles that regulate children's human rights are: Article 52, Article 53, Article 54, Article 55, Article 56, Article 57, Article 58, Article 59, Article 60, Article 61, Article 62, Article 63, Article 64, Article 65, and Article 66.

The rights of children related to the right to survival and related to the right to hadhanah and the right to livelihood or living expenses that can be obtained from these articles are:

- - The right to receive protection from parents, society and the state.
- - The right to live, maintain life and improve the standard of living.
- - The right to know being raised and cared for by their own parents.

"ashabah" is a term in the science of faraidh (inheritance) for heirs who receive the remaining portion of the parts that have been determined by Islamic inheritance law, namely: grandfather, father's brother, and the child's older brother.

- The right to receive legal protection from all physical or mental violence, neglect, treatment and sexual harassment while in the care of his guardian, or any other party responsible for the care of the child.

Law Number 23 of 2004 concerning the Elimination of Domestic Violence

Article 5 letter (d) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence states: "Everyone is prohibited from committing domestic violence against people within the scope of their household, by means of (a) physical violence; (b) psychological violence; (c) sexual violence; (d) neglect of the household". So with the formula of the article as mentioned, the 4 (four) points listed in the shighat ta'lik talak are (1) leaving my wife for 2 (two) consecutive years; (2) not providing her with obligatory maintenance for 3 (three) months; (3) hurting my wife's body/body; (4) neglecting (not caring about) my wife for 6 (six) months or more; will be more solid to be considered by the judges of the Religious Court, because violation of the shighat ta'lik talak by a husband against his wife, can not only result in the husband's divorce being declared khull'ie, but can also result in a criminal act with a prison sentence or a fine as regulated in the Law on Domestic Violence.

Provisions of Article 9 paragraph (1) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence: which emphasizes that: "Everyone is prohibited from neglecting people within the scope of their household, even though according to the law that applies to them, or because of an agreement or contract, they are obliged to provide life, care or maintenance to the person".

The word "neglect" according to the Indonesian Dictionary comes from the word "telantar" which means = not maintained; not sufficient; not cared for. Neglecting means "making neglected", or "leaving neglected".¹⁴ Thus, if this article is associated with Article 41 letter (b) of Law Number 1 of 1974 concerning Marriage, then a father who is not responsible for the costs of maintenance and education (living) required by his child, can be categorized as having committed an act of neglect against his child, as stipulated in Article 9 paragraph (1) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

Legal protection for the right to living expenses of children who are victims of divorce in Law Number 16 of 2016 concerning the second amendment to Law 23 of 2002 concerning Child Protection.

The implementation of protection includes Religion, Health, Education and Social. All of these aspects will be explained in detail below.

Religious protection is contained in Article 43 which states, "The state, government, society, family, parents, guardians, and social institutions guarantee the protection of children in embracing their religion". In this article it is clearly stated that the religious rights of children are guaranteed and protected by the government, society, family, parents and guardians.

In terms of health protection, the parties responsible for providing health protection to children are the government and parents, the government is responsible for providing health facilities for children while parents are responsible for caring for children from the womb. This is stated in Article 44 number 1 and Article 45 number 1. Article 44 number 1 states "The government is required to provide facilities and organize comprehensive health efforts for children, so that every child obtains an optimal level of health from the womb". And in Article 45 Number 1

which states "Parents and families are responsible for maintaining children's health and caring for children from the womb".

Protection of children's education rights is the obligation of the state and parents, the government in guaranteeing children's education rights is obliged to organize 9 years of basic education and provide free education costs to underprivileged families, abandoned children and children living in remote areas

Social protection is contained in Article 55 which states "The government is obliged to provide care and maintenance for neglected children, both in institutions and outside institutions."

Problems in formulation of legal regulations on the rights of children of divorce victims in Indonesia.

The problematic construction of law in regulating children's rights to support in Indonesia can be seen from two things, first the legal problem and second the sociological problem. Below will be explained in detail.

Legal Problem

Referring to the provisions above Based on the author's review of various regulations governing children's rights to support as mentioned above, the author concludes that there are serious problems in these regulations. From these various regulations.

In the attachment Number 243 of Law No. 12 of 2011 it is stated that in compiling regulations must use clear and definite words to avoid the same meaning or ambiguity of meaning, in this regulation the author found that the use of words in the regulations above is not firm and straightforward, in giving obligations for example, the researcher did not find a clear sentence such as "the father is obliged to fulfill the basic needs of the child including food, clothing and shelter", The words used to indicate responsibility are the words maintain and care for. the word maintain has a very general meaning, this word can be interpreted as general maintenance, if one model of maintenance has been carried out then the parents will be free from the obligation to maintain others, for example if the parents have maintained physically then they cannot be sued even though they do not maintain physically by providing food and drink. Therefore, in order for this article to meet the principle of clarity of formulation, a Reformulation is needed.

Likewise, with the provisions of criminal sanctions for those who neglect their obligations, researchers did not find any articles that clearly state that if someone does not fulfill the basic needs of a child including food, clothing and shelter, they will be punished with imprisonment for several years, for example, but for the provisions using the word neglect, the use of the word neglect in the criminal provisions in Article 77 of Law Number 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning child protection, According to Prof. Asikin, charging a father with the article of neglect is very difficult because first, the element of child neglect is not providing any support at all, if at one time he had given his child money even if it was only a thousand rupiah, then the father is free from the element of neglect, secondly the element of neglect will be fulfilled if the child is sick, so if it cannot be proven that the illness is due to not being supported, then the father is free from the element of neglect.

Legal Reformulation on the Rights to Support for Children of Divorce Victims In Indonesia

The law is dynamic, the law must change if the law cannot serve and provide justice for the community. Based on the legal problems above, it is very important to reformulate the law on children's support rights. Seeing the many regulations governing it, the researcher decided to choose Law Number 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning child protection because this is the only law that regulates the most severe criminal sanctions for someone who commits neglect. The legal reformulation offered by the researcher is contained in several articles in the chapter on rights, chapter on obligations and in criminal provisions. The formulation is as follows:

Article 4 which states, "Every child has the right to live, grow, develop, and participate fairly in accordance with human dignity, and to receive protection from violence and discrimination"¹³.

Article 4 of this Law must be changed because it has several problems from a philosophical and sociological aspect. First, philosophically, based on the theory of utilitarianism proposed by Bentham, the purpose of law is to provide the greatest benefit and happiness to as many citizens as possible, furthermore, according to Bentham, the essence of happiness is pleasure and a life free from misery. To realize the happiness of individuals and society, legislation must achieve four goals: (1) to provide subsistence (to provide a living); (2) to Provide abundance (to provide abundant food); (3) to provide security (to provide protection); and (4) to attain equity (to achieve equality). Laws that provide happiness to the largest part of society will be considered good laws. Furthermore, Bentham argued that the existence of the state and law is solely a tool to achieve the true benefits, namely the happiness of the majority of the people. Reflecting on the theory above, this article does not reflect the realization of human happiness because it does not provide protection for the right to a living as stated by Bentham.

Second Sociologically According to Bagir Manan, a good Legislation is based on at least 3 (three) things, namely Legal basis, sociological basis, and philosophical basis. Sociological basis (sociologische gelding), namely reflecting the reality that lives in society, This reality can be in the form of needs, demands or problems faced, this article does not reflect the reality of problems that are important needs of society. Based on the analysis above, this article must be changed, the changes offered by the researcher are as follows:

Every child has the right

- (1) To be able to live, grow, develop, and participate fairly in accordance with human dignity and honor, and to receive protection from violence and discrimination.
- (2) Fulfillment of Basic Needs which include Food, Clothing and Shelter.

The changes to the article above include the addition of children's rights in number 2 which include the right to food, clothing and shelter. The form of change as proposed by the researcher is based on several things. First, the mention of the right to food, clothing and shelter is clear, concise and easy to understand.

This is different from the previous articles which accommodate the right to a living in the words maintain, prosper and so on, which of course these words have the potential for multiple interpretations. In providing maximum protection for the right to a living, the article that is important to change is also article 26 which states

(1) Parents are obliged and responsible for:

- a. caring for, maintaining, educating, and protecting children;
- b. developing children according to their abilities, talents, and interests; and
- c. preventing marriage at a young age.
- d. provide character education and instill moral values in children¹⁴.

If analyzed legally, this article has several shortcomings. Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Formation of Legislation. According to the provisions of Article 5, it is stated that the formation of legislation must be carried out based on the principles of the formation of good legislation which include:

- a. The principle of clarity of purpose, meaning that every formation of legislation must have a clear purpose to be achieved.
- b. The principle of the right institution or official forming it, meaning that every type of legislation must be made by a state institution or an authorized official forming legislation. Legislation can be canceled or null and void if it is made by an unauthorized state institution or official.
- c. The principle of conformity between type, hierarchy, and content material, meaning that in the formation of legislation, the right content material must be considered according to the type and hierarchy of legislation.
- d. The principle of being able to be implemented, meaning that every formation of legislation must take into account the effectiveness of the legislation in society, both philosophically, sociologically, and legally.
- e. The principle of usefulness and effectiveness, meaning that every legislation is made because it is truly needed and useful in regulating the life of society, nation, and state.
- f. The principle of clarity of formulation, meaning that every legislation must meet the technical requirements for the preparation of legislation, systematics, choice of words or terms, and clear and easy-to-understand legal language so as not to give rise to various interpretations in its implementation.
- g. The principle of openness, meaning that in the formation of legislation starting from planning, preparation, discussion, ratification or determination, and promulgation are transparent and open. Thus, all levels of society have the widest possible opportunity to provide input in the formation of legislation.

Referring to this principle, Article 26 violates the principle of clarity of formulation, namely the choice of words or terms used is not clear and has the potential to cause various interpretations, for example the word used is the word to maintain, the word to maintain can be interpreted as general maintenance, if one model of maintenance has been carried out then the parents will be free from the obligation to maintain the other, for example if the parents have maintained physically then they cannot be sued even though they do not maintain physically by providing food and drink. Therefore, in order for this article to meet the principle of clarity of formulation, changes need to be made as stated below. This article can be analyzed like the method used by Ann, Robert Siedman and Nalin Abeysekere to introduce the Problem Solving methodology using a measuring tool known as ROCCIPI. This theory states that problems in a regulation include, a) The wording of the regulation is unclear or ambiguous; b) Regulations may provide opportunities for problem behavior; c) Not addressing the causes of problematic behavior; d) Providing opportunities for non-transparent, irresponsible and non-participatory implementation and e) Providing unnecessary authority to implementing officials in deciding what and how to change problematic behavior. Based on Rocippi's theory, it will be found that Article 26 does not address the causes of problematic behavior, for example, the problem that occurs is that many parents do not provide adequate sustenance for their children due to the absence of clear regulations regarding this obligation, this cause is not addressed by this article. Therefore, changes are needed as below

The changes become

(1) Parents are obliged and responsible for: 1. caring for, nurturing, educating, and protecting children; 2. Fulfilling Basic Needs or Child Support which include food, clothing and shelter according to their abilities. 2. Growing and developing children according to their abilities, talents, and interests; and 3. Preventing marriage at a young age.

The form of change as above is based on the clarity of the formulation which states that parents are obliged to fulfill basic needs which include food, clothing and shelter.

The next important article to note is Article 45 which states

- a. Parents and families are responsible for maintaining children's health and caring for children from the womb.
- b. In the case of parents and families who are unable to carry out the responsibilities as referred to in paragraph (1), the government is obliged to fulfill them.
- c. The obligations as referred to in paragraph (2), are implemented in accordance with the provisions of applicable laws and regulations¹⁵.

Changed to

- d. Parents and families are responsible for maintaining the health of children, meeting the needs for Food, Clothing and Housing and caring for children from the womb.
- e. In the case of parents and families who are unable to carry out the responsibilities as referred to in paragraph (1), the government is obliged to fulfill them.

f. The obligations as referred to in paragraph (2), are implemented in accordance with the provisions of applicable laws and regulations.

Finally, the most important article to receive special attention is Article 76B which states "Everyone is prohibited from placing, allowing, involving, ordering to involve Children in situations of mistreatment and neglect".

Changed to "Everyone is prohibited from placing, allowing, involving, ordering to involve Children in situations of mistreatment or situations where basic needs such as food, clothing, housing and neglect are not met".

This is important so that parents who do not provide for their children can be charged with Article 77b which states that anyone who violates the provisions as referred to in Article 76B, shall be punished with imprisonment of a maximum of 5 (five) years and/or a maximum fine of Rp100,000,000.00 (one hundred million rupiah). This article should also be amended by providing more sanctions in the case of criminal acts committed by parents, guardians, people who have family relationships, child caretakers, educators, and education personnel. By providing changes to the formulation as above, it is hoped that it will be able to provide changes to the fulfillment of the right to support children who are victims of divorce.

CLOSING

Conclusion

There is a serious problem with access to child support rights after divorce. Based on the results of the latest research from various regions, it shows that the level of father compliance in paying child support after divorce is very low.

In Riau Province, for example, Gusairi, a Religious Court judge, released the results of his research which showed that out of 55 cases that had a permanent decision on child support rights, there were 22 fathers or 40% who still provided support and 33 people or 60% who did not provide support¹⁶.

Research results from Shafira Tsany Tsamara in Klaten Regency, Central Java showed that 82% of fathers did not fulfill their child support rights after divorce¹⁷. Based on the results of the author's research funded by LP2M, it showed that in West Lombok Regency, NTB Province, it was not much different with 55% of children not being supported and 45% of children being supported even though the amount was not in accordance with the provisions of the verdict.

The occurrence of the above case is caused by inappropriate legal construction, the problematic of legal construction in regulating children's living rights in Indonesia can be seen from two things, first the legal problem and second the sociological problem.

The legal problem is the absence of a clear sentence such as "the father is obliged to fulfill the basic needs of the child including food, clothing and shelter", The words used to indicate responsibility are the words maintain and care for, as well as the provisions of criminal sanctions for those who neglect their obligations, researchers did not find any articles that clearly state that if someone does not fulfill the basic needs of the child including food, clothing

and shelter then they will be punished with imprisonment for several years for example but for the provisions using the word neglect,

Responding to the above problems, it is necessary to reformulate several articles in Law Number 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002, namely article 4 which states about rights, article 26 states about obligations, article 45, article 76b and article 77b concerning criminal provisions.

Recommendations

To ensure that the right to support for children of divorce victims is fulfilled, the researcher recommends:

1. It is necessary to reformulate the law on the right to support for children of divorce victims by changing several articles related to the protection of children's rights so that its protection can provide legal certainty.
2. It is necessary to create an institution or legal entity specifically tasked with supervising the fulfillment of children's rights as has been created by Malaysia, this is because the limited authority of the court cannot enter the realm of fulfilling children's rights unless there is a lawsuit for the execution of rights but so far no one has done that.
3. To ensure that the right to support for children of divorce victims is fulfilled, there needs to be synergy and cooperation between Ministries in this case the Supreme Court of the Republic of Indonesia, the Minister of Finance, and the Minister of Administrative and Bureaucratic Reform to formulate technicalities for fulfilling the right to support for children of divorce victims such as direct deductions from civil servant salaries by the authorized party and given directly to their children such as deductions from salaries to pay off loans at the bank.

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- 8) Penelitian ini dilaksanakan dari bulan Juni- Agustus 2022 dan dibiayai oleh LP2M Uin mataram
- 9) Keterangan Lengkap Tentang Latar belakang lahirnya Undang-Undang ini bisa dilihat pada, Adi Nur Rohman, “*Prophetic Law Accentuation in Marriage Regulations in Indonesia: Efforts to Maintain Family Resilience During The Pandemic*”, Pandecta. Volume 17. Number 1. June 2022 Page 120-128
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