

ENSURING THE BEST INTERESTS OF THE CHILD: JUDICIAL CONSIDERATIONS ON POST-DIVORCE CHILD SUPPORT IN LHOKSEUMAWE

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Received : 01 September 2025

Published : 17 November 2025

Revised : 15 September 2025

DOI : <https://doi.org/10.54443/ijerlas.v5i6.4369>

Accepted : 10 October 2025

Link Publish : <https://radjapublika.com/index.php/IJERLAS>

Abstract

This study examines the existence and effectiveness of the Sharia Court of Lhokseumawe's rulings on post-divorce child support obligations through a normative-empirical legal research approach. Normatively, the analysis draws on Law No. 1 of 1974 on Marriage, the Compilation of Islamic Law (KHI), and Law No. 35 of 2014 on Child Protection, while empirically it relies on case studies of court decisions and interviews with judges. The findings reveal that the court consistently upholds the father's responsibility to provide child support after divorce, reflecting alignment with statutory provisions, Islamic principles, and the doctrine of the best interests of the child. However, variations in the determination of support amounts and weak enforcement mechanisms demonstrate a gap between "law in the books" and "law in action." Sociological analysis further shows that ineffective enforcement disproportionately burdens women and children, exacerbating economic vulnerability and the feminization of poverty. The study concludes that while the normative foundation of child support rulings is strong, their practical effectiveness requires improvements in drafting quality, standardized guidelines, and enforcement mechanisms, alongside greater collaboration between the judiciary, government, and society to ensure substantive justice and child welfare.

Keywords: *Child Support, Post-Divorce Obligations, Sharia Court of Lhokseumawe, Best Interests of the Child, Enforcement Mechanisms.*

I. INTRODUCTION

Humans are created by Allah SWT as social beings, which means that they cannot live in isolation and inevitably require the presence of others. This principle is reflected in the creation of human beings in pairs, united through the institution of marriage. Marriage is established not only as a bond of companionship but also as a means of ensuring the continuity of progeny. Hence, the presence of children within marriage is regarded as an extraordinary blessing from Allah SWT, one that must be nurtured with care, affection, and a profound sense of responsibility [1]. As a divine gift, children are entitled to rights that must be fulfilled by their parents. Article 1(1) of Law No. 1 of 1974 on Marriage (hereinafter referred to as the Marriage Law) defines marriage as a physical and spiritual bond between a man and a woman as husband and wife, intended to establish a happy and everlasting family founded upon the belief in the One Almighty God. Thus, marriage is inseparably linked to religion and spirituality, wherein the spiritual dimension plays a vital role [2]. According to Moh. Muhibbin and Abdul Wahid in Islamic Inheritance Law, a marriage is valid under Islamic law if its pillars and conditions have been fulfilled, or if a valid marriage contract has been concluded, free from legal impediments, regardless of whether consummation has occurred. In practice, however, marital life is not always marked by happiness [3]. Problems often arise economic difficulties, issues concerning children, or a lack of mutual understanding between spouses. When such challenges cannot be resolved, divorce becomes the last resort. Divorce is never an easy decision for spouses, and it is particularly devastating for children, who may be regarded as the true victims. Children continue to need the full

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affection and attention of both parents, even when the marital bond has been severed [4]. Conflicts within the household exert profound effects on children, both physically and psychologically. Divorce often wounds a child's feelings and generates multiple adverse consequences in their lives [5]. At the time of separation, parents often neglect to consider the emotional needs of their children. Although they may be otherwise good parents, the strain of emotional exhaustion frequently impedes their ability to adequately understand and respond to their children's needs [6]. Divorce, moreover, is not only a personal or familial matter but also a legal event with broad implications, ending the marriage while simultaneously giving rise to legal issues such as custody and the fulfillment of children's needs [7]. Within the framework of Islamic family law in Indonesia, children retain the right to protection, affection, and the fulfillment of their fundamental needs both physical and spiritual by both parents, even after divorce [6]. The Compilation of Islamic Law (KHI) explicitly affirms that the obligation to provide child support remains the father's responsibility, regardless of whether custody is awarded to the mother. Divorce should not sever the parental relationship with children born of the marriage. Article 45 of the Marriage Law stipulates that both parents are obliged to maintain and educate their children to the best of their ability until the child marries or becomes self-reliant, and this obligation continues despite the dissolution of the parents' marriage. In practice, however, divorce often results in children residing with their mother, whether by choice or necessity, leaving mothers to bear the dual burden of caregiving and financial provision. Many fathers neglect their obligations, both in terms of emotional care and financial support [8].

This reality is inconsistent with Article 41 of the Marriage Law, which provides that: "The consequences of divorce are: (a) both parents remain obligated to maintain and educate their children solely in the best interests of the child, with custody disputes settled by the court; (b) the father is responsible for all costs of maintenance and education required by the child, and if the father is unable, the court may require the mother to share this burden; (c) the court may oblige the former husband to provide a livelihood and/or impose certain obligations upon the former wife." A father's obligation to provide financial support after divorce also aligns with the fundamental principles of child protection enshrined in Law No. 23 of 2002 on Child Protection (as amended by Law No. 35 of 2014). This law emphasizes that every child has the right to life, growth, development, and protection from violence and discrimination, including the right to a decent standard of living [9]. Normatively, these provisions establish a strong foundation that divorce does not release fathers from their legal and moral obligations to their children. Article 14 of Law No. 35 of 2014 specifies that: (1) Every child has the right to be cared for by their own parents, unless a lawful reason dictates otherwise in the best interests of the child, as a measure of last resort; (2) In the event of separation, the child retains the right to: maintain direct and personal contact with both parents; receive care, maintenance, education, and protection for their growth and development; obtain financial support from both parents; and enjoy other rights accorded to children [10].

Data from the Sharia Court of Lhokseumawe demonstrate consistently high divorce rates. In 2023, the court recorded 285 cases, including 213 petitions filed by wives (*cerai gugat*) and 72 by husbands (*cerai talak*). In 2024, the number increased to 289 cases, comprising 227 *cerai gugat* and 62 *cerai talak*. Post-divorce, the provision of child support was frequently not implemented, even though court rulings clearly establish it as an obligation of parents (particularly fathers). Research has identified two primary categories of divorce proceedings: *cerai gugat* and *cerai talak*. Alfi Bariroh found that, based on court rulings, husbands are obliged to provide for their children until they reach adulthood [11]. Similarly, Fatkhor Rahman observed that noncompliance by fathers with court-ordered child support remains a central challenge [12]. Conversely, Herman Kosasih's research indicates that judges sometimes overlook the actual needs of children, producing decisions that do not adequately address their welfare [13]. Previous studies thus suggest that child support is not only a father's obligation but also contingent on other factors that affect the realization of such rulings. Andi Alaudin further emphasized that limited paternal income, often a result of low socioeconomic conditions, is a significant factor contributing to divorce and subsequent failure to provide for children [14].

Accordingly, this study seeks to examine and analyze the existence and effectiveness of the Sharia Court of Lhokseumawe's rulings concerning child support obligations after divorce. Specifically, it aims to reveal legal phenomena such as the consistency of judges in including child support in their rulings, the legal reasoning employed, and the extent of implementation in practice. Furthermore, this study explores the approaches taken by judges in determining the amount of child support whether based on the father's capacity, the child's needs, or considerations of substantive justice. The research is guided by two principal questions, namely how the Sharia Court of Lhokseumawe establishes the existence of child support obligations after divorce, and what legal considerations judges employ in determining the amount of child support following divorce.

II. METHODS

This study employs a normative-empirical legal research method [15]. The normative approach is directed at examining statutory provisions that regulate post-divorce child support obligations, particularly Law No. 1 of 1974 on Marriage, the Compilation of Islamic Law (KHI), and Law No. 35 of 2014 on Child Protection. This approach positions these laws as the formal framework that provides legal certainty regarding parental responsibilities after divorce. Meanwhile, the empirical approach aims to understand how such legal provisions are implemented in practice at the Sharia Court of Lhokseumawe. Through this dual approach, the study not only explores the legal foundations but also reveals the dynamics and challenges in ensuring compliance with child support rulings. Data collection relied on both primary and secondary sources [16]. Primary data were obtained through semi-structured interviews with judges of the Sharia Court of Lhokseumawe and direct examination of selected court rulings, namely Decision No. 30/Pdt.G/2020/MS-Lsm, Decision No. 08/Pdt.G/2021/MS-Lsm, and Decision No. 15/Pdt.G/2019/MS-Lsm. These cases were selected purposively to represent different patterns of judicial consideration in determining child support. Secondary data included statutory regulations, legal documents, academic literature, and previous scholarly studies related to child support and family law in Indonesia. These secondary sources were collected from libraries, digital databases, and official online repositories [17].

Data analysis was conducted in three stages: (1) data reduction, which involved the selection and categorization of relevant legal norms and empirical findings; (2) thematic organization, grouping data into key themes such as judicial reasoning, determination of child support amounts, and enforcement challenges; and (3) interpretation, which connected normative provisions with empirical realities to evaluate the consistency and effectiveness of judicial rulings [18]. To ensure the reliability and validity of findings, this study employed triangulation by comparing statutory provisions, court decisions, and interview data. This triangulation not only strengthens the credibility of the analysis but also reduces potential bias from relying solely on one type of data source. The combined normative-empirical approach thus enables a comprehensive examination of both the legal certainty embedded in statutory regulations and the substantive justice pursued through judicial practice [19].

III. RESULTS AND DISCUSSION

The findings of this study indicate that the Sharia Court of Lhokseumawe firmly and consistently regards child support obligations as an inseparable component of divorce rulings. An analysis of the case register reveals a recurring pattern: whenever the court adjudicates a divorce involving children, the judicial panel almost invariably includes an order requiring the father to provide financial support. This may take the form of a fixed monthly amount or specific allocations for essential needs such as education, healthcare, and basic living expenses. These empirical findings highlight a judicial consensus in Lhokseumawe that divorce does not absolve fathers of their economic responsibilities toward their children. The operational rulings are firmly grounded in compliance with sharia principles, national legislation, and the overarching doctrine of the best interests of the child [20].

Several of the examined rulings were determinative, clearly stipulating exact amounts. For instance, one ruling required the defendant to pay child support for two children amounting to “Rp. 1,000,000 (one million rupiah) per month,” with additional provisions for certain costs, while another specified support for multiple children as articulated in the judgment. Excerpts of these rulings are accessible in the Supreme Court’s decision database, which documents cases adjudicated by the Sharia Court of Lhokseumawe. Although these decisions formally impose fathers’ obligations, their implementation reveals a persistent gap between the textual authority of rulings and their realization in everyday life an expression of the divergence between “law in the books” and “law in action” [7]. Supplementary interviews and field observations demonstrate varying levels of compliance: some fathers adhered faithfully to the rulings, while others defaulted for extended periods, claimed financial incapacity, or lacked verifiable income due to employment in the informal sector. The inability to verify income constitutes a fundamental challenge for judges. In many cases, support amounts were determined based on incomplete evidence, leaving judges to exercise discretionary and often estimative judgment.

In practice, a variation emerged between rulings that specified exact amounts and those that imposed only a general support obligation without numerical clarity. This distinction has significant implications for enforcement. Determinative rulings with specific figures are far easier to execute, while open-ended ones frequently necessitate further litigation or additional enforcement proceedings. Case register data from the Sharia Court of Lhokseumawe confirm this observation: some rulings explicitly set out concrete amounts, such as “Ordering child support in the sum of Rp...,” whereas others recorded obligations without numerical specification, reflecting a case-by-case judicial approach. Execution challenges arise on two levels. First, because child support is a periodic obligation

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requiring continuous payment, defaults present procedural difficulties. Legal procedure necessitates formal enforcement measures, but processes such as unmaning (formal summons), execution orders, and asset seizure or sale require significant time and cost. As a result, plaintiffs most often custodial mothers are frequently reluctant or financially unable to pursue enforcement. Second, weak income documentation exacerbates difficulties in enforcement. Many fathers are employed in micro-enterprises, fishing, driving, day labor, or as migrant workers, leaving no pay slips or formal income records. Consequently, even the most determinative rulings often become ineffective in practice due to the absence of integrated verification and collection mechanisms. Field observations align with scholarly findings that rulings lacking standardized payment channels and compliance-tracking mechanisms often remain declarative clauses rather than enforceable instruments.

From a normative perspective, the rulings of the Sharia Court of Lhokseumawe are consistent with Islamic legal sources and national law. Judges cite sharia texts, the Compilation of Islamic Law, and Article 41 of the Marriage Law when formulating judgments, reiterating that child support obligations persist beyond divorce. Judges' repeated affirmations of paternal responsibility reflect judicial reasoning aligned with *maqāṣid al-syarī'ah* (particularly *ḥifz al-nasl*) and the child protection mandate of Law No. 35 of 2014. However, the effective realization of these normative principles requires operationally precise judgments; without them, normative consistency alone does not guarantee substantive protection for children. Judgments that exemplify careful drafting those specifying educational costs, payment methods, and adjustment clauses demonstrate that courts can produce rulings with greater operational clarity when sufficient evidence is available. Conversely, judgments containing only general obligations without practical formulas place additional administrative burdens on custodial parents and extend disputes. This distinction is evident in several rulings of the Sharia Court of Lhokseumawe, some of which explicitly establish exact amounts and allocations, thereby offering a greater likelihood of enforceability [21].

The sociological analysis highlights both gendered and economic implications: the high divorce rate recorded in Lhokseumawe produces economic consequences that disproportionately burden women and children. When rulings are ineffectively enforced, children face limited access to education, healthcare, and necessities. Custodial mothers, who are often low-income earners or unemployed, are forced to shoulder additional financial responsibilities, thereby deepening the risk of the feminization of poverty. Accordingly, the existence of judicial decisions is not only about inserting orders into judgments, but also about ensuring whether such rulings guarantee the continuity of children's needs. Field findings support recommendations for courts to consider digital payment clauses, dedicated or virtual court accounts for child support transfers, and swift referrals to enforcement authorities in cases of recurrent arrears. These mechanisms are not merely technical adjustments but instruments to ensure the social enforceability of rulings. Mediation also emerges as a potential channel to generate detailed payment agreements subsequently ratified as judicial rulings. The official website of the Sharia Court of Lhokseumawe documents several partial mediation successes in child support disputes, illustrating that post-litigation mediation can increase compliance.

Critically, this study emphasizes two key elements required to ensure the practical existence of child support rulings: (1) the drafting quality of judgments covering the inclusion of numerical formulas, payment procedures, required evidence, and consequences for arrears; and (2) the architecture of enforcement encompassing income verification mechanisms, accessible payment channels, cross-institutional coordination (e.g., with the Social Affairs Office, labor authorities, and the Office of Religious Affairs for education), as well as expedited pathways to convert arrears into executorial titles. Existing rulings already provide positive examples: some judgments of the Sharia Court of Lhokseumawe contain detailed orders that facilitate enforcement. However, the persistence of general rulings without specified amounts indicates the need for internal guidelines or best practices to be promoted among all judges to minimize uncertainty. Case register data reinforces this argument: judgments with detailed orders are more likely to be effectively implemented, while vague rulings tend to trigger repeated enforcement applications.

Based on these findings, the Sharia Court of Lhokseumawe is strategically positioned to strengthen the existence of child support rulings through three concrete steps. First, drafting local guidelines for judges that recommend determinative and adaptive judgment formats (e.g., combining minimum nominal amounts with income percentages and inflation adjustment clauses). Second, developing post-judgment administrative mechanisms such as mandatory registration of recipient bank accounts, automated notifications (relais of decisions), and facilities for uploading proof of payment, thereby enabling compliance monitoring without heavy litigation burdens. Third, reinforcing inter-agency networks so that when rulings impose obligations, social and administrative channels (such as social assistance, livelihood training for mothers, or economic empowerment programs) are available to reduce

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the risk of children losing access to basic rights. These measures do not compromise judicial independence; instead, they make judicial rulings more effective within the socio-economic context of Lhokseumawe. Exemplary rulings that clearly stipulate amounts and categories of expenses demonstrate that editorial improvements can significantly enhance enforceability. The existence of the Sharia Court of Lhokseumawe's rulings on post-divorce child support is normatively robust and consistently applied by judges in their decisions. However, to ensure that this existence meaningfully contributes to children's welfare, improvements are needed both in the drafting quality of rulings and in the establishment of integrated, practical enforcement mechanisms. Concrete rulings documented in the court's decision directory show that judicial panels in Lhokseumawe do not hesitate to stipulate precise amounts in many cases a positive foundation that could be developed into internal court policy, ensuring that every child support ruling carries adequate operational weight rather than merely symbolic value. If the Sharia Court combines more determinative editorial policies with proactive enforcement instruments, rulings will transcend their function as legal documents to become substantive instruments of child protection and post-divorce justice in Lhokseumawe.

The legal considerations of judges in determining child support after divorce cannot be separated from clear legal foundations, both statutory provisions and the Compilation of Islamic Law. Normatively, Article 41 of Law No. 1 of 1974 on Marriage affirms that fathers remain obliged to bear all costs of child maintenance and education even after divorce, as long as they are financially capable. This provision is reinforced by Article 105 of the Compilation of Islamic Law, which states that the care of a non-mumayyiz child is the mother's right, while financial support is borne by the father. Judges of the Sharia Court of Lhokseumawe have consistently referred to these norms, albeit with contextual variations based on the parents' economic conditions. For instance, in Decision No. 30/Pdt.G/2020/MS-Lsm, the court determined child support at Rp. 1,500,000 per month, considering that the father was a civil servant with a steady income sufficient to meet the child's needs. Conversely, in Decision No. 08/Pdt.G/2021/MS-Lsm, the court set support at only Rp. 750,000 per month, given that the father's income was irregular, working as a construction laborer. Thus, the determination was based on the principle of al-'adl (justice), considering the father's capacity.

Beyond statutory law, judges also ground their reasoning in Islamic principles. The Qur'an, in Surah At-Talaq (65:7), instructs: "Let a man of wealth spend according to his wealth, and he whose provision is restricted, let him spend from what Allah has given him...". This verse is used as a basis for the argument that child support cannot be standardized but must be adjusted according to the father's financial capacity, while ensuring that children's basic needs are fulfilled. The principle of the best interests of the child also constitutes a central element in judicial considerations. This is in line with Article 14 of Law No. 35 of 2014 on Child Protection, which affirms that children retain the right to care, education, and living expenses from both parents even in cases of divorce [22]. In practice, judges of the Sharia Court of Lhokseumawe strive to integrate the principles of legal certainty, substantive justice, and child protection into each of their rulings.

Nevertheless, the study reveals that enforcement often encounters obstacles, particularly when fathers are either unwilling or financially unable to fulfill child support obligations as stipulated in the rulings. This aligns with the findings of Alfi Bariroh, who emphasized that paternal noncompliance is a major obstacle to the implementation of family court rulings. Fatkhori Rahman also observed that in certain cases judges tend to determine child support without an in-depth analysis of children's actual needs, creating imbalances between judicial orders and socio-economic realities. Conversely, Herman Kosasih's research suggests that in some cases judges prioritize the welfare of children over paternal economic capacity, which can lead to rulings that are difficult to implement. Thus, it can be concluded that the legal considerations of judges in the Sharia Court of Lhokseumawe in determining child support after divorce are based on a combination of statutory provisions (Marriage Law and Compilation of Islamic Law), Islamic principles, child protection norms, and empirical assessments of parental economic capacity. These considerations embody the principle of substantive justice, emphasizing not only legal certainty but also the social realities of Lhokseumawe society.

IV. CONCLUSIONS

Based on the findings of this study, it can be concluded that the decisions of the Sharia Court of Lhokseumawe possess strong legitimacy in establishing post-divorce child support obligations. Judges consistently incorporate such obligations in their rulings, considering the provisions of the Marriage Law, the Compilation of Islamic Law, and Islamic principles concerning a father's responsibility toward his children. The amount of support is determined proportionally, with due consideration given to the father's economic capacity and the needs of the child, although variations among rulings remain. This demonstrates that judges are not solely oriented toward the

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textual interpretation of legal norms but also strive to uphold the principle of substantive justice and prioritize the best interests of the child as a vulnerable legal subject. It is recommended that more standardized guidelines be developed for determining the amount of child support, to minimize excessive variations across rulings and provide stronger legal certainty. Furthermore, the Sharia Court should reinforce its enforcement mechanisms, for instance through collaboration with government institutions to facilitate salary deductions or impose administrative sanctions on non-compliant parties. Society, particularly divorced parents, must also cultivate awareness that divorce does not extinguish parental responsibilities toward their children. Through the synergy of judges, government, and society, child support rulings after divorce can be rendered more effective in realizing child protection and welfare.

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