

Child Financial Support after Divorce and the Fatherless Phenomenon: A Study of the Pekanbaru Religious Court Decision No. 1272/Pdt.G/2020/PA.Pbr

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A B S T R A C T

Divorce does not only result in the dissolution of the marital relationship but also has serious implications for the fulfillment of children's rights, particularly the right to child financial support and the continuity of the father's role. The fatherless phenomenon following divorce has become a critical issue, as it potentially eliminates the father's role not only in economic terms but also in emotional and psychosocial dimensions. This study aims to analyze the legal construction of child financial support after divorce as reflected in the Pekanbaru Religious Court Decision No. 1272/Pdt-G/2020/PA.Pbr, to examine the effectiveness of the decision in responding to the fatherless phenomenon, and to identify its implications for the protection of children's rights. This research employs a juridical-empirical approach with a descriptive-analytical design. Primary data consist of the court decision, which are analyzed alongside secondary data comprising statutory regulations, the Compilation of Islamic Law, as well as legal literature and empirical studies related to fatherless and children's rights. The analysis is conducted qualitatively by interpreting the judges' legal reasoning and relating it to the principle of the best interest of the child. The findings indicate that the decision normatively affirms the obligation of child financial support and reflects the protection of children's rights in the financial aspect. However, the effectiveness of the decision in preventing the fatherless phenomenon remains limited due to the predominance of a material-oriented approach, weak supervision and enforcement mechanisms, and the absence of institutionalized non-material obligations of fathers within the operative part of the decision. This study concludes that the protection of children's rights after divorce requires strengthening the implementation of court decisions and adopting a more holistic approach to the father's role in order to ensure the sustainable realization of the best interests of the child.

1. Introduction

Divorce does not merely result in the dissolution of the marital relationship but also generates serious consequences for the fulfillment of children's rights, particularly the right to child financial support. The presence of a father—both physically and through the performance of parental roles—has a significant influence on a child's life and development. Fathers leave a profound and meaningful impression that plays a crucial role in shaping a child's character into adulthood (Balogun et al., 2023).

Within the framework of Islamic family law in Indonesia, a father's obligation to provide maintenance for his child remains legally binding even after the termination of marriage (Nasution & Nasution, 2021). This obligation continues until the child reaches adulthood, defined as the age of 21 under Article 330 of the Indonesian Civil Code, or 18 years of age or marriage under Article 47 of Law No. 1 of 1974 on Marriage. Child financial support encompasses not only material needs but also emotional support, a sense of security, education, moral guidance, and support for intellectual and social development (Marbun & Simamora, 2025). In this context, children are viewed as a trust (*amanah*) from God, making the family the primary environment that determines a child's growth and development, both before and after interaction with the wider society.

However, social realities indicate that following divorce, many children experience fatherlessness, a condition marked by the loss of the father's role not only emotionally and psychosocially but also economically and legally. Fatherless refers to the absence of a father's presence and functional role in a child's life and has become a global issue with serious consequences. Children who grow up without adequate paternal involvement—whether due to divorce, marital conflict, or other factors—tend to face various negative outcomes (Kucukkaragoz, 2025).

Several studies demonstrate that adolescents in the Netherlands face increased psychological problems and higher risks of suicide, while in Finland, children from families experiencing paternal conflict are more vulnerable to criminal behavior. In Australia, children growing up without a father figure are also more likely to live in poverty (Kim & Glassgow, 2018; McLanahan et al., 2013). Although no individual is perfect—including fathers who ideally serve as role models—the absence of a father's role has been shown to significantly affect children's psychological development. Children raised without a father figure often encounter academic, social, and psychological difficulties (East et al., 2006a; Radl et al., 2017). These effects are also evident among girls, who may seek alternative male figures to fulfill emotional needs for protection and guidance following the loss of a paternal role (East et al., 2006b; Rahmadhani et al., 2024; Zuliani et al., 2024).

Conversely, numerous studies confirm that paternal involvement has a substantial positive impact on child development. Fathers' active engagement contributes to enhanced cognitive, emotional, and social development. Children with involved fathers tend to demonstrate higher learning motivation, better academic achievement, and more mature social skills. Paternal involvement also fosters greater self-esteem and emotional openness. Moreover, in the context of sexuality education, active fatherhood may function as a protective factor against premarital sexual behavior, although such practices remain limited in Indonesia (Azani et al., 2024; Kusumasari, 2020; Shifa & Suherman, 2024).

Data from UNICEF indicate that approximately 20.9% of children in Indonesia grow up without the presence or active role of a father. The Central Statistics Agency (BPS) further reports a significant increase in divorce cases, totaling 516,334 cases in 2022—an increase of 10.2% compared to the previous year. This trend positions divorce as a major contributing factor to the absence of fathers in children’s lives (Ciptorukmi & Rahma, 2024). Beyond divorce, fatherlessness may also result from other factors, such as paternal death or employment conditions requiring fathers to live away from their families for extended periods.

The phenomenon of fatherlessness following divorce has become increasingly prominent alongside the rising number of divorce cases adjudicated by the Religious Courts. Normatively, court decisions generally contain provisions concerning child financial support, including its amount, duration, and mechanisms of fulfillment. In practice, however, the enforcement of such decisions often encounters obstacles, including paternal non-compliance, weak execution mechanisms, and the absence of effective supervision. In these circumstances, children frequently become the most disadvantaged parties, bearing the direct consequences of their parents’ divorce.

Previous studies have largely examined child financial support obligations from normative-doctrinal perspectives or focused on the social factors contributing to fatherlessness. However, research that specifically analyzes how Religious Courts formulate and adjudicate child financial support in the context of fatherlessness, as well as the extent to which such decisions effectively protect children’s rights, remains relatively limited. This gap highlights the need for a focused analysis of judicial decisions that directly links the legal construction of child financial support with the fatherless phenomenon following divorce.

Based on a preliminary survey conducted by the author, several children were found to experience behavioral changes due to the loss of paternal involvement, including increased irritability, unexplained sadness, and diminished self-confidence. A 15-year-old adolescent reported that since his father ceased to play an active role in caregiving, he felt the loss of a role model and struggled with emotional regulation. These field findings illustrate the tangible impact of fatherlessness on children’s lives and underscore the challenges faced in family caregiving practices (Puglisi et al., 2024).

Against this backdrop, the present study adopts a normative juridical research design supported by a case approach. The research focuses on analyzing the Pekanbaru Religious Court Decision No. 1272/Pdt-G/2020/PA.Pbr concerning child financial support following divorce. The analysis examines the judges’ legal reasoning, the formulation of the operative ruling, and its implications for the protection of children’s rights in fatherless situations. Data are collected through library research and documentation of relevant court decisions and analyzed qualitatively using a prescriptive approach.

The objectives of this study are threefold: (1) to analyze the legal construction of child financial support after divorce in the Pekanbaru Religious Court Decision No. 1272/Pdt-G/2020/PA.Pbr; (2) to assess the relevance and responsiveness of the decision to the fatherless phenomenon; and (3) to formulate theoretical and practical implications for strengthening the protection of children’s rights after divorce. Accordingly, the research questions address: (1) how child financial support is regulated and judicially reasoned in post-divorce cases; (2) the

extent to which the decision effectively addresses the problem of fatherlessness; and (3) the legal implications of the decision for the protection of children's rights after divorce.

In addressing these issues, Religious Courts play a strategic role in ensuring the fulfillment of children's maintenance rights through decisions oriented toward the best interest of the child (Haris et al., 2024). Nevertheless, the effectiveness of such decisions in preventing fatherlessness remains an unresolved issue requiring further academic and empirical examination. Accordingly, this study is significant in analyzing child financial support in fatherless conditions following divorce within the context of Religious Court decisions.

2. Method

This study employs a juridical-empirical approach with a descriptive-analytical design (Haris et al., 2024; Harmaini et al., 2025). The juridical approach is used to examine the legal norms governing child financial support after divorce, while the empirical approach focuses on how these norms are applied in practice through decisions of the Religious Courts, particularly in relation to the phenomenon of fatherlessness.

As a qualitative study integrating normative juridical and empirical juridical approaches, the normative juridical analysis is conducted through an examination of statutory regulations, the Compilation of Islamic Law (*Kompilasi Hukum Islam*), and relevant Religious Court decisions concerning child financial support. Meanwhile, the empirical juridical approach is employed to assess the practical implementation of court decisions, especially in evaluating the effectiveness of such rulings in preventing fatherless conditions. The research specifically concentrates on analyzing the legal reasoning of judges of the Pekanbaru Religious Court in adjudicating child financial support cases after divorce and examining the implications of these decisions for the continuity of the father's role in the child's life.

The data sources for this study consist of primary and secondary data. The primary data comprise the Pekanbaru Religious Court Decision No. 1272/Pdt-G/2020/PA.Pbr, which has obtained legal finality and concerns child financial support following divorce. This decision was selected based on specific criteria, namely: (a) the existence of an operative ruling explicitly regulating child financial support; and (b) indications of limited paternal involvement after divorce (father absence). Secondary data include statutory regulations, other relevant court decisions, legal literature, scholarly journal articles, previous research findings, and tertiary legal materials related to the concepts of child financial support and fatherlessness.

Data were collected through documentary research, focusing on court decisions and relevant legal instruments. The analysis involves an in-depth examination of judges' legal reasoning in determining child financial support after divorce and an assessment of the extent to which such decisions effectively ensure the fulfillment of fathers' obligations and sustain their roles in children's lives. The collected data are then analyzed using a descriptive-analytical method by interpreting judicial considerations and relating them to the concept of fatherlessness and the principle of children's rights protection.

3. Results and Discussion

3.1. Legal Framework of Child financial support after Divorce

The fulfillment of child financial support after divorce constitutes a legal obligation that is explicitly regulated within Indonesia's positive legal system and reinforced by the international principle of the best interest of the child. Law No. 1 of 1974 on Marriage, as amended by Law No. 16 of 2019, affirms that the dissolution of marriage does not extinguish parental responsibilities toward children. Article 41 stipulates that both father and mother remain obliged to care for and educate their children in accordance with the child's best interests, while the father is principally responsible for bearing the costs of the child's maintenance and education. This provision is further reinforced by Article 45, which states that such obligations continue to apply even after the parents' marriage has ended (Law No. 1/1974). In other legal systems, the obligation to provide child financial support after divorce is likewise regarded as a fundamental principle of modern family law, with an emphasis on ensuring the fulfillment of children's basic needs and their sustained well-being (Hashim et al., 2024).

Law No. 35 of 2014 on Child Protection strengthens the position of children's rights after divorce by recognizing children as legal subjects entitled to continuous protection, care, and welfare. This law requires parents to fulfill their children's basic needs, education, and developmental rights without discrimination, including in situations of divorce. Juridical studies indicate that although the legal framework governing child financial support is normatively robust, the most significant challenges arise in the implementation of court decisions, particularly with respect to enforcement mechanisms and compliance with child support orders (Garayová, 2024).

From the perspective of Islamic law as incorporated into the Compilation of Islamic Law (*Kompilasi Hukum Islam – KHI*), the obligation to provide child financial support is likewise imposed on the father regardless of the parents' marital status. Article 105 of the KHI provides that custody (*hadhanah*) of a non-*mumayyiz* child rests with the mother, while the costs of maintenance and education remain the responsibility of the father. This regulation underscores the separation between custody rights and maintenance obligations, thereby affirming that divorce cannot serve as a justification for relieving the father of his financial and social responsibilities toward the child (KHI). Juridical research further reveals that significant challenges within the Islamic legal context emerge at the stage of enforcement, particularly in cases where former husbands fail to comply with the operative provisions of court decisions.

The national and Islamic normative frameworks are further supported by the best interest of the child principle, which serves as a universal standard in the protection of children's rights. This principle is internationally recognized through the Convention on the Rights of the Child (CRC), which mandates that the best interests of the child shall be a primary consideration in all actions concerning children (Garayová, 2024). Under the CRC, States Parties are required to develop mechanisms, including within family justice systems, to ensure that legal decisions concerning children comprehensively address their physical, emotional, social, and psychological needs. Comparative studies demonstrate that, despite variations in implementation across jurisdictions, this principle remains a common denominator in efforts to safeguard children's rights within diverse family law systems.

Accordingly, the obligation to provide child financial support after divorce is not merely a matter of domestic legal compliance but is also deeply rooted in internationally recognized children's rights principles. This normative foundation serves as the analytical basis for examining how court decisions formulate and enforce child financial support obligations and for assessing the extent to which such decisions are responsive to the comprehensive protection needs of children.

3.2 The Concept of Fatherlessness and Its Implications for Children's Rights

The phenomenon of fatherlessness refers to a condition in which children grow up without the presence or significant involvement of a father figure in their lives—either physically or emotionally—due to divorce, death, or the father's limited role in daily caregiving. Conceptually, fatherlessness does not merely denote biological absence, but also encompasses the lack of active paternal engagement in fulfilling children's emotional, social, and psychological needs, which has been widely identified in the literature as a critical factor in child development. Global studies indicate that the absence of a father's role may negatively affect children's psychosocial well-being, academic achievement, and social skills (Sandberg, 2023).

Empirical research further demonstrates that children experiencing fatherlessness are prone to a range of psychological challenges, including emotional distress, anxiety, low self-esteem, and impaired emotional regulation, which in turn are associated with unhealthy interpersonal relationships during adolescence (Kim & Glasgow, 2018). Studies also reveal that the absence of a father is closely linked to weakened emotional attachment between children and their parents, a condition that can undermine psychological stability and influence children's behavioral patterns in broader social contexts.

Beyond emotional consequences, fatherlessness also has significant implications for children's social and academic development. Children who grow up without active paternal involvement tend to face greater difficulties in social interaction and learning processes at school, including lower academic motivation and reduced capacity for sustained concentration (Mahendra & Rahayu, 2024). A systematic review further concludes that fatherlessness is associated with poorer academic outcomes, inconsistent school attendance, and delayed cognitive achievement, particularly during the critical developmental stage of adolescence (Thompson & Henrich, 2022).

From a children's rights perspective, the implications of fatherlessness place children in a vulnerable position, as their rights to protection, emotional care, and educational support are at risk of not being optimally fulfilled. The principle of the best interest of the child requires that all caregiving efforts and legal policies ensure the fulfillment of children's essential needs, including the involvement of a father figure where empirical evidence demonstrates its importance for child development. Prolonged absence of the father figure without adequate social compensation or alternative support mechanisms may hinder the realization of these rights, thereby necessitating particular attention in the formulation of family law policies and judicial practices.

Accordingly, fatherlessness should not be viewed merely as a social phenomenon, but as a children's rights issue that demands legal and public policy intervention. Empirical evidence consistently shows that paternal involvement exerts a substantial influence on

multiple dimensions of child development—psychological, social, and academic—which underscores the need to ensure holistic child protection beyond the mere fulfillment of material maintenance obligations.

3.3 Analysis of the Pekanbaru Religious Court Decision No. 1272/Pdt-G/2020/PA.Pbr

The Pekanbaru Religious Court Decision No. 1272/Pdt-G/2020/PA.Pbr concerns a divorce case that simultaneously determines the obligation of child financial support following the dissolution of marriage. The core issue in this case does not end with the termination of the marital relationship but extends to the determination of the father's responsibility toward the child as a legal consequence of divorce. Accordingly, the case carries dual significance: it functions both as a family law dispute and as an instrument for the protection of children's rights.

Within the context of the fatherless phenomenon, the position of this case is particularly relevant, as divorce may lead to the discontinuity of the father's role, both economically and emotionally. Therefore, the determination of child financial support in this decision can be understood as a legal effort to prevent structural fatherlessness, namely a condition in which the father no longer fulfills his obligations toward the child in legal terms after divorce.

In this decision, the panel of judges based its legal reasoning on positive legal norms, particularly the Marriage Law and the Compilation of Islamic Law, both of which explicitly assign the obligation of child financial support to the father. The judges emphasized that divorce does not eliminate the father's responsibility to provide for the child's basic needs and education, and that such obligation continues until the child reaches adulthood or becomes economically independent.

In addition to normative grounds, the judges also considered factual aspects, namely the father's economic capacity and the child's needs. This consideration reflects an attempt to apply the principle of proportionality by aligning the amount of child financial support with the father's financial ability without disregarding the child's best interests. Nevertheless, the assessment of the father's economic capacity in this decision remains relatively general and is not fully supported by measurable economic indicators, thereby leaving room for uncertainty in the implementation of the ruling.

The principles of justice and *maslahah* (public welfare) constitute the philosophical foundation of the judges' considerations. Justice is understood not merely as a balance of rights and obligations between parents, but also as the protection of the child as the most vulnerable party in the context of divorce. However, the orientation toward *maslahah* in this decision remains predominantly normative and has not been fully translated into concrete mechanisms to ensure the sustainability of the father's role after divorce.

In the operative part of the decision, the panel of judges imposed an obligation on the father to provide child financial support in the form of basic necessities, including living expenses and educational costs. The determination of the type and amount of maintenance reflects judicial recognition that child financial support is not merely a symbolic obligation, but a binding legal responsibility with direct implications for the child's welfare.

The decision further stipulates the duration of the maintenance obligation until the child reaches adulthood and allows for adjustments to the amount of maintenance in

accordance with the child's increasing age and needs. This formulation deserves appreciation, as it demonstrates judicial awareness of the dynamic nature of children's needs. However, the absence of explicit supervisory mechanisms and enforceable sanctions in the operative ruling potentially undermines the effectiveness of its implementation in practice.

Moreover, although the judges acknowledged the importance of the father's non-material role—such as affection, attention, and involvement in the child's life—these aspects were not explicitly incorporated into the operative part of the decision. As a result, the father's obligations are largely reduced to the financial dimension, while emotional and social responsibilities lack binding legal force. This condition may perpetuate psychosocial fatherlessness, even where material child financial support has formally been established by the court.

3.4 Effectiveness of the Court Decision in Preventing the Fatherless Phenomenon

3.4.1. Theoretical Framework for Evaluating the Effectiveness of Court Decisions

The effectiveness of a court decision concerning child financial support should not be assessed solely on the technical fulfillment of financial obligations, but also on its broader impact on the father-child relationship in a holistic sense. Research in family psychology and family law consistently emphasizes that paternal involvement after divorce—both economically and emotionally—plays a crucial role in determining children's overall well-being. Consequently, a judicial decision must address both dimensions in order to genuinely prevent fatherlessness. Sustained paternal involvement has been shown to contribute positively to children's psychological and social development through emotional support, supervision, and active participation in their daily lives (Pruett et al., 2016).

Other international studies further demonstrate that paternal support, including from non-resident fathers, is associated with higher levels of children's self-esteem, improved social problem-solving abilities, and better emotional adjustment following divorce. A comprehensive meta-analysis by Sandberg (2023) confirms that children who maintain meaningful relationships with their fathers after parental separation exhibit stronger adaptive capacities and more stable emotional outcomes.

3.4.2. Effectiveness of the Decision in Fulfilling Financial Child financial support

Normatively, the Pekanbaru Religious Court Decision No. 1272/Pdt-G/2020/PA.Pbr explicitly establishes the father's obligation to provide continuous child financial support and allows for adjustments in accordance with the child's evolving needs. However, the practical effectiveness of this obligation is highly contingent upon its actual implementation. Previous studies indicate that although legal systems provide instruments for enforcing child financial support obligations, their implementation is frequently constrained by insufficient monitoring mechanisms, limited legal awareness among fathers, and administrative obstacles when enforcement proceedings are required (Kayati et al., 2025).

In comparable contexts, factors such as low public legal literacy, weak supervisory frameworks, and inadequate data infrastructure have been identified as major impediments to the effectiveness of child financial support enforcement. Nevertheless, the introduction of digital innovations—such as child support tracking systems and application-based monitoring platforms—has demonstrated increased transparency and compliance in several jurisdictions

(Kayati et al., 2025). These developments suggest that institutional and technological support mechanisms are essential for translating normative obligations into effective practice.

3.4.3. Impact of the Decision on Father-Child Relationships and the Prevention of Fatherlessness

The effectiveness of a judicial decision in the context of fatherlessness must also be evaluated in terms of its capacity to strengthen father-child relationships after divorce. International research indicates that the loss of contact or reduced paternal involvement following divorce significantly increases psychosocial risks for children, including diminished self-esteem and difficulties in social interaction (Sandberg, 2023).

Although the decision under analysis regulates financial maintenance obligations, emotional involvement by fathers often remains beyond the reach of enforceable legal sanctions. Family psychology literature consistently underscores that increased paternal engagement after divorce – whether through shared time or emotional support – is strongly correlated with improved child well-being, including greater psychological stability and more effective social adjustment. This finding highlights that the success of judicial decisions in preventing fatherlessness does not arise solely from financial compliance, but from their ability to continuously encourage paternal engagement as a lived experience (Pruett et al., 2016).

3.4.4. Weaknesses and Implementation Gaps in Court Decisions

Despite the formal establishment of child financial support obligations through court decisions, various studies reveal that implementation barriers often undermine their substantive impact. In many developing countries, including Indonesia, the primary obstacles to effective post-divorce child financial support include limited legal awareness among fathers who reside far from their children, discrepancies between judicial orders and fathers' actual economic conditions, and weak post-decision monitoring mechanisms (Samanta, 2024).

Empirical cases further demonstrate that when fathers fail to comply with maintenance obligations, court decisions are frequently not followed by effective enforcement measures. As a result, violations of material child financial support obligations not only undermine children's economic rights but also weaken paternal emotional involvement, thereby sustaining a high risk of fatherlessness even in the presence of a judicial ruling. This situation aligns with earlier findings indicating that paternal respect and engagement tend to decline after divorce unless supported by coercive or facilitative mechanisms that promote sustained involvement (Nepomnyaschy & Garfinkel, 2010).

3.4.5. Assessing Judicial Effectiveness in the Context of Children's Rights Protection

The effectiveness of court decisions should be measured against the extent to which they achieve core legal objectives: the fulfillment of child financial support and the holistic protection of children's rights, encompassing economic, psychological, and social dimensions. Decisions that emphasize financial obligations without explicitly addressing emotional involvement or establishing continuous monitoring mechanisms risk satisfying only formal legal requirements, while broader children's rights remain inadequately protected. Research on post-divorce family dynamics confirms that when father-child relationships deteriorate or cease altogether, children face increased risks of maladaptation even when their financial needs are met, indicating a substantive failure in children's rights protection (Amato, 1993).

Conversely, judicial decisions that incorporate adaptive provisions for adjusting child financial support and actively encourage paternal involvement are more likely to produce long-term positive outcomes for children's well-being and reduce the risk of fatherlessness. This approach aligns with contemporary family law perspectives that advocate for active involvement of both parents after divorce as a means of maximizing children's overall welfare.

3.4.6. Recommendations for Enhancing the Effectiveness of Court Decisions

Based on the foregoing analysis and international academic studies, several recommendations may be proposed to enhance the effectiveness of court decisions in preventing fatherlessness:

- Integrating post-decision monitoring mechanisms through judicial institutions or social agencies to ensure the sustained implementation of child financial support obligations over time, rather than limiting oversight to the moment of adjudication.
- Strengthening sanctions for non-compliance with child financial support obligations, including legal supervision, ongoing family mediation services, and socio-economic support mechanisms.
- Promoting fathers' emotional involvement through family education programs, co-parenting initiatives, and counseling services that position father-child relationships as an integral component of post-divorce recovery.
- Establishing specialized child financial support enforcement units within the judicial system to facilitate monitoring, data collection, and inter-agency coordination (e.g., with social and educational institutions), as recommended by comparative family law studies in Southeast Asia.

The effectiveness of Religious Court decisions in preventing the fatherless phenomenon is not determined solely by the normative establishment of child financial support obligations, but largely depends on implementation mechanisms, monitoring, sanctions, and comprehensive social support. Without robust enforcement frameworks and explicit attention to fathers' emotional involvement, judicial decisions risk becoming formalistic and insufficiently responsive to the lived realities of children after divorce.

3.5 Legal Implications and the Protection of Children's Rights

The findings of this study demonstrate that Religious Court decisions concerning child financial support after divorce carry significant legal implications for the protection of children's rights, particularly in relation to the prevention of the fatherless phenomenon. Normatively, such decisions reflect an alignment with the principle of the best interest of the child through the affirmation of continuous child financial support obligations. Substantively, however, the effectiveness of children's rights protection remains highly dependent on the extent to which these decisions are consistently implemented and effectively supervised.

The first legal implication concerns the strengthened position of the child as an independent legal subject with autonomous rights to maintenance and protection, irrespective of the marital relationship between the parents. The determination of child financial support within divorce rulings reinforces the principle that children should not bear the negative consequences of parental conflict. In this respect, the Religious Court functions not merely as an institution for resolving family disputes, but also as a state instrument for safeguarding the

continuity of children's fundamental rights – particularly the right to an adequate standard of living and optimal development.

The second implication relates to the construction of paternal responsibility after divorce. The analyzed decision indicates that the father's obligation is still predominantly understood in financial terms, while non-material dimensions—such as emotional involvement, attention, and social interaction—have not yet been firmly institutionalized within the operative part of the ruling. This condition gives rise to a legal gap between normative obligations and the child's actual needs. Consequently, even where material maintenance is formally established, the risk of psychosocial fatherlessness remains, due to the absence of legal mechanisms that ensure the continuity of the father's holistic role in the child's life.

A further implication concerns the effectiveness of the Religious Court system in protecting children's rights. This study reveals that weak supervision and enforcement mechanisms for child financial support decisions may significantly reduce the practical utility of judicial rulings as instruments of legal protection. When compliance with court orders relies primarily on the father's goodwill without adequate oversight, the protection of children's rights becomes largely declarative rather than operational. This finding underscores the need to strengthen law enforcement aspects within family law, so that court decisions extend beyond normative legitimacy and produce tangible impacts on children's lived experiences.

From a children's rights perspective, the findings indicate that family law approaches must evolve from a child support paradigm toward a child well-being paradigm. In this sense, child protection should not be narrowly construed as the fulfillment of financial obligations alone, but must also encompass guarantees of sustained caregiving relationships, emotional stability, and balanced parental involvement. Within this framework, the fatherless phenomenon serves as a critical indicator for assessing whether court decisions have genuinely responded to children's holistic needs.

The practical implications of this study call for a more progressive role for the Religious Courts. Judges are expected not only to function as law appliers, but also as law developers capable of formulating more adaptive and child-oriented operative rulings. This may include, for example, the incorporation of more detailed provisions concerning maintenance implementation mechanisms, periodic evaluations, or even the encouragement of post-divorce co-parenting arrangements as an integral component of the child's best interests.

Overall, this study affirms that the protection of children's rights after divorce cannot be separated from the quality of judicial decisions and the effectiveness of their implementation. Child financial support rulings that lack strong enforcement and monitoring mechanisms risk failing to substantively address the fatherless phenomenon. Therefore, the integration of legal norms, judicial practice, and child-centered protection approaches is essential to ensure that children are not only legally protected, but also meaningfully safeguarded in their everyday lives.

4. Conclusion

This study demonstrates that the obligation of child financial support after divorce is normatively well established within Indonesia's positive legal system and Islamic family law,

and has been explicitly affirmed in Religious Court decisions. The Pekanbaru Religious Court Decision No. 1272/Pdt-G/2020/PA.Pbr juridically positions the child as a legal subject entitled to maintenance and protection despite the dissolution of the parents' marriage. Accordingly, the decision reflects the application of the best interest of the child principle within the framework of family law.

Nevertheless, the analysis reveals that the effectiveness of the decision in preventing the fatherless phenomenon remains limited. This limitation is primarily evident in the dominance of a financial-oriented approach to child financial support, while non-material dimensions—such as emotional involvement, care, and the continuity of the father's role in the child's life—have not been strongly institutionalized within the operative part of the ruling. As a result, although child financial support obligations are legally established, the risk of psychosocial fatherlessness persists.

The study further finds that weak supervision and enforcement mechanisms constitute a major barrier to the effective protection of children's rights. Court decisions that are not accompanied by adequate monitoring and enforcement systems tend to be declarative in nature and provide limited tangible benefits for children's well-being. Consequently, fatherlessness after divorce should not be understood merely as a social issue, but also as a reflection of structural limitations within the legal system in ensuring the sustained implementation of judicial decisions.

Based on the findings of this study, it is essential to strengthen the role of the Religious Courts in formulating child support decisions that go beyond the mere determination of financial obligations and place greater emphasis on sustainable implementation. Judges are encouraged to adopt a more progressive approach by incorporating mechanisms for the enforcement of child support, periodic evaluation of compliance, and the reinforcement of fathers' long-term responsibilities. Such an approach is crucial to ensure that court decisions function not only as normative legal instruments but also as effective tools for preventing fatherlessness in both structural and psychosocial dimensions.

Furthermore, this study recommends the development of specific policies or technical regulations aimed at enhancing the supervision and enforcement of child support decisions. This may include the establishment of specialized child support enforcement units or the promotion of inter-institutional cooperation involving judicial bodies, social services, and educational institutions. Through an integrated monitoring system, the protection of children's rights would no longer depend solely on the goodwill of fathers, but would be supported by a more effective and sustainable legal enforcement framework.

References

- Amato, P. (1993). *Contact with non-custodial fathers and children's well being*. Australian Institute of Family Studies. <https://aifs.gov.au/research/family-matters/no-36/contact-non-custodial-fathers-and-childrens-well-being>
- Azani, M., Basri, H., & Halimah, S. (2024). Kewajiban Pemenuhan Hak-Hak Anak Pasca-Perceraian Berdasarkan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Di Pengadilan Agama Pekanbaru. *Jotika Research in Business Law*, 3(1), 1–10. <https://doi.org/10.56445/jrbl.v3i1.125>
- Balogun, T., Nyathi, L., October, K., Skhuni, A., & Roman, N. (2023). The Need for Fathers as Role Models to Aid Family and Social Cohesion in Resource-Constrained Contexts. *Journal of Family Strengths*, 23(2). <https://doi.org/10.58464/2168-670X.1468>
- Ciptorukmi, A. S., & Rahma, A. S. (2024). Children's Rights in the Crossfire: Examining Indonesia's Divorce Legal Culture. *LITIGASI*, 25(2), 130–149. <https://doi.org/10.23969/litigasi.v25i2.18009>
- East, L., Jackson, D., & O'Brien, L. (2006a). Father absence and adolescent development: A review of the literature. *Journal of Child Health Care*, 10(4), 283–295. <https://doi.org/10.1177/1367493506067869>
- East, L., Jackson, D., & O'Brien, L. (2006b). Father absence and adolescent development: A review of the literature. *Journal of Child Health Care*, 10(4), 283–295. <https://doi.org/10.1177/1367493506067869>
- Garayová, L. (2024). The Best Interests of the Child Principle. *Central European Academy Law Review*, 2(1). <https://doi.org/10.62733/2024-1.9-28>
- Haris, A., Lisdiyono, E., & Setiyowati. (2024). The Reconstruction of Religious Court Decision Execution on the Fulfilment of Children's Rights Post-Divorce in Indonesia. *Revista de Gestão Social e Ambiental - RGSA*, 18(7), 1–26. <https://doi.org/10.24857%25252Frgsa.v18n7-035>
- Harmaini, A., Syaputra, A., & Fatimah, F. (2025). Child Support Fulfillment Post-Divorce: A Study on the Gap Between Islamic Family Law and Indonesian Positive Law in Tanjung Morawa, Deli Serdang. *SANGKÉP: Jurnal Kajian Sosial Keagamaan*, 8(3), 489–510. <https://doi.org/10.20414/sangkep.v8i3.14547>
- Hashim, N. M., Lindsey, T., Kusrin, Z. M., & Nor, A. M. (2024). Child Maintenance after Divorce: Review on the practices in Malaysian Shariah Courts. *Environment-Behaviour Proceedings Journal*, 9(29), 63–67. <https://doi.org/10.21834/e-bpj.v9i29.6024>
- Kayati, N. F., Hidayatullah, S., & Jainuddin, J. (2025). Legal Implementation in the Digital Era: Protection of Child Support Rights after Divorce in Indonesia. *Hakamain: Journal of Sharia and Law Studies*, 4(1), 1–13. <https://doi.org/10.57255/hakamain.v4i1.1317>
- Kim, S., & Glasgow, A. E. (2018). The effect of father's absence, parental adverse events, and neighborhood disadvantage on children's aggression and delinquency: A multi-analytic approach. *Journal Of Human Behavior In The Social Environment*, 28(5), 570–587. <https://doi.org/10.1080/10911359.2018.1443866>
- Kucukkaragoz, H. (2025). Review of the Research Literature on the Impact of Father Absence on Child Development in Alignment with the Sustainable Development Goals (SDGs). *Journal of Lifestyle and SDGs Review*, 5(4), e06117–e06117. <https://doi.org/10.47172/2965-730X.SDGsReview.v5.n04.pe06117>

- Kusumasari, N. M. (2020). Father's Involvement in Parenting as a Predictor of Adolescents' Social Adaptation. *Psychological Research and Intervention*, 3(1), 29–41. <https://doi.org/10.21831/pri.v3i1.34751>
- Mahendra, J. P., & Rahayu, F. (2024). Fatherless Phenomenon After Divorce and Its Impact on Children's Social and Academic Behavior. *International Journal of Education, Information Technology, and Others*, 7(4), 47–55. <https://jurnal.peneliti.net/index.php/IJEIT/article/view/11051/>
- Marbun, N., & Simamora, J. (2025). Father's Responsibility for Child Maintenance in Divorce. *Golden Ratio of Data in Summary*, 5(2), 284–288. <https://doi.org/10.52970/grdis.v5i2.881>
- McLanahan, S., Tach, L., & Schneider, D. (2013). The Causal Effects of Father Absence. *Annual Review of Sociology*, 39, 399–427. <https://doi.org/10.1146/annurev-soc-071312-145704>
- Nasution, K., & Nasution, S. (2021). Implementation of Indonesian Islamic Family Law to Guarantee Children's Rights. *Al-Jami'ah: Journal of Islamic Studies*, 59(2), 347–374. <https://doi.org/10.14421/ajis.2021.592.347-374>
- Nepomnyaschy, L., & Garfinkel, I. (2010). Child Support Enforcement and Fathers' Contributions to Their Nonmarital Children. *The Social Service Review*, 84(3), 341–380. <https://doi.org/10.1086/655392>
- Pruett, M. K., Cowan, C. P., Cowan, P. A., Pradhan, L., Robins, S., & Pruett, K. D. (2016). Supporting Father Involvement in the Context of Separation and Divorce. In L. Drozd, M. Saini, & N. Olesen (Eds.), *Parenting Plan Evaluations: Applied Research for the Family Court* (p. 0). Oxford University Press. <https://doi.org/10.1093/med:psych/9780199396580.003.0005>
- Puglisi, N., Rattaz, V., Favez, N., & Tissot, H. (2024). Father involvement and emotion regulation during early childhood: A systematic review. *BMC Psychology*, 12(1), 675. <https://doi.org/10.1186/s40359-024-02182-x>
- Radl, J., Salazar, L., & Cebolla-Boado, H. (2017). Does Living in a Fatherless Household Compromise Educational Success? A Comparative Study of Cognitive and Non-cognitive Skills. *European Journal of Population*, 33(2), 217–242. <https://doi.org/10.1007/s10680-017-9414-8>
- Rahmadhani, A., Kinantia, N., Ramadanti, S. A., Khoerunnisa, S., & Fakhruddin, A. (2024). Fatherless Generation: Mengungkap Dampak Kehilangan Peran Ayah Terhadap Psikologis Anak dalam Kaca Mata Islam. *Darajat: Jurnal Pendidikan Agama Islam*, 7(2), 128–146. <https://doi.org/10.58518/darajat.v7i2.3017>
- Samanta, S. (2024). Barriers to Child Support After Divorce: A Legal Review in the Indonesian Context. *Sakina: Journal of Family Studies*, 8(4), 417–427. <https://doi.org/10.18860/jfs.v8i4.11501>
- Sandberg, K. (2023). Shared parenting and father involvement after divorce in Denmark. *Frontiers in Psychology*, 14. <https://doi.org/10.3389/fpsyg.2023.1223574>
- Shifa, F. R., & Suherman, A. (2024). Dampak Tidak Adanya Peran Ayah Terhadap Perkembangan Anak Di Indonesia. *Jurnal Kajian Hukum Dan Kebijakan Publik | E-ISSN : 3031-8882*, 2(1), 260–267. <https://doi.org/10.62379/rhyzyd17>

- Thompson, A. J., & Henrich, C. C. (2022). Cross-lagged effects between parent depression and child internalizing problems. *Journal of Family Psychology, 36*(8), 1428–1438. <https://doi.org/10.1037/fam0001012>
- Zuliani, S., Triyuliasari, A., & Iswinarti, I. (2024). Differences in the impact of fatherlessness based on developmental age stages: A systematic review. *Jurnal Psikologi dan Konseling West Science, 2*(04), 346–354. <https://doi.org/10.58812/jpkws.v2i04.1770>