



The Payment Nafkah (Living) for Children as a Result Break Up of Marriage in Jurisdiction Territory of Religion Court Pekanbaru City

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<http://dx.doi.org/10.18415/ijmmu.v6i6.1277>

Abstract

Marriage is a legal event, from which legal events will have legal consequences. One of the legal consequences is the emergence of rights and obligations between husband and wife. As we see in daily life, many occur in Indonesian society, not all marriages can be as happy as everyone wants, but not a few also end in Court. The end of the marriage due to divorce, does not mean that the obligation of parents to support their children also ends. In divorce divorce, children under the age of 12 years will usually fall into the care of (hadhanah) his mother. Not a few of them, ex-husband who does not carry out the obligation to pay for children's living after divorce. There are so many ex-husbands who did not carry out the court's decision after the divorce, namely the payment of children's income, which in Article 41 letter a of Law no. 1 of 1974 concerning Marriage is that both the father and mother still have the obligation to care for and educate their children, solely based on the interests of the child, in the event of a dispute regarding the custody of children, the Court gives its decision. In implementing the court's ruling, there are several obstacles that cause the ruling to not work as it should, among ex-wives holding custody of children who do not have extensive knowledge about what steps should be taken when the ex-husband does not pay for the child's income. Another obstacle is the severance of communication between ex-husband and ex-wife because ex-husband has moved house and is difficult to contact. The solution provided by the Religious Court, is to carry out the payment of child support, but during 2017 and 2018 no one has ever registered a request for execution of child support payments because the costs are not small and the time required is also not short, whereas each day the children the child needs living expenses, so many ex-wife of the holder of the hadhanah cannot make any efforts to obtain their children's rights even though the child is part of the nation's next generation.

Keywords: *Payment Nafkah (Living); Children; Marriage*

Introduction

Marriage according to Article 1 paragraph (1) of Law Number 1 of 1974 concerning Marriage, is a physical bond between a man and a woman as husband and wife with the aim of forming a happy or eternal family or household based on the Godhead. The purpose of the word inner and outer bonds is that in a marriage is not only enough with the existence of an inner bond but also the bond of birth. Birth

bonds can be realized with an authentic marriage certificate. The purpose of marriage is to form a family that is happy and eternal can mean that the marriage lasts a lifetime and should not just break up. In the Islamic Law the purpose of marriage is to fulfill the instinctive demands of human life, to have relations between men and women in order to bring about family happiness according to the teachings of Allah and His Prophet.¹

As we know, not all marriages go smoothly. Lots of couples, especially young couples who are newly married, are still not ready physically and mentally to navigate the household ark. Mutual selfishness, unwise in dealing with household problems, making decisions when emotions are unstable, and many other factors, make many people take the attitude to end their household in court by divorce.

Divorce or divorce is the breaking up of the marriage between husband and wife, with the pressure of breaking the relationship of marriage between husband and wife. While divorce is the husband's pledge before the Religious court. Thus, that divorce divorce is the breaking of the marriage rope (marriage contract) between the husband and wife with divorce spoken by the husband in front of the religious court hearing. Things like this that should be avoided if you want to start a household journey so as not to end in divorce. Divorce in Islamic law may in principle be hated by God, but divorce is the last alternative that can be taken when domestic life is in a state that is unhappy and cannot be maintained anymore. Islam shows that before the divorce efforts are made peace efforts between the two parties, because the bond of marriage is the most sacred and strong.²

Claims for divorce are brought to the judge in the usual suit in civil cases, but must be preceded by asking permission from the Chief Justice to sue. Before permission is granted, the judge must first conduct an experiment to reconcile the two parties.³ Divorce happens a lot in the community nowadays, and a lot of it also occurs, as a result of the divorce itself creates new problems, such as monthly income for children that is not paid by the Petitioner. Monthly income is an obligation that must be fulfilled by a father (Petitioner) both during marriage and after divorce. Divorce only breaks the marriage between a husband and wife, not with responsibility towards the child.

The legal consequences of divorce against children in their marriages, but do not apply to husbands and wives who do not have children in their marriages. According to Soemiyati, if there is a divorce where the offspring have been obtained in the marriage, then the right to care for children from the marriage is the mother, or grandmother and so on. However, regarding financing for the child's livelihood, including the cost of education is his father's responsibility. The end of the upbringing is when the child can already be asked to whom he will continue to participate. If the child chooses to join his father, then the right to take care is moved to the father. The same opinion as Soemiyati's opinion, was stated by Hilman Hadikusuma, who explained that the father was responsible for all the maintenance and education costs needed by the child after the marriage was terminated due to divorce. If the father is in reality unable to carry out his obligations to finance the maintenance and education of the child, the court can determine that the mother shares the responsibility for the maintenance and education of the child. The legal consequences of divorce against legitimate children who have not reached the age of 18 (eighteen) years or have never entered into a marriage, according to Article 47 paragraph (1) of Law no. 1 of 1974 concerning Marriage, the child is under the authority of his parents as long as they (parents) are not deprived of their power. In Islamic law, the burden of the duty of caring for and educating children is the father, while the mother is of help. Mother is only obliged to breastfeed the child and care for him. In fact in Islamic law the nature of the relationship between parents and children can be seen in terms of

¹ Azhar Basyir Ahmad, *Islamic Marriage Law* (Yogyakarta: Library Publishing Section of the Faculty of Law, Islamic University of Indonesia, 1987), p. 18.

² Ahmad Rofiq, *Islamic Law in Indonesia*, (Jakarta, PT. Raja Grafindo, cet I, 1995), p. 268.

³ Subekti, S.H., *Principles of Civil Law*, (Jakarta: PT. Intermasa, 1985), hlm. 43.

material, that is to provide for living, suckling (irdla '), and nurturing (hadlanah), and in terms of immaterial, namely the outpouring of love, care and protection as well as spiritual education and etc.⁴

Based on the explanation above, it is understandable that the marriage breakup due to divorce is due to the divorce pledge pronounced by the husband in advance at the Religious Court hearing where the petition was filed. the husband and wife relationship becomes a former husband and ex-wife. Request for divorce submitted by the husband to the religious court to obtain permission to drop divorce from the wife, the contents of the decision of the judge of the religious court is to determine to give permission to the Applicant (as husband) to drop the divorce pledge against the Respondent (as the wife) before the religious court after the verdict is in force permanent law. If the husband does not come to court after the decision has final legal force, it can be represented by a Special Power of Attorney made by a notary public, but if the Petitioner or the Petitioner's attorney does not come at all, then the request for divorce is null and void by law.

An application is an application which contains a claim for civil rights by a party that has an interest in a matter that does not contain a dispute, so that the judicial body that adjudicates can be considered an unfair court process. In the petition process there are terms the Petitioner as husband and Respondent as wife, and the legal product is called istbat (stipulation). In the divorce application, there are several sounds of divorce, namely divorce one, divorce two and divorce three. Divorce one and divorce two, is divorce which if the marriage has broken up due to divorce, the two ex-husband and ex-wife must legally remarry if want to make reference to certain conditions. As for divorce three, if the ex-wife and ex-husband want to reconcile, the ex-wife must have been married to another man first, and if the ex-wife had divorced with her husband, only after the ex-wife can reconcile with her former husband.

But unlike divorce, in a divorce, the wife can not ask for iddah income. The iddah nafah can only be obtained in the divorce answer which includes a recoveny claim (counter-claim). In recoveny, the wife can ask for iddah, mut'ah, kiswah, left income and livelihood for the maintenance of a child. However, if it is not inkrah, for divorce can be reconciled without remarriage. Referring back again is a husband and wife relationship between a husband who has dropped divorce on his wife who has barred it in a simple way. The trick is to say "I return to you" in front of two fair male witnesses, while the meaning of remarriage is that both ex-husband and wife fulfill the same conditions as a normal marriage, namely a marriage contract, witnesses and others to make them husband and wife. wife back.

Islam gives divorce rights only to the husband, because the husband's desire is stronger to continue the marriage rope which has sacrificed a lot of wealth. Based on these considerations, in addition to the husband having reason and more patient nature in dealing with the wife's attitude and behavior that is not favored, a husband will not be in a hurry to decide to divorce only because of feelings of anger or the bad nature of his wife who tends to make himself difficult.⁵ Regarding children as one of the consequences of divorce, One result of divorce is the distribution of child custody, whether it falls to Mother's control or falls to Father's, or it can also be taken care of together.⁶ In essence, children cannot protect themselves from various actions that cause mental, physical, social harm in various areas of their lives, given their circumstances. Children need to get protection so as not to suffer losses, both mentally, physically, and socially⁷

If the divorce of a husband and wife has entered the level that cannot be revoked again, then what happens is the problem of children under age, namely children who have no intelligence. The four Imams of the school agreed that it was their mother who had the right to care for and nurture the children of that

⁴ Zahry Hamid, *Principles of Islamic Marriage Law and Marriage Law in Indonesia*, Bina Cipta, Bandung, 1978, p. 134.

⁵ Sayyid Sabiq, *Fikih Sunnah 4*, (Jakarta: Cakrawala Publishing, 2009), p. 9.

⁶ M. Yahya Harahap, *Position of Authority and Religious Court Events*, (Jakarta: Sinar Grafika, 1989) hlm. 45.

⁷ Maidin Gultom, 2012, *Legal Protection of Children and Women*, Bandung: PT. Refika Aditama, Hal. 69.

age. Although the child is cared for and cared for by his mother, the costs of care and education are borne by his father. When talking about children due to the breakup of marriage due to divorce, it must also talk about living. The husband who drops divorce on his wife, he is obliged to pay for his children, namely spending to care for and the needs of his children, just according to the husband's position.⁸

The needs of children that must be fulfilled vary, both from basic needs such as food, clothing, shelter, school needs ranging from paying monthly tuition, buying books, etc. until the child reaches the level of education in college. Moreover, the child consists of several children, if a father neglects his obligation to provide for his children, the mother of these children must work hard to meet the needs of these children. However, most mothers can only remain silent, because so far many people are still unfamiliar with this issue because they do not know what steps should be done. From the background explanation above, the researcher took the title of this research to explain the responsibilities of parents after divorce, judges' considerations in deciding on the responsibilities of parents towards children after divorce and the consequences for parents who did not carry out their obligations to children after divorce. Specifically in Pekanbaru City, there were two cases of divorce decisions issued by the Religious Courts in which there was a decision regarding the implementation of the monthly income payments to children, illustrated that the decision was not carried out properly.

This has moved the author's heart to discuss in more depth, what are the causes of these problems and what steps should be taken to prevent these problems from happening even more. Based on the background of the problem above, the authors are interested in conducting research for the writing of the thesis with the title: " The Payment Nafkah (Living) For Children As a Result Break Up Of Marriage In Jurisdiction Territory of Religion Court Pekanbaru City " Based on the explanation above, the main issues in this thesis are: 1. What is the Process of Payment Nafkah (Living) For Children As a Result Break Up Of Marriage In Jurisdiction Territory of Religion Court Pekanbaru City? 2. What are the obstacles in the process of Payment Nafkah (Living) For Children As a Result Break Up Of Marriage In Jurisdiction Territory of Religion Court Pekanbaru City? 3. What is the legal protection of the rights of children who do not get a living from their parents after the break up of their parents' marriages?

Research Method

The problem approach used in this research is empirical juridical which emphasizes the reality in the field associated with applicable legal or regulatory aspects regarding the object of research discussed and looks at the legal norms that apply and then connects them with reality or facts contained in the community regarding Payment of Child Livelihoods As A Result Of Marriage Discontinuation in the Legal Area of Pekanbaru City.

Process of Payment Nafkah (Living) For Children as a Result Break Up Of Marriage In Jurisdiction Territory of Religion Court Pekanbaru City

1. Divorce Case Case Number 1857 / Pdt.G / 2017 / PA.Pbr.

This divorce case is between Dian Rosaria bint Jukhlirwan, currently 33 years old, housewife, having his / her address at Jaalan Sidodadi 2 RT.03 RW.013 Tangkerang Utara Village, Bukitraya District, Pekanbaru as the Plaintiff, against Rizki Renovaldy Hasibuan bin Wildan Asfan Hasibuan currently 36 years old, self-employed, having his / her address at Danau Toba RT.05 RW.015 Kulim Raya Permai Estate, Bencah Lesung Sub-District, Tenayan Raya District, Pekanbaru City as Defendant. This

⁸ Mohd. Idris Ramulyo, *Islamic Marriage Law* (Jakarta: Bumi Aksara, 1996), p.115.

case was accepted for registration on December 27, 2017 by the Registrar of the Pekanbaru Religious Court with the following reasons:

- a. That on December 6, 2008 a marriage had been held between the Plaintiff and the Defendant and recorded at KUA Bukitraya District Pekanbaru City in marriage certificate number 625/85 / XXI / 2008 dated December 26, 2008;
- b. That in the marriage was blessed with two children, each named Sapatan Amabel Vidella Mecca, female, born on September 14, 2010 at the age of 9 years 3 months and De Maira Acasha Media, woman, born on November 15, 2012 at this age seven years one month;
- c. That the Plaintiff and Defendant have no longer felt harmony in the household since February 2017 and registered their divorce on the grounds that the Defendant committed an infidelity that was continually conducted from the beginning of marriage until the lawsuit was registered by the Plaintiff and the Defendant also hurt the body / body and the mind of the Plaintiff and several other reasons contained in this ruling are attached;

In that case, it is known that the Plaintiff always had difficulty communicating with the Defendant because the Defendant is currently remarried. Defendant seems to want to release his responsibility in providing for his children with his ex-wife. Regrettably, the Plaintiff could not do much and was forced to work hard in meeting the needs of her children. With limited knowledge of the law, the Plaintiff also did not take any steps regarding legal steps or what efforts could be done to get the income of a child from her ex-husband. In the matter of the case, the ex-wife (the Plaintiff) feels that she has no legal certainty. Without legal certainty, people do not know what to do and eventually anxiety arises. In this case, the Plaintiff feels that the Defendant did not respect and ignore the judge's decision due to the absence of strict sanctions against the non-implementation of the judge's decision. The results of the interview with the Plaintiff experienced confusion to seek justice or ask for the rights of their children that had been decided by the Court, while the agency where the Defendant (ex-husband) worked did not facilitate and did not provide a solution for the Plaintiff to fight for the rights of his children who still needed funds.

2. Divorce Divorce Case Number 1254 / Pdt.G / 2018 / PA.Pbr

The divorce divorce case is between Delmasdion bin Masri, currently 40 years old, occupation of a private employee, having his address at Jalan Karya Karya Kampung Dalam Lestari Block GG RT.07 RW.03 No.3 Kelurahan Tuah Karya Tampan District Pekanbaru City (currently living in his parents' address on Jalan Toman No.3A, Sukajadi Sub-District, Sukajadi District, Pekanbaru City) as the Petitioner, against Hevi J. Binti DT. Bagindo, currently 38 years old, takes care of the household, passing the road in Suka Karya Village Housing in Lestari Block GG RT.07 RW.03 No.3 Tuah Karya Village Tampan District Pekanbaru City as Respondent. The case of registration was accepted on August 21, 2018 at the Registrar's Office of the Pekanbaru Religious Court with the following reasons:

- a. Whereas the Petitioner and Respondent had entered into a marriage on February 9, 2001, recorded at KUA of Rambat Subdistrict, Tanah Datar District, West Sumatra in the quotation of Marriage Certificate number 78/21 / II / 2001 dated February 13, 2001;
- b. That in the marriage was blessed with three children, each named Difa Maharani female, currently 16 years old, Muhammad Reza Maulana (male, currently 14 years old) and Delfina Syahira (female, currently 12 years old) ;

- c. Whereas in this case, currently the first child and third child are in the care of the Respondent and the second child is in the care of the Petitioner;
- d. That the Petitioner and Respondent have not felt harmony in their household since 2016 and the peak of the dispute occurred in early 2017 on the grounds that the Respondent did not pay attention and did not serve the needs of the Petitioner and did not comply with the advice of the Petitioner as her husband. However, it was answered in a recommendation by the Respondent namely that the Petitioner had committed an affair with another woman, with the added statements of witnesses who corroborated the Respondent's answer which the judge then received from the witnesses who had been sworn in;

In the reconciliation of divorce case, the Respondent asked for a living for two children whose care was a minimum of Rp.400,000 (four hundred thousand rupiahs) each month and was granted by the Panel of Judges and the Panel of Judges who examined and tried this case granted as requested. in the reconciliation. The implementation of the contents of this decision regarding the child's livelihood is known that the Petitioner always avoids when the Respondent tries to earn a living for two children who are in their care. The Petitioner is currently married to another woman who turns out to be a mistress, so that the Petitioner's finances are currently controlled by his new wife.

The petitioner (ex-husband) also does not have the good faith in fulfilling the child's living which has been decided by the Pekanbaru Religious Court. The applicant has only paid a living of 100,000, - (one hundred thousand rupiah) and sometimes only 50,000, - (fifty thousand rupiah). In fact, the Petitioners often did not pay for the living of the child which had been decided by the Court, whereas the Respondent held custody for two children, so the Respondent felt that it was very heavy to bear the cost of two children alone. The Respondent is trying to work to cover the cost of the child alone and the Respondent cannot make an application for execution because he is unable to pay the execution registration fee. "The implementation of the contents of the decision regarding child support was not carried out accordingly based on the facts in the field, it was found that the Defendant had never paid for two children."⁹

Based on these two cases, this clearly violates the legal liability theory put forward by Hans Kelsen, the legal liability theory states that a person is legally responsible for a certain act or that he bears legal responsibility, the subject means that he is responsible for an sanctions in the case of contrary actions. The concept of legal responsibility is related to the concept of rights and obligations. The concept of rights is a concept that emphasizes the notion of rights which is paired with the understanding of obligations, meaning that a person's rights always correlate with obligations to others¹⁰.

The Obstacles In The Process of Payment Nafkah (Living) For Children As a Result Break Up Of Marriage In Jurisdiction Territory of Religion Court Pekanbaru City

1. Expensive and Time-consuming Judicial Execution Process

The process of submitting an application for the execution of a child income payment that is long and not costly, makes the ex-wife in these two cases not want to submit the request for execution. This is due to the fact that the living costs of the children asked for ex-husbands are smaller than the cost of

⁹ The implementation of the contents of the decision regarding child support was not carried out accordingly based on the facts in the field, it was found that the Defendant had never paid for two children.

¹⁰ Hans Kelsen, General Theory about Law and State, PT. Raja Garfindo Persada Bandung: 2006, p.95.

registering requests for execution at the Religious Courts. So, the case registration fee is higher, while the amount of living costs requested is not much. This makes the ex-wife, the custody holder, prefers to surrender and does not take any legal remedies or punishments, because not everyone is able to pay the registration fee for the execution of the child's living. The court, especially in this case the Religious Court, is a place where people complain to get legal certainty. However, if to obtain legal certainty is very expensive and cannot be obtained by the ex-wife in these two cases, then they do not know where else to get the legal certainty because the only way so that the living can be paid immediately is by way of execution. Whereas the State must be the guarantor of legal certainty not only for capable people but also for the middle class and below. The state must be the guarantor of the legal certainty of the equality of the law applicable to all people, so this clearly violates the theory of legal certainty put forward by a legal expert Sudikno Mertokusumo that legal certainty is a guarantee that the law must be implemented in a good manner.

2. Breakdown of Communication Between Ex-Husband and Former Wife

After the breakup of the marriage due to divorce, what happened was ex-husband and ex-wife who were well-connected whose communication made it difficult for the ex-wife to contact her ex-husband in the interest of asking for the livelihood of the child in his care. this is very difficult for ex-wife to ask for the rights of children who are in deferment to their ex-husband.

Legal Protection of Unfinished Children After Parent's Divorce

Children as referred to in the Child Protection Law article 1 number 1 are someone who is not yet 18 (eighteen) years old, including children who are still in the womb. Child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop and participate, optimally in accordance with human dignity and dignity, and get protection from violence and discrimination. Children must be protected so that they do not become victims of anyone's actions (individuals or groups, private or government organizations), directly or indirectly. What is meant by victims are those who suffer losses (mental, physical and social) due to passive actions, or active actions of other people or groups (private or government) directly or indirectly. In essence, children cannot protect themselves from various actions that cause mental, physical, social harm in various areas of their lives, given their circumstances. Children need to get protection so as not to suffer losses, both mentally, physically, and socially¹¹.

Regarding the child's parents, the child protection law is also regulated in Article 23 paragraph, which reads:

- (1) The state and the government guarantees the protection, care and welfare of children by taking into account the rights and obligations of parents, guardians or other persons who are legally responsible for the child.
- (2) The state and the government supervise the implementation of child protection

Grouping children according to the understanding of Civil Law, is built from several aspects of civilization that exist in children as an incapable legal subject. This aspect concerns "the status of being immature, namely a 21-year-old child who has never been married as a subject of law and children's

¹¹ Maidin Gultom, 2012, *Legal Protection of Children and Women*, Bandung: PT. Refika Aditama, Hal. 69.

rights in civil law". The state as the organizer of the government also has obligations and responsibilities towards children, the obligations contained in Article 21 of the Child Protection Act number 23 of 2002 are that the State and the government have the obligation and responsibility to respect and guarantee each child regardless of ethnicity, religion, race, class, sex, ethnicity, culture and language, legal status of children, birth order of children, and physical and / or mental conditions. The obligations of the State and the government are also stipulated in Article 22 which states that the State and the government have the obligation and responsibility to provide support for facilities and infrastructure in the implementation of child protection.

Grouping children according to the understanding of Civil Law, is built from several aspects of civilization that exist in children as an incapable legal subject. This aspect concerns "the status of being immature, namely a 21-year-old child who has never been married as a subject of law and children's rights in civil law". In the position of a child, as a result of not being an adult, raises children's rights that need to be realized with special legal provisions that deal with the rights of the child's civil rights. As stated in Law No.1 of 1974 concerning Marriage, it states the rights and obligations between parents and children. It is stated in Law No.1 of 1974 Article 45 paragraph 1 that is, both parents are obliged to maintain and educate their children as well as possible "While Article 2 is stated, namely:" Parents' obligations referred to in paragraph 1 apply until the child marries or can stand alone. The obligation continues to apply even though the marriage between the two broke up.

Based on this Article means that although the parents of the child have separated or divorced, but the obligation as a parent to give his rights to his children is not broken.

Also included in Article 26 Paragraph (1) of Law no. 23 of 2003 concerning Child Protection which states: "Parents are obliged and responsible for:

1. Nurture, nurture, educate and protect children;
2. Growing children according to their abilities, talents, and interests; and
3. Preventing marriages at the age of children ".

By seeing so many rights inherent in children, the level of welfare in children should also be achieved. But it is very ironic when there are still many children who are neglected and are not taken care of by their parents, due to the divorce from both parents, which they should still be in the protection of their parents, both parents divorced or not divorced but the child's rights remain the same and does not diminish from his parents even though they are divorced, as described in Article 41 of Law No. 1 of 1974 concerning Marriage which explains that due to the termination of marriage due to divorce caused by both the mother and father still have the obligation to maintain and educate their children, solely based on the interests of the child.

Seeing the conditions that occurred in the two cases, namely the Divorce Case No. 1857 / Pdt.G / 2017 / PA.Pbr and Divorce Divorce Number 1254 / Pdt.G / 2018 / PA.Pbr, thus proving that children's rights have not been fully channeled properly, either from parents, the community or the government. The child has not fully received a guarantee of his rights from the government in the event of neglect of the child by his divorced parents, or as a result of the others. Then what can be done by a child because basically the child is a legal subject that is not able to because it must always be accompanied by parents or must get guarantees from the government so that the rights that have been regulated so much remain fulfilled and are really attached in children related to neglect or neglect of children left by both parents. When a court ruling decides to impose one of the parents of the child, that must also be carried out by the

parent charged from the court in the court ruling to provide for the child or the rights that must be obtained by the child.

Conclusion

1. The implementation of the two decisions on the payment of children's livelihoods after the termination of marriage due to divorce at the Pekanbaru Religious Court can be said to have not fully achieved the target. Where in the fulfillment of children's rights some are carried out even if it is not in accordance with the contents of the decision and some are not implemented at all. In this case, many who play a role are mothers who work hard to meet the needs of their children. There are several factors that influence the non-implementation of this decision. First, the minimal level of legal awareness and legal knowledge in the community, so that makes the legislation in Indonesia become weak especially in the field of family law and the community can not determine the way to demand justice. Second, there is a lack of sense of responsibility for people to get the punishment so there are many reasons to avoid the punishment.
2. That a father's obligation to his child if after the marriage is terminated due to divorce, the father still has an obligation to provide for his child. However, a lot happened in these two cases, violations occurred in the implementation of the decision. If this does not work, the Religious Courts provide a solution so that the ex-wife / mother of the holder's child can take the path of requesting execution for the payment of income that is not carried out, because the majority of Hadhanah (right of care / custody) goes to Mother. Requests for execution of income payments can be submitted at the Religious Court where the divorce process takes place, by submitting a request for hadhanah, followed by a reprimand / *aanmaning*, and if the *aanmaning* is not heeded, the court can execute the father's property of the child. But in fact the execution process child living is not as easy as it can be done. Recorded in the Religious Courts, in 2017 and 2018 there were no requests for execution of registered children. This is due to the lack of public knowledge and obstacles in making requests for the execution of the child's living. These constraints include the request for execution which costs a lot of money and a very long time, while the income of the child asked to her ex-husband is not much compared to the cost of executing the payment for the child's income. So from these obstacles, making the ex-wife holding custody of the child does not make the request for execution.
3. The state and government are guarantors for the implementation of legal protection and certainty so that children's rights can be fulfilled even if both parents are divorced. In these two cases. It is illustrated that the father neglected the judge's decision by not paying the living expenses of the child according to what was stated in the decision. The difficulty of obtaining justice is a problem found in these two cases, namely the violation of the non-payment of the livelihood of children after divorce in the Legal District of the City of Pekanbaru.

Suggestion

1. The advice in the implementation of payment of income, especially in these two cases is that there must be strict sanctions against fathers / ex-husbands who neglect their responsibilities, for example, direct detention of property or report court decisions contained therein ordering payment of child support
2. The process of enforcing the law in the case of requests for execution of child income payments is not complicated. This process must go through an easy, efficient and low cost. It is even better if the process of requesting the execution of this income payment is at the expense of the state, because the State as the organizer of the government must be able to provide a sense of guaranteed legal certainty for all its citizens.

3. For legal practitioners, especially legislators (lawmakers) to review in the marriage law, especially in the provisions of fathers' obligations to provide for children and legal sanctions for those who do not run so as to feel the deterrent effect of the act of neglecting the court decision.

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