

Child Custody Rights After Parental Divorce in the Marriage Law

¹Elias Suranta Torong, ²Junifer Dame Panjaitan

^{1,2} Faculty of Law, Mpu Tantular University

ARTICLE INFO

Keywords:

*Divorce;
Child Custody,*

Email:

eliastorong@gmail.com

ABSTRACT

If the household situation is no longer harmonious, there is a high possibility of conflict and disputes arising. Resolving major conflicts may be difficult, increasing the possibility that household circumstances contributed to the divorce. Legal rights of minor children after divorce: It is the obligation of parents to fulfill their responsibilities in providing optimal care and education for their children. According to Article 41 of the Marriage Law, it is stated that the father is responsible for all costs related to the child's care and education. In the event that the father is unable to fulfill his responsibilities, the court has the authority to allocate a portion of the child's essential care and education costs to the mother. This responsibility remains even if the parents divorce.

Copyright © 2023.

Jurnal Restorasi :Hukum dan Politik

All rights reserved is Licensed under a [Creative Commons Attribution-NonCommercial 4.0 International License \(CC BY-NC 4.0\)](https://creativecommons.org/licenses/by-nc/4.0/)

INTRODUCTION

The formation of a family unit is often achieved through the legal and social union of men and women in the institution of marriage. The development of marriage between men and women, leading to the creation of the household unit, can be seen as a basic innate tendency among social creatures, motivated by the need to ensure their survival. It is human nature to have a basic need for social relationships, which makes them incapable of living alone. Apart from that, there is also mutual attraction between men and women, so that mutual attraction arises. According to Aristotle, humans can be described as social and political creatures, which implies that they inherently have a tendency to live together and form cohesive social structures. Humans, as social creatures, are basically interrelated and cannot be separated from each other. (Talib & Admiral, 2008:3-4).

Marriage is a legally valid institution that seeks to build a cohesive and beneficial domestic atmosphere, where both individuals maintain the values of trust and responsibility. The above is in line with the provisions contained in Article 1 of Law Number: 1 of 1974 concerning Marriage. This article argues that marriage is a legally and emotionally binding institution that involves the union of a man and a woman who act as husband and wife. The primary purpose of this marriage is to form a cohesive and lasting family unit, also known as a home, that is based on the principles of divine governance. The quote given refers to Article 1 of Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage which was promulgated in 1974. The main philosophical aim of marriage is to obtain legitimate offspring. The acquisition of offspring in the institution of marriage for the purpose of human survival includes two different dimensions of concern: the interests of the individual and the interests of the wider society. It is a common goal for married individuals to express their desire to have children or have babies. (Soemiyati, 1982:13-14).

The formation of a harmonious family unit is closely related to genetic inheritance, so that the responsibility for caring for and educating children lies with the parents as their obligation. Therefore, the aim of marriage law is to promote the welfare of husband and wife, foster and maintain religious values, in the context of the family structure (Hadikusuma, 2007:21). The role of descent has an important meaning in the framework of forming a Muslim community. This requires individuals to refrain from engaging in immoral behavior prohibited by their religious beliefs, and

at the same time also comply with Islamic law. Additionally, fostering a sense of compassion among family members is also emphasized, as this contributes to the development of a harmonious society based on genuine concern for the welfare of others. (Talib & Admiral, 2008:14-15).

Marriage has been widely considered a basic and essential need for human existence throughout many historical periods. Marriage creates a legally recognized bond between husband and wife, while the birth of a child creates a legally recognized relationship between parents and their offspring. By entering into a marriage, the people involved obtain ownership of property, so that a legal relationship is established between themselves and that property. The inclusion of children into the family unit contributes to the overall satisfaction and well-being of the marital relationship. In essence, children are seen as a divine gift given to married couples who require maximum attention, care and nurturing so that the growth and development of their offspring is optimal. Marriage forms a legally recognized bond between husband and wife, and if there are children, the marriage also forms a legal relationship between each partner and their respective families. The establishment of these legal relationships causes reciprocal obligations to arise between the parties involved, as regulated in statutory regulations. (Darmabrata, 2009:54).

Therefore, it is the obligation of parents to guarantee the protection of all the inherent rights acquired by their children. Protecting children is essential to prevent their vulnerability to the actions of others, both directly and indirectly. Children, depending on their specific circumstances and surrounding environment, may experience difficulty in protecting themselves from a variety of mental, physical, and social hazards that have the capacity to cause harm to various aspects of their lives. It is important to ensure that children are provided with comprehensive protection from all forms of pain, including mental, physical and social dimensions (Gultom, 2012: 69). In essence, it is a shared desire throughout the family to have a harmonious household environment that improves physical and mental well-being, while ensuring security both in this life and in the afterlife. However, in a family context, it cannot be denied that challenges will arise that weaken the solidarity that is being fostered. Even a strong sense of togetherness can be threatened, perhaps resulting in the breakdown of marital bonds. The aspiration to have an eternally bonded family unit is a universal ideal across all families. However, conflicts often arise in households, which sometimes makes it difficult to reach mutual agreements, resulting in the erosion of marital harmony and harmony. Despite great efforts to reconcile differences in order to save the marriage bond, the end result is the breakdown of the marriage due to divorce. The divorce process not only impacts women's rights and obligations, but also parents' responsibilities towards their children.

The primary responsibility of parents towards children who have experienced divorce is to emphasize the child's well-being, particularly focusing on their right to adequate care, education and financial assistance. This understanding is strengthened by the provisions contained in Marriage Law Number 1 of 1974. In accordance with the provisions contained in Article 45 paragraph (1), both fathers and mothers are obliged to fulfill their responsibilities in ensuring optimal care and education for their children. Paragraph (2) firmly emphasizes that in the event of divorce, it is the joint obligation of both parents to ensure adequate care and education for their children until they reach marriageable age or achieve financial independence. This article advances the notion that parents, regardless of their gender, have an inherent obligation to provide parental assistance and education to their children, guided only by an overriding concern for their children's welfare. Basically, even if parents separate or divorce, the responsibility to guarantee the child's rights remains undiminished. The importance of ensuring the maintenance of children's rights by strictly complying with the provisions contained in Article 45 of the Marriage Law Number 1 of 1974. In accordance with the provisions contained in Article 4 of Law Number 23 of 2002, it is stipulated that every child has the right to continuity, life, development, progress and participation,

while maintaining their essential human dignity. Apart from that, children must also be given the right to be protected from violence and prejudice. (Law Number 23 of 2002).

Apart from that, the role of parents in improving children's welfare is also very important, as stated in Article 9 of the Child Protection Law Number 4 of 1979. This regulation underlines the main and most important responsibilities of parents. to ensure their children's well-being and satisfaction in their lives. There are other factors to consider, including external, psychological, and social issues. The legal consequences of divorce, especially the consequences of court decisions that have permanent legal force (called "inkracht van gewijsde"), include several aspects, such as the division of parental responsibilities towards children born in the context of a dissolved marriage. After the dissolution of the parents' marriage, it is customary for the child to be given custody, called hadhanah, which is determined by a judge's decision and is often shared between the parents.

One of the impacts of divorce is the increase in legal complexity related to child custody matters. The division of child custody can be given to the mother or father, depending on the decision of the adjudicating court. The existing problems are related to the neglect of parents' duties and responsibilities towards children after divorce. The author notes that a large number of divorced parents continue to neglect their obligations and fail to fulfill their responsibilities in protecting the rights of their children in their immediate environment. In the present scenario, the legal custody of the child rests with the mother. Before the dissolution of the marriage, the mother's job was limited to being a housewife. However, after the divorce, he was busy with income-earning work to secure financial resources and support his offspring. This shift in circumstances ultimately results in a situation where children experience a lack of parental attention and care. On the other hand, father figures who have the responsibility to provide for their children actually show a less caring attitude. The lack of parental love I experienced was probably caused by my mother's preoccupation with other commitments and my father's apathetic approach to fulfilling his obligations.

This article aims to determine the obligations of parents regarding child custody after divorce and the legal impacts that may arise if parents fail to enforce child custody after divorce. This investigation concerns the potential legal consequences that may arise when parents fail to fulfill their child custody obligations after divorce.

METHOD

The method used in this research is normative legal research (normative juridical), namely the stages of discovering legal provisions, legal principles and legal doctrine. This type of normative juridical research is carried out through assessment, study and interpretation of applicable legal regulations. In this case the author explains the custody rights of minor children resulting from divorce.

RESULTS AND DISCUSSION

Parental Responsibility for Child Custody After Divorce

The problem of divorce is not a new phenomenon. The prevalence of divorce cases continues to increase along with the development of societal norms and beliefs. The current situation shows a striking difference compared to previous years. Historically, married couples, especially women, have taken a defensive stance to keep the family together, despite the many challenges they face. However, as societal norms develop and more women become aware of their rights and responsibilities, they no longer passively carry out their roles as partners and resist abuse from men. Therefore, women must use their rights wisely. File a divorce petition with the court. Choosing to divorce requires a legal process. This is because filing a valid divorce complaint process is only permitted through the courts.

The main factor contributing to the increasing divorce rate largely comes from family economic challenges. Poor economic conditions trigger the disintegration of the household unit, which ultimately results in legal action for divorce. Legally determined divorce is related to child custody issues which are now widely known. Children still have the right to receive care from both parents, as regulated in Article 41 of Law Number 1 of 1974, while parents have the obligation to carry out their obligations and responsibilities towards their children.

The elements that cause divorce show a high degree of individuality and complexity, and each family shows different characteristics. One of the main contributors to divorce in a household is economic factors. The existing economic situation requires both partners to work to meet the family's financial needs. As a result, gaps in income and wages between husband and wife often occur, especially when the husband does not work. The occurrence of divorce in a family unit often stems from incompatibility and differences in views due to the selfish attitude shown by both partners. However, it is important to realize that the institution of marriage is basically centered on merging gaps and complementing each other's shortcomings, which then encourages the development of intimate relationships that include emotional and physical aspects, which ultimately give birth to love. Dynamics of relationships that exist between married men and women. (Thalib & Lestari, 2017:33).

The impact of divorce does not only affect the individuals involved, including their partners and offspring, as well as the wider family network. Various factors contribute to the occurrence of divorce in a family unit. These factors include economic instability, ineffective communication patterns, differing points of view, lack of accountability, instances of infidelity, challenges related to meeting personal needs, excessive work commitment, lack of attention, mutual distrust, frequent conflict, intimidation, and examples of domestic violence. (Thalib & Lestari, 2017:33).

Divorce means the physical separation of one's spouse, thereby giving them the freedom to enter another marital union. The dissolution of a marriage has legal consequences relating to the marital status of both husband and wife. For example, ex-husbands are often called widowers, while ex-wives are often called widows. After the completion of the iddah period, the ex-spouse is allowed to enter into the next marriage with the ex-husband or ex-wife. The breakdown of a marriage creates a feeling of loneliness in a person's existence, which stems from the absence of a life partner. It is a universally shared ideal for every individual to want a lasting life partner. Experiencing the loss of an ideal partner can give rise to feelings of worry and a sense of futility, as the absence of a confidant and collaborator leaves one with no space to express and overcome shared concerns and challenges. If the problem of loneliness is not addressed immediately, it can lead to internal tension, reduced self-esteem, and a feeling of lack of self-worth.

The divorce perspective is examined through the lens of children's interests, especially in relation to the stability and security of their family environment. This cannot be separated from the presence of mother and father who give them love, attention and optimism. If divorce occurs within a safe family environment, children may experience the deprivation of a consistent living environment, thereby possibly hindering their holistic growth and development either directly or indirectly. Divorce can put psychological pressure on children, resulting in many negative consequences. Even though he received a decent upbringing from his extended family, the irreplaceable love and devotion given to him by his biological parents remained unmatched. Direct encounters with parental love have a major influence on the child's overall well-being and emotional balance. Children who are deprived of parental attention and affection can develop a range of negative emotional impacts, including feelings of insecurity, a reduced sense of emotional support, and a lack of stability. If an incident like this happens to a man, it has the potential to cause feelings of bitterness within him.

When a divorce occurs, it has implications for several types of assets, including inherited assets, acquired assets, joint assets, and joint assets. In both scenarios involving inherited assets and acquired assets, problems do not occur because the assets remain in the control and ownership of each party involved. Community assets, sometimes called marital assets or gono-gini, include assets acquired during marriage, either by the husband alone or jointly by both partners. The end of an agreement occurs due to the dissolution of a marriage. In the event that there is a pooling of assets (asset pooling) that arises due to an agreement, the settlement is changed to be in line with the provisions of the agreement and adhere to the principle of fairness. The consequences of divorce will have a major impact on the well-being of the children involved. It is recommended that married couples make careful considerations before making the decision to divorce. Because divorce affects the relationship between husband and wife themselves, society and assets.

According to Article 41 of Law Number 1 of 1974, it is regulated that.

- a. Both parents are legally obliged to provide care and education for their children, with the main consideration being the best interests of the child. If there is a difference of opinion regarding child custody, the Court will make a decision.
- b. Individuals assume full responsibility for covering all costs related to the child's care and educational needs. If the father is unable to fulfill his obligations, the court has the right to allocate these costs to the mother.
- c. The court has the authority to mandate that the ex-spouse assume responsibility for the ex-wife's living expenses and/or establish financial responsibility for her.

The law regulated in paragraph 1 of Law Number 1 of 1974 concerning Marriage stipulates that a father's responsibility towards his children remains even if the marriage breaks up or a subsequent marriage occurs. It can be concluded that in cases where a child has not yet reached maturity, the mother has the right to receive support, but the father bears the financial obligations associated with such support.

In accordance with the provisions outlined in Law no. 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, parents are obliged to fulfill their legal obligations and assume responsibility for ensuring the welfare, assistance, education and protection of their children. . The above obligations are expressly stated in Article 26 paragraph (1) letter a. The importance of recognizing and upholding children's rights to receive love and attention from both parents is emphasized. Therefore, parents are obliged to maintain effective communication in the best interests of their children, even though they are no longer together.

Apart from providing legal protection, it is also necessary to provide legal certainty, which means implementing the law faithfully in accordance with its literal interpretation. This ensures that communities can effectively ensure law enforcement. Legal certainty requires the implementation of legal regulations by authorized and competent bodies. The law must have legal characteristics in order to provide certainty. Undoubtedly, law functions as a regulatory mechanism that requires compliance. The consequences of divorce always impact children, and their rights are sometimes overlooked and ignored. The right to receive love, guidance and attention from both parents, even though they are divorced, is an example of a human right.

As regulated in Article 45 of Law Number 1 of 1974, the responsibility for providing care and education for children is handed over to parents. Based on this statutory regulation, both parents are mandated to have the responsibility to ensure the child's welfare and optimal growth and development. The parental obligations mentioned in the first paragraph of this article remain in effect until the child marries or achieves economic independence. The obligations mentioned above still have legal force even if the parents are separated or divorced.

The Marriage Law shows a different perspective that places great emphasis on the welfare of children, requiring parents to take full responsibility for the welfare of their children. Dissolution of

the marital bond does not provide parents with the opportunity to negotiate and prioritize their child's overall welfare and well-being. Therefore, the protection of children's rights must be guaranteed by parents, society and the state. The Convention on the Rights of the Child (CRC) includes a concept that discusses optimal approaches to providing support for children. This principle also covers children's rights in the context of divorce, which is specifically known as the principle of the child's best interests.

The principle of prioritizing the best interests of children, as articulated in Article 3 paragraph 1 of the Convention on the Rights of the Child, has an important meaning in all efforts to improve children's welfare. This includes the efforts of social protection organizations, as well as the efforts of the public and private sectors, courts, and legislative bodies. In situations where parental obligations cannot be fulfilled adequately, it is important for the State to provide social welfare by prioritizing the welfare of children. To guarantee and uphold children's rights, it is necessary to provide the necessary protection as regulated in Article 1 Paragraph 2 of Law Number 35 of 2014. This statutory regulation relates to amendments to Law Number 23 of 2002 which specifically focuses on matters relating to child protection. The above clause firmly highlights the importance of child protection, including a series of initiatives aimed at improving welfare and upholding children's rights. The aim of these activities is to facilitate children's development, progress and active involvement in society in a holistic manner, while adhering to human rights values and protecting them from violence and prejudice.

In this case, the societal context plays a role as a determinant of the effectiveness of legal action. The effectiveness of laws depends on individuals' knowledge of and compliance with them. Legal awareness is often associated with principles of lawfulness, legal education, and the efficacy of the legal system. The problem of law enforcement is a challenge that is often faced by all communities. While each civilization has distinct characteristics, they all grapple with their own unique obstacles in the realm of law enforcement. However, it is important to note that all societies have the same goal, namely achieving justice. The presence of judges working in the legal system is often seen as an important aspect in law enforcement. The above phenomena will have a significant impact on the application of law, administration of justice, and the creation of legal certainty in a society.

The idea of legal certainty relates to ensuring clarity and predictability in the legal framework. This requires that every legal norm be formulated in such a way that it does not give rise to multiple interpretations. The impact is whether or not you comply with statutory regulations. Many legal incidents sometimes give rise to unclear or incomplete legal norms that regulate them, giving rise to different interpretations and the result is the erosion of legal certainty. This situation can be exemplified in the case at hand, namely regarding the enforcement of a father's post-divorce obligations regarding child support.

Legal Consequences If Parents Do Not Exercise Child Custody Rights After Divorce

After the end of a marriage, it is important for former partners to demonstrate a higher level of awareness in ensuring the protection and preservation of rights relating to their offspring and subsequent generations. There are no legal loopholes or ways to evade parental duties and responsibilities as regulated in Article 26 paragraph (1) of Law Number 23 of 2002 as amended by Law Number 35 of 2014 concerning Child Protection Insurance. This article really highlights the idea that parents have an obligation and responsibility to:

1. Parents engage in the important tasks of providing care, encouraging development, imparting knowledge, and ensuring the safety and well-being of their children.
2. The optimal approach to parenting involves adapting their development based on individual skills, talents, and interests.
3. Efforts must be made to mitigate the occurrence of child marriage.

4. Providing character education and instilling moral values in children.

The main outcome experienced by children affected by divorce is a change in their lifestyle, as they transition from living with both parents to living with only one parent. According to the provisions of article 156 letter a, the mother has the right to hashanah. Meanwhile, the costs of alimony and child support are borne by the father depending on his ability until he reaches adulthood as regulated in Article 156 paragraph c.

Therefore, after a divorce occurs, if parents do not fulfill their responsibilities towards their offspring, then the following measures can be taken:

1) Denial or revocation of parental rights.

One or both parents fail to fulfill or comply with their commitments and responsibilities. In accordance with the provisions contained in Law Number 1 of 1974, especially Article 49 paragraph (1), a person can have their rights deprived. This provision states that one or both parents can have their rights over one or more children revoked within a specified period. This revocation can occur at the request of the child's other parents, the child's immediate family, or the child's siblings, provided that the person making the request is an adult child or has been given power of attorney based on a court decision. This action applies under the following circumstances:

The individual in question demonstrated significant neglect of most of his responsibilities towards his offspring, thereby displaying highly inappropriate behavior. Even though parental authority has been revoked, parents are still obliged to provide care for their children as regulated in Article 49 paragraph (2). According to Article 319a of the Civil Code, parental authority can be revoked if the parent who has been given this authority is deemed incompetent or unable to carry out their obligations to care for and educate their child, thereby harming the child's best interests. In such cases, the revocation of parental authority can be carried out by the other parent or by one of the child's blood relatives, upon request. (Subketi & Tjitrosudibio, 1992).

2) Request for Official Implementation.

In the event that the father does not carry out his duties and responsibilities as stipulated in the court decision, or deliberately chooses not to comply with the order, the ex-wife has the option to submit a request for law enforcement to the Religious Court. . Due to its legally binding nature, court decisions have the capacity to be implemented. This right refers to an individual's right to petition state authorities for enforcement of a court decision, especially when a party deemed responsible by the court for fulfilling an obligation fails to do so. As a result of this, individuals may choose to voluntarily comply with the Court's decision or deliberately defy it. Procurement of an execution warrant can be carried out using coercive methods, especially when the applicant submits a request for the death penalty to the competent religious court.

The decisions that can be taken depend on the type or circumstances of implementation.

a) Decisions that have long-lasting legal force. Contestation is not permitted for all court decisions that have long-lasting legal validity. In essence, a decision that has long-lasting legal force is a decision that has long-lasting legal consequences. This is because the decision essentially forms a strong and firm legal bond between the parties involved in the case. The convict (defendant) is obliged to maintain and respect the legal relationship, either through voluntary compliance or through the use of legal representation (Y. Harahap, 1991:6). Based on the facts above, it can be said that efforts and acts of oppression cannot be carried out until the decision has permanent legal force. Re-compliance functions as an act of coercion which has legal value, because the decision has permanent legal force, so that the defendant does not want to comply and voluntarily carries out the decision. Exceptions to such decisions arise if implementation can still be implemented even though the decision already has permanent legal force according to law, especially if the decision has direct legal force. Which decision is implemented first (vitvoebaar by voorbaad). The court has the authority to implement 125 court decisions, even though these decisions do not yet have permanent

legal force, as regulated in Article 180 paragraph (1) of the Indonesian Het Herziene Regulations (HIR). This provision explicitly states that, even if there is a legal challenge or appeal, the court retains the authority to issue further orders. In the past, a judge's decision was implemented when strong evidence regarding a person's rights had been presented, or when a document was available that met the criteria for acceptable evidence, or in cases where there had been a previous conviction. Decisions taken by courts that have permanent legal validity or temporary applications that have been approved, even in cases involving conflicts related to naval vessels.

b) The decision was not implemented of his own volition. The defendant's failure to carry out the decision, after receiving a warning from the presiding judge, was clearly visible. The concept of free execution of a decision refers to the situation when the defendant voluntarily and independently carries out the provisions outlined in the court decision, without any external coercion from any party.

CONCLUSION

From the description and results of the discussion above, the author can conclude as follows:

1) Both parents are equally obliged to care for their children, even though custody of the children rests with one party. In the object of the author's study, custody of the child rests with the mother. fathers, who are obliged and responsible for providing for their children, do not fully carry out these obligations, this is due to, among other things, a father's lack of knowledge and awareness of his duties and responsibilities towards children after a divorce, and also due to a weak economy. 2) Failure of parents to fulfill their obligations and responsibilities towards children after divorce can have legal consequences. In accordance with the provisions of Law Number 1 of 1974, especially Article 49 paragraph (1), parental authority can be revoked. This provision states that one or both parents can have their authority to care for one or more children temporarily revoked. This revocation can occur at the request of the other parent, the child's immediate family, adult siblings, or an authorized official appointed by the district court, based on a court decision. In this case, the individual demonstrated a significant disregard for parental responsibilities and demonstrated extremely inappropriate behavior. In the event that parental rights are lost, parents are still obliged to guarantee custody of the child in accordance with the provisions as intended in Article 49 paragraph (2).

REFERENCE

- Darmabrata, W. (2009). *Hukum Perkawinan Perdata (Syarat Sahnya Perkawinan, Hak Dan Kewajiban Suami Isteri, harta Benda Perkawinan)*. Jakarta: Rizkita.
- Darmodiharjo, D., & Shidarta. (2006). *Pokok-Pokok Filsafat Hukum : Apa dan bagaimana filsafat hukum di Indonesia, cet VI.* (p. 160). Jakarta: Gramedia Pustaka Utama.
- Gazaly, A. (2003). *Fiqh Munakahat, Cet.1*. Jakarta: Kencana.
- Gultom, M. (2006). *Perlindungan Hukum Terhadap Anak dan Perempuan* (p. 69). Bandung: PT. Refika Aditama.
- Gultom, M. (2012). *Perlindungan Hukum Terhadap Anak dan Perempuan*. Bandung: PT. Refika Aditama.
- Hadikusuma, H. (2007). *Hukum Perkawinan Indonesia Menurut Perundangan, Hukum Adat, Hukum Agama*. Bandung: Bandar Maju.
- Harahap, M. Y. (1975). *Hukum Perkawinan Nasional*. Medan: CV Zahir Trading.
- Harahap, Y. (1991). *Ruang Lingkup Permasalahan Eksekusi Perdata* (p. 6). Jakarta: PT. Gramedia.
- Jaya, P. B. (2017). *Pengantar Ilmu Hukum*. Yogyakarta: Anak Hebat Indonesia.

- Kamil, A., & Fauzan. (2008). kaidah-kaidah hukum yurisprudensi (p. 46). Jakarta:Penada Media grup.
- Lubis, K. S. (2019). Etika Profesi Hukum. Jakarta: Sinar Grafika.
- Manulang, F. M. (2007). Hukum Dalam Kepastian. Bandung: Perkasa.
- Subketi, R., & Tjitrosudibio, R. (1992). Kitab Undang - Undang Hukum Perdata. Jakarta:PT.Pradnya Paramita.
- Suheri, A. (2018). Wujud Keadilan Dalam Masyarakat Di Tinjau Dari Perspektif Hukum Nasional. MORALITY : Jurnal Ilmu Hukum, 4(1), 60-68.
- Susilo, B. (2007). Prosedur Gugatan Cerai. Yogyakarta:Pustaka Yustisia.
- Tanya, B. L., & Al, E. (2019). Teori Hukum Strategi Tertib Manusia Lintas Ruang dan Generasi (p. 42). Yogyakarta: Genta Publishing.
- Thalib, Abd, & Admiral. (2008). Hukum Keluarga dan Perikatan. Pekanbaru: UIR Press.
- Thalib, Abdul, & Lestari, M. (2017). Tingginya Tingkat Gugat Cerai Di Pengadilan Agama Pekanbaru. Jurnal Hukum Islam, 17(1), 35.
- Tihami, & Sahrani, S. (2010). Fiqih Munakahat: Kajian Fiqih Nikah Lengkap (p. 217). Jakarta:Rajawali Pers.
- UUD Tahun 1945.
- UU No 14 Tahun 1970 tentang Ketentuan-ketentuan Pokok Kekuasaan Kehakiman.
- UU No 1 Tahun 1974 Tentang Perkawinan.
- Undang - Undang Nomor 4 Tahun 1979 Tentang kesejahteraan anak.
- UU Nomor 39 Tahun 1999 tentang Hak Asasi Manusia.
- Undang - Undang Nomor 23 Tahun 2002.