

## Conference Paper

# The Benefits of Ex-Wife and Children Post Jurisdiction at Religious Court Class 1B Metro and How They Are Fulfilled

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### Abstract.

This study describes the implementation of fulfilling the wife's livelihood and post-court decisions. Some husbands neglect this obligation. The focus of this research is on the implementation of fulfilling the living expenses of the ex-wife and children after the court's decision at the religious court class 1B Metro Islamic law perspective. The ex-husband had to previously pay for these obligations based on *sadd az-Zarī'ah* to help the wife's economy after the divorce. However, the child's livelihood after the court's decision in PA class 1B Metro is not by the provisions of Islamic law. The ex-husband does not pay for the child's support after the divorce, but only pays it once at the time of the divorce vow, not routinely, and not with a nominal value smaller than the court's decision.

**Keywords:** Universitas Islam Negeri Raden Intan Lampung

## 1. INTRODUCTION

Dissolution of marriage is a legal term to refer to Some husbands neglected of a husband and wife relationship.[1] In essence, marriage is a permanent bond until death between a man athe and a woman, but under certain conditions or reasons, the marriage bond can be broken. Islam itself allows the .ermination of marriage as the last step (*emergency exit*) if the marriage causes more harm.

The dissolution of a marriage does not necessarily eliminate a man's obligations towards his ex-wife and children. The wife has the right to receive mut'ah and iddah from her ex-husband when the divorce is at the will of her husband. The wife is also entitled to a madiyah living if the husband does not provide a decent living during the marriage bond.

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Islamic law and positive law do not regulate the amount or nominal limits of the amount of living that a husband must pay to his ex-wife. The amount of *iddah*, *mut'ah* and *madiyah* expenses that the husband must give is determined based on the judge's policy because the judge has been given the authority by law to hear a case and to administer justice to uphold law and justice. Judges have the authority to conduct *ijtihad* when deciding cases. The dissolution of a marriage does not eliminate the father's obligation to provide for children born in a marital relationship. In the *surah al-Baqarah* ayat 233:

*“and the obligation of the father to feed and clothe the mothers in a ma'ruf way. Someone not burdened but according to ability levels. Let not a mother suffer misery because of her child and a father because of his child, and the heir is obliged to do so. If both want to wean (before two years) with their willingness and deliberation, then there is no sin on either of them. and if you want your child to be nursed by someone else, then there is no sin for you if you pay according to what is proper. fear Allah and know that Allah is All-Seer of what you do”* (*Surah al-Baqarah: 233*).[2]

In this verse, Allah wills mothers to breastfeed their children. The length of the breastfeeding period is two years if both parents agree to complete breastfeeding. In addition, Allah commands fathers to meet the needs of the mother during breastfeeding such as food and clothing, according to her ability so that the breastfeeding process goes well. Allah also reminds both parents to carry out their respective duties as well as possible and not to make husband and wife difficult for each other because of children's problems.[3] For example in the divorce lawsuit decision at the Metro Religious Court [4] Number: 0209/Pdt.G/20201/PA.Mt. the divorce case, between YS (wife) aged 30 years as the Plaintiff, and AS (husband) aged 36 years as the defendant. The reasons for filing a lawsuit include economic factors (husbands who are unable to provide for household and family needs), husbands disobeying religious orders, accusations that the wife has another ideal man but in reality, it is the husband who has another ideal woman, husbands often commit domestic violence, husband's habit of storing and watching pornographic films on cell phones.[5]

The plaintiffs demanded several rights such as *iddah* maintenance, *mut'ah* income, *madiyah* income, and *hadanah* rights for their three children. In his own decision, the judge decided that the defendant should pay the *iddah allowance* of Rp. 1,000,000.00. As for the child's income, the father must fulfil the amount of Rp. 1,000,000.00 per month for 3 children, but it is not implemented properly.[6]

## 1.1. Related previous research

Ulfie Andie's research is entitled, "Legal Protection for Post-Divorce Children in the Religious Courts." The findings of this study are that legal protection for children in the competence of the Religious Courts must have executorial and binding power with a charge of criminal sanctions for those who violate it, in this case, the father who is able and deliberately does not provide a living for the child that has been determined by law.[7] M. Zakaria's research entitled, "Post-Divorce Children's Livelihood in the Perspective of Islamic Law and Positive Law (Case Study in the Religious Courts of Riau PTA Legal Area)." This paper concludes that Islamic law has regulated provisions regarding the fulfilment of the obligation to support children after divorce, but this arrangement is still general in nature, so the judge's interpretation is needed in its application, both in terms of the number or age of children who must be supported after divorce.[8] Anjani Sipahutar's writing entitled, "Parental Responsibilities for Child Support After Divorce Decisions for Indonesian Citizens Who Are Muslim." The findings of this study are the deviation factors from the judge's decision that obliges fathers to support their children, namely the low level of the economy, parents' remarremarrying, psychological impact, and female parents' ability to provide child support.[9] The focus of this research is: How is the implementation of fulfilling the living expenses of ex-wife and children after the Court's decision at the Religious Court class 1B Metro from the perspective of Islamic law?

## 2. METHODS

This type of research is *field research* a descriptive-analytical approach used is empirical legal research.[10] Primary data of research[11] Decision of PA Metro and women who have had divorce cases. Then equipped with secondary data. The secondary collection methods used are documentation interviews, s and, observations. Furthermore, the Data Validity Check is carried out by using tended Observations and data triangulation. Data analysis in qualitative research is carried out before entering the field, while in the field, and after finishing in the field.[12] Finally, an active analysis was carried out to draw concluded az-Zarī'ah theory

The meaning *Sadd az-Zarī'ah* Ibn I Qayyim states that *ari'ah* is sometimes prohibited, which is called *Sadd az-Zar'ah*, and sometimes it is recommended or even mandatory. Like leaving all activities to perform the Friday prayers which are obligatory. But Wahba

h az-zuhaili disagreed with Ibn I Qayyi m. He stated that leaving *in the maz-ẓarīʿah* was categorized as *muqaddima h* (prelude) of an action.[13]

According to ta I-Qarafi, *Sadd az-Zarīʿah* is cutting the road of damage (*mafsadah*) as a way to avoid the damage. Even though the action is free from the elements of damage (*mafsadah*), if the action is a way or means for damage (*mafsadah*) to occur, then we must prevent the act with the same expression, According to al-Syaukani, *az-ẓarīʿah* is a matter or a matter which is permissible at birth but will lead to prohibited actions (*al-mahzh[r]*).[14] From several examples of the above understanding, it appears that some scholars such as al-Syathibi and al-Syaukani narrowed t *az-ẓarīʿah* as something that was initially permissible. However, al-Qarafi and Mukhtar Yahya mention n *az-ẓarīʿah* in general and do not narrow it down to just something permissible. In addition, Ibn al-Qayyi m also revealed the existence of *az-ẓarīʿah* which was originally prohibited.[15]

From the various perspectives above, it can be understood that *Sadd az-Zarīʿah* stipulates a law prohibiting certain actions which are allowed or prohibited to prevent other actions from occurring. n which is prohibited. The conclusion is that *az-ẓarīʿah* is a *wasila h* (way) that conveys a goal, ether it is lawful or unlawful. The way that conveys the lawful is also halal and the way / conveys something obligatory then the law is obligatory.

is *Sadd az-Zarīʿah* from the Qur'an and Sunnah

1. Sura t al-An'am verse 108: "And do not insult those whom they (unbelievers) worship other than Allah so that they do not insult Allah unjustly without knowledge. So we have done justice for everyone; Then to the Lord they returned them, then He told them about all that they used to do." [16]

The verse above explains the prohibition against blaspheming God or idols of other religions. This is because he is an *az-zarīʿah* who will cause something bad that is prohibited. Logically, people whose gods are insulted and reviled are likely to retaliate for the insults by cursing the god of the previous person. Thus, this is to prevent the occurrence of insults against Allah SWT .., by not insulting the worship of other religions as preventive measures or *Sadd az-ẓarīʿah*[17]

2. Sura t al-Baqara h Verse 104: "O you who believe, do not say (to Muhammad) "Raa'ina", but say: "Unzhurna", and Listen". the disbeliever has a painful torment." [18]

In this swt., forbids the believers to speak using the words "ra'ina" against the Messenger of Allah, but they are ordered to replace them with the words "Unzhurna" which has the same meaning.[19] This is forbidden because the Jews also use the word as a form of insulting and ridiculing the Messenger of Allah.

3. Sura t al-Baqara h verse 35: *"And we said: "O Adam! Leave you and your wife in heaven, and eat from the food as much as you like, what you both like, and don't approach this point (if you approach it) then you will become one of the wrongdoers."*[20]

The verse above shows that .., forbade the Prophet *Adam*, to approach the khuldi tree. Ibn A'ti h said that this verse contained a prohibition against *arâ'i* where the meaning of the word approaching was eating the fruit of the tree. To know human tendencies, so *syara* Prophet .., to approach the tree, it is not *valid*, but as a warning to be careful of things that can lead to haram n.[21]

4. Sunnah; *"Has told us 'Ubaidullah bin Musa from Shaiban from Hilal he is Al Wazzan from 'Urwah from 'Aisha radiallahu 'anha from the Prophet sallallaahu 'alaihi wasallam said when he was sick which led to his death: "Allah cursed the Jews and Christians because they make the graves of their prophets as mosques." 'Aisha radiallahu 'anha said; "If it weren't for his words, they would have moved his grave (from inside his house), but I'm still worried that it will be turned into a mosque later."* (Narrated by Imam Bukhari: 1244).[22]

This Hadith describes anyone who underestimates something doubtful, then he will easily fall into things that are forbidden. The Prophet likened it to a person who herds goats around "*al-ima*" which means an area belonging to the kingdom, whoever enters it will be punished. As for the area where Allah's prohibition is everything that is forbidden, then we are obliged to guard the things that will lead to the prohibition.

Abu Abdilla h Nu'ma n bin Basyi r, his majesty said "...And whoever falls into doubtful matters, he will also fall into something unlawful. It is like a shepherd who guards his livestock around a forbidden area, so if he is worried about it, he will be included in it..."

Pillars n *Saad al-Zarrah* according to Muhammad Hasyi m al-Burhani there are three pillars, namely actions or actions that act as intermediaries to something. These actions are divided into three, namely:

1. Acts whose purpose is to others, such as *bai'al-ajal*.
2. Acts whose purpose is to insult or denounce other people's gods.
3. Acts that intercede for prohibited actions, such as the prohibition of stamping the foot for a woman who is afraid that her hidden jewelry will be exposed. [23]

Some scholars describe the action into two divisions, namely:

1. Actions that were not intended by the perpetrators will ultimately lead to unexpected damage and destruction. For example, someone's love for Allah and Rasu-lullah then insults and denounces the god of the disbelievers, which is originally

to uphold the truth. But as a result of his actions, he has opened a way for the polytheists to insult and insult Allah SWT. So this is prohibited because it is considered as an act that becomes a wasila h towards it.

2. Actions that have been intended and have a clear purpose for something. For example, marrying not because of the original purpose of marriage, but with the to allowing to allow (allowing) her to be remarried by her ex-husband for a woman who divorced Kubra. Even though this kind of marriage has perfect terms and conditions, it is prohibited because it can lead to adultery. [24]

From the perspective of the consensus of the ulama, al-Qarafi and al-Syatibi divide *Sadd az-Zarī'ah* into three types, namely:

1. Something that has been agreed not to be prohibited even though it can be a way or means for the occurrence of a prohibited act. For example, growing grapes, although there is a possibility for it to be made into alcohol; or living as neighbors even though there is the possibility of adultery with neighbors.
2. Something that is agreed to be prohibited, such as insulting idols for people who know or strongly suspect that the idol worshipers will rebuke Allah immediately. Another example is the prohibition of digging a well in the middle of the road for people who know that the road is common and will cause harm to people.
3. Something that is still being debated to be prohibited or allowed, such as looking at women because it can be a way for adultery to occur; and selling and buying futures because they are worried that there is an element of usury. [25]

Data on Divorce Cases and Implementation of Provision of Livelihoods for Ex-Wife and Children in the Religious Courts Class 1B Metro In 2018, divorce cases 2,479 cases, and specifically the number of divorced cases reached 1,658 cases. Meanwhile, the number of talak divorces is 479 cases. This number of cases is a combination of the remaining divorce cases in 2017 and cases registered in 2018. Of the many cases that have been decided in 2018, only 24 court decisions contain amar regarding the right to support ex-wife and children.[26] In 2019, there were 648 divorce cases which were a combination of the remaining divorce cases in 2018 and cases registered in 2019. In particular, there were 494 divorce cases and 154 divorce cases. In 2019 only 26 divorce case decisions contained amar regarding the right to support the wife and children.[27] In 2020, there were 828 divorce cases which were a combination of the remaining 2019 cases and new cases registered in 2020. In particular, 655 lawsuits were filed and 173

divorce cases were divorced. In 2020, there are only 21 decisions on divorce cases that contain the rights of ex-wife and children after divorce.[28]

Research at the Metro Religious Court succeeded in confirming six (6) decisions in which there was an obligation to pay a living for ex-wife and children. The confirmation was carried out to find out whether the decision regarding the obligation to pay the ex-wife and child's income was carried out or not. The confirmation is carried out by interviewing the party litigating the decision, namely the ex-wife. Below are the decisions that have been successfully confirmed regarding the implementation of the ex-wife's income payment:

1. Decision on Case Number 0209/Pdt.G/2020/PA.Mt. in a divorce lawsuit filed by the ex-wife demanding a living *iddah* of Rp. 4,500,000.00, *muut'ah* amount of Rp. 10,000,000.00 and *a madiyah* Rp. 39,000,000.00. In his ruling, the judge only stipulates the *iddah* living obligation of Rp. 1,000,000.00. However, this obligation is not fulfilled by the ex-husband. Meanwhile, for the child's living, the judge set Rp. 1,000,000.00 and must be paid every month, but the ex-husband has never carried out his obligations as stated in the court decision.[29]

2. Decision on Case Number 0304/Pdt.G/2020/PA.Mt. in the counterclaim lawsuit, the ex-wife demands a living *iddah* Rp. 9,000,000.00, *mut'ah* 30 grams, *madiyah* Rp. 15,000,000.00. In his decision, the judge determined that the obligations to be paid by the ex-husband were as follows, the *iddah* Rp. 5,000,000.00, *mut'ah* Rp. 7,500,000,000.00, and *madiyah* of 7,500,000,000.00. This obligation has been paid by the husband before the divorce pledge was read. Meanwhile, the ex-husband has to fulfill the child's expenses every month, but the ex-husband does not fulfill it regularly and the amount given is not fixed, often below the amount determined in court decisions.[30]

3. Decision on Case Number 0650/Pdt.G/2020/PA.Mt the ex-wife did not file a counterclaim, but the judge still included the ex-wife's livelihood rights in his decision, namely the *iddah* Rp. 1,000,000.00 and *mut'ah* of Rp. 2,500,000,000.00. The ex-husband has fulfilled this obligation before the divorce pledge is made. As for the child's support, the ex-husband only fulfills his obligations once, namely before the divorce pledge is made, after that he never again fulfills the obligation to support the child.[31]

4. /Pdt.G/2020/PA.Mt, the ex-wife did not file a counterclaim, but the judge still decided to oblige the ex-husband to pay 0667 Rp. 1,000,000.00 and *mut'ah* Rp. 100,000.00. This obligation has been carried out by the ex-husband before the divorce



pledge was made. As for the child's livelihood, the judge determined Rp. 200,000.00 and must be paid every month, not routinely every month given by the ex-husband.[32]

Implementation of Provision of Livelihoods for Ex-Wife and Children After the Court's Decision Based on the Perspective of Islamic Law in the Legal Area of the Bandar Lampung Religious High Court.

## 2.1. Islamic Law Perspective

The ex-wife is entitled to iddah, *madiyah*, and *mut'ah* living. Most of the jurists agree that the husband is obligated to provide a living and a place to live for his divorced wife during the iddah period, because women who undergo iddah still have the status of a wife, therefore they cannot marry other men before the end of their iddah period. This is intended to maintain balance and justice.

Abu Hanifa thinks that the wife who is divorced by *Ba'in* has the right to live and live as in the case of the wife who is divorced by *Raj'i*. This is because the wife is obliged to stay at her husband's residence during the *mass iddah*, and her husband still has rights over her so the wife still has the right to a living. Imam Malik and Imam Shafi'i overthink that the wife has the right to live but do not have the right to support her unless she is pregnant. Three things make women entitled to earn a living during the iddah period: first, if the marriage decision is due to an invalid contract or because of *wath'syubhah*. Second, if the marriage is terminated due to the death of the husband, because living is the husband's obligation, with the death of the husband no one can perform that obligation. Third, if the breakup of the marriage is caused by the wife's side, for example, the wife sins.[33]

Data obtained from the Metro Religious Courts shows that in divorce cases, the obligation to support the ex-wife is carried out by the court's decision. However, in the case of litigation, the decision regarding the ex-wife's livelihood is not implemented, this is because in the divorce case, there is no obligation or coercion to pay for the *madiyah*, iddah, or *mut'ah* expenses, that have been stipulated in the decision before the divorce pledge.

The act of being absent from the obligation to fulfil a post-divorce livelihood that occurred in the above case is a form of injustice. In Islamic law divorce, one has not terminated the marriage in the true sense, there are still rights and obligations between the two even though they are no longer full. Referring to Surah *ath-Thalaaq* verse one which obliges the wife to stay at home during the iddah period and verse six which obliges the husband to provide for the needs of his ex-wife during the iddah period.



Logically, the obligation to stay at home during the mass iddah, if no one fulfils their basic needs will give difficulties for the ex-wife.

The husband's obligation to provide iddah, mut'ah, or *madiyah* maintenance which has been stipulated in a court decision to his ex-wife must be fulfilled. Giving a living to an ex-wife is very obligatory to fulfil because the purpose of providing a living is intended to provide assistance and respect to the ex-wife and avoid difficulties due to the breakup of a marriage. Giving a living to this ex-wife will benefit him because he doesn't have to bother to make a living on his own.

The wife's income based on the judge's decision or mutual agreement of both parties can become a debt for her husband. If the husband is in a state of being able or rich and refuses to provide a living for his wife, the judge has the right to sell her husband's valuable objects by force and then the proceeds are given to the wife as a living. However, if the rich husband hides his wealth, then the judge has the right to imprison the husband as long as he has not paid the living obligations owed.[34]

However, if the husband is truly unable to pay a living, the judge may provide relief. Thus, Islamic law still provides tolerance for ex-husbands who are physically unable to carry out this obligation. Because Islamic law aims for the good or benefit of its people, not to burden them. The judge in his *ijtihad* determines the amount of Iddah, mut'ah, and *madiyah* expenses that are charged to the ex-husband. The main consideration as the basis for determining is the appropriateness and ability of the ex-husband. Divorce will also have an impact on the fulfilment of a living for children born in marriage, child care is still the responsibility of parents, especially fathers until the child reaches the age limit that can be said to be an adult. Data from PA Metro regarding the implementation of court decisions related to post-divorce children's livelihoods show that some of these decisions were not implemented at all or carried out but not by what was stipulated in the verdict. Implementation of the fulfilment of post-divorce child support obligations that are not by the decision, such as the amount of maintenance paid is not by the amount stipulated in the decision or the provision of non-routine income every month.[35] Of the several decisions that were successfully clarified to the ex-wife regarding the fulfilment of child support after divorce, most admitted that ex-husbands had never provided for their children even though the court's decision determined the amount to be borne by the husband. Divorce does not eliminate the obligation to fulfil a living by a father to his child, because divorce does not break the blood ties between parents and children. The father is not free from his responsibility to provide for the children even though he has been divorced from his wife because the provision of this support takes place while still in the marriage bond or after the marriage is broken. As emphasized in Surah

al-Baqarah verse 233 it is emphasized about the responsibility of a father towards his wife and children in the event of a divorce. The provisions for the responsibility for child support during the marriage period are the same as after the termination of the marriage.

There are several opinions about a father who has neglected to provide for his children. According to the Hanafiyah school and the jurists, it is stated that the child's livelihood is lost due to the passage of time and cannot be called debt. Because the father's obligation to provide for the child is to meet the needs. If the need no longer exists with time, then the livelihood has been lost. Meanwhile, according to the Syafi'iyah scholars who stated that the child's income does not become a debt for the father and the income falls when time has passed, but the income can become debt if based on the provisions of the judge because the father is not at home and the father deliberately does not give it to him. livelihood.[36]

In positive law, the basis for permanent legal force in divorce cases is the reading of the divorce pledge. The reading of the divorce pledge is carried out after the judge reads the decision as stipulated in Article 66 paragraph (1) of Law Number 7 of 1989 concerning the Religious Courts, which reads: "A Muslim husband who will divorce his wife applies to the court to hold a trial to witness the vows of divorce." After the divorce pledge has been read, the ex-wife has the right to obtain a living as requested as stipulated in Article 66 paragraph (5) of Law Number 7 of 1989, which reads: filed together with the application for divorce or after the divorce pledge has been read".[37]

Based on the data available at the Metro Religious Courts, the demands regarding iddah, mut'ah, *madiyah*, and children's expenses are included in the divorce lawsuit. In recent years, there have been no cases of self-supporting claims. According to the author, the reluctance of women to file demands for a living is due to the lengthy judicial process, and the execution process which requires no small amount of money. Psychologically, women in divorce cases want to settle the case as quickly as possible, so that they can move on with their lives.

The divorce decision is usually followed by the husband's obligation to pay the iddah and mut'ah expenses related to the divorced wife. This is because the judge is given the authority by law to burden the wife's iddah and mut'ah. This means that the judge ex officio can determine the iddah and mut'ah expenses without filing a counterclaim. As for the judge's consideration in punishing the Petitioner ex officio, among others, the Respondent is not nusyuz, *qabla dukhul*, and the husband's material ability.[38] When the wife files for divorce, the wife has no right to demand *iddah* and *mut'ah*. This is considered to have not provided justice and guaranteed the fulfilment of the rights of

the wife after the divorce so TEMA Number 3 of 2018 was born which stated that the wife in a divorce case could be given mut'ah and iddah support as long as it was not *nusyuz*.

## 2.2. Sadd aa-Žarī'ah Overview Implementation of Fulfillment of Provision of Livelihoods of Ex-Wife and Children

The principle of *Sadd Az-dzarī'ah* is manifested in the implementation of post-divorce payments before the divorce pledge. This policy is a breakthrough to prosper the wife and ensure the life of the child after the divorce occurs. An embodiment of the *Sadd al-Žarī'ah* principle is the policy of withholding the husband's divorce certificate until the husband can pay off his ex-wife's post-divorce rights in divorce cases. With this policy, the rights of ex-wife-wives' children after divorce will be more secure than before. The implementation of post-divorce payments before the divorce pledge and the detention of the husband's divorce certificate until the husband can pay off the maintenance obligations to the ex-wifhasve been carried out by all courts based on Supreme Court Regulation Number 3 of 2017 which is an amendment to the Supreme Court Circular Number 3 of 2015 in letter C and Letter Number 1669/DJA/HK.00/5/2021 by the Supreme Court of the Republic of Indonesia, in this case, the Directorate General of the Religious Courts Agency, regarding "Guarantee for the Fulfillment of the Rights of Women and Children Post-Divorce." This regulation is a coercive force so that the husband does not escape his responsibility. Because if the ex-wife demands the right to divorce through an execution lawsuit, there will be more costs incurred and sometimes the execution costs are not small, so many are reluctant to file full demands.[39] and the Circular Letter of the Supreme Court only regulates the payment of *iddah*, *PERMA madiyah*, and *mut'ah* expenses to be paid before the divorce vows, but in practice, the judge also asks the ex-husband to pay for the children, at least for the first month. or by court decisions.[40]

## 3. CONCLUSION

Based on the analysis of research data regarding the income of the ex-wife and children after the court decision, it can be concluded as follows: The implementation of the provision of iddah, mut'ah, and Madiyah livelihoods has been carried out by withholding the divorce certificate. Previously had to pay these obligations based on *sadd az-Zarī'ah* to help the wife's economy after the divorce. However, the child's livelihood after the

court's decision in PA class 1B Metro is not by the provisions of Islamic law. The ex-husband does not pay for the child's support after the divorce, only pays it once at the time of the divorce vow, not routinely, and not routinely with a nominal value smaller than the court's decision.

## References

- [1] Syarifuddin A. *Islamic Marriage Law in Indonesia*, (Jakarta: Prenada Media). 2006;1:28.
- [2] Ministry of Religion of the Republic of Indonesia. *Al-Qur'an and its translation, Translation of Ahmad Toha Putra*. Semarang: Asy-Syfa Semarang; 2007.
- [3] Rida MR. *Tafsir Al-Manar, (Beirut: Dâr al-Ma'rifah, 1414H/1993M), 408-409*.
- [4] Hereinafter referred to as PA Metro.
- [5] Interview with Is (28 Years) in Metro, On October 8, 2021, and Interview with Is (28 Years) in Metro, On October 8, 2021
- [6] Andie U. *Legal Protection for Children After Divorce in the Religious Courts*. Postgraduate at UIN Malang; 2011.
- [7] Zakaria M. *Post-Divorce Children's Livelihoods in the Perspective of Islamic Law and Positive Law (Case Study In Religious Courts Legal Area PTA Riau)*, (Dissertation, UIN Syarif Qasim). 2018.
- [8] Sipahutar A, Kamello T, Runtung UM. *Parental Responsibilities for Child Support After Divorce Decisions for Indonesian Citizens Who Are Muslim*. *USU Law Journal*. 2016 Jan;4(1):152–67.
- [9] Bahder Johan Nasution, *Legal Research Methods* (Bandung: CV. Bandar Maju, nd), p. 12. Bahder Johan Nasution, *Legal Research Methods*, (Bandung: CV. Bandar Maju, nd), p. 13
- [10] Marzuki, *Research Methodology* (Yogyakarta: PT. Hanindita). 1983:9.
- [11] Sugiyono Q. *Qualitative Approach Educational Research Methods*, cet. 6 Bandung: Alfabeta. 2008:), p. 335–36.
- [12] Syariffuddin A. *Ushul Fiqh*. Volume II. Jakarta: Kencana; 2014. p. 97.
- [13] Kholid Affandi M. *From Usul Theory Towards Fiqh*. Kediri: Santri Salafi Press; 2013. p. 137.
- [14] Syariffuddin A. *Ushul Fiqh*. Volume II. Jakarta: Kencana; 2014. p. 98.
- [15] Ministry of Religion of the Republic of Indonesia. *Al-Qur'an and its translation, Translated by Ahmad Toha Putra*. Semarang: Asy-Syfa; 2007.

- [16] al-Khazraji IF. *Ahkam Al-Quran*, Juz 2. Beirut: Dar Ibn Hazm; 2006. p. 104.
- [17] Ministry of Religion of the Republic of Indonesia. *Al-Qur'an and its translation*, Translation of Ahmad Toha Putra. Semarang: Asy-Syfa; 2007.
- [18] Ibn Faris al-Khazraji al-Khazraji, *Ahkam Al-Quran*, Juz 2, (Beirut: Dar Ibn Hazm). 2006:106.
- [19] Ibn Faris al-Khazraji al-Khazraji, *Ahkam Al-Quran*, Juz 2, (Beirut: Dar Ibn Hazm). 2006:106.
- [20] Abdul Haq bin Ghalib, *Al-Muharrar al-Wajiz Fi Tafsir Kitab al-Aziz*, Juz 1 (Beirut: Dar Kutob al-Silmiah). 1977:251-252.
- [21] Bukhari, *Sahih Al-Bukhari*, *Kitab al-Maghazi*, Hadith No. 4441 (Beirut: Dar Kotob al-Ilmiah, tt, nd).
- [22] al Burhani MH. *Sadd Al-Dzarai' Fi Tasyri'i al-Islamiy*. Damascus: Dar al-Fikr; 1985. p.103.
- [23] al Burhani MH. *Sadd al-Zarai' Fi Tasyri'i al-Islamiy*. Damascus: Dar al-Fikr; 1985. p.103.
- [24] Abdullah S. *Source of Islamic Law (Problems and Flexibility)*, (Jakarta: Sinar Graphic, 2017). p. 76. p. 79. Website of the Metro Religious Court, [www.Pa-Metro.Go.Id](http://www.Pa-Metro.Go.Id), Accessed on January 20, 2021.
- [25] Website of the Religious Court of Metro. [www.Pa-Metro.Go.Id](http://www.Pa-Metro.Go.Id), Accessed on January 20, 2021.
- [26] Metro RC. [www.Pa-Metro.Go.Id](http://www.Pa-Metro.Go.Id), Accessed On January 20, 2021. Interview With Is (28 Years) In Metro, On October 8, 2021, nd Interview With Wi (37 Years Old) In Metro, On October 13, 2021, nd Interview With Ni (43 Years) In Metro, On October 5, 2021, nd Interview With Li (30 Years) In Metro, On October 10, 2021, nd
- [27] Hidayat RE. The Opinion of the Imam Madhhab Regarding Wives' Rights During the Iddah Talak Ba'in Period and Its Relevance to the Marriage Law in Indonesia. *Istinbath: Jurnal Hukum*. 2018 Jul;15(1):15.
- [28] Wahyu Setiawan, *Woman Sues* (Jakarta: Rajawali Press, 2013), p. 36. Interview with Wi (37 years) in Metro, October 13, 2021, nd Abdul Rojak Husein, *Children's Rights in Islam* (Jakarta: Fikahati Aneka, 2012), p. 42. NN, Law of the Republic of Indonesia Number 7 of 1989 concerning Religious Courts, nd
- [29] Syahrani R. *Book of Basic Materials for Civil Procedure Law* (Bandung: PT. Citra Aditya Bakti, 2000), 151..