

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga¹, Asmuni², Dhiauddin Tanjung³
Pengadilan Agama Sei Rampah, Sumatera Utara, Indonesia¹
Pascasarjana UIN Sumatera Utara, Indonesia^{2,3}
Email: istybaskorosinaga@gmail.com

Keywords:

Child support;
Divorce;
Religious court
ruling;
Whole of
government.

DOI:

<https://doi.org/10.19109/nurani.v24i2.24714>

Submitted:

May 28, 2024

Accepted:

October 10, 2024

Published:

October 15, 2024

Pages: 329 - 344

Abstract: *Although parental responsibility in providing child support was determined by a religious court, many parents have simply ignored the specific level of obligation until such time that any debt had been declared satisfied on behalf of indebtedness once accrued — i.e., when they are no longer able to fulfill weekly financial 'honey-do lists'. Religious courts have no binding force, and cannot enforce him fulfill his obligations as a parent. This is largely because religious court decisions do not carry the force of law and cannot be enforced against those who disregard them. But the fact that one can bear to pay child support after a court decision should not be neglected and effective mechanisms must help each kid, especially those divorced. This research aims to evaluate how well the 'Whole of Government Response' strategy works in securing post-divorce child support, using a qualitative, normative juridical approach based on secondary data. The study results conclude that a "Whole of Government" approach is feasible and may offer substantial potential to address problems associated with neglected child support post-divorce. Co-responsibility of ministries and agencies to carry out child support. This is a very important thing, considering that the life of children has now become more popular by government attention also in RPJMN 2020-2024 there are policies on improvements for unsurpassed quality of living for good to implement based multi dimensional multicultural sustainability and natural geography. This research aims to evaluate how well the 'Whole of Government Response' strategy works in securing post-divorce child support.*

Introduction

Today, divorce rates continue to rise. In fact, the 2020 Annual Report from the Directorate General of Religious Courts (Ditjen Badilag) shows that over 400,000 divorce cases were filed in religious courts. If we assume each family has at least one child, that means around 400,000 children have been impacted by divorce (Nur, 2022). Ensuring the well-being of these children is not just the responsibility of their parents but also the State and society as a whole. It's crucial to safeguard their rights and ensure they can live with dignity, as part of Indonesia's commitment to being a rule-of-law state (Furqoni, 2022; Holil, 2023; A. Wibowo & Srijadi, 2023; Yandy et al., 2024).

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga, et. al.

The rising divorce rates in Indonesia have left many children's rights neglected. Divorce often leads to serious family problems, including child neglect (Rofiq, 2021). Conflict between parents can deeply affect children (Sorek, 2019; Van Dijk et al., 2020). In larger cities, it's not uncommon to see children dropping out of school and living on the streets, a heartbreaking consequence of broken homes. When parents separate, the responsibility of providing for the family often falls on a single parent, or worse, on the children themselves. Some children are forced to grow up too quickly, shouldering adult responsibilities and missing out on their childhood just to help their families get by.

This reality goes against the principles of the Convention on the Rights of the Child, which Indonesia has signed and adopted as part of the UN's efforts to ensure that every child can grow up healthy, go to school, be protected, have their voice heard, and be treated fairly. This also reflects Article 28B of the 1945 Indonesian Constitution, which guarantees every child the right to life, growth, development, and protection from violence and discrimination. The government has shown its commitment to safeguarding the lives of women and children by implementing a range of regulations that protect their rights, whether in terms of healthcare, education, or access to justice.

In terms of access to justice, the Supreme Court has shown its commitment to protecting women and children through Supreme Court Regulation No. 3 of 2017, which provides guidelines for handling cases involving women and children in legal conflicts. This regulation emphasizes that the judicial system must give special attention to women and children, ensuring that their rights are properly respected and protected when they face legal challenges.

Moreover, the Directorate General of Religious Courts has taken an important step by issuing a policy through Letter No. 1669/DJA/HK.00/5/2021 on May 24, 2021, focused on ensuring the rights of women and children after divorce. This policy provides detailed information about their rights, making it accessible through the websites and banners of religious courts. It also introduces new formats for filing petitions and applications in divorce cases, helping to streamline the process for those affected. This initiative aims to make sure that women and children are well-informed and supported during challenging times.

Divorce carries significant legal implications, especially for children, affecting both custody arrangements and financial support obligations. These issues are closely intertwined; when a divorce happens, questions about custody and child support inevitably come to the forefront (Jafar et al., 2024; Juwanti, 2018; Lubis, 2023; Zahra et al., 2023).

When it comes to custody, the Compilation of Islamic Law provides clear guidelines in Article 105. According to this article, if parents divorce, custody of children under the age of 12 goes to their mother. If she is unable to care for them, custody is then passed to the maternal grandmother, and this continues up the family tree. If there are no available relatives on the mother's side, custody goes to the paternal grandmother. Relatives from the side of the family can also step in to take care of the child if there are no options from the upper line of the family. Once a child turns 12, they have the

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga, et. al.

right to choose where they want to live (Basyir, 2014).

Even after a couple goes through a divorce, they still have a duty to care for their children, as emphasized in Q.S. Al-Baqarah: 233. This verse makes it clear that parents are responsible for nurturing and raising their children. Providing for their children's needs is crucial to ensure their well-being. When a divorce occurs, the responsibility for financial support typically falls on the father. This support is vital to make sure that children are not left without care and can continue to live with dignity while having their essential needs met (Fitriyadi, 2020).

Thus, even when children are in the custody of their mother—whether they are not yet of distinguishing age (*mumayyiz*) or have reached that age—their financial support remains the responsibility of their father. This obligation to provide is clearly outlined in the Quran and has also been incorporated into regulations in Indonesia. However, the pressing question that arises is whether this duty of financial support is being fulfilled properly by fathers after a divorce.

When we talk about child support in Indonesia, it's essential to focus on the challenges surrounding this issue, particularly after a divorce. The reality is that ensuring children receive the financial support they need after their parents split is complicated and often not straightforward. Despite the existence of regulations aimed at safeguarding children's welfare, the situation remains difficult. Moreover, while the government's commitment to ratifying the Convention on the Rights of the Child is a positive step, it doesn't guarantee that children's rights—as outlined in various laws—are being fully honored in practice.

This concern was highlighted by the Chief Justice of the Supreme Court of the Republic of Indonesia during a judicial dialogue with the Family Court of Australia (FCFCOA). The Supreme Court's Annual Report for 2017-2020 shows a troubling trend: divorce rates are on the rise, with an average of around 468,105 divorce cases filed each year. Research from the Australia Indonesia Partnership for Justice (AIPJ) in 2018 found that a staggering 95% of these divorce cases involve children under 18 years old (Syarifuddin, 2022). Assuming each Indonesian family has about two children, this means that more than 900,000 to 1 million families are impacted by divorce every year. This significant number paints a picture of the long-term effects on the social fabric of Indonesian society. A primary concern is ensuring the well-being of children who are caught in the turmoil of divorce. At its core, Indonesia is a rule-of-law nation, where every aspect of life is governed by the existing constitution. The protection of children's rights is explicitly stated in Article 28B, paragraph (2) of the 1945 Constitution, which declares that “every child has the right to survival, growth, and development, as well as the right to protection from violence and discrimination” (Syarifuddin, 2022).

Research into child support obligations after divorce has uncovered some troubling realities. For example, a study by Muhammad Azani and Cysillia Anggraini Novalis (2022) found that of 10 respondents, 7 reported they hadn't received any financial support from their fathers, even though the Class 1A Religious Court in Pekanbaru had issued clear orders for them to do so. Alfian Qodri Azizi (2019) noted that the justice surrounding child support

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga, et. al.

obligations has deep theological, social, and gender implications. However, from a legal standpoint, there are existing sanctions in family law designed to prevent neglecting child support, which also serve as a safeguard for children's rights. Further emphasizing the issue, a study by Abdullah et al. (2024) revealed that in Lombok, West Nusa Tenggara, the fulfillment of child support rights for children affected by divorce is still lacking, with many receiving no support whatsoever. Aurellia and Halim (2023) pointed out the critical need for an execution agency to enforce the Religious Court's rulings, ensuring that child support obligations are met consistently.

The research points out an important gap in our understanding: there hasn't been a study that specifically looks at effective strategies within the Whole of Government (WOG) framework for ensuring child support after court rulings. This study aims to fill that gap by exploring how the state can play a role through WOG. It focuses on how different ministries and agencies can work together to take responsibility for addressing child support issues that arise after decisions from the Religious Court. By involving various stakeholders, the aim is to create a more comprehensive approach to ensure that children's rights to support are not just acknowledged but actively fulfilled.

This research seeks to explore how children's rights are fulfilled after court rulings—an area that remains a pressing responsibility for the state. The government has made commitments to uphold children's rights by ratifying relevant agreements and creating various regulations. This study highlights the need for collaboration among different institutions, known as the Whole of Government approach. In this model, each ministry and agency play a part in ensuring that children's rights are respected, including making sure that decisions from the Religious Court are effectively carried out. It's important to understand that providing child support is a vital step in preparing a healthy and intelligent future generation, helping to pave the way for a golden generation by 2045.

Method

This research is a library study that focuses on normative law, specifically looking at legal cases and analyzing laws, such as legislation. The primary aim is to understand how law functions as a set of rules and standards that guide behavior in society. Normative legal research emphasizes various aspects, including compiling existing laws, exploring legal principles and doctrines, examining how laws apply in specific situations, analyzing legal systems, assessing consistency across legal frameworks, comparing different legal systems, and studying the history of law (Abdulkadir, 2004).

In this research, the focus is on secondary data, which means we're diving into document and library studies. This involves gathering, examining, and reviewing various documents and literature that provide valuable information for our investigation. The sources of secondary data are split into two categories: primary legal materials and secondary legal materials (Marzuki, 2008). We're using a normative legal approach, meaning we will explore existing literature and expert opinions on laws and regulations

relevant to our study. To collect data, we'll rely on several techniques, including reviewing documents and literature, making observations, and conducting interviews (Soekanto, 1984).

This comprehensive approach allows us to gain a deeper understanding of the legal landscape we are investigating. In this study, we use qualitative analysis to dive deeper into the data, a method often found in legal research. Instead of merely focusing on the outcomes, we pay close attention to the process—how events and interactions unfold among the people involved, including subjects, informants, and respondents. This approach helps us understand not just the data itself, but also the broader context and dynamics that shape it. By looking at the bigger picture, we can gain richer insights into the experiences and perspectives of those affected.

Results and Discussion

Responsibility of the Supreme Court in Ensuring Children's Rights in Court Decisions

Why is it so important to talk about children's rights? The answer lies in the 1945 Constitution, specifically Article 28B, paragraph (2), which states that "every child has the right to survival, growth, and development, as well as the right to protection from violence and discrimination." This means that ensuring children's rights is a fundamental responsibility of the state, grounded in our highest legal framework. It's crucial for every ministry and agency involved in children's welfare to genuinely commit to this cause. They need to pay close attention to whether children's rights are being met, particularly their essential rights to live and thrive. By doing so, we help create an environment where every child can grow up healthy, safe, and full of potential.

We need to ensure that every child in Indonesia has the opportunity to grow and develop healthily, with all their rights fully honored. If any child's rights are overlooked by those responsible, it's crucial for the state to intervene and make sure this doesn't happen. The government should guarantee that every child's needs are met effectively, using a variety of legal frameworks and supportive policies designed to protect and uplift children (Panjaitan, 2024; Siswanto, 2021; Sudiono, 2023; Tampubolon, 2022).

The protection of women and children after divorce is a vital issue in Indonesia's legal system. Why is it so important? Because, unfortunately, the country still lacks a legal framework that can genuinely guarantee this protection (Tim Redaksi, 2022). Recognizing this pressing need, the Supreme Court has taken significant steps to address child support and the rights of women and children through various policies. One of the key measures is the Supreme Court Regulation No. 3 of 2017, which outlines how to handle cases involving women in legal matters. This regulation highlights the necessity for the judiciary to prioritize and protect the interests of both children and women, ensuring their rights are taken seriously in all proceedings. Furthermore, the Directorate General of Religious Court Affairs issued a circular on May 24, 2021, stating the importance of guaranteeing the rights of women and children after a divorce. This circular emphasizes that information about their rights should be readily available, and it mandates that these rights be included in the plaintiff's

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga, et. al.

lawsuit. Importantly, it allows for requests for child support to be made in the lawsuit, even if the defendant is not present. In these instances, judges have the authority to compel the defendant (usually the father) to fulfill the rights of women and children as outlined by the plaintiff in their legal petition. This approach aims to ensure that the needs and rights of vulnerable parties are upheld, even amidst the challenges that divorce can bring.

The Supreme Court has also taken important steps to address children's rights through various circulars. For example, in Circular Letter No. 7 of 2016, particularly within the religious chamber, guidelines were provided for determining child support. This was further refined in Circular Letter No. 3 of 2018, which stressed that the amount of child support should be fair and reasonable. It needs to take into account not just the financial situation of the husband but also the basic living needs of the child. In addition, Circular Letter No. 5 of 2021 outlines how to uphold the principle of the child's best interests and implement the Supreme Court Regulation No. 3 of 2017 regarding handling cases involving women in legal matters. Under this provision, a wife can request a lien on her husband's property as a guarantee for child support. It's essential that this collateral is clearly described in both the reasons (*posita*) and the requests (*petitum*) within the lawsuit, whether it's a conventional lawsuit, a counterclaim, or an independent claim. These actions demonstrate the Supreme Court's commitment to ensuring that children's rights and welfare are prioritized, especially in the challenging context of divorce. It highlights the importance of a fair legal process that considers both the needs of the children and the financial realities faced by the parents.

Furthermore, the efforts undertaken by the Director General of the Religious Courts of the Supreme Court of the Republic of Indonesia are divided into three policies, including:

1. Administrative Policy
 - a. The Directorate General has issued a circular that ensures the availability of adequate information through various channels such as websites, brochures, applications, and other media.
 - It's crucial for PTSP (Public Service and Information) officers to have a solid understanding of the rights of women and children after a divorce.
 - The legal aid providers (*Posbakum*) should be law firms that are well-informed and dedicated to advocating for women's rights.
 - There should be accessible blank forms or petitions that offer information and options about the consequences of divorce, available in both manual and electronic formats for those who choose to file on their own.
 - b. Additionally, there is a focus on providing the necessary facilities and infrastructure at the Religious Court to support these efforts.
2. Judicial Policy
 - a. Training for Judges: The goal is to help judges better understand and apply Supreme Court Regulation No. 3 of 2017, ensuring they are well-informed about its provisions.

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga, et. al.

- b. Budget Allocation for Education: There will be a budget set aside for activities that educate Supreme Court judges on decisions aimed at protecting and ensuring the rights of women and children after divorce.
 - c. Standardized Divorce Forms: Efforts will be made to create standardized forms for divorce decisions that clearly outline the consequences of divorce, making it easier for everyone involved to understand their rights and responsibilities.
 - d. Consistent Analysis Methods: There will be a focus on establishing reliable methods, like jurimetry, for analyzing the implications of divorce, ensuring that decisions are fair and well-considered.
 - e. Guidelines for Protecting Rights: The issuance of circulars (SEMA) and regulations (PERMA) will provide clear guidelines for the judicial process, specifically aimed at safeguarding the rights of women and children after divorce.
3. Implementation of Judgments Policy
- a. Government Regulations: The government will introduce regulations to ensure the protection of women's and children's rights after divorce, providing a legal framework for enforcement.
 - b. Institutional Collaboration: There will be a focus on collaboration between various institutions to make the execution of court decisions smoother and more straightforward, helping to ensure that the rights of those affected by divorce are upheld efficiently.

The initiatives outlined above by the Supreme Court can only be carried out within its internal framework. They focus on ensuring that children's rights to financial support are prioritized and that fathers are held accountable in the decisions made by Religious Courts, whether in divorce cases initiated by the wife or the husband. These efforts reflect a grassroots approach to change, driven by the Supreme Court and specifically the Director General of the Religious Courts. However, it's essential to recognize that these measures alone do not guarantee that children will receive the financial support they need effectively.

Even though various regulations have been put in place to ensure that child support is provided after a divorce, the reality is often quite different. In many cases, court decisions that outline child support obligations end up being little more than words on paper, as they are not enforced in practice. There are several reasons for this gap. First, court rulings on child support do not come with criminal penalties for failing to comply, which means that those who are obligated to pay are not under any real pressure to do so. Additionally, enforcing these decisions requires a formal process that involves submitting an execution request, which can be lengthy and complicated. This process also involves significant costs, making it even more challenging for families to ensure that child support is actually received after a divorce.

This situation reveals a troubling reality when it comes to fulfilling child support obligations. Despite court rulings, fathers often do not feel compelled to support their children. Ideally, providing support should be a

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga, et. al.

natural responsibility rooted in a father's love and commitment, not something done out of coercion. Yet, we can't rely solely on a father's sense of duty; the law must clearly define these responsibilities to ensure compliance, even if that means enforcing them through legal means. It's essential to hold accountable those who ignore their responsibilities to their children (Harry et al., 2024). Failing to provide child support is a serious issue; it amounts to a form of neglect that deprives children of their basic needs (Berliana et al., 2019).

Whole of Government as an Effective Strategy for Fulfilling Child Support Post-Court Ruling

Discussing legal issues is always intertwined with the process of enforcement. The law itself is often expressed through clearly defined rules. These legal rules and regulations encompass actions that need to be carried out, including the enforcement of the law (Rahardjo, 2009).

The decline of the legal system in Indonesia, as observed by A. M. Mujahidin, stems from two significant issues. Firstly, the conduct of law enforcement officers, who are often corrupt, reflects a mindset that remains confined to a legalistic and positivist perspective (Christianto, 2011). Secondly, to tackle this troubling state of the law, the concept of progressive law introduced by Satjipto Rahardjo offers a potential path forward. Progressive law represents a way of thinking that seeks to address legal shortcomings meaningfully. It aims for rapid transformation, fundamental change, and innovative solutions. This approach emphasizes that the law should serve people rather than the other way around. It advocates for a substantial understanding of the law that resonates with real-life issues, rather than an artificial one that merely adheres to rigid legal structures. Furthermore, it promotes a holistic view of law, considering the broader context of human experiences and societal needs (Aulia, 2018).

Efforts to ensure justice for women and children after divorce require more than just the legal framework provided by court rulings. A systematic approach is essential to strengthen enforcement, ensuring that court decisions are respected and serve as effective tools for social control. Unfortunately, many husbands are reluctant to comply with these rulings, which creates a significant issue that demands legal solutions (Suadi, 2023). In the context of Islamic justice, the judicial process should not end with simply issuing a ruling; it must also encompass the effective implementation of those decisions. Renowned Muslim jurist Syihabuddin al-Qarafi outlines three key stages that courts must follow to uphold the law: (1) *al-tsubut*, where the judge reaches a legal conclusion that provides certainty after thoroughly examining the case; (2) *al-hukm*, where the judge hands down a decision on the matter; and (3) *al-tanfidz*, where the judge or court ensures that the ruling is executed properly (Suadi, 2023). By focusing on these stages, we can work towards a more just system that truly supports the rights of women and children in the aftermath of divorce.

Thus, justice cannot be considered complete if it exists merely in the form of a ruling; true justice begins with making fair decisions and continues with ensuring that those decisions are effectively implemented by the parties

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga, et. al.

involved, particularly the obligation of fathers to provide for their children. When these rulings are executed, justice is achieved, and the rights of children are upheld. However, the reality is that justice often remains confined to what is stated on paper. Ignoring the responsibility to enforce these decisions leads to a degradation of the judicial authority itself. Failing to take prompt and strategic action to address the issue of child support is a disregard for children's rights and contradicts the state's commitment as enshrined in the Constitution of the Republic of Indonesia of 1945. In the legal realm, we are reminded of the maxim, "Justice delayed is justice denied," underscoring that the postponement of justice constitutes a form of injustice.

As a nation governed by the rule of law, the enforcement of rights should ideally not be a continuous topic of debate. Yet, the reality is that ensuring these rights remains a significant challenge that has persisted over time. This raises an important question: who is truly responsible for upholding children's rights, particularly their right to receive financial support after a divorce? To shed light on this issue, I will outline a summary of the policy brief from the Religious Courts Agency. It identifies 13 ministries and agencies that share the responsibility for ensuring that children's rights to financial support are upheld following a divorce. These include:

1. Supreme Court of the Republic of Indonesia (*Mahkamah Agung*)
As the highest court in Indonesia, the Supreme Court plays a vital role in ensuring that children receive the financial support they need after a divorce. It's not just about making decisions; it's about making sure those decisions are enforced.
2. Directorate General of Religious Judiciary (*Dirjen Badilag*)
The Supreme Court's efforts are evident through the rulings made by judges in religious courts across the country. These decisions are meant to support children, reflecting a bottom-up approach to justice. However, the Supreme Court's authority is mainly limited to issuing these judgments. While they can execute rulings, requests for enforcing child support are infrequent. This is largely due to the high costs and complicated procedures involved, leaving many families struggling when a parent neglects their financial responsibilities.
3. Ministry of Home Affairs (*Kementerian Dalam Negeri*)
The Ministry of Home Affairs serves as a key ally in addressing administrative actions needed to uphold the rights of women and children after a divorce. If a husband fails to provide child support, this ministry can step in to make life more challenging for him by restricting access to important documents, such as those related to civil status.
4. Ministry of Religious Affairs (*Kementerian Agama*)
Similarly, the Ministry of Religious Affairs can take steps to complicate matters for those who disregard court orders about financial support. For instance, they can make it harder for someone to process necessary documents like Hajj and Umrah applications or marriage certificates if they decide to remarry.

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga, et. al.

5. Ministry of State Apparatus Utilization and Bureaucratic Reform (*Kementerian Pendayagunaan Aparatur Negara dan Reformasi Birokrasi*)

The Ministry of State Apparatus Utilization and Bureaucratic Reform also plays a significant role, especially for civil servants. They can ensure that a portion of a civil servant's salary is automatically deducted to fulfill child support obligations, providing some financial security for children.

6. Ministry of Women's Empowerment and Child Protection (*Kementerian Pemberdayaan Perempuan dan Anak*)

Finally, the Ministry of Women's Empowerment and Child Protection is crucial in this landscape. They focus on empowering women and protecting children's rights, ensuring that their needs are met after a divorce. This ministry works on policies that promote gender equality, fulfill children's rights, and protect vulnerable groups. By prioritizing these issues, they help ensure that children have the support they need to thrive, fostering a safer and more equitable environment for all.

7. Kementerian Sosial Ministry of Social Affairs (*Kementerian Sosial*)

The Ministry of Social Affairs plays a vital role as a strategic partner in addressing the needs of children affected by divorce. They focus on social rehabilitation, security, empowerment, and protection, all aimed at helping the president effectively govern. When it comes to children whose financial support has been overlooked, the Ministry steps in to provide assistance, ensuring these children have the opportunity to thrive and access education.

8. Bank Indonesia

As a key player, Bank Indonesia can directly help enforce child support payments. They have the authority to deduct these payments from the father's bank account or even block the account if he fails to fulfill his obligation to support his children after a court ruling.

9. Indonesian Child Protection Commission (*Komisi Nasional Perlindungan Anak Indonesia - KPAI*)

KPAI is dedicated to safeguarding children's rights and ensuring their protection. They oversee the implementation of child protection laws, offer advice on policy-making, and gather important data about children's well-being. They also handle complaints from the public about violations of children's rights and mediate disputes. Through these efforts, KPAI plays a crucial role in making sure that children's rights, including financial support from their fathers after divorce, are upheld.

10. National Commission on Violence Against Women (*Komnas Perempuan*)

This commission advocates for women's rights, focusing particularly on single mothers. They work tirelessly to ensure that the unique challenges faced by these women are recognized and addressed.

11. Indonesian National Police (*Kepolisian Negara Republik Indonesia*)

The police, especially the Women and Children Protection Unit, are essential in resolving issues that affect women and children. They

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga, et. al.

ensure that these vulnerable groups receive the attention and protection they need in times of conflict.

12. Indonesian Ulema Council (*Majelis Ulama Indonesia*)

At both the national and local levels, this council educates the community about Islamic law related to marriage, helping to create a more informed public that understands their rights and responsibilities.

13. Non-Governmental Organizations (*Lembaga Swadaya Masyarakat*)

NGOs are crucial allies in the fight for women's and children's rights. They conduct research, advocate for policy changes, and provide education to support vulnerable groups in society. Their work ensures that the voices of those most in need are heard and considered.

According to a policy brief from the Supreme Court, there are 13 ministries and agencies recognized for their crucial roles and responsibilities in ensuring that fathers fulfill their child support obligations as mandated by the Religious Courts. With this in mind, we can take inspiration from Malaysia, where a similar issue was effectively addressed through the establishment of the Family Support Agency (Badan Sokongan Keluarga, BSK).

The Family Support Agency (Badan Sokongan Keluarga, BSK) is a dedicated department within the Syariah Judicial Department of Malaysia (Jabatan Kehakiman Syariah Malaysia, JKSM), operating under the Prime Minister's Department (Jabatan Perdana Menteri, JPM). The establishment of BSK serves as an authoritative body capable of addressing all issues related to child support, ensuring that those entitled to it receive justice. This initiative aims to ensure that justice in Islam is not merely a set of rules on paper but is actively implemented so that all parties receive their rights in accordance with Islamic law (Arpan, 2024; Hanafi & Mohamad, 2020; Mohamad, 2019).

The United States takes child support issues seriously, especially after parents go through a divorce. There are specific laws in place that govern child support payments. If a parent fails to meet their obligations, they can face legal consequences (Kim & Meyer, 2024). Even parents who don't have custody are still required to financially support their children, regardless of their own financial struggles. Many parents appreciate the existence of child support programs (Meyer & Kim, 2021). For those living apart from their children, paying child support is a crucial way to contribute to their upbringing and ensure their well-being (Chen & Meyer, 2017).

Now is the time for Indonesia to step up and show its commitment to protecting children's rights. This is an opportunity to align with the principles laid out in Article 28B of the 1945 Constitution, as well as the Child Protection Law No. 35 of 2014. Moreover, Indonesia has already made a promise by ratifying the Convention on the Rights of the Child through Presidential Decree No. 36 of 1990 (often referred to as Kep Pres No. 36/1990). It's crucial that we actively implement these commitments to ensure that every child receives the support and protection they deserve.

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga, et. al.

The author proposes a solution through the implementation of the Whole of Government (WoG) approach, which is seen as an effective strategy. Whole of Government (WoG) is a method that illustrates how public service agencies collaborate across boundaries and sectors to achieve shared goals. It serves as a coordinated government response to specific issues and is often referred to as an interagency approach, involving various institutions relevant to these matters. This approach emphasizes unity and aims to break down the barriers that have traditionally existed between sectors. WoG embodies collaboration and cooperation among agencies and actors involved in public service, focusing on integrated solutions. By prioritizing collaboration, togetherness, and unity in addressing community needs, WoG can help deliver services more efficiently and effectively, ultimately reducing the time required to resolve issues for the public (B. Wibowo, 2022).

There are three key reasons why the Whole of Government (WoG) approach has become important and gained attention from the government (Suwarno & Atmojo, 2017). First, external factors play a significant role. Public demand for the integration of policies, development programs, and services is pushing for a more effective government. Additionally, advancements in information technology, along with the increasingly complex landscape of policies, highlight the need for WoG to unify government institutions responsible for policy implementation and public service delivery.

Second, internal factors also contribute to the importance of the WoG approach. There is a noticeable imbalance in the capacity of different sectors due to competitive dynamics in development. One sector can become overly dominant compared to others, or various sectors may grow but fail to align with each other, leading to counterproductive outcomes, or what can be described as “mutually destructive” competition. The differing priorities and orientations of each sector can foster a silo mentality, where individuals or groups become focused solely on their sector's interests. In the broader context of national development and unity, this poses significant risks. Strengthening individual sectors without fostering a sense of unity can result in competition that undermines larger, national goals.

Third, particularly in the context of Indonesia, the diversity of backgrounds—such as values, cultures, traditions, and other aspects—poses a potential risk for national disintegration. As a formal institution, the government has a crucial responsibility to foster national unity by promoting values that bind the nation together. This commitment will help ensure that all elements of the Indonesian nation can coexist harmoniously within the framework of the Unitary State of the Republic of Indonesia (NKRI).

Implementing the Whole Of Government (WoG) approach in Indonesia could mirror the success of the Family Support Agency (Badan Sokongan Keluarga, BSK) in Malaysia. Both initiatives focus on addressing child support issues following decisions from the Religious Courts. In Malaysia, the BSK operates under the Syariah Judicial Department, while Indonesia could establish a similar body under the National Commission for Child Protection (Komisi Nasional Perlindungan Anak). This new agency could be called the Family Protection Agency (Badan Perlindungan Keluarga), dedicated to ensuring that children receive the financial support they deserve.

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga, et. al.

There are several reasons why the Family Protection Agency was established within the National Commission for Child Protection in Indonesia. This initiative is based on the Presidential Regulation of the Republic of Indonesia Number 61 of 2016 regarding the National Commission for Child Protection, which outlines its roles and responsibilities:

1. Independence and Purpose of KPAI: Article 1, paragraph 1 states, "The Indonesian Child Protection Commission, hereinafter referred to as KPAI, is an independent institution established under Law Number 23 of 2002 on Child Protection, as amended by Law Number 35 of 2014." The very essence of establishing KPAI is rooted in the commitment to protect children's rights as outlined in the Child Protection Law.
2. Responsibility to the President: Article 2, paragraph 2 indicates that KPAI is accountable to the president. In a presidential governance system, where the president acts as both the head of state and government, this role is critical. The president wields authority and power to ensure the administration serves the public and advances the nation. This responsibility is emphasized in Article 4, paragraph 1 of the 1945 Constitution, which states, "The President of the Republic of Indonesia holds government power according to the Constitution." Thus, KPAI, with direct instructions from the president, plays a strategic role in elevating child support issues to a national concern and making child support fulfillment a priority program in line with the mandate of the Child Protection Law.
3. Duties of KPAI: Article 3 outlines the duties of KPAI, which include supervising the implementation of child protection and the fulfillment of children's rights, providing input and recommendations for policy formulation regarding child protection, gathering data and information on child protection, receiving and reviewing public complaints about violations of children's rights, mediating disputes regarding such violations, collaborating with community-established institutions in the field of legal protection, and reporting any suspected violations of the Child Protection Law to the relevant authorities.
4. Local Support for KPAI: While KPAI is based in the capital city, it also has regional child protection commissions, referred to as KPAD, as well as other similar institutions established by the government to support the oversight of child protection services at the local level.

Thus, the development of a "whole of government" collaboration system begins with the establishment of a special body under the Indonesian Child Protection Commission, tasked with overseeing, coordinating, and ensuring that child support obligations are fulfilled following decisions made by the Religious Courts. This body is called the Family Protection Agency. The Family Protection Agency has both the right and responsibility to coordinate with twelve other ministries and institutions that have legal duties related to upholding children's rights. This collaboration should be based on a concept that requires special and further discussion under the president's directives.

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga, et. al.

Ongoing dialogues should take place, whether through focus group discussions (FGDs) or similar forums, concentrating on the enforcement of children's rights.

Conclusion

The issue of enforcing children's rights remains an urgent challenge that needs to be addressed as part of the country's commitment to safeguarding the rights of all its citizens. This commitment is reflected in Article 28B of the 1945 Constitution of the Republic of Indonesia, as well as in the ratification of the Convention on the Rights of the Child into Law No. 35 of 2014, which amends Law No. 23 of 2002 concerning Child Protection. The Supreme Court has begun to pay attention to children's rights by issuing several regulations, such as Perma No. 3 of 2017, SEMA No. 7 of 2012, SEMA No. 3 of 2018, and the Director-General of Badilag's Decree No. 1669 of 2021. Additionally, Badilag has released a policy brief outlining the Supreme Court's efforts to uphold the rights of wives and children following divorce. However, the enforcement of child support rights cannot rest solely with the Supreme Court or the Religious Courts. It requires active collaboration and coordination from twelve other ministries and institutions to ensure that children's rights, particularly the right to financial support from their fathers after a divorce, are upheld. Thus, the establishment of a "whole of government" collaboration system begins with creating a special agency under the Indonesian Child Protection Commission. This agency will be tasked with overseeing, coordinating, and ensuring that child support obligations are fulfilled following decisions made by the Religious Courts, and it will be known as the Family Protection Agency.

References

- Abdulkadir, M. (2004). *Hukum dan Penelitian Hukum*. Citra Aditya Bhakti.
- Abdullah, A., Syahri, A., Hamamah, F., Gafur, A., & Sholeh, A. (2024). Fulfillment of The Living Rights of Children the Victims of Divorce in the Muslim Community of Lombok, Indonesia. *El-Usrah: Jurnal Hukum Keluarga*, 7(1), 253–271.
- Arpan, A. I. Bin. (2024). *Efektivitas Peran Bahagian Sokongan Keluarga Dalam Penuntutan Nafkah Anak Pasca Perceraian Periode 2020-2022 (Studi Di Mahkamah Tinggi*. UIN Ar-Raniry Fakultas Syariah dan Hukum.
- Aulia, M. Z. (2018). Hukum Progresif dari Satjipto Rahardjo: Riwayat, Urgensi, dan Relevansi. *Undang: Jurnal Hukum*, 1(1), 159–185.
- Aurellia, M. D., & Halim, A. (2023). Urgensi Pembentukan Lembaga Eksekutor Terhadap Pemenuhan Hak Perempuan Dan Anak Pasca Perceraian. *JURNAL USM LAW REVIEW*, 6(2), 752–765. <https://doi.org/10.26623/julr.v6i2.7270>
- Azani, M. A., & Cysillia, C. A. N. (2022). Pelaksanaan Putusan Pengadilan Agama Mengenai Pemenuhan Hak Nafkah Anak Pasca Perceraian di Pengadilan Agama Pekanbaru. *Jotika Research in Business Law*, 1(2), 46–59.

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga, et. al.

- Azizi, A. Q. (2019). Filosofis Kewajiban Nafkah Anak Dalam Uup Islam Indonesia. *Jurnal Ilmiah Ahwal Syakhshiyah (JAS)*, 1(2), 55–67.
- Basyir, A. A. (2014). *Hukum Perkawinan Islam* (13th ed.). UII Press.
- Berliana, S. M., Augustia, A. W., Rachmawati, P. D., Pradanie, R., Efendi, F., & Aurizki, G. E. (2019). Factors associated with child neglect in Indonesia: findings from National Socio-Economic Survey. *Children and Youth Services Review*, 106, 104487.
- Chen, Y., & Meyer, D. R. (2017). Does joint legal custody increase child support for nonmarital children? *Children and Youth Services Review*, 79, 547–557.
- Christianto, H. (2011). Penafsiran hukum progresif dalam perkara pidana. *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada*, 23(3), 479–500.
- Fitriyadi. (2020). *Upaya Pemenuhan Nafkah Anak, dalam Penemuan Hukum di Peradilan Agama* (N. Asnawi (ed.)). UII Press.
- Furqoni, S. (2022). Perlindungan Hukum Bagi Anak Dalam Presfektif Kebijakan Kabupaten/Kota Layak Anak. *Justice For Law*, 1(1), 18–29.
- Hanafi, A., & Mohamad, M. H. Bin. (2020). Peran Bahagian Sokongan Keluarga Dalam Masalah Pemenuhan Nafkah Isteri Pasca Perceraian (Studi Kasus Di Mahkamah Tinggi Syariah Kedah, Malaysia). *Media Syari'ah: Wahana Kajian Hukum Islam Dan Pranata Sosial*, 20(1), 57–74.
- Harry, M., Saifullah, S., Jundiani, J., & Fajarani, M. (2024). Examining the Provision of Legal and Religious Education to Islamic Families to Safeguard the Rights and Well-Being of Women and Children: A Case Study Conducted in Malang Regency, East Java. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(3), 1526–1546.
- Holil, M. (2023). *Perlindungan anak pada Putusan nomor 0741/pdt. g/2016/pa. cjr tentang Gugat Cerai perspektif Undang-Undang nomor 35 tahun*. UIN Sunan Gunung Djati Bandung.
- Jafar, I., Kasim, N. M., & Bakung, D. A. (2024). Akibat Hukum Tidak Terlaksananya Kewajiban Pemeliharaan Anak (Alimentasi) Oleh Orang Tua Pasca Putusan Perceraian. *Mandub: Jurnal Politik, Sosial, Hukum Dan Humaniora*, 2(1), 102–125.
- Juwanti, R. H. (2018). *Nafkah anak pasca perceraian pada putusan Peradilan Agama Indonesia dan Mahkamah Syariah Malaysia dalam perspektif fikih dan HAM TESIS*. Fakultas Syariah dan Hukum Universitas Islam Negeri Syarif Hidayatullah Jakarta.
- Kim, Y., & Meyer, D. R. (2024). Perceptions of fair treatment and child support. *Children and Youth Services Review*, 164, 107831.
- Lubis, D. R. M. (2023). *Kepatuhan terhadap pemenuhan hak-hak anak pasca perceraian di Kota Padangsidimpuan (studi kasus Padangsidimpuan Batunadua)*. UIN Syekh Ali Hasan Ahmad Addary Padangsidimpuan.
- Marzuki, P. M. (2008). *Penelitian Hukum*. Kencana Prenada Media Group.
- Meyer, D. R., & Kim, Y. (2021). Satisfaction with child support services. *Social Service Review*, 95(3), 469–512.
- Mohamad, M. H. Bin. (2019). *Peran Bahagian Sokongan Keluarga Dalam Masalah Pemenuhan Nafkah Isteri Pasca Perceraian (Studi Kasus Di*

Whole of Government: An Effective Strategy for Ensuring Child Support Post-Religious Court Rulings

Istiqomah Sinaga, et. al.

- Mahkamah Tinggi Syariah Kedah, Malaysia*). UIN Ar-Raniry Banda Aceh.
- Nur, A. (2022). Pemenuhan Nafkah Anak dan Pemeliharaan Anak Pasca Perceraian di Berbagai Negara. *Webiner Internasional*. <http://bit.ly/BadilagLIVE>
- Panjaitan, J. D. (2024). Efektivitas Penerapan Pemberdayaan Perempuan dan Perlindungan Anak pada Perguruan Tinggi. *Multidisiplin Paradigma Journal*, 1(1), 50–54.
- Rahardjo, S. (2009). *Penegakan Hukum: Suatu Tinjauan Sosiologis*.
- Rofiq, M. K. (2021). Hak Anak Dalam Hukum Keluarga Islam Indonesia. *Researchgate. Net*.
- Siswanto, D. (2021). Urgensi Regulasi Penyelenggaraan Perlindungan Anak Di Kabupaten Kediri. *Publiciana*, 14(1), 256–280.
- Soekanto, S. (1984). *Pengantar Penelitian Hukum*. UII Press.
- Sorek, Y. (2019). Children of divorce evaluate their quality of life: The moderating effect of psychological processes. *Children and Youth Services Review*, 107, 104533.
- Suadi, A. (2023). *Hukum Jaminan Perlindungan Perempuan dan Anak*. Kencana Prenada Media Group.
- Sudiono, V. (2023). Kajian Perlindungan Anak Dalam Perspektif Hukum Perdata. *LEX PRIVATUM*, 11(5).
- Suwarno, Y., & Atmojo, T. (2017). *Modul Dasar Calon PNS: Whole Of Government*. LAN.
- Syarifuddin. (2022). *Dialog Yudisial MA RI dan FCFCOA: Perlindungan Hak Perempuan Dan Anak Dalam Perkara Perceraian*. Mahkamah Agung Republik Indonesia. <https://www.youtube.com/watch?v=PM-7hMDRRHU>
- Tampubolon, N. (2022). *Tanggung Jawab Negara Terhadap Jaminan Kesehatan dalam Perspektif Hak Asasi Manusia*.
- Tim Redaksi. (2022). Perlindungan Perempuan dan Anak Pasca Perceraian. *Direktorat Jenderal Badan Peradilan Agama Mahkamah Agung RI*.
- Van Dijk, R., Van Der Valk, I. E., Deković, M., & Branje, S. (2020). A meta-analysis on interparental conflict, parenting, and child adjustment in divorced families: Examining mediation using meta-analytic structural equation models. *Clinical Psychology Review*, 79, 101861.
- Wibowo, A., & Srijadi, Y. K. (2023). Politik Hukum Perlindungan Anak Di Indonesia Dalam Kerangka Negara Hukum. *Wacana Paramarta: Jurnal Ilmu Hukum*, 22(1), 15–24.
- Wibowo, B. (2022). Penerapan Whole of Government (wog) Dalam Penyiapan Penlok Pengadaan Tanah Kepentingan Umum Di Provinsi Jawa Tengah. *Jurnal Good Governance*.
- Yandy, E., Lestiyani, T. E. K., & Sundari, C. (2024). Hak Anak Usia Dini Dalam Sistem Ketatanegaraan di Indonesia. *Generasi Emas*, 7(1).
- Zahra, S. N., Sujana, I. N., & Ujianti, N. M. P. (2023). Implikasi Yuridis Perceraian Terhadap Hak-Hak Anak Dalam Perspektif Hukum Islam (Studi Kasus Pengadilan Agama Denpasar). *Jurnal Konstruksi Hukum*, 4(3), 253–260.