

Legal Enforcement Against Non-Compliance by Ex-Husbands with Court Orders on Iddah and Mut'ah Support

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Abstract: *The failure of a husband to comply with a Religious Court's ruling on nafkah 'iddah and mut'ah raises important concerns about the actual enforceability of such decisions, the legal consequences of non-compliance, and the effectiveness of existing mechanisms for enforcing judgments that have attained final and binding legal status. This study aims to scrutinize, from a juridical standpoint, the enforcement mechanisms applied in response to former husbands' noncompliance with judicial decrees concerning the disbursement of iddah and mut'ah entitlements. This research uses an empirical juridical method with a descriptive qualitative approach because it aims to understand legal phenomena in depth through narrative analysis. The primary dataset comprises insights obtained through interviews with a panel of judges from the Banten High Religious Court, former wives deprived of iddah and mut'ah support, and former husbands who failed to execute court-mandated financial obligations pertaining to said supports. Secondary materials encompass adjudications issued by religious courts, statutory instruments, scholarly volumes, legal periodicals, juridical essays, and expert commentaries. The research findings show that one of the effective law enforcement models is the addition of a clause in the verdict containing property guarantees that can be confiscated if the husband defaults. In addition, the contribution of law enforcement can be realized through the issuance of special regulations that strengthen the execution of decisions. This study highlights the urgent need to strengthen the enforceability of court rulings and to harmonize existing legal frameworks to ensure consistent compliance with post-divorce nafkah and mut'ah obligations.*

Introduction

In order to pronounce *ṭalāq*, a husband is required to submit his case to the court, presenting clear and justifiable grounds for seeking a divorce from his wife. Law Number 1 of 1974 tends to make it difficult for a divorce to occur. However, if a case cannot be resolved in a familial way by the litigating party, then the last way that can be taken is to ask for help from the Religious Court by filing a lawsuit application by the wife to her husband. If the Religious Court has processed and decided to divorce, then a divorce certificate can be issued

by the Religious Court, this kind of divorce is called a lawsuit divorce. However, when a husband files for divorce through the Religious Court and the divorce is granted, the process is commonly referred to as a *ṭalāq* divorce (Ayu, 2021; Farid et al., 2023).

The court's ruling on the legal consequences of divorce must be respected and carried out by all parties involved. In general, a judgment as a product of the court, in terms of its implementation, can be classified into two forms. *First*, those that can be *executable*, and *second*, those that cannot be executed (*non executable*). Both forms of court decisions must be implemented, because no matter how fair a decision is, if it cannot be implemented, the decision will be void (meaningless). This principle echoes the warning once issued by Caliph 'Umar ibn al-Khaṭṭāb to the *qāḍīs* of his time: that every judgment rendered must be enforceable and not merely declaratory (Al-Jauziyyah, 1983).

One of the most pressing and widely debated issues among legal practitioners and scholars is how to ensure that the rights of women and children granted through judicial rulings are fully realized through the voluntary compliance of the ex-husband. In fact, in practice in the field, many judges' decisions related to women's rights are not implemented by ex-husbands. In addition, there is no mechanism that is able to ensure the payment of child support and/or wife support by the defendant after the divorce, the ex-husband often defaults from his obligation to pay the rights of the ex-wife and children after the divorce (Huzaimah & Tamudin, 2024).

Execution is an integral part of the judicial process and forms one of the core functions of judicial authority. These primary functions include receiving, examining, adjudicating, and resolving cases, all with the ultimate aim of upholding the rule of law and delivering justice. The meaning of the phrase "settle" is not only to establish the rights and laws of a case, but also to its settlement/execution (Mertokusumo, 2010). This means that the judge's decision could end the examination of the case. However, since the verdict was handed down, the case has not necessarily been completely completed. Therefore, the judge's decision must be enforceable, especially when the parties are not willing to carry out the judge's decision voluntarily (Sholihuddin et al., 2024).

In principle, the implementation of a court decision or what is commonly called execution can only be carried out if the decision has acquired permanent legal force (*inkracht van gewijsde*) against a decision that is *Condemnatoir*. The execution process is only possible if the defeated party does not want to carry out voluntarily (Devy & Suci, 2020; Mertokusumo, 2010).

Execution in the Religious Court is an important thing that needs to be considered as part of the case settlement process. This is because the execution functions to provide legal certainty and have an impact on the enforcement of justice for the community. The execution of religious court decisions that are incomplete or unenforceable will result in legal uncertainty or delay the realization of legal certainty. The legal adage states: *justice delayed is justice denied*. This means that being late in giving justice is also another form of injustice (Swantoro, 2018).

Therefore, the execution in the Religious Court must run according to legal procedures. In addition to protecting the rights of justice-seeking communities from harm, the correct implementation of execution is an affirmation that the legal politics that authorize the Religious Courts to carry out executions on their own decisions are appropriate. The principal objective of judicial proceedings is the realization of justice, actualized through the pronouncements of judges (Prajna, 1993). Justice is to be dispensed impartially to all litigants, irrespective of gender, status, or age. Nonetheless, a considerable number of judicial determinations remain unexecuted voluntarily by the adjudicated parties, particularly in cases of divorce initiated by the wife, wherein the verdict includes mandates concerning the provision of *iddah* and *mut'ah* sustenance (Saleh et al., 2023).

Prior inquiries have demonstrated that, in practice, decisions rendered by the religious courts lack coercive authority and fail to compel former husbands to fulfill their paternal responsibilities. Consequently, the study recommended the establishment of a dedicated agency under the auspices of the Indonesian Child Protection Commission, tasked with ensuring compliance with child maintenance obligations as delineated by religious court rulings (Sinaga et al., 2024). The enforcement of judicial determinations concerning *mut'ah* and *iddah* maintenance in contested divorce proceedings continues to encounter operational obstacles. This remains the case even when both petitioner and respondent are present during the pronouncement of judgment, due to the absence of an enforceable mechanism akin to that available in divorce by repudiation (*cerai talak*) cases (Heniyatun et al., 2020). This procedural gap is rooted in the lack of a definitive legal framework governing execution prior to the formal declaration of repudiation (M. Ridwan, 2018).

When an ex-husband fails to comply with the Religious Court's ruling after a divorce, the decision becomes merely symbolic amounting to a 'paper victory' as it lacks real, enforceable impact in practice. The ex-husband's disobedience to the court decision causes the ex-wife's civil rights to be not fulfilled, while from a legal point of view, there is no clause that expressly regulates sanctions for violators of religious court decisions. This condition, if allowed to drag on, will cause injustice and suffering for ex-wives, especially if children are also victims of neglect.

Accordingly, this study holds significance in conducting a juridical analysis of legal enforcement against former husbands who disregard judicial pronouncements issued by religious courts in contested divorce cases particularly rulings that obligate them to provide *iddah* and *mut'ah* sustenance to their ex-spouses. The inquiry seeks to examine the extent to which judicial authority in adjudicating such cases serves to reinforce a sense of justice and uphold legal safeguards for women, who often occupy a vulnerable position in post-divorce circumstances.

Method

This study uses an empirical juridical method with a descriptive qualitative approach because it aims to understand legal phenomena in depth through narrative analysis, not through quantitative approaches such as statistics or questionnaires. This type of research is descriptive-analytical,

which aims to describe, analyze, and interpret legal data critically by exploring philosophical, empirical, and normative meanings. The primary data for this research consist of interview outcomes with judges of the Banten High Religious Court, former wives who have not received *iddah* and *mut'ah* maintenance, and former husbands who have failed to comply with judicial directives mandating such payments. The secondary data encompass both primary and secondary legal materials. Primary legal sources include statutory regulations and judicial rulings that impose obligations upon former husbands to provide *iddah* and *mut'ah* support. The sampled rulings examined in this study number twenty-two, namely:

1. Decision No. 0089/Pdt.G/2014/PA.Nbr – A case resolved by the Nabire Religious Court in 2014 concerning domestic legal matters.
2. Decision No. 627/Pdt.G/2012/PA.Blk – Issued by the Blangkejeren Religious Court in 2012, focusing on a dispute in family law.
3. Decision No. 3010/Pdt.G/2012/PA.Lmj – A 2012 ruling from the Lamongan Religious Court addressing issues within a marital conflict.
4. Decision No. 71/Pdt.G/2011/PA.Tkl – This 2011 decision, handed down by the Takalar Religious Court, involves a contested domestic matter.
5. Decision No. 233/Pdt.G/2013/PASlp – Ruled by the Soppeng Religious Court in 2013, highlighting the resolution of a family dispute.
6. Decision No. 171/Pdt.G/2008/PA.Jr – A judgment from the Jember Religious Court dating back to 2008, relevant to the regulation of spousal relations.
7. Decision No. 199/Pdt.G/2021/PA.Ppg – Delivered by the Pringsewu Religious Court in 2021 concerning family conflict settlement.
8. Decision No. 1626/Pdt.G/2022/PA.Bdw – This 2022 ruling by the Bandung Religious Court deals with the breakdown of a marital relationship.
9. Decision No. 57/Pdt.G/2022/PA.Lbj – Decided in Labuhanbatu Religious Court, 2022, addressing familial legal responsibilities.
10. Decision No. 327/Pdt.G/2020/PA.Lbh – Issued by the Lubuklinggau Religious Court in 2020 involving a case of spousal separation.
11. Decision No. 1331/Pdt.G/2019/PA.Lmg – A 2019 judgment from the Lumajang Religious Court concerning a domestic legal conflict.
12. Decision No. 1258/Pdt.G/2021/PA.Kra – From the Karanganyar Religious Court in 2021, this case involved claims related to marriage dissolution.
13. Decision No. 0541/Pdt.G/2016/PA.JU – Ruled by the Jakarta Utara Religious Court in 2016, this case relates to Islamic family law enforcement.
14. Decision No. 0018/Pdt.G/2021/PA.Pml – A 2021 decision by the Pematang Religious Court on matters of family separation and custody.
15. Decision No. 307/Pdt.G/2020/PA.Ppg – Also from Pringsewu Religious Court, this 2020 case deals with rights and responsibilities in a divorce.
16. Decision No. 189/Pdt.G/2023/PA.Kdl – The 2023 case ruled by the Kendal Religious Court highlights recent developments in family mediation efforts.

17. Decision No. 0018/Pdt.G/2021/PA.Pml – A second citation of the Pemalang Religious Court decision in 2021, potentially referring to related or revisited matters.
18. Decision No. 930/Pdt.G/2017/PA.Krw – A 2017 case from the Karawang Religious Court focusing on the legal dissolution of marriage.
19. Decision No. 799/Pdt.G/2021/PA.Wng – This 2021 decision from the Wonogiri Religious Court centers on child custody and spousal rights.
20. Decision No. 930/Pdt.G/2021/PA.Kra – Another case from the Karanganyar Religious Court, 2021, addressing property and familial obligations.
21. Decision No. 1706/Pdt.G/2021/PA.Bm – Delivered by the Bima Religious Court in 2021, this case discusses equitable settlement post-divorce.
22. Decision No. 209/Pdt.G/2019/PA.Kra – A 2019 judgment from the Karanganyar Religious Court concerning marital conflict and resolution.

Secondary legal materials in this study include books, journals, scholarly articles, and expert opinions. Data collection was conducted through interviews and literature review. Primary data were obtained from decisions of the Banten Religious Court related to maintenance (*nafkah*), as well as from relevant statutory regulations. Meanwhile, secondary data were gathered from supporting legal materials that contribute to the analysis, such as books, legal journals, academic articles, and expert commentaries. The data collection process relied on document exploration and content analysis as part of the literature study method. Once all relevant data and legal materials were collected, they were examined through qualitative interpretive analysis. This process involved several stages: data reduction, data presentation, and verification.

Results and Discussion

Non-Compliance of Ex-Husbands with Divorce Judgments Requiring Payment of Iddah and Mut'ah Support

The enforcement of legal provisions concerning *iddah* and *mut'ah* support after a divorce initiated by the wife has, in principle, followed the guidelines of Islamic law and national legal instruments, particularly the Compilation of Islamic Law (KHI). Nevertheless, in practice, many divorce cases filed by wives do not include a formal request for *iddah* and *mut'ah* maintenance. This omission is often linked to a lack of legal literacy among the parties involved or the emotional burden and psychological stress brought about by the divorce process itself (Nurjihad, interview, 18 April 2024).

When a party fails to comply with a court ruling including cases where an ex-husband neglects to fulfill his obligation to pay *iddah* and *mut'ah* such non-compliance constitutes not only a violation of a state court decision but also a breach of divine law as stipulated in the Qur'an and Hadith (Sanusi et al., 2023; Sholikhah & J, 2023). Disregarding a Religious Court's decision is therefore a violation of state law, an infringement of human rights, and a denial of fundamental principles of justice and humanity (Utami et al., 2023;

Yasmin et al., 2024). As such, the imposition of legal consequences including criminal sanctions or asset seizure should be considered as an appropriate response to such breaches.

In many cases, the failure of ex-husbands to fulfill their obligations has left divorced women financially dependent on their families, as they often return to their parental homes following separation (Fahrul et al., 2023). This situation was described by two former wives, SA and HS, during interviews conducted on 10 January 2023. Both confirmed that although the Religious Court had ruled in their favor requiring their former husbands to pay *iddah* and *mut'ah* the decisions were never enforced, despite having obtained permanent legal force.

One ex-husband, identified by the initials YH, offered several justifications for his refusal to comply. First, he noted the absence of clear legal sanctions in the court's ruling against non-compliant husbands. Second, the former wife had not pursued any criminal complaint regarding the violation. Third, non-compliance with court-ordered spousal support is socially normalized and rarely met with stigma. Finally, he argued that when a wife initiates divorce proceedings, she is no longer entitled to *iddah* and *mut'ah* under Islamic law.

From a doctrinal standpoint, classical Islamic jurisprudence holds that in cases of *ṭalāq* initiated by the wife (*khulu'*), the wife is no longer entitled to maintenance during the *iddah* period (Hasibuan et al., 2025; Heniyatun et al., 2020). However, under contemporary conditions, such a view is often criticized for disproportionately favoring the husband's position while neglecting the wife's welfare and economic vulnerability. In response, some judges have taken a progressive approach by applying the *al-tafrīq al-qadā'ī* doctrine in adjudicating divorce by petition, as demonstrated by the Religious Court of Jember (Badri et al., 2024). Similar innovations have been seen in *verstek* (in absentia) rulings that proactively uphold women's post-divorce rights (Yuni & Kasuma, 2023). Furthermore, Religious Court judges are encouraged to adopt an active adjudicatory stance to safeguard women's rights in divorce litigation (Susylawati, 2020).

The failure of an ex-husband to fulfill his legal obligation to provide *iddah* and *mut'ah* support, as stipulated in a court ruling, carries several legal implications:

1. The individual is deemed to have violated Islamic law and, by extension, committed a sinful act
2. The failure constitutes neglect or abuse of the former wife during the legally prescribed *iddah* period, and may thus be prosecuted under a *delik aduan* (complaint-based offense) within the framework of the Domestic Violence Law
3. Enforcement action may be pursued through legal authorities, such as the District Court or the Public Prosecutor's Office, based on the court decision and relevant legal grounds
4. If unenforced, the decision of the Religious Court risks becoming merely symbolic, lacking any real legal effect, thereby disadvantaging the divorced woman and undermining the authority of the judiciary.

In theory, a former wife harmed by her ex-husband's refusal to comply with a court-ordered maintenance decision may file a complaint with the police for breach of contract or failure to meet a legal obligation, potentially even accusing the ex-husband of economic harm. However, many women choose not to pursue such legal action. This inaction is often rooted in limited legal awareness or capacity.

Based on the author's analysis of several divorce decisions issued by Religious Courts within the jurisdiction of the Banten Religious High Court, there is significant variation in how *iddah* and *mut'ah* support is determined. Some judgments specify the amount to be paid by the ex-husband; others omit any monetary value. Certain decisions address *iddah* and *mut'ah* together, while others separate them—or in some cases, only assign *iddah* without mentioning *mut'ah*. These inconsistencies reflect the varying considerations of the judicial panels during the litigation process, including the circumstances of the case, the husband's income and financial ability, and the extent of the wife's claims, among other factors aimed at protecting the wife's rights as the plaintiff.

According to interviews with judges of the Banten Religious High Court—Drs. H. A. Nurjihad, H. M. Ali Syarifuddin Mas'ud, Lc., S.H., M.Ag., and Drs. H. Shonhaji, M.H. (2025), there is a shared consensus that the obligation to provide *iddah* and *mut'ah* support in divorce cases is grounded firmly in both Islamic law and Indonesian national regulations. Once the court's decision gains permanent legal force, it becomes binding and must be executed. Failure to comply is not merely a civil infraction but a violation of legal norms that can be addressed through formal legal channels, such as an application for execution filed by the wife in the Religious Court.

The judges further emphasized that post-divorce maintenance is not merely administrative, it represents the actualization of substantive justice, especially in safeguarding the rights of women who are economically vulnerable after separation. In the view of H. M. Ali Syarifuddin Mas'ud, the obligation to pay *iddah* and *mut'ah* reflects both legal and moral responsibility. It serves as a form of transitional protection for the former wife. Non-compliance not only causes harm to the woman but also undermines the credibility and authority of the judicial system itself.

If such practices continue unaddressed, it may lead to an increase in *sirri* (unregistered) marriages, as the public could lose trust in the legal system's ability to protect women's rights. As noted by Arifuddin (2024), the rationale for marriage registration—to ensure the legal rights of wives, will appear meaningless if court rulings are routinely ignored without consequence.

Drs. H. Shonhaji, M.H. (2025) added that this pattern of non-compliance creates significant social and legal disparities by weakening legal protection for women. He advocates for strategic measures, including the strengthening of execution mechanisms in Religious Courts and enhancing public legal awareness. Furthermore, institutional synergy among the judiciary, Offices of Religious Affairs (KUA), and relevant agencies is essential to ensure the effective enforcement of court decisions and the realization of legal certainty and justice for all parties. This is in accordance with the statement by Wirastri

and van Huis (2024) and Agha et al. (2024) that there needs to be reform and reinterpretation of family law in Indonesia.

Juridical Analysis of Law Enforcement Related to Post-Divorce Alimony Obligations

With the enactment of the Religious Courts Law, the existence of the Religious Court as an institution upholding Islamic law is firmly grounded in legal authority. In a state governed by law, such as Indonesia, the effectiveness of the legal system depends on three essential elements: the presence of a reliable law enforcement institution, clear and coherent legal regulations, and strong public legal awareness. This framework reflects what is known as the doctrine of national law, a principle whose validity also extends to the application and enforcement of Islamic law.

The contribution of law enforcement regarding the husband's non-compliance in paying *'iddah* and *mut'ah* alimony for his wife after divorce to the national legal system is with the idea of implementing legal certainty and justice as well as legal benefits for the parties to the dispute in court, because actually the parties who implement the content of the decision have the same position in the eyes of the law if they obey the law. in terms of the goodness and impact it has on himself, his family, society, and the country. The decision of the Religious Court has executory power, therefore the decision is binding and forces the convicted party to implement the decision.

From the perspective of *maqasid sharia*, the implementation of religious court decisions regarding *'iddah* and *mut'ah* maintenance is part of the effort to maintain religion because the maintenance of *'iddah* is an Islamic religious commandment, it is also an effort to maintain the soul because a widow requires living expenses and requires her physical and psychological health. The implementation of child support becomes necessary when the plaintiff has children and is granted custodial rights (*ḥaḍānah*) as part of the court's decision. All of them will cause benefits in the sense of attracting benefits and avoiding harm or damage (*jalb al-mashalih wa dar'u al-mafasid*).

The contribution of law enforcement in relation to this research is to strengthen the existence of the Religious Court as a judicial institution whose position is the same under one roof, namely under the Supreme Court, therefore by increasing the authority of judges in deciding and determining divorce cases, especially divorce lawsuits with additional clauses in the content of the Judgment material as described earlier, the Religious Court has strengthened the principle of justice, certainty, and the usefulness of the law, have implemented human rights, especially women, have protected women's civil rights, and made decisions that are not in vain and have an impact on the recipients of the judgment. If the content of the Decision is violated, it can automatically be executed in accordance with the provisions of the Decision that has been set.

Law enforcement with the help of law enforcers who have positions and roles with certain positions in the structure of society with certain rights and obligations. Rights and obligations are the main role to enforce the law (Tardjono, 2021; Wati, 2024; Yusmad, 2018). Soerjono Soekanto (2007) emphasized that law enforcement is a means and facilities that must be

provided by the state. Without certain facilities or facilities, it is impossible for law enforcement to run smoothly. Therefore, the contribution of law enforcement in relation to the violation of the Religious Court's Decision regarding the burden of alimony *'iddah and mut'ah* must be facilitated by laws and regulations, not only the existence of clauses in the Decision but also by the existence of a Supreme Court Regulation or a Circular Letter of the Supreme Court or through the President's instruction as in the case of a Compilation of Islamic Law.

Law enforcers with their roles and authorities are subject to the orders of the applicable laws and regulations or to the orders of the Court, therefore law enforcement must act in the name of justice and legal certainty that provides benefits to the community. Thus, law enforcement will be related to the principles of legality and the legal system that applies positively in the territory of a particular country (Abqa et al., 2024; Soekanto, 2007; Waluyo, 2022).

Contributively, law enforcement must be based on legal certainty. Everyone is protected by the law, safe because there is a law, and is avoided from arbitrariness. Judges who hold legal control in court, meaning legal certainty are all legal decisions in accordance with the will of the applicable law or positive law and reject any provisions that are not legal or similar to the law. Even a law that has no certainty cannot be called a law.

In realizing this law enforcement, there is a condescending attachment of judges and the government to the law and authority by lawmakers) (Ridwan HR, 2014). As Cst Kansil and F.R Bothlingk also said, "*De taat waarin de wilsvrijheid van gezagsdragers is beperkt door grenzen van recht*" (state, where the freedom of the will of the holder of power is limited by a legal will). It is further stated that in order to realize the limitation of the holder of power, it is realized in the way, "*Enerzijds in een binding van rechter administratie aan de wet, anderzijds in een begrenzing van de bevoegdheden van de wetgever*", (on the one hand the attachment of judges and the government to the law, and on the other hand the limitation of authority by the legislator) (H. Ridwan, 2013).

Soerjono Soekanto (2007) asserts that law enforcement is a fundamental feature of a *rechtstaat* a state governed by law where legal principles form the foundation of state authority, and all exercises of power must be carried out within the framework of the law. Thus, the state of law dictates that the government must be subject to the law, not the law that must be subject to the government. Law enforcement is in the realm of state power and law managed by the state. The idea of law enforcement that he interprets is born from a just mind, and decency that determines the good and bad of the law (Busro & Busro, 2000). Thus, the law applies objectively, regardless of popular recognition, regardless of popular acceptance and regardless of *the psychologische carrots* (Isjwara, 2001).

Law enforcement in state power must be regulated by law for the sake of legal certainty (Djokosutono, 1998). This element of law enforcement is a human right based on laws and regulations and in accordance with an independent administrative judiciary (Juanda, 2020; Soekanto, 2007). In law enforcement, everyone is equal before the law, both as a person and in the

qualifications of state officials so that human rights are guaranteed by the law and court decisions (Delyarahmi & Siagian, 2023; Soekanto, 2007).

The issue of enforcing court decisions when ex-husbands fail to fulfill their obligations to pay *iddah* and *mut'ah* support can be analyzed through the lens of legal enforcement theory proposed by Soerjono Soekanto (2007), and further reinforced by Jimly Asshiddiqie (2007). When applied to this context, their framework contributes to the following key legal and constitutional principles:

1. Supremacy of Law, there is both normative and empirical recognition of the principle that the law must prevail over arbitrary action or personal authority.
2. Equality before the law.
3. Due Process of Law, in a constitutional state, all actions taken by the government must be based on legitimate and codified legal regulations, ensuring procedural fairness..
4. Limitation of State Power, checks on state authority and institutional power are upheld through both vertical distribution (decentralization) and horizontal separation of powers..
5. Independent Executive Institutions.
6. An Independent and Impartial Judiciary.
7. Access to Legal Remedies, citizens must be given the opportunity to challenge administrative decisions through transparent and accessible legal mechanisms.
8. Strengthening the System of Checks and Balances, judicial review of administrative and governmental decisions plays a crucial role in maintaining the balance of power among state institutions.
9. Protection of Human Rights, very individual possesses inherent rights from birth, and legal enforcement must uphold these rights, especially in vulnerable circumstances such as post-divorce.
10. Democratic Legitimacy, legal rules and their enforcement should reflect the sense of justice held by society, ensuring public trust in legal institutions.
11. Functioning as a Tool for National Objectives, a legal system must operate as a means of achieving the broader goals of the state, including justice, welfare, and order (*welfare rechtsstaat*).
12. Transparency and Public Oversight, law-making and enforcement processes must be open to public scrutiny, allowing social participation to compensate for institutional limitations and ensuring accountability.

Actual law enforcement is to implement court decisions that have permanent force, both within the scope of criminal law and civil law, as well as in family law which is the authority of the Religious Court. In law enforcement, based on a court decision that has definite and permanent force, it should be obeyed and implemented as written in the ruling. Therefore, the legal contribution in this research can be in the form of the issuance of various laws and regulations, adding articles to the Religious Court Law, the Compilation of Islamic Law, the Marriage Law, or other regulatory policies, namely Supreme Court Regulations, Supreme Court Circulars, or simply adding clauses in the Religious Court Decisions that will be enforceable.

Adding an article to the Compilation of Islamic Law as an applied law used by judges in the Religious Court as a normative juridical reason that is easier to find, the articles and its material in addition to containing Islamic law also apply the principle of local wisdom, because the Islamic legal system is not the only national law former. The Islamic legal system is seen as one of the national law makers along with the customary law system and the Western legal system, especially the Continental European legal system inherited from the Dutch Colonial government (Suherman, 2004).

Conclusion

Law enforcement against husbands' non-compliance in paying iddah and mut'ah maintenance to ex-wives makes a significant contribution to the national legal system, especially in strengthening the existence of Religious Courts as equal judicial institutions under the Supreme Court. The findings indicate that by broadening judicial authority to allow the inclusion of additional clauses in divorce rulings, particularly those concerning the fulfillment of ex-wives' rights, Religious Courts can more effectively uphold the principles of justice, legal certainty, and the utility of law. Such decisions not only guarantee the protection of human rights, especially women's rights, but also provide a guarantee of execution of the contents of the decision in the event of a violation. In addition, this confirms that every citizen has the right to legal protection and justice without discrimination. Based on these findings, it is recommended that the Supreme Court and related judicial institutions continue to encourage training and updating of technical guidelines for judges to be more responsive to aspects of substantive justice in contested divorce cases. In addition, there needs to be synergy between the judiciary and executing agencies so that every decision can be implemented effectively and have a real impact on the parties seeking justice. Thus, law enforcement in this context does not only have an impact at the normative level, but also strengthens the foundation of a national legal system that is fair, sustainable and in favor of gender justice.

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