

The Implementation of Child Custody After Divorce in Nglorog Village, Temanggung

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ABSTRACT

This study examines post-divorce child custody (ḥadānah) practices in Nglorog Village, Pringsurat District, Temanggung Regency, from the perspective of Maqāṣid al-Shari‘ah. Divorce is often regarded as a last resort for couples facing irreconcilable marital conflict; however, it entails significant consequences for children, who are particularly vulnerable to psychological distress, declining academic performance, and social challenges. Therefore, examining child custody arrangements is essential to safeguarding children's welfare and future well-being. In Islamic law, Maqāṣid al-Shari‘ah emphasizes the protection of five fundamental values: religion (hifz al-dīn), life (hifz al-nafs), intellect (hifz al-‘aql), lineage (hifz al-nasl), and property (hifz al-māl). In the context of child custody, the protection of life, intellect, and lineage is particularly relevant. This research employs a qualitative descriptive approach, with data collected through in-depth interviews involving religious leaders, village officials, divorced parents, and local social institutions. The findings reveal that divorce has complex impacts on children, especially when post-divorce parenting is inconsistent or unbalanced. Nevertheless, several stakeholders have sought to incorporate Maqāṣid al-Shari‘ah values in determining custodial arrangements by prioritizing children's best interests, emotional stability, and education. Accordingly, Maqāṣid al-Shari‘ah functions not only as a normative Islamic legal framework but also as an ethical foundation for ensuring fair and proportionate child custody practices after divorce.

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Introduction

Marriage in Islam constitutes a sacred covenant (mīthāqan ghaliżan) intended as an act of worship and obedience to Allah. Beyond uniting two individuals in love and affection, marriage serves as the foundation for establishing a harmonious, peaceful, and compassionate family

(Dewi Khurin' et al., 2022). Nevertheless, in practice, many marriages encounter conflicts that ultimately lead to divorce. Divorce represents the legal and religious dissolution of the marital bond and carries significant consequences, particularly for children. In Islam, children who become victims of divorce receive special attention through the concept of child custody (*ḥaḍānah*), which is grounded in the principles of *Maqāṣid al-Sharī'ah* (Sudarsono, 1992). These principles emphasize the protection of life, intellect, and lineage in order to promote welfare (*maṣlahah*) and prevent harm. Amid the contemporary shift in perceptions of the sanctity of marriage, it is essential to re-examine the role of marriage and the responsibilities it entails so that the fundamental objective of forming a resilient and well-functioning family may be realized.

Islam permits divorce as a last resort after all reconciliation efforts have failed. Law No. 1 of 1974 stipulates that marriage may end due to death, divorce, or a court decision, with causes ranging from infidelity and domestic violence to early marriage, economic hardship, and persistent conflict. Divorce not only disrupts the spousal relationship but also exerts profound psychological effects on children, especially minors, who often become the most adversely affected parties. Differences in family background may further intensify marital conflict when not addressed through effective communication and mutual understanding. Therefore, preserving marital unity requires strong commitment from both spouses (Sumarjoko, 2018).

Divorce also raises serious issues concerning child custody (*ḥaḍānah*), which is closely related to the protection and development of children's physical, mental, and social well-being. In Islamic law, *ḥaḍānah* encompasses not only physical care but also education, character formation, and the protection of life, as articulated within the framework of *Maqāṣid al-Sharī'ah*. Although mothers are generally considered more entitled to custody due to their nurturing nature and affection, there are cases in which custody is granted to fathers, reflecting the complexity of legal practice. As the primary educators within the family, parents bear substantial responsibility for shaping children's character and personality (Hamzah, 2018).

Divorce constitutes a broader social problem with far-reaching consequences for both spouses and children. A study conducted in Rugah Village, Masbagik District, East Lombok Regency, revealed that the primary causes of divorce included infidelity, followed by economic difficulties (85 cases), early marriage, and ongoing disputes, which accounted for 594 cases. One of the most prominent impacts on children was a decline in learning motivation due to psychological distress and reduced parental attention. In education, motivation plays a crucial role as a driving force for academic success and may be classified into intrinsic and extrinsic motivation. While intrinsic motivation exerts a greater influence, extrinsic motivation remains important in reinforcing internal drives. Consequently, parental divorce may significantly

diminish children's learning motivation, underscoring the need for further research to identify strategies for sustaining academic engagement among children from disrupted families (Nurdin, 2018).

In Nglorog Village, Pringsurat District where religious values are strongly upheld-divorce and its implications for child custody constitute a pressing issue. Changes in parenting patterns following divorce frequently exert negative effects on children's development. This study aims to analyze the impact of divorce on child custody from the perspective of *Maqāṣid al-Shari‘ah*, with the expectation of generating solutions that are consistent with Islamic values and local wisdom. Furthermore, the study seeks to provide recommendations for parents, religious leaders, and village authorities in addressing divorce cases in a manner that ensures the protection of children's rights. Finally, this research contributes to the development of Islamic legal studies and *Maqāṣid al-Shari‘ah* discourse in the Indonesian context

Method

This study employs a qualitative method with a normative approach grounded in Islamic law, particularly the principles of *Maqāṣid al-Shari‘ah*, to analyze child custody (*ḥadānah*) arrangements following divorce in Nglorog Village, Pringsurat District, Temanggung Regency. Data were collected through observation, semi-structured interviews with community leaders, village officials, and affected families, as well as documentation from various written sources, including books, academic journals, and official documents. The data sources consisted of primary data obtained directly from informants at the research site (Prastowo, 2011), complemented by secondary data serving as supporting literature (Sugiyono, 2021). Data analysis was conducted inductively by examining empirical findings through the framework of *Maqāṣid al-Shari‘ah* in order to obtain a comprehensive understanding of the impact of divorce on child custody arrangements (Miles & Huberman). This approach aims to produce an in-depth analysis that is both contextually relevant to Islamic legal principles and aligned with local wisdom values

Results and Discussion

The Impact of Divorce on Child Custody (*Ḥadānah*) in Nglorog Village, Temanggung

One of the most tangible consequences of divorce in Nglorog Village is experienced by children. Parental separation causes children to lose comprehensive emotional attention, thereby disrupting their developmental processes, both psychologically and socially. This condition is often reflected in behavioral changes, such as becoming withdrawn, losing self-

confidence, being easily irritated, or even exhibiting deviant behavior (Kusaini & Syelvita, 2025). In addition, divorce imposes a considerable economic burden, particularly on mothers who are required to raise children as single parents. This economic instability further exacerbates the lack of emotional support, ultimately affecting children's mental health. In the long term, divorce-related experiences may result in trauma that persists into adulthood if not accompanied by adequate support and recovery mechanisms. Thus, divorce not only terminates the marital relationship but also generates serious consequences for children as its primary victims (Pradiba & Usman, 2025).

Parental divorce in Nglorog Village has multidimensional effects on children, encompassing psychological, emotional, social, and educational aspects. Psychologically, children often display behavioral changes, such as becoming introverted, less cheerful, losing motivation, or conversely exhibiting aggressive behavior, including irritability and difficulty in self-control. From an emotional perspective, uncertainty regarding living arrangements whether with the father or the mother—frequently generates stress and emotional instability that can undermine children's mental well-being. This condition is further aggravated by the loss of complete attention and affection from both parents. Moreover, divorce also affects children's educational experiences, as many suffer from declining academic performance, diminished learning motivation, and, in some cases, reduced interest in attending school. These impacts are not merely short-term but may extend into adulthood if not addressed through appropriate guidance and support.

Based on interviews conducted with divorced parents, religious leaders, and several community members in Nglorog Village, Pringsurat District, Temanggung Regency, several findings were identified regarding the impact of divorce on child custody (*ḥadānah*), as follows:

a) Determination of Child Custody

In most divorce cases, children under the age of twelve are placed under the custody of their mothers in accordance with the provisions of the Compilation of Islamic Law (Article 105 of the KHI). However, there are also cases in which custody is granted to the father due to certain factors, such as the mother's weak economic condition or

employment outside the region. In some instances, children are cared for by their grandparents (Semman, 2025).

b) Fulfillment of Child Maintenance

In principle, child maintenance is the responsibility of the father. Nevertheless, in Nglorog Village, non-compliance by former husbands in providing regular financial support is frequently observed. This situation adversely affects children's essential needs, particularly in education and healthcare.

c) Role of the Extended Family

When parents are unable to adequately fulfill their custodial responsibilities, the role of the extended family—such as grandparents or close relatives—becomes dominant. Children are often raised by family members to ensure that their basic needs are met.

d) Psychological Aspects of Children

Divorce exerts a significant influence on children's psychological conditions. Children raised by their mothers tend to lose the daily presence of a father figure, while those raised by their fathers often feel deprived of maternal affection. As a result, some children exhibit withdrawn behavior, heightened irritability, and decreased motivation to learn.

e) Visitation Rights

Visitation rights of the non-custodial parent are often not effectively implemented. In certain cases, the parent entitled to visitation fails to exercise this right, while in others, the custodial parent restricts the child's interaction with the former spouse. This condition further deteriorates the child's emotional relationship with one of their parents.

The situation in Nglorog Village demonstrates that divorce has multidimensional implications for child custody (*hadānah*). From the perspective of Islamic law, custody should ideally be granted to the mother until the child reaches the age of *tamyīz*, while the father remains obligated to provide financial support (Siregar et al., 2022). However, in practice, discrepancies frequently arise between legal provisions and social realities. Economically, fathers' failure to fulfill maintenance obligations places a substantial

burden on mothers as primary caregivers, affecting the quality of children's access to education, healthcare, and daily necessities. From a socio-psychological perspective, children of divorced parents are particularly vulnerable, as they lose balanced affection from both parents. When visitation rights are not properly exercised, children become increasingly susceptible to loneliness, diminished self-esteem, and declining academic performance.

Furthermore, the role of the extended family emerges as a crucial factor in sustaining child care, reflecting the strong tradition of familial solidarity within village communities. Consequently, it can be concluded that divorce not only alters the legal status of child custody but also has far-reaching economic, social, and psychological implications for children. This underscores the importance of a *maqāṣid al-sharī'ah* approach—particularly the protection of lineage (*hifz al-nasl*) and the protection of life (*hifz al-nafs*)—in resolving divorce cases, ensuring that the best interests of the child remain the primary consideration (Kusaini & Syelvita, 2025).

Discussion

Maqāṣid al-Sharī'ah Perspective on the Fulfillment of Child Custody Rights after Divorce

From the perspective of *Maqāṣid al-Sharī'ah*, the protection of child custody rights constitutes an essential part of safeguarding life (*hifz al-nafs*), intellect (*hifz al-'aql*), and lineage (*hifz al-nasl*) (Hafis & Johari, 2022). Divorce that is not accompanied by fair and responsible parenting practices may contradict these objectives. Inadequate implementation of child custody arrangements leads to violations of the higher purposes of Islamic law, as children are deprived of proper protection for their physical well-being, intellectual development, and future prospects. Therefore, it is imperative that both parents remain fully aware that parental responsibility continues to exist even after the dissolution of marriage (Fauzan, 2024).

Field data from Desa Nglorog, Kecamatan Pringsurat, Kabupaten Temanggung, during the period 2020–2025 indicate that the most dominant factor contributing to the increasing divorce rate is early marriage, which is largely driven by limited knowledge and preparedness for family life. Early marriage is further exacerbated by other interrelated factors such as economic hardship and infidelity (Khudry Mz., Ramlah, & Djafar, 2025). One effective strategy to reduce divorce rates in this area is the proper implementation of premarital education programs, organized by the Office of

Religious Affairs (KUA) and village institutions across all hamlets. These programs should be conducted substantively rather than merely as formalities and should involve religious leaders, psychologists, healthcare professionals, and public figures as facilitators.

Based on field observations and in-depth interviews with parents, religious leaders, and village officials, several findings were identified regarding the implementation of child custody after divorce from the perspective of Maqāṣid al-Shari‘ah, as follows:

a. Protection of Life (Hifz al-Nafs)

Children under post-divorce care require both physical and psychological protection. Field findings indicate that most children continue to receive basic necessities such as food and healthcare. However, in some cases, healthcare needs are inadequately met due to the limited economic capacity of the custodial parent (Idris et al., 2024).

b. Protection of Lineage (Hifz al-Nasl)

Custody is predominantly granted to mothers, particularly for young children, in accordance with the Compilation of Islamic Law. Nevertheless, in practice, fathers do not always consistently fulfill their financial obligations, resulting in suboptimal caregiving. In many cases, extended family members play a crucial role in supporting the continuity of childcare and education.

c. Protection of Intellect (Hifz al-‘Aql)

Divorce has a significant impact on children’s learning motivation. Some children exhibit a decline in academic enthusiasm due to psychological distress. However, support from teachers, religious figures, and the surrounding social environment has proven instrumental in restoring children’s motivation to learn (Idris et al., 2024).

d. Protection of Religion (Hifz al-Dīn)

Parents and extended family members strive to maintain children’s religious education through Qur’anic recitation programs, Islamic learning centers (TPA), and village-based religious activities. These efforts aim to ensure that children retain a strong spiritual foundation despite parental separation.

e. Protection of Wealth (Hifz al-Māl)

Economically, divorce often results in financial limitations. In several cases, fathers fail to provide regular child support, compelling mothers to bear the financial burden independently. This situation hampers the balanced fulfillment of children's needs (Farid et al., 2025). Viewed through the lens of *Maqāṣid al-Sharī‘ah*, the fulfillment of child custody rights after divorce should be directed toward achieving the best interests (*maṣlahah*) of the child. The fundamental objectives of *maqāṣid* include the protection of religion, life, intellect, lineage, and wealth (Hafis & Johari, 2022).

In conclusion, the implementation of child custody after divorce in Desa Nglorog continues to face challenges, particularly in economic support and the psychological well-being of children. Nevertheless, the involvement of extended families, social environments, and educational institutions plays a significant role in mitigating these shortcomings. This condition aligns with the objectives of *Maqāṣid al-Sharī‘ah*, which emphasize safeguarding children's welfare to ensure their optimal growth and development, even within non-intact family structures.

Conclusion

Divorce within households in Nglorog Village has multidimensional impacts on children, encompassing psychological, emotional, social, educational, and economic aspects. Children frequently experience a loss of balanced parental affection, behavioral changes, declining academic performance, and difficulties in meeting basic needs due to fathers' noncompliance in providing financial support. In the practice of *ḥadānah*, although Islamic law stipulates that custody of children under the age of twelve is generally entrusted to the mother, in reality, caregiving may also be assumed by the father or extended family members depending on specific circumstances. The role of the extended family thus becomes a crucial support system in ensuring the continuity of child care when parents are unable to fully fulfill their obligations. From the perspective of *Maqāṣid al-Sharī‘ah*, the fulfillment of child custody rights after divorce encompasses five fundamental objectives: the protection of life (*ḥifz al-nafs*), lineage (*ḥifz al-nasl*), intellect (*ḥifz al-‘aql*), religion (*ḥifz al-dīn*), and wealth (*ḥifz al-māl*). However, in practice, significant challenges remain, particularly in the economic provision and psychological well-being of children. Nevertheless, the involvement of extended families, social environments, and educational institutions plays a vital role in mitigating these shortcomings. Therefore, it can be concluded that the fulfillment of child custody rights after divorce in Nglorog Village has not

yet reached an ideal standard, yet it continues to be oriented toward achieving the best interests (maṣlahah) of the child in accordance with the objectives of Maqāṣid al-Shari‘ah.

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