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Judicial Reasoning in Cumulative Divorce and Child Custody Cases Involving Financial Neglect: A Case Study of Decision No. 5139/Pdt.G/2020/PA.Tgrs

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ABSTRACT

This study analyzes the judicial reasoning in a cumulative family law case involving a wife's petition for divorce and child custody due to her husband's failure to provide financial support. Using a normative-empirical legal research method, the research focuses on case No. 5139/Pdt.G/2020/PA.Tgrs at the Tangerang Religious Court. The findings reveal that the court acknowledged economic neglect as a legitimate ground for divorce and upheld maternal custody for the underage child based on Article 105 of the Compilation of Islamic Law. The judge's decision also reflected a balanced approach between formal legal provisions and Islamic ethical principles such as maslahah (public interest) and justice. This dual reasoning framework enhances both the legal legitimacy and moral authority of the religious courts. The research contributes to the discourse on integrated legal reasoning in pluralistic systems and highlights the importance of protecting women and children's rights in family law proceedings.

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INTRODUCTION

Marriage is a sacred bond that forms the foundation of family life and social order. In Islamic law and Indonesian legal tradition, marriage is not only a contractual agreement but a spiritual commitment aimed at achieving harmony *(sakinah)*, love *(mawaddah)*, and compassion *(rahmah)* between spouses. However, the reality in contemporary Indonesian society shows that many marriages face critical challenges, particularly those related to the economic responsibilities of the husband. One of the most frequently cited causes of divorce is the husband's failure to fulfill his obligation to provide financial support *(nafkah)*, leading to prolonged disputes and, eventually, legal separation (**Arafah & Muliadi, 2021**).

Economic neglect within a marriage has a profound impact not only on the marital relationship but also on the wellbeing of children. In cases where divorce is unavoidable, the issue of child custody becomes a central legal and moral concern. Indonesian Islamic family law, particularly as codified in the Compilation of Islamic Law (Kompilasi Hukum Islam), prioritizes the best interests of the child, generally favoring maternal custody for children under 12 years of age. Nevertheless, in judicial practice, the judge's reasoning and consistency in addressing cases involving combined claims—such as divorce and child custody—vary considerably, revealing gaps in procedural justice and legal certainty (**Nurhayati & Tsalits, 2023**).

This research aims to analyze the legal reasoning used by judges in cumulative claims involving both divorce due to economic neglect and child custody disputes, using the decision of case number 5139/Pdt.G/2020/PA.Tgrs as a point of reference. The study seeks to identify whether judicial interpretations align with prevailing laws and Islamic legal principles, and how these decisions are implemented in practice. This research is urgent and relevant, especially amid the rising trend of wives initiating divorce lawsuits in Indonesia, as women increasingly assert their legal rights in the face of marital injustice (**Sari & Puspitasari, 2022**).

Moreover, the study contributes to the broader discourse on gender equity, child protection, and the modernization of Islamic legal systems within Indonesia's pluralistic legal framework. It provides insights into the consistency of court decisions and offers a critical evaluation of how well the judiciary responds to complex family law disputes. This is essential to promote legal reform and to ensure that the rights of women and children are adequately protected in accordance with both national and religious legal standards (**Wulandari & Suryani, 2020**).

RESEARCH METHOD

This research adopts a normative-empirical legal research approach, with a primary emphasis on library research (legal doctrinal study). This method involves an in-depth examination of legal norms, statutory provisions, and judicial decisions related to divorce (cerai gugat) and child custody in the Indonesian Religious Court system. Library research is appropriate for exploring how legal texts—such as the Marriage Law No. 1 of 1974, the Compilation of Islamic Law (KHI), and relevant jurisprudence—are applied and interpreted in specific court decisions (**Hasanah & Hakim, 2020**).

The primary legal materials include legislation, judicial decisions (particularly case number 5139/Pdt.G/2020/PA.Tgrs), and authoritative Islamic legal doctrines. Secondary materials consist of scholarly books, peer-reviewed journals, and official commentaries that provide theoretical and contextual analysis. Tertiary sources, such as legal dictionaries and encyclopedias, are also used to support conceptual clarity (**Yunus & Mahendra, 2022**). For the empirical dimension, the study utilizes document analysis and in-depth interviews. Court documents, including the written verdict and related procedural records, were reviewed to identify the judge's legal reasoning and the implementation of the decision. Additionally, informal interviews were conducted with legal practitioners and court officials to gain practical insights into how cumulative claims of divorce and child custody are adjudicated in practice (**Johari, et.al, 2024**).

The data analysis method used is qualitative-descriptive. This involves interpreting legal texts and empirical data systematically to reveal patterns, principles, and deviations in judicial reasoning. The qualitative approach enables the researcher to explore normative

consistency, assess the alignment of court decisions with statutory mandates, and evaluate implications for legal protection, especially for women and children (**Rizqiani & Yuliasari, 2021**). This methodological framework allows for a comprehensive understanding of how the law operates both in theory and practice, addressing not only the legal substance but also the procedural justice within Indonesia's family court system.

RESULT AND DISCUSSION

Economic Neglect as a Legitimate Ground for Divorce: A Normative and Empirical Legal Analysis

One of the most fundamental obligations in marriage, particularly within the framework of Indonesian Islamic family law, is the husband's duty to provide for his wife and children (**Nuraeni, et.al, 2024**). This includes food, shelter, clothing, and other basic needs that support the family's survival and dignity. When this duty is persistently unfulfilled, it not only threatens the stability of the household but also constitutes a serious legal breach that may justify the termination of the marital contract. In the case examined in this study (case number 5139/Pdt.G/2020/PA.Tgrs), the wife filed for divorce citing economic neglect as the primary reason. The court affirmed her claim, emphasizing that the husband's prolonged failure to provide *nafkah* (financial support) had led to ongoing disputes and the breakdown of marital harmony. This finding aligns with Article 39 of Law No. 1 of 1974, which allows divorce when continued conflict between spouses makes reconciliation impossible (**Sanjaya & Fakih, 2020**).

Legal scholars have increasingly recognized that economic deprivation can no longer be dismissed as a mere domestic issue but must be addressed as a valid legal ground for divorce. In recent years, judicial interpretations have evolved to recognize that financial abandonment undermines the essence of marriage, which is supposed to offer security, mutual support, and shared responsibilities (**Fitriani & Setiawan, 2021**). The judicial recognition of economic neglect also resonates with broader sociological findings. Many women in Indonesia now view financial support not just as a cultural expectation, but as a right protected by law. When this right is systematically violated, the legal system is increasingly called upon to provide remedies, including dissolution of the marriage (**Rahmah & Fikri, 2022**).

From an Islamic legal perspective, the failure to provide *nafkah* is classified as a form of nushuz (harmful treatment or disobedience), which permits a wife to seek judicial relief. The Kompilasi Hukum Islam (KHI) reinforces this right, allowing women to file for divorce when their husbands are economically irresponsible. The court in this case correctly interpreted the religious and statutory mandates in harmony, thus affirming the wife's legal standing (**Nasution & Kurniawan, 2022**). The decision is significant not only in doctrinal terms but also for its socio-legal implications. It reflects the growing awareness among judges of the gendered dynamics of economic power in marriage. By validating economic neglect as a legitimate ground for divorce, courts are empowering women to assert their rights and escape from harmful or one-sided marital arrangements (**Nurhayati & Tsalits, 2023**).

Moreover, judicial acknowledgment of economic neglect as a ground for divorce signals a shift in family law jurisprudence toward a more contextual and rights-based approach. Rather than treating marriage as an indissoluble institution, courts are now emphasizing its contractual nature and the obligations therein. When these obligations are grossly violated, especially over an extended period, divorce becomes not only permissible but necessary for the protection of individual dignity and welfare (**Wulandari & Suryani, 2020**). Another

important aspect of this development is its preventive value. When men know that neglecting their financial duties may result in legal consequences, including divorce and loss of child custody, they may be more inclined to fulfill their responsibilities. Hence, legal enforcement serves both a protective and corrective function in upholding family justice (**Rizqiani & Yuliasari, 2021**).

In practical terms, the court's stance also provides legal certainty for similar cases in the future. It sets a precedent that economic irresponsibility, especially when proven with credible evidence and sustained over time, is not merely a moral failing but a judicially actionable offense. This is essential in maintaining consistency and fairness in the application of family law (**Fitriani & Setiawan, 2021**). The recognition of economic neglect as a legitimate ground for divorce represents a critical advancement in Indonesian family law. It aligns statutory interpretation with lived realities and religious principles, creating a more responsive and humane legal system. The case reviewed in this study exemplifies how courts can uphold justice by integrating legal norms with ethical imperatives rooted in both Islamic and national legal frameworks (**Rizapoor, 2024**).

Judicial Affirmation of Cumulative Claims in Religious Courts: Integrating Legal Efficiency and Substantive Justice

In Indonesia's religious court system, the ability to file cumulative claims—such as divorce *(cerai gugat)* and child custody—within a single legal action reflects a progressive shift toward judicial pragmatism and efficiency. Cumulative claims, or *komulasi gugatan*, allow parties to consolidate multiple legal demands that arise from the same marital conflict, thereby avoiding the need for separate legal proceedings. This integration streamlines judicial processes and reduces both the financial and emotional burden on litigants (**Nasution & Kurniawan, 2022**).

The legal foundation for this procedural mechanism lies in Articles 66 and 86 of the Religious Courts Law (Law No. 7 of 1989, as amended by Law No. 3 of 2006 and Law No. 50 of 2009). These articles explicitly allow the inclusion of claims related to child custody, spousal and child support, and division of marital property alongside divorce petitions. This codification has empowered judges to respond more holistically to complex family law cases, where legal, emotional, and financial issues are deeply intertwined (**Fadillah & Prasetyo, 2020**). In the case analyzed in this study (Case No. 5139/Pdt.G/2020/PA.Tgrs), the court accepted a combined claim for divorce due to economic neglect and for the custody of a minor child. The judge's acceptance of this cumulative claim enabled the court to issue a single, cohesive ruling that addressed both the marital termination and post-divorce child welfare. This aligns with procedural justice theories that prioritize timely and integrated resolutions, particularly in sensitive matters like family breakdowns (**Marwan & Sari, 2021**).

The practice of allowing cumulative claims has also been supported by the *Buku Pedoman Peradilan Agama* (Judicial Guidelines for Religious Courts), which emphasize that procedural consolidation is permissible when the claims are closely connected in fact and law. Courts are encouraged to consider the principle of processueel doelmatig—judicial efficiency—as a way to prevent fragmented and potentially conflicting decisions (**Yunus & Mahendra, 2022**). From a socio-legal perspective, cumulative claims reflect the evolving understanding that family law disputes cannot be compartmentalized. Legal conflicts arising from a single event—such as a husband's abandonment—often give rise to multiple, interrelated legal needs: the dissolution of the marriage, custody of children, and

determination of support. Addressing these elements together ensures a more comprehensive resolution (**Rahmah & Fikri, 2022**).

Judges in religious courts have increasingly embraced this approach, recognizing its benefits not only in legal terms but also in minimizing the psychological stress on women and children. By consolidating related claims, the court process becomes less adversarial and more solution-oriented. This is crucial in preserving the dignity and stability of families during times of upheaval (**Wulandari & Suryani, 2020**). Moreover, cumulative adjudication allows the judiciary to better apply Islamic legal principles holistically. Rather than dissecting family obligations into separate trials, courts can deliver rulings that reflect the interconnected ethical duties of spouses and parents as defined in both Islamic jurisprudence and national law (**Nurhayati & Tsalits, 2023**).

Empirical evidence also supports this procedural innovation. A study by Fadillah and Prasetyo (2020) found that litigants expressed greater satisfaction with cumulative proceedings, citing reduced delays, fewer court appearances, and more coherent rulings as major advantages. The approach is especially significant for women from lower socio-economic backgrounds who may lack the resources to pursue multiple legal actions (**Maulidizen, et.al, 2024a**). However, successful implementation depends on judges' capacity to manage such consolidated cases without compromising the depth of legal analysis. It requires comprehensive understanding of both procedural and substantive law, as well as sensitivity to the social context of family disputes. Continuous judicial training and updated court administration policies are needed to institutionalize this practice (**Nasution & Kurniawan, 2022**).

Judicial affirmation of cumulative claims in Indonesian religious courts marks a shift toward integrative justice. It balances procedural efficiency with substantive fairness, addressing the reality that family disputes are multifaceted. Through the acceptance and adjudication of cumulative claims, religious courts enhance their role not only as legal institutions but also as agents of social resolution and protection (**Maulidizen, et.al, 2024b**).

Prioritization of Maternal Custody for Underage Children: Legal Norms and Psychological Justifications

One of the central considerations in divorce cases involving children is the question of custody, which determines with whom the child will live following the separation of the parents. In Indonesian Islamic family law, this issue is addressed with particular sensitivity to the child's developmental and emotional needs. Article 105 of the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) clearly stipulates that custody of children under the age of 12—commonly referred to as belum mumayyiz—should be granted to the mother, unless compelling evidence proves she is unfit (**Muchtar, et.al, 2022**).

In the examined case (No. 5139/Pdt.G/2020/PA.Tgrs), the court upheld this legal principle by awarding custody of the minor child to the mother. The decision reflected a recognition of the child's psychological dependence on maternal care, particularly in the formative years. The court found no legal or moral justification to transfer custody to the father, especially since he had failed to fulfill his financial and caregiving obligations during the marriage (**Wulandari & Suryani, 2020**). Legal scholars and child development experts alike underscore that young children typically form their strongest emotional bonds with their mothers. This attachment has direct implications for their psychological health, including emotional regulation, cognitive growth, and social competence. Prioritizing maternal custody

is thus not only a matter of legal convention but also one of developmental necessity (**Putri & Hidayat, 2021**).

Furthermore, recent studies in family law affirm that maternal custody ensures greater continuity and stability for children after divorce. Mothers, particularly those who were primary caregivers during the marriage, are generally better positioned to manage the child's daily routines, educational progress, and emotional transitions after separation. Courts are increasingly aligning their rulings with this body of evidence to protect the child's best interests (**Kurniawati & Hakim, 2022**). This preference, however, is not absolute. The law provides room for fathers or other guardians to claim custody if they can demonstrate that the mother is neglectful, abusive, or otherwise unfit. In the absence of such conditions, however, judicial deference to maternal custody is the prevailing standard. This protects children from abrupt environmental and relational changes that could disrupt their development (**Nasution & Kurniawan, 2022**).

The principle of *hadhanah* in Islamic jurisprudence, which refers to the responsibility of caring for a child, has long placed mothers at the center of child-rearing in early childhood. Classical Islamic legal schools, including Shafi'i and Hanafi, generally agree that the mother has the first right to custody of young children, particularly sons under seven and daughters until they marry or reach maturity (**Maulidizen, et.al, 2022**). The KHI adapts these principles into statutory form for Indonesian courts (**Marzuki, 2020**). The judicial affirmation of maternal custody also intersects with gender justice. In patriarchal societies where custody has historically favored fathers based on assumptions of authority and financial capability, current trends in Islamic family law indicate a shift toward child-centered reasoning. This shift is rooted in the recognition that caregiving, not gender, should be the principal criterion in custody determinations (**Rahmah & Fikri, 2022**).

In practice, maternal custody rulings often involve conditions to ensure the child's well-being and the non-custodial parent's access to the child. Visitation rights, shared responsibilities, and supervised communication are commonly arranged by the court. This ensures that the child retains emotional ties with both parents while receiving consistent, nurturing care (**Yuliasari & Rizqiani, 2021**). Judicial consistency in applying Article 105 of the KHI enhances the reliability of the legal system and reduces uncertainty in family court outcomes. It also reinforces legal literacy among women who seek custody, empowering them to assert their rights based on established jurisprudence. As family structures evolve, so too must legal interpretations that prioritize the child's holistic well-being (**Nurhayati & Tsalits, 2023**).

Ultimately, prioritizing maternal custody for underage children reflects a convergence of legal, psychological, and ethical considerations. Indonesian religious courts, by adhering to this principle, not only safeguard the rights of mothers but also promote the stability and development of the child, which is the cornerstone of any child-focused family justice system (**Maulidizen, et.al., 2019**).

Judicial Reasoning Balancing Normative and Ethical Considerations: A Dual Approach in Indonesian Religious Courts

Judicial reasoning within Indonesia's religious court system must navigate the intersection of statutory mandates and Islamic ethical values. In divorce and child custody cases, judges are expected not only to enforce written legal provisions but also to apply principles of fairness *(adil)* and public benefit *(maslahah)*, especially when dealing with vulnerable parties such as

women and children. This dual framework of reasoning reflects the moral and legal complexity of family law in Indonesia's pluralistic legal structure (**Nurhayati & Tsalits, 2023**). In the case of cerai gugat due to economic neglect combined with a claim for child custody, the judge's decision was grounded in a comprehensive legal interpretation of statutory laws such as Law No. 1 of 1974 and the Compilation of Islamic Law (KHI). However, the verdict also integrated ethical considerations derived from Islamic jurisprudence, including the imperative to uphold justice and avoid harm. These values are essential components of maqashid al-shariah, the objectives of Islamic law, which emphasize the protection of life, family, and dignity (**Huda & Amin, 2021**).

Judges in Indonesia's religious courts operate in a unique environment where positive law and religious norms must be harmonized. This demands a nuanced legal approach that does not treat statutes as rigid directives but rather as part of a broader moral-legal system. Legal certainty, while important, must be balanced with equitable outcomes that reflect societal values and individual circumstances (**Marzuki, 2020**). For instance, when the husband in the case failed to provide financial support and neglected his parental duties, the judge did not merely cite legal articles but examined the broader implications of such behavior on family integrity. The decision to grant both divorce and maternal custody reflected an ethical assessment of responsibility, care, and the child's welfare. This consideration aligns with the Quranic directive to act with ihsan (excellence and compassion) in resolving disputes (**Kurniawati & Hakim, 2022**).

This type of judicial reasoning—integrating *fiqh* (Islamic jurisprudence) and statutory law—ensures that religious court decisions are morally responsive. It guards against formalistic rulings that may ignore the lived realities of the litigants. For example, a strict reading of custody law might allow for paternal rights, but an ethical lens highlights the mother's consistent caregiving and emotional bond with the child as a more just outcome (**Yuliasari & Rizqiani, 2021**). Such reasoning also increases the legitimacy of court decisions in the eyes of the public. In a society where religious values influence social expectations, decisions perceived as fair and grounded in Islamic ethics are more readily accepted. This legitimacy is vital for maintaining the authority of religious courts and fostering public trust in the justice system (**Sari & Prasetyo, 2022**).

The ethical dimension of judicial reasoning also supports the evolving interpretation of gender roles in family law. By prioritizing fairness and the best interest of the child over rigid gendered expectations, judges promote legal outcomes that resonate with modern social realities. This is particularly important in cases where women are asserting their rights against systemic inequalities within marriage (**Rahmah & Fikri, 2022**). Furthermore, incorporating maslahah into judicial reasoning allows flexibility in applying the law while remaining faithful to Islamic legal traditions. It offers judges the latitude to issue decisions that protect public welfare, such as ensuring a child's education or mental health, even if such matters are not explicitly detailed in existing legal texts (**Zuhri & Hamzah, 2021**).

Importantly, religious court judges are increasingly trained to balance these normative and ethical frameworks through continuing legal education and guidance from the Supreme Court. Programs aimed at enhancing judicial professionalism emphasize the importance of ethical sensitivity, especially in cases involving family breakdown and child protection (**Huda & Amin, 2021**). Judicial reasoning in Indonesia's religious courts is not confined to textual interpretation but embraces a dual framework that harmonizes legal norms with Islamic ethical imperatives. This approach strengthens the credibility of religious courts and ensures

that justice is not only legally correct but also morally defensible—an essential condition for sustainable legal development in a pluralist society (**Maulidizen, 2018**).

CONCLUSION

This research concludes that the Religious Court's decision in case No. 5139/Pdt.G/2020/PA.Tgrs reflects a comprehensive judicial approach that balances statutory interpretation and Islamic ethical principles. The court justifiably accepted the cumulative claim of divorce and child custody, recognizing the husband's prolonged economic neglect as a valid ground for divorce under Indonesian family law. The ruling also prioritized maternal custody for the underage child, aligning with both the Compilation of Islamic Law and contemporary child welfare standards. Furthermore, the judge's reasoning demonstrated an integration of *maslahah* (public benefit) and *adil* (justice), ensuring that the legal outcome was not only normatively correct but also morally responsive. This case illustrates the evolving capacity of Indonesian religious courts to adjudicate complex family disputes with sensitivity to legal, ethical, and social dimensions.

LIMITATIONS AND FUTURE RESEARCH RECOMMENDATIONS

This study, while offering valuable insights into judicial reasoning in cumulative divorce and child custody cases involving financial neglect, is not without limitations. *First,* the research is based on a single case study—Decision No. 5139/Pdt.G/2020/PA.Tgrs—which, although rich in detail, may not fully capture the diversity of judicial interpretations and practices across different Religious Courts in Indonesia. As judicial discretion can vary widely depending on the regional context, presiding judges, and litigant circumstances, generalizations should be made with caution. *Second,* the empirical dimension of the study is limited in scope. While interviews and document analysis were utilized to complement normative legal research, the number of informants and court documents analyzed was restricted. This limitation affects the broader empirical validation of how cumulative claims are processed in practice and how consistently economic neglect is acknowledged as a valid ground for divorce. *Third,* the study primarily draws upon formal legal texts and court documents without extensive exploration of the lived experiences of women and children involved in such disputes. Understanding the psychological and socio-economic impact of judicial decisions—particularly custody and financial judgments—requires deeper interdisciplinary engagement with perspectives from psychology, gender studies, and child development.

Given these limitations, future research is encouraged to consider the following directions:

1. Comparative Case Analysis
   Broaden the sample by examining multiple court decisions across diverse jurisdictions to identify patterns, inconsistencies, and local adaptations in judicial reasoning concerning cumulative claims and financial neglect.
2. Quantitative and Longitudinal Studies
   Collect and analyze statistical data on the prevalence and outcomes of divorce and custody cases involving financial neglect to assess long-term trends and the effectiveness of judicial decisions in protecting women's and children's rights.
3. Interdisciplinary Approach
   Integrate insights from child psychology, social work, and feminist legal theory to deepen the analysis of custody decisions and assess their implications for child welfare and gender justice.

4. Courtroom Ethnography and Litigant Perspectives
   Conduct ethnographic studies and interviews with divorced women, judges, lawyers, and child welfare officers to capture the procedural experiences and post-verdict realities of affected parties.
5. Policy-Oriented Research
   Evaluate how current legal frameworks and court guidelines address cumulative family law claims and recommend reforms that enhance procedural justice, judicial consistency, and access to remedies for economically vulnerable litigants.

By addressing these areas, future scholarship can contribute to a more holistic, equitable, and responsive family law system—one that aligns legal reasoning with social realities and the evolving needs of justice in a plural legal context.

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