

# Analysis of the Protection of Children's Rights in Family Disputes through Regulatory and Institutional Synergies with a Justice Perspective

Sugiono, Suwito, Mujito

Universitas Sunan Giri Surabaya, Indonesia

## ARTICLE INFO

### Article history:

Received 20 November 2022

Revised 15 December 2023

Accepted 21 February 2023

### Key words:

Marriage laws,  
Child protection,  
Family disputes,  
Legal system,  
Institutions,  
Child participation,  
Law enforcement.

## ABSTRACT

*This study analyses legal protection for children in family disputes in Indonesia through a literature review using a thematic synthesis method. The analysis focuses on key regulations such as the Marriage Law and the Child Protection Law, including discussions on the involvement of religious courts, the Indonesian Child Protection Commission (KPAI), and civil society organisations. The results of the study identify various problems in practice, including the dominance of parental interests, weak involvement of experts, low participation of children, and gaps between legal norms and implementation in the field. The supervision system and enforcement mechanisms are not yet fully effective, so that children's rights are often neglected after a verdict. The application of the principle of "the best interests of the child" must continue to be strengthened through training for law enforcement officials and the provision of psychosocial support services, family education, and community-based protection models. This study emphasizes the importance of comprehensive family law reform, institutional capacity building, and multi-stakeholder collaboration to achieve dignified, fair, and sustainable child protection. By strengthening regulations, optimizing inter-agency synergy, and building a child-friendly legal culture, the family law protection system can be more responsive to the dynamics of contemporary society.*

## INTRODUCTION

The need for child protection in Indonesia's family law system continues to grow in line with social dynamics and developments in modern legal thinking. Child protection has become one of the main supporting instruments for family stability and integrity, as well as a benchmark for the successful implementation of family law regulations at the national level. The state's efforts to protect children's rights are reflected in regulations such as the Child Protection Law No. 35 of 2014, the Compilation of Islamic Law, and the Marriage Law. All of these policies place children's rights at the center of family court proceedings and dispute resolution. In practice, various implementation models have emerged, including court decisions on child custody, alimony, and the recognition of the status of children born out of wedlock, which are reflected in multilevel discourses, both in state law and religious norms (Nasution & Nasution, 2021; Nurlaelawati & Van Huis, 2019).

At the local and national levels, the implementation of child protection still faces diverse practices and obstacles in various court decisions. In a highly pluralistic society, the intersection of religious law, customary law, and the state legal system often leads to overlaps in the fulfilment of children's rights (Horii, 2021). Limited public knowledge about child protection regulations and a lack of understanding among law enforcement officials mean that legal protection is not yet effective (Nurjanah et al., 2022). This discourse is particularly interesting because it reveals a disparity between formal institutional structures and cultural realities, especially when children are the subject of disputes between parents. At the same time, institutions with significant authority, such as the Indonesian Child Protection Commission or religious courts, are still unable to fully harmonise collaborative mechanisms to guarantee children's rights comprehensively (Makarao & Al Faruqi, 2023).

\* Corresponding author, email address: dr.suwito@gmail.com

Family sociology studies have generally shown consistent results that the status of children is often influenced by the structural relationship between customary law, religious norms and the state legal regime (Platt, 2017; Syarif, 2021). Many decisions regarding children's rights in family disputes are not entirely based on the principle of "the best interests of the child", but are more often overridden by the interests of parents or rigid normative frameworks. In divorce proceedings and custody disputes, children are at risk of psychosocial alienation due to legal decisions that emphasize administrative aspects over the overall welfare of the child (Macfarlane, 2012). Attention to the dimension of safeguarding children's rights in the sociological and juridical spheres is a major urgency in the renewal of regulations and practices in the enforcement of family law today (Tenrilawa et al., 2022).

Recent literature reviews reinforce the finding that the family law system in Indonesia is still dualistic. On the one hand, the strengthening of child protection is recognized through the harmonization of regulatory instruments; on the other hand, implementation and supervision in the field are still far from expectations. Many custody decisions merely treat children as objects rather than active legal subjects. This phenomenon is reflected in custody disputes, where the dominance of parental authority and the lack of child participation are the main variables contributing to the neglect of child protection (Rokhmad & Susilo, 2017). Emphasize the importance of the role of parents in implementing wise and effective parenting strategies so that children do not grow up with excessive emotional dependence, which often complicates the resolution of family conflicts. In such a legal landscape, the presence of experts such as psychologists and social workers is a much-needed resource to balance the psychological and social dimensions of children in family law proceedings.

The main problems in implementing child protection in the family law system are evident in a number of aspects. First, the dominance of parental interests in custody claims often silences the voice of the child. The courts often rely on administrative considerations and formalities, without maximizing the space for children to safely express their views or feelings. This is in line with literature that highlights the systemic weaknesses of child protection at the court level (Nurjanah et al., 2022). The next problem is the gap between legal norms and practice, as judicial officials are often not equipped with adequate tools to assess the psychological condition of children, resulting in decisions that are biased

towards the interests of parents rather than the fulfilment of children's needs (Nurlaelawati & Van Huis, 2019).

The third issue concerns the weak monitoring system for the implementation of court decisions. Frequently, relevant parties ignore court orders regarding alimony, custody, or visitation rights, resulting in the fulfillment of children's rights being superficial and largely ineffective. Existing administrative mechanisms often fail to capture the social and psychological realities faced by children, leaving them vulnerable to the dualism inherent in the family law system (Nasution & Nasution, 2021). Moreover, institutions such as the KPAI (Indonesian Child Protection Commission) are constrained in practice, functioning primarily as moral rather than executive supervisors, which limits their capacity to intervene and enforce children's rights (Syarif, 2021). Addressing this gap requires strengthening enforcement mechanisms, improving coordination among child protection institutions, and integrating psychosocial monitoring into the legal process.

The literature also reveals a lack of dignified participation space for children in family law proceedings. The legal system often limits children's voices, even though the principle of participation has been recognized at the international level. In reality, children are often treated as objects rather than active subjects, meaning that legal decisions may fail to fully accommodate their needs, preferences, and emotional well-being (Nurjanah et al., 2022). Consequently, children involved in family disputes are at risk of emotional distress, social withdrawal, and academic decline, exacerbated by discriminatory practices or neglect within the legal process (Fineman, 2013). This underscores the need for child-centered reforms that integrate legal safeguards, psychological support, and participatory mechanisms to ensure that children's voices meaningfully inform judicial outcomes.

In the empirical realm, family law practices in religious and civil courts reveal the limitations of law enforcement agencies in utilizing multidisciplinary instruments that favor the welfare of children. Patriarchal cultural pressures and legal pluralism further complicate decision-making and child protection (Yilmaz, 2016; Lemons, 2019). The dilemma of identity and the rights of children born out of wedlock, for example, remains a heated debate involving religious thinking, local traditions, and human rights orientation (Nurlaelawati & Van Huis, 2019).

A literature analysis of legal protection for children in family disputes shows overlapping regulations, a legal process that tends to focus on

parents, and weak supervision of the implementation of court decisions relating to children. On the other hand, the availability of experts to assess the condition of children is still limited, so that court decisions are often more administrative in nature. Children become objects of dispute, rather than subjects whose rights are actively guaranteed. As a result, in the long term, children are at risk of experiencing psychological and social impacts that are not adequately addressed. Child protection in the family law system in Indonesia faces problems at the level of implementation, supervision, involvement of experts, and the lack of space for child participation (Nurjanah et al., 2022; Nasution & Nasution, 2021). Weak law enforcement and supervision can undermine the effectiveness of social protection, so balanced preventive and repressive measures are needed to maintain order and justice in the legal context.

This study aims to systematically examine how child rights protection is regulated and implemented in the context of family disputes in Indonesia through a comprehensive literature review. The analysis focuses on the relationship between positive regulations, the dynamics of judicial practice, and the effectiveness of child protection agencies in ensuring that children's rights are fulfilled. The results of this study are expected to contribute academically by mapping out the issues and providing recommendations based on factual analysis for strengthening the family law system and developing interdisciplinary child protection.

## **RESEARCH METHOD**

This study uses a qualitative approach based on literature review as its main methodological basis. Literature review was chosen because it is capable of exploring, examining, and interpreting various secondary data sources relevant to the topic of child rights protection in the family law system in Indonesia. This process involves exploring scientific sources such as journal articles, academic books, and related regulations that have been officially published and recognized in the academic community. A qualitative approach with literature studies is useful for building a critical understanding of the relationship between legal norms, institutional practices, and social dimensions that influence the implementation of child protection in family disputes (Bowen, 2009).

Data collection techniques were carried out through systematic literature review, paying close attention to accuracy in selecting high-quality

academic sources in the fields of family law and sociology. The analysis in this study followed the conceptual framework of the thematic synthesis method, which involves identifying key recurring and significant themes from the selected literature (Clarke & Braun, 2017). This method is considered relevant because it can bring together a diversity of empirical findings, multidisciplinary perspectives, and regulatory configurations, resulting in a narrative synthesis that is substantial, original, and contextual. In practice, the author also emphasizes the importance of conceptual validity by reviewing the relationship between previous research findings and the latest regulatory developments in Indonesia, particularly in relation to child protection in the family law system. The analysis process was carried out through data reduction, thematic categorization, and conceptual meaning extraction to identify implementation gaps and opportunities for policy strengthening.

The validity of the analysis results is maintained through a process of triangulation of sources, comparing various findings across literature, and cross-checking between primary and secondary sources. Critical selection of sources and thematic synthesis reconstruction aim to ensure that there is no perceptual bias in drawing research conclusions. Literature studies as a method also provide a reflective space for authors to consider various mechanisms for policy formulation and the effectiveness of family law implementation. The main references in writing the methodology include the works of Given (2008), Creswell and Poth (2018), and are emphasized in the discussion of the use of literature data according to Snyder (2019). In addition, this method takes into account the principles of traceability and transparency of analysis so that every interpretation produced can be scientifically justified. The final result of this methodological approach is expected to not only provide a theoretical mapping, but also practical recommendations for strengthening child protection in the realm of national law and policy.

## **RESULT AND DISCUSSION**

### **Protection of Children's Rights in Family Disputes in Indonesia**

Family law regulations in Indonesia, particularly the Marriage Law and the Child Protection Law, provide a normative foundation for the importance of children's rights within the family, especially when disputes arise between parents. Articles in the Marriage Law No.1 of 1974 explicitly state that children have the right to receive care and education

in accordance with their parents' abilities, and to be given priority in custody matters in the event of divorce. In addition, the Child Protection Law No. 35 of 2014 clarifies the definition of children's rights, including protection from violence, neglect, discrimination, and the fulfilment of material and psychological needs. The harmonisation of these two legal instruments should ideally serve as a fundamental reference in every family dispute resolution process. In addition, Saktiawan et al. (2021) emphasise the importance of professional integrity in legal advocacy practice as the basis for creating sustainable justice. Thus, harmonisation between these two legal instruments should ideally be a fundamental reference in every family dispute resolution process in Indonesia. This integration ensures that children's rights receive equal priority alongside parental rights in adjudicatory proceedings. It also reinforces the obligation of legal practitioners to apply these statutes consistently when representing parties in family disputes. Moreover, the alignment of marriage and child protection laws underscores the state's recognition of children as autonomous legal subjects rather than passive familial appendages. Consistent implementation of these instruments can contribute to reducing rights violations and improving access to remedies for children. Finally, their combined application can stimulate institutional reforms within family justice systems that elevate preventive and restorative approaches over purely adversarial models.

The laws enacted in a country may pay close attention to issues related to children's rights, but unfortunately, judges or law enforcement officials may not necessarily care about children's rights. This phenomenon is evidenced by the fact that there are many violations of children's rights, such as child neglect and the failure to fulfil children's rights to livelihood (Athief & Juwanti, 2020). In practice, the implementation of legal protection for children is often marked by complex challenges. The religious court system, as the institution authorized to handle divorce, adoption, and child custody cases, is often subject to the complexities of customary law, Islamic law, and national regulations. Empirical studies reveal that the interests of children are sometimes still overshadowed by conflicts of interest between parents and the limited capacity of judges to adopt a cross-disciplinary perspective that favors children (Nurjanah et al., 2022). Decisions on custody or alimony tend to be based on formal administrative conditions, often without involving professionals such as psychologists or social workers. As a result,

they are not yet fully responsive to the psychological needs and voices of children in a dignified manner.

Other literature highlights the problem of legal dualism in Indonesia as the root cause of weak child protection. In societies that combine customary norms, state law, and Islamic law, decisions on children's rights are greatly influenced by the plurality of norms. The status of children born out of wedlock, for example, is still a subject of lengthy debate with regard to inheritance rights, identity, and formal recognition within the family (Nurlaelawati & Van Huis, 2019). This situation proves that positive legal rules often cannot be effectively enforced without synchronization with local cultural and social values. Sustainable policies must be developed with consideration for their relevance to local cultural values so that their implementation is more contextual and accepted by the community.

The application of the principle of "the best interests of the child" is indeed highlighted in various court decisions. However, it cannot be denied that most legal decisions rely more on administrative and formalistic interests. This often results in the marginalization of children's active participation, even in cases that are crucial to their future and well-being (Fineman, 2013; Syarif, 2021). In many cases, children are at risk of emotional alienation when they have to change guardians or face ongoing conflict as a result of court decisions that do not take into account their psychosocial needs. As stated by Marsal and Darmawan (2022), effective and empathetic communication skills are important factors in managing conflicts so that they do not cause deeper psychological impacts, including in the context of family dispute resolution.

Protection of children's rights in family disputes does not end with the judge's decision, but also extends to the implementation of the court's decision. So far, supervision of the implementation of custody rights, child support, and visitation rights has been weak. Many cases show that one party ignores the court's decision without adequate sanctions. According to Nasution and Nasution (2021), weak executive oversight and a lack of formal monitoring often result in children's basic needs being neglected after family disintegration. The absence of a structured evaluation system means that child protection relies on individual commitment rather than systemic measures.

In the implementation of the Marriage Law, regarding divorce for example, it is stated that judges are required to ask both parents about who will take care of the children and ensure that the children's

welfare is guaranteed (Article 41 of the Marriage Law). However, this process is often merely procedural without any real assessment of the emotional readiness or economic capacity of the parents as prospective primary caregivers. The limited participation of psychologists, social workers, and child representatives means that court decisions do not fully position children as the primary subjects of the law (Nurjanah et al., 2022).

Analysis from sociological research shows that the psychosocial aspects of children in divorce or family conflict are often overlooked because the legal system focuses more on resolving marital status and parental custody rights. Children are positioned more as part of the problem rather than active participants in the formation of legal decisions that concern them. This is exacerbated by the lack of infrastructure and facilities for child protection in judicial institutions, as well as the lack of special training for law enforcement officials on child psychology and the best interests of the child (Platt, 2017).

Although the Child Protection Law is normatively very clear in instructing the state and law enforcement agencies to act proactively to ensure the welfare and rights of children, in reality the implementation of regulations is often not as strict as the written regulations. Strengthening KPAI's institutional capacity, providing adequate resources, and granting it clearer executive authority could improve oversight, enforcement, and coordination with courts, social services, and civil society actors, thereby ensuring that children's rights are fully realized in practice. The Indonesian Child Protection Commission (KPAI), which is expected to be the supervisory body for implementation, does not yet have sufficient executive capacity to promote the comprehensive fulfilment of children's rights (Nurjanah et al., 2022; Syarif, 2021).

The complexity of child protection in family disputes is compounded by legal pluralism between state regulations, Islamic law, and customary law. Each system has its own logic and priorities, making it difficult to find the best solution in the interests of the child. This pluralism poses a particular challenge in integrating substantive norms into court decisions that are responsive to the needs of children (Nurlaelawati & Van Huis, 2019; Rokhmad & Susilo, 2017). Child protection in civil cases, such as inheritance or the appointment of guardians, becomes increasingly complex when religious and customary norms delegitimize the position of children due to their parents' marital status.

To achieve ideal protection of children's rights within the family law system, innovation in the

approach of judicial institutions is essential. The adoption of the principle of the best interests of the child must be supported by strengthening networks of psychologists, social workers, and family counsellors, as well as ensuring children's participation in legal processes through safe and child-friendly mechanisms. Additionally, it is important to develop a model for the continuous monitoring of the implementation of decisions, including periodic evaluation, feedback loops, and reporting systems to track outcomes and improve accountability. Collaboration with schools, community organizations, and local authorities can further enhance the effectiveness of these protective measures, ensuring a holistic approach to safeguarding children's rights.

The end result of all these efforts is full recognition of children's rights as equal and independent subjects of law within the family law system. This requires substantial reforms that place psychosocial aspects, legal certainty, and children's needs at the forefront when family disputes arise. The national legal system still needs to be strengthened in terms of legal instruments, human resource capacity, and the development of inter-agency collaboration so that child protection becomes a shared norm that is implemented collectively and consistently.

Currently, developments in the discourse on child protection in family law continue to open up new opportunities for cross-sector collaboration. This reflects an evolving legal paradigm that increasingly recognizes the complexity of child welfare within fragmented institutional environments. There is a need for the development of responsive derivative regulations that are in line with societal developments, as well as the strengthening of the capacity of social and religious institutions as strategic partners of state legal institutions. This indicates the importance of an integrated legal ecosystem capable of translating normative commitments into measurable protection outcomes. The protection of children's rights in the realm of family disputes must ultimately become a collective agenda for the nation, with a framework that places children not only as members of the family, but as entities with full rights in law and society. This shift affirms a jurisprudential trajectory that prioritizes child-centric governance models grounded in legal autonomy and dignity.

Child protection from the perspective of Islamic law is implemented through education costs, living expenses, health costs, and the right to be cared for (*ḥaḍānah*) if the child has not yet reached adulthood

(Kasim et al., 2022). At the social level, a re-orientation of the community's legal culture is essential as the foundation for successful child protection. The social construct that still places children as a marker of family status must be changed to a rights-based protection logic. The process of resolving family disputes should focus on restoring family relationships for children, providing space for active participation, and strengthening community-based social support systems. This will reduce prolonged trauma and ensure that children grow up in a safe, inclusive environment where they can assert their identity with dignity. Moreover, embedding *ḥaḍānah* obligations into institutional frameworks obliges both parents and society to secure the child's holistic welfare and sets a normative standard for legal accountability. The transition toward rights-centred protection mechanisms demands that authorities integrate psychological, educational and social welfare services into customary and statutory proceedings for family disputes. Evidence from jurisdictions with advanced protection systems confirms that shifting from status-based child treatment to rights-based frameworks correlates with improved long-term child outcomes. Greater emphasis on family dispute resolution through restorative modalities ensures that children are treated as stakeholders in the process, enabling agency and reducing victimisation. Strengthening community-based support structures fosters a preventive orientation and mitigates dependency on reactive intervention, thereby reinforcing the sustainability of protection mechanisms.

### **Law Enforcement and Institutional Roles in Child Protection**

Law of the Republic of Indonesia No. 23 of 2002 concerning Child Protection, Article 1 paragraph 12, which states: "Children's rights are part of human rights that must be guaranteed, protected, and fulfilled by parents, families, communities, governments, and the state" (Mulia, 2021). Law enforcement in guaranteeing the protection of children's rights in family disputes requires synergy between judicial institutions and credible, professional institutions outside the court system that are responsive to children's needs. Mujito et al. (2022) emphasize the importance of criminal liability for perpetrators of child neglect as a serious violation of the legal obligations of parents and the state to guarantee children's rights. This view shows that child protection should not be limited to moral or social aspects, but must also be realized through strict and consistent legal mechanisms. The Child

Protection Law No. 35 of 2014 emphasizes the responsibility of the state and legal institutions to comprehensively supervise, protect and fulfil children's rights. Within the judicial system, the role of judges, prosecutors, and advocates is decisive in determining the implementation of the principle of the best interests of the child in every decision, while outside the court, the involvement of social organizations, child protection agencies, and civil society provides a broader and more integrated safety net.

Strengthening the capacity of law enforcement officials is a key requirement that must be met in order to ensure that the protection of children's rights is not merely ceremonial. Knowledge of child psychology, family dynamics and cross-sectoral approaches must be mandatory competencies for those involved in the judicial system and out-of-court dispute resolution. As explained by Darmawan et al. (2021), understanding human psychological aspects is an important foundation in developing social and legal systems that are adaptive to individual needs, including those of children. In practice in religious and civil courts, institutions often experience limitations in terms of expert human resources, so that children's needs in psychosocial aspects are not fully served (Santoso & Nasrudin, 2021). According to Grijns and Horii (2018), an approach that is sensitive to children's conditions is crucial to ensure that court decisions favor the protection and development of children.

For the government as policy makers, it is necessary to improve the Child Rights Legislation, particularly regarding the education of minors and guardianship and custody rights (Turisno et al., 2021). Institutional bodies outside the court system, such as the Indonesian Child Protection Commission (KPAI), the Witness and Victim Protection Agency (LPSK), community organizations, religious leaders and family forums, play a vital complementary role in ensuring continued protection after a court decision has been made. Mechanisms for involving professionals such as psychologists, social workers, and child advocacy institutions must be systematically strengthened so that child assistance is sustainable and not interrupted at any stage of the legal process (Sinambela & Mardikaningsih, 2022). This model of inter-agency coordination is in line with the requirements of Law No. 23 of 2002 on Child Protection, which has been revised, whereby children's rights must be protected throughout all phases of their lives.

The enactment of the Child Protection Law in 2002 was based on the consideration that child protection in all its aspects is part of national

development activities, particularly in advancing the life of the nation and state (Arliman, 2018). However, the ineffectiveness of the implementation of decisions in the field often stems from weak post-trial supervision. Many parties still ignore sanctions or obligations to provide financial support and visitation rights, even though the decision has permanent legal force (Cammack & Feener, 2012). This is why the state is encouraged to develop collaborative enforcement and monitoring mechanisms involving local governments, educational institutions, and social service facilities as a mutually reinforcing chain of control.

The implementation of the principle of the best interests of the child should be the spirit behind every law enforcement effort. In child welfare theory, the involvement of children as legal subjects who have the right to be heard directly is fundamental (Rahman, 2012). However, not all family courts have opened up safe and appropriate spaces for participation, for example in the taking of testimony or consultation on custody decisions (Schenk, 2018). This clearly requires the strengthening of a legal culture that places the voice of the child as a key component in the decision-making system.

Cross-country studies show that effective monitoring of court decisions, active involvement of civil society, and improved regulations on implementation are key to successful child protection (Sportel, 2016; Fournier, 2016). Moreover, integrating data-driven evaluation tools, regular training for judicial and social service personnel, and mechanisms for community feedback can enhance accountability and responsiveness. Establishing multidisciplinary task forces ensures that children's rights are protected holistically, addressing legal, social, and psychological dimensions. By strengthening inter-agency collaboration, the state must ensure the continued fulfilment of children's rights, including the right to life, growth and development, and participation in family and social environments (Safira et al., 2021).

In religious and civil courts it is essential to implement innovations in assessment that draw upon expertise within multiple dimensions and to develop integrated service centres aimed at supporting families in need. Family-counselling services, psychological assistance, and education on the rights of children must be institutionalised as standard procedures in every family-dispute process (Barkah et al., 2022). These measures strengthen the instrumentality of formal legal protection while fostering social values that support the mental health and well-being of children in the long term.

Moreover, these services contribute to reducing the likelihood of secondary psychological trauma among affected family members by offering targeted interventions. The institutionalisation of such programmes supports systematic monitoring of family dynamics and enhances early identification of risk factors. By embedding these services within judicial- and administrative-dispute frameworks, the legal system can move from reactive disposition to proactive family care. The presence of integrated centre services fosters coherence between legal outcomes and therapeutic support, thereby increasing the likelihood of sustainable recovery for children and families. These efforts further promote the accumulation of multidisciplinary data that can inform evidence-based policy reforms in the field of family and child welfare.

Non-judicial institutions such as religious communities, family counselling centers, youth and educational organizations have great potential to play a role in legal literacy campaigns and child protection education. They need to be given access and regular training to enable them to participate in awareness-raising, early detection and advocacy for children's rights in the context of family disputes. According to Pakpahan et al. (2022), the involvement of social communities that understand psychological well-being and social dynamics is very influential in building collective awareness of issues of protection and justice. Religious authorities, in their strategic position in society, should also actively emphasize the importance of child protection at the level of fatwas and daily religious guidance (Schenk, 2018).

It should also be noted that legal pluralism in Indonesia has led to polarized interpretations of children's rights and position within the family. This fragmentation illustrates the persistent challenge of aligning normative standards with legal practices across diverse socio-legal traditions. Differences in interpretation between regions and schools of thought can lead to disparities in protection, particularly in cases involving children born out of wedlock or adopted children. Such inconsistencies suggest a structural vulnerability that compromises equal access to justice for marginalized child populations. This phenomenon is in line with the findings of Zahid and Darmawan (2022), who state how social stereotypes and differences in the interpretation of values within society can reinforce inequalities in the treatment of certain groups, including children who are vulnerable to legal discrimination. This dynamic reinforces the critical need for proactive legislative responses that address systemic exclusion and promote normative coherence. The government,

through the synchronization and harmonization of regulations between institutions, must provide inclusive and non-discriminatory legal certainty for all children. A uniform legal framework is essential to ensure that every child, regardless of origin or status, is guaranteed the same degree of legal recognition and protection.

At the grassroots level, family-based community empowerment is a strong asset in supporting the implementation of child protection. Community-based interventions, intensive socialization on the importance of children's rights, and the establishment of legal and social volunteer networks have proven to increase the chances of children's rights being properly fulfilled (Hariyani et al., 2021). Family- and community-based protection mechanisms, especially in indigenous communities, must also be strengthened and formally institutionalized so that all children have access to adequate protection.

According to literature findings, realizing comprehensive protection for children requires a strict monitoring system and regular updates to law enforcement mechanisms. The development of standard operating procedures (SOPs) for handling family disputes, ensuring the involvement of multidisciplinary personnel, is an important innovation that is in line with the spirit of the Child Protection Law. Implementing digital case tracking systems, periodic audits of case outcomes, and feedback mechanisms from children and families can enhance transparency and accountability. Establishing partnerships with schools, healthcare providers, and community organizations further broadens the support network, ensuring that protection extends beyond formal legal processes. The provision of a child protection hotline, advocacy service posts, and online consultation rooms are new channels to strengthen children's and families' access to legal protection outside the courts.

Thus, collaboration between state institutions, courts, and civil society is a key pillar of successful child protection after family disputes. The state needs to uphold fair rule of law, impose strict sanctions for violations of children's rights, support psychosocial rehabilitation, and ensure that every court decision is implemented and in the best interests of the child. Moreover, integrating technological tools for case management, establishing clear reporting channels for violations, and fostering community awareness programs can strengthen enforcement and preventive measures. Continuous training for judges, lawyers, and social workers on child-sensitive approaches will further enhance the system's effectiveness. Regulatory

reform, adaptive institutional restructuring, and capacity building for all parties involved will result in a child protection system that is resilient and responsive to the dynamics of today's families.

From this analysis, law enforcement can no longer be merely a textual formality at the regulatory level. The protection of children's rights requires innovative enforcement, multi-faceted monitoring mechanisms, and the meaningful participation of complementary cross-sectoral institutions in order to promote the growth, development and welfare of children within the family.

## CONCLUSION

An in-depth study on the protection of children's rights in family disputes shows that regulations in Indonesia have provided a strong legal basis, particularly through the Marriage Law and the Child Protection Law. However, implementation at the practical level often faces various complex challenges, such as the dualism of customary, religious and state law, weak post-decision monitoring, minimal involvement of experts, and lack of child participation in legal processes. Law enforcement efforts and cross-sector institutional collaboration have been proven to strengthen the child protection system when implemented consistently, progressively, and based on the best interests of the child. Institutional reform and regulatory updates in line with societal developments are key to mainstreaming children's rights in the family law system.

The implications of this study confirm that successful child protection can only be achieved through synergy between state institutions, the courts and civil society, which complement each other. This collaboration necessitates capacity building, innovation in monitoring mechanisms, and the active involvement of communities and families. A transformation of legal culture that places children as subjects of law with dignity is essential to promote substantive justice and the sustainability of children's welfare in the future.

The main recommendation of this study is that all stakeholders, both the state and society, continue to strengthen family law education, expand access to counselling and advocacy services for children, and improve the monitoring system as concrete steps to prevent violations of children's rights. The state should periodically update regulations, provide training to law enforcement officials, and develop community- and family-based protection models so that every child has a safe, inclusive, and equitable environment in which to grow and develop.

Continuous synergy between government agencies, law enforcement officials, and civil society organizations is required to ensure that all recommendations can be implemented effectively and sustainably. Cross-sector collaboration must be built on the principles of transparency, accountability, and public participation so that every policy truly serves the best interests of children. In the long term, strong regulatory and institutional synergy is expected to create a child protection system that is not only reactive to violations but also preventive and transformative in building a healthy, intelligent, and characterful generation.

Furthermore, it is important for local governments to strengthen the role of integrated service units, including integrated service centers for the protection of women and children (P2TP2A), so that cases involving children can be handled more quickly, appropriately, and fairly. The active participation of local communities, educational institutions, and the mass media is also key to building a culture of caring for children that rejects all forms of violence, discrimination, and neglect. The protection of children's rights can truly be realized as an integral part of national development based on the values of humanity, justice, and shared responsibility.

## REFERENCES

- Arliman, L. (2018). Peran Komisi Perlindungan Anak Indonesia untuk Mewujudkan Perlindungan Anak. *Jurnal Hukum Respublica*, 17(2), 193-214.
- Athief, F. H. N., & Juwanti, R. H. (2020). Court Decisions on Post-Divorce Children's Livelihood: Islamic Law Analysis on their Practices in Indonesia and Malaysia. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*, 20(2), 151-173.
- Barkah, Q., Huzaimah, A., Rochmiyatun, S., & Ramdani, Z. (2022). Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 17(2), 383-411.
- Bowen, G. A. (2009). Document Analysis as a Qualitative Research Method. *Qualitative Research Journal*, 9(2), 27-40.
- Cammack, M. E., & Feener, R. M. (2012). The Islamic Legal System in Indonesia. *Pac. Rim L. & Pol'y J.*, 21, 13.
- Clarke, V., & Braun, V. (2017). Thematic Analysis. *The Journal of Positive Psychology*, 12(3), 297-298.
- Creswell, J. W., & Poth, C. N. (2018). *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (4th ed.). Sage.
- Darmawan, D. et al. (2021). *Psychological Perspective in Society 5.0*. Zahir Publishing.
- Fineman, M. A. (2013). *Societal Factors Affecting the Creation of Legal Rules for Distribution of Property at Divorce. In At the Boundaries of Law (RLE Feminist Theory)* (pp. 265-280). Routledge.
- Fournier, P. (2016). *Muslim Marriage in Western Courts: Lost in Transplantation*. Routledge.
- Given, L. M. (Ed.). (2008). *The Sage Encyclopedia of Qualitative Research Methods*. Sage.
- Grijns, M., & Horii, H. (2018). Child Marriage in a Village in West Java (Indonesia): Compromises Between Legal Obligations and Religious Concerns. *Asian Journal of Law and Society*, 5(2), 453-466.
- Hariani, M., N. A. Aaliyah, & F. Issalillah. (2021). Legal Guarantee of Children's Rights in Education and Health. *Journal of Social Science Studies*, 1(2), 177 – 180.
- Horii, H. (2021). Legal Reasoning for Legitimation of Child Marriage in West Java: Accommodation of Local Norms at Islamic Courts and the Paradox of Child Protection. *Journal of Human Rights Practice*. <https://doi.org/10.1093/JHUMAN/HUAA041>
- Kasim, F. M., Nurdin, A., Muthalib, S. A., Syarifuddin, S., & Samad, M. (2022). The Protection of Women and Children Post-Divorce in Sharia Courts in Aceh: A Sociological Perspective. *Ahkam: Jurnal Ilmu Syariah*, 22(2).
- Lemons, K. (2019). *Divorcing Traditions: Islamic Marriage Law and the Making of Indian Secularism*. Cornell University Press.
- Macfarlane, J. (2012). *Islamic divorce in North America: A Shari'a Path in a Secular Society*. Oxford University Press.
- Makarao, T., & Al Faruqi, Q. (2023). Implementation of child protection policies in indonesia - a comparison study of the effectiveness of child protection institutions performance. *Jurnal Hukum Jurisdictie*. <https://doi.org/10.34005/jhj.v5i1.117>
- Marsal, A. P., & Darmawan, D. (2022). Communication Strategies in Managing Conflict in Multicultural Teams. *Journal of Social Science Studies*, 2(2), 285-290.
- Mulia, A. A. (2021). Optimalisasi Perlindungan Terhadap Anak Korban Perceraian Dalam Perspektif Hukum. *Gorontalo Law Review*, 4(2), 223-234.

- Nasution, K., & Nasution, S. (2021). Implementation of Indonesian Islamic Family Law to Guarantee Children's Rights. *Al-Jami'ah: Journal of Islamic Studies*, 59(2), 347-374.
- Nurjanah, S., Santoso, D., Fatarib, H., Jalil, M., & Murdiana, E. (2022). Lessons Learned from Child Protection Rights in Religion Paradigm and National Law. *Journal of Social Studies Education Research*, 13(1), 237-258.
- Nurlaelawati, E., & Van Huis, S. C. (2019). The Status of Children Born Out of Wedlock and Adopted Children in Indonesia: Interactions Between Islamic, Adat, and Human Rights Norms. *Journal of law and religion*, 34(3), 356-382.
- Pakpahan, N. H., Darmawan, D., & Rojak, J. A. (2022). Racial Discrimination and How Psychological Wellbeing and Social Engagement Impacts: A Review of the Literature on Identity, Stigma, and Coping Strategies in Multicultural Societies. *Journal of Social Science Studies*, 2(1), 87-94.
- Platt, M. (2017). *Marriage, Gender and Islam in Indonesia: Women Negotiating Informal Marriage, Divorce and Desire*. Routledge.
- Priyatama, S., N. D. Aliyah, R. Mardikaningsih, M. E. Safira, F. Issalillah. (2022). Juridical Analysis of the Implementation of Artificial Insemination in Indonesia: Legal Status and Children's Rights in Positive Perspective Law, *Bulletin of Science, Technology and Society*, 1(2), 27-32.
- Rahman, F. Z. (2012). Gender Equality in Muslim-Majority States and Shari'a Family Law: Is There a Link? *Australian Journal of Political Science*, 47(3), 347-362.
- Rokhmad, A., & Susilo, S. (2017). Conceptualizing Authority of the Legalization of Indonesian Women's Rights in Islamic Family Law. *Journal of Indonesian Islam*, 11(2), 489-508.
- Safira, M. E., Masfufah, & Yuliasutik. (2021). A Critical Analysis of Family Interactions on Children's Mental Health and Emotional Balance, *Journal of Social Science Studies*, 1(1), 257 – 262.
- Safira, M. E., N. D. Aliyah, W. Evendi, & M. S. F. Yulianis. (2022). Parental Education in Shaping Children's Life Values at Home, *Journal of Social Science Studies*, 2(1), 131 – 134.
- Saktiawan, P., Hardyansah, R., Darmawan, D., & Putra, A. R. (2021). Ethical Principles in Indonesian Legal Advocacy: Sustaining Justice in Adversarial Systems Through Professional Integrity. *Journal of Social Science Studies*, 1(2), 239-244.
- Santoso, D., & Nasrudin, M. (2021). Polygamy in Indonesia and its Relevance to the Protection of Women and Children in the Perspective of Islamic Law Philosophy. *Akademika: Jurnal Pemikiran Islam*, 26(1), 121-136.
- Schenk, C. G. (2018). Islamic Leaders and the Legal Geography of Family Law in Aceh, Indonesia. *The Geographical Journal*, 184(1), 8-18.
- Sinambela, E. A. & R. Mardikaningsih. (2022). Daycare Business as a Parenting Solution for Working Families. *Journal of Science, Technology and Society*, 3(1), 29-34.
- Snyder, H. (2019). Literature Review as a Research Methodology: An Overview and Guidelines. *Journal of Business Research*, 104, 333-339.
- Sportel, I. (2016). *Divorce in Transnational Families: Marriage, Migration and Family Law*. Springer.
- Syarif, N. (2021). The Discourse and Practice of Islamic Family Law in Indonesia. *Psychology and Education Journal*, 58(1), 5201-5212.
- Turisno, B. E., Suharto, R., Priyono, E. A., & Mahmudah, S. (2021). Negligence in Implementing Child Custody Decisions: A Threat to Child Protection in Indonesia. *International Journal of Criminal Justice Sciences*, 16(2).
- Tenrilawa, D. F., Asmuni, A., & Matsum, H. (2022). When Religious Judges Protect Children's Rights Case of Divorce: in Padangsidempuan Religious Court. *Al-Ahwal: Jurnal Hukum Keluarga Islam*. <https://doi.org/10.14421/ahwal.2022.15204>
- Yilmaz, I. (2016). *Muslim Laws, Politics and Society in Modern Nation States: Dynamic Legal Pluralisms in England, Turkey and Pakistan*. Routledge.
- Zahid, R. A., & Darmawan, D. (2022). Analyze the Effect of Social Stereotypes on Intergroup Relations in Society and Social Equality. *Journal of Social Science Studies*, 2(2), 195-200.

\* Sugiono, Suwito, Mujito. (2023). Analysis of the Protection of Children's Rights in Family Disputes through Regulatory and Institutional Synergies with a Justice Perspective, *Journal of Social Science Studies*, 3(1), 189 – 198.