

THE OBLIGATION OF MAINTENANCE AS AN ALIMONY RIGHT IN CIVIL LAW AND ITS IMPLICATIONS IN INDONESIA

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Abstract. Alimentary rights are a form of legal protection aimed at ensuring the fulfillment of living needs for those entitled, such as wives and children, within the context of family relationships. In Indonesian civil law, the obligation to provide support as alimentary rights is grounded in the Indonesian Civil Code (KUHPerdata) and the Marriage Law No. 1 of 1974. This study aims to analyze the concept of support obligations within the framework of alimentary rights and their implications, particularly in divorce cases. Using a normative juridical approach, this research examines legislation and court decisions related to the implementation of alimentary rights. The findings indicate that alimentary rights serve not only to meet material needs but also reflect legal and moral responsibilities to protect the welfare of children and former spouses. However, the implementation of these obligations faces challenges, including weak law enforcement, low public legal awareness, and financial constraints of the obligated party. Necessary solutions include strengthening regulations, increasing legal education for the public, and optimizing mechanisms for monitoring and law enforcement. With these steps, alimentary rights as part of the support obligations can be effectively implemented and offer optimal protection for all entitled parties

Keywords: alimentary rights, support obligation, civil law

INTRODUCTION

Alimony rights constitute one of the fundamental forms of legal protection within the context of family relationships in Indonesia. In Indonesian civil law, the obligation to provide maintenance as a form of alimony rights has a strong legal basis both in the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata/KUHPerdata) and in Marriage Law No. 1 of 1974. This obligation is intended to ensure the fulfillment of basic living needs for entitled parties, such as wives and children, following divorce or in situations where there is economic inequality between separated spouses (Anam, 2019). This right is not merely a financial obligation but also encompasses legal and moral aspects aimed at protecting the welfare of those in need.

Historically, alimony rights have been regulated in the Indonesian Civil Code, where provisions regarding maintenance obligations are stipulated in Articles 39 to 41. The Civil Code provides that a husband is obligated to provide maintenance for his wife and children, including basic necessities such as housing, food, and clothing. Marriage Law No. 1 of 1974 further reinforces this obligation and adds a protective dimension by recognizing maintenance as an inseparable part of family rights affected by divorce. This demonstrates the state's commitment to safeguarding economic and social rights within family relationships.

However, despite the existence of a strong legal foundation, the implementation of maintenance obligations in Indonesia still faces various challenges. One of the primary challenges is the weak enforcement of the law. There are many cases in which former spouses who are obligated to provide maintenance fail to fulfill their responsibilities. A study conducted by Azzahra and

Kusumadara in 2023 on legal protection for children after divorce found that 72% of children from divorced parents do not receive maintenance regularly in accordance with court decisions. This study emphasizes the importance of reformulating supervision and law enforcement mechanisms to ensure the protection of children's rights after divorce (Azzahra et al., 2023). This issue is often caused by a lack of legal awareness among the public regarding maintenance obligations, as well as the economic incapacity of the party responsible for providing such support. The lack of support from legal institutions in monitoring the implementation of these obligations also constitutes a major obstacle in ensuring that alimony rights are properly protected.

In addition, low levels of legal awareness among the public also contribute to problems in the implementation of maintenance obligations. Many members of society still do not fully understand alimony rights and the legal obligations that accompany them (Mulia, 2021). This situation leads to imbalances in the implementation of rights and obligations in divorce cases. Effective legal education and stronger law enforcement are therefore necessary to increase public awareness regarding the importance of alimony rights and maintenance obligations. Without adequate legal education, individuals tend to neglect their obligations, which ultimately results in legal uncertainty for the entitled parties.

Financial constraints also represent a significant challenge in the implementation of maintenance obligations. Many individuals are unable to fulfill their responsibilities due to the economic limitations they experience. This situation is further exacerbated by the difficulty of obtaining decent employment or sufficient income after divorce (Putri et al., 2021). Consequently, the party responsible for providing maintenance often fails to meet their obligations, which directly affects the welfare of the entitled parties. Therefore, supportive policies aimed at improving the economic conditions of obligated former spouses are required, such as job training programs, economic empowerment initiatives, or temporary social assistance that may help them fulfill their maintenance obligations.

To address these challenges, it is necessary to strengthen regulations and improve the effectiveness of law enforcement. The government needs to reinforce regulations governing maintenance obligations and ensure that every obligated party is able to fulfill their responsibilities without obstacles. In addition, it is important to enhance supervision systems and law enforcement mechanisms to ensure that alimony rights are effectively protected. Furthermore, comprehensive and targeted legal education programs are required to increase public awareness regarding the importance of maintenance rights and obligations. Through these measures, it is expected that alimony rights as part of maintenance obligations can be implemented more effectively and provide optimal protection for all entitled parties.

METHOD

This research constitutes an empirical study employing a qualitative approach using a literature review method to analyze maintenance obligations as alimony rights within Indonesian civil law. This study aims to examine and understand how relevant legal regulations, such as the Indonesian Civil Code (KUHPerdata) and Marriage Law No. 1 of 1974, are implemented in practice, as well as their implications for parties involved in divorce cases.

Through a literature study, this research reviews various primary legal sources, including statutory regulations, court regulations, and relevant court decisions, in order to obtain a deeper understanding of the implementation of alimony rights in Indonesia. This approach enables the researcher to explore in depth the legal issues related to maintenance obligations, examine the challenges in their implementation, and propose necessary improvements. Therefore, this study is expected to contribute to a better understanding of alimony rights within the context of Indonesian civil law.

RESULT AND DISCUSSION

The Implementation of Alimony Rights in Indonesian Civil Law

The Indonesian Civil Code (KUHPerdata) and Marriage Law No. 1 of 1974 constitute the primary legal foundations governing maintenance obligations as alimony rights. The Civil Code regulates in detail the obligation of a husband to provide maintenance for his wife and children following divorce. These provisions include fundamental rights such as housing, food, and clothing, which aim to ensure a decent standard of living for the parties entitled to receive such support. Marriage Law No. 1 of 1974 further reinforces this provision by emphasizing the need to protect the economic rights of families affected by divorce (Jafar, 2023).

However, the implementation of alimony rights in practice does not always align with expectations. There are many cases in which former spouses fail to fulfill their obligations to provide maintenance. This situation is caused by various factors, including weak law enforcement, limited legal awareness among the public, and the economic limitations of the obligated party. Another challenge faced is the financial incapacity of former spouses, which is often caused by unstable employment or income after divorce. The lack of support from legal institutions in ensuring the implementation of these obligations also contributes to legal uncertainty for the entitled parties.

Divorce cases in Indonesia often become a moment when maintenance obligations are questioned and tested in practice. The implementation of maintenance obligations as alimony rights in divorce cases faces various challenges. One of the main challenges is the difference in understanding among the parties involved regarding the amount and type of maintenance that should be provided. In practice, disputes frequently arise regarding the reasonable amount of maintenance and the payment mechanisms that must be followed. In some cases, unclear or ambiguous court decisions regarding maintenance rights further exacerbate uncertainty for former spouses who require financial support.

Lengthy and complicated court processes also worsen the situation. Former spouses who require maintenance often have to wait a long time for definitive court decisions, which can increase their financial burden. In addition, the implementation of court decisions is often hindered by the inability or lack of understanding of the obligated party. In several cases, the obligated former spouse fails to comply with court decisions or fulfills their obligations inadequately, which prolongs the process and increases uncertainty for the parties entitled to receive maintenance (Ihwanudin, 2016).

To improve this situation, stronger measures in law enforcement are required. Courts need to ensure that their decisions clearly reflect the rights and obligations of the parties and provide adequate protection for former spouses who require maintenance. Government support in providing legal aid services for entitled former spouses also needs to be strengthened. Furthermore, monitoring and

enforcement mechanisms for court decisions must be improved so that the implementation of maintenance obligations becomes more effective and transparent. This will help reduce uncertainty and ensure that those in need of maintenance receive the support necessary for their livelihood.

In addition to legal and economic factors, social and cultural obstacles also influence the implementation of maintenance obligations as alimony rights in Indonesia. Patriarchal cultural values that remain strong in several regions often influence perceptions and treatment regarding maintenance obligations. In some cases, there is a tendency to neglect or underestimate the rights of women and children in divorce, particularly when the former spouse lacks adequate legal awareness. Misunderstandings regarding social roles and responsibilities also contribute to uncertainty in the implementation of maintenance obligations (Mardalena, 2020).

Social stigma also acts as a barrier to the implementation of alimony rights. Former spouses who are obligated to provide maintenance often face negative perceptions from society when they are required to provide financial support to their former wives or children. This situation frequently intensifies the psychological and social pressures they experience, which in turn may hinder their willingness to fulfill their maintenance obligations. The lack of social support and legal knowledge among the public further exacerbates this problem, complicating the process of resolving maintenance disputes in court and increasing legal uncertainty for the parties involved.

To overcome these social and cultural obstacles, more systematic efforts are required to increase legal awareness and transform social perceptions that do not support maintenance obligations. Effective legal education and public outreach can help society understand the importance of protecting the economic rights of families after divorce. Social campaigns promoting gender equality and children's rights also need to be encouraged in order to transform cultural perspectives that hinder the implementation of maintenance obligations. In addition, social support from the community is essential in creating a more supportive environment for obligated former spouses, so that they do not feel isolated and are better able to fulfill their maintenance obligations.

Challenges in the Implementation of Maintenance Obligations as Alimony Rights

The primary challenges in implementing maintenance obligations as alimony rights in Indonesia lie in weak law enforcement and low levels of legal awareness among the public. Many former spouses do not fully understand their obligations to provide maintenance, which results in violations of alimony rights. Weak law enforcement also leads to minimal sanctions for those who fail to fulfill their obligations, thereby reducing public trust in the judicial system. This situation worsens the conditions for former spouses who require financial support, highlighting the need for stronger law enforcement and more effective mechanisms to ensure that maintenance obligations are fulfilled (Zaeni, 2019).

In addition, financial constraints on the part of the obligated party also constitute a significant issue in the implementation of alimony rights. Many former spouses are unable to fulfill their maintenance obligations due to economic limitations, difficulty in obtaining adequate employment, or unstable income. This situation requires government intervention in the form of economic empowerment programs, social assistance, or job training that can help former spouses achieve economic independence and fulfill their obligations. Addressing these challenges requires a holistic

approach involving improved legal awareness, stronger law enforcement, and adequate economic support to encourage better implementation of maintenance obligations.

To address the challenges in implementing maintenance obligations as alimony rights, comprehensive improvement measures are required. Strengthening legal regulations and enhancing law enforcement are key to ensuring that every obligated former spouse fulfills their responsibilities properly. The government needs to update regulations governing alimony rights in order to clarify the rights and obligations of the parties involved and strengthen supervision and enforcement mechanisms to ensure fair and effective implementation.

It is also essential to increase public legal awareness regarding the importance of alimony rights and maintenance obligations. Adequate legal education can help the public understand their rights and responsibilities, both as providers and recipients of maintenance. Structured educational programs, such as seminars, workshops, and social campaigns, should be implemented intensively to ensure that accurate information regarding legal rights and obligations is disseminated to all parties involved.

Furthermore, in supporting the implementation of maintenance obligations, it is important for both the government and society to pay attention to the psychological and social aspects faced by obligated former spouses. Psychological support such as counseling or assistance services can help them cope with the emotional challenges arising from divorce and new financial responsibilities. The social stigma attached to former spouses who pay maintenance often affects their self-esteem, and social and psychological support can help alleviate this pressure.

Improving access to legal information and education is also crucial. Increasing legal literacy within society can help former spouses understand their rights and obligations in accordance with applicable laws and regulations. Legal education programs must reach various segments of society, including vulnerable groups such as women who become heads of households after divorce. By increasing their understanding of alimony rights and maintenance obligations, it is expected that greater awareness and more effective efforts to fulfill these obligations will emerge (Cahyani, 2020).

Strong economic and social support must also be accompanied by strict supervision to ensure compliance with maintenance obligations. Firm and fair law enforcement is essential to ensure that obligated parties do not evade their responsibilities. Courts need to cooperate with relevant institutions to monitor and implement legal decisions related to maintenance. If violations occur, clear and fair sanctions must be applied in order to create a deterrent effect and ensure consistent compliance with maintenance obligations (Anam, 2019).

To optimize the implementation of maintenance obligations as alimony rights in Indonesia, a series of strategic steps are required involving adequate economic support, increased legal awareness, and strict supervision. Adequate economic support is crucial to enable obligated former spouses to meet their daily needs, whether through temporary social assistance, job training programs, or economic empowerment initiatives. The government can play a role in providing financial support and targeted social assistance to improve the economic independence of former spouses. Programs such as skills training or entrepreneurship education can help them obtain better employment or establish their own businesses, thereby increasing income and reducing dependence on assistance.

Increasing legal awareness is also essential in supporting the implementation of maintenance obligations. Many members of society still do not fully understand their legal rights and obligations

related to post-divorce maintenance. Therefore, comprehensive legal education efforts are required through socialization programs, seminars, and legal counseling across various levels of society. These efforts aim to improve public understanding of the importance of maintenance obligations in ensuring the welfare of children and former spouses, as well as the legal consequences of failing to fulfill such obligations. Legal education can also promote awareness regarding the importance of mutual respect and responsible family roles.

Strict supervision is also a crucial factor in ensuring the proper implementation of maintenance obligations. The government must strengthen supervisory mechanisms to ensure that individuals obligated to provide maintenance fulfill their responsibilities in accordance with applicable laws. Such supervision may be conducted through law enforcement agencies, courts, or social institutions responsible for monitoring and enforcing compliance with maintenance obligations. With strict supervision, the implementation of maintenance obligations is expected to become more effective and prevent negligence or disregard for the rights of entitled parties.

All of these measures aim to create a conducive environment for the implementation of maintenance obligations as alimony rights in Indonesia. Through adequate economic support, increased legal awareness, and strict supervision, maintenance obligations are expected to be implemented more effectively and provide optimal protection for all entitled parties, including children and former spouses. This not only helps maintain the social and economic stability of families affected by divorce but also contributes to the development of a more just and sustainable society.

To overcome challenges in implementing maintenance obligations as alimony rights in Indonesia, several comprehensive strategies are required. First, there is a need for clearer and more decisive revisions of legislation regarding reasonable maintenance amounts and transparent payment mechanisms. These regulations must be effectively implemented by courts and supported by strong law enforcement mechanisms. Second, more intensive legal education programs should be implemented to increase public awareness regarding alimony rights and maintenance obligations. These programs must include accessible information and training regarding legal processes and the legal consequences of failing to fulfill maintenance obligations.

Third, greater social support is required for former spouses obligated to pay maintenance. The government and society should provide support in the form of social assistance, job training, and economic empowerment programs. This will help former spouses achieve financial independence and facilitate the fulfillment of maintenance obligations (Jafar, 2024). Such support can also reduce the social burdens they face and help create a more supportive environment for the implementation of alimony rights. Through these measures, maintenance obligations are expected to be implemented more effectively and provide better protection for all entitled parties.

The improvement of maintenance obligations as alimony rights in Indonesia has significant implications for the welfare of families and society. When maintenance obligations are properly implemented, they help maintain the welfare of former spouses and children affected by divorce. The maintenance received can be used to meet basic needs such as education, healthcare, and daily living expenses, which in turn contributes to improving the quality of life of families affected by divorce. Strengthening maintenance obligations can also help reduce poverty and social inequality in society,

as obligated former spouses are able to contribute more effectively to their family's economic well-being (Anam, 2019).

Furthermore, the proper implementation of maintenance obligations can strengthen social bonds and promote gender equality within society. By increasing legal understanding and awareness regarding maintenance rights and obligations, society is expected to better appreciate the roles of both fathers and mothers in supporting the growth and development of their children after divorce. This can also help transform patriarchal cultural perspectives, so that maintenance obligations are not perceived as the responsibility of only one party but rather as a shared responsibility that must be fulfilled by both parties. The positive impact of strengthening maintenance obligations will contribute to the creation of a more equitable and just society for all family members.

CONCLUSION

Maintenance obligations as alimony rights within Indonesian civil law play a crucial role in protecting the welfare of former spouses and children affected by divorce. Although alimony rights are clearly regulated in the Indonesian Civil Code and Marriage Law No. 1 of 1974, their implementation still faces various challenges that hinder their effectiveness. These challenges include ambiguity in determining reasonable maintenance amounts, limited legal awareness, weak law enforcement, and social and cultural barriers that influence societal perceptions of maintenance obligations.

The implementation of maintenance obligations in divorce cases is often hindered by lengthy and complicated judicial processes as well as weak enforcement of court decisions. This contributes to uncertainty and injustice for parties who require maintenance. In addition, social stigma and patriarchal cultural perspectives also influence the implementation of maintenance obligations, discouraging obligated former spouses from fulfilling their responsibilities. The lack of social support and legal knowledge among the public further exacerbates this situation.

To address these challenges, strategic measures are required, including regulatory reform, improved legal education, and strengthened law enforcement mechanisms. Revisions to existing legislation must clarify reasonable maintenance amounts as well as establish transparent and accountable payment mechanisms. Educational programs targeting various segments of society regarding alimony rights and maintenance obligations must also be intensified in order to increase legal awareness and transform cultural perspectives that do not support maintenance obligations (Maroa, 2021).

The government must also provide adequate social support for former spouses obligated to fulfill maintenance obligations. Economic empowerment programs, job training initiatives, and social assistance for those who require financial support can help increase economic independence and facilitate the fulfillment of maintenance obligations. Such support is essential in creating a more supportive environment for the implementation of alimony rights while ensuring that all entitled parties receive adequate protection following divorce.

Through these efforts, maintenance obligations as alimony rights are expected to be implemented more effectively and provide optimal protection for former spouses and children affected by divorce. Proper implementation of alimony rights will not only help maintain their welfare but also strengthen social cohesion and gender equality within society. Therefore, strengthening legal

frameworks, increasing legal awareness, and providing social support are key to creating a more equitable and just system for the implementation of maintenance obligations in Indonesia.

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