

NEGLECT OF CHILD CUSTODY RIGHTS POST JUDGMENT (AN ANALYSIS OF THE ROLE OF THE SIGLI SHARIA COURT)

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ABSTRACT

Divorce rulings often result in a battle for child custody, driven merely by a desire to satisfy a momentary ego, and consequently fail to grant the child their rightful custody. This study examines the phenomenon of the neglect of custody rights (child custody) that occurs following a final legal ruling by the Sigli Sharia Court. This study employs a qualitative approach using an empirical legal research methodology. Data were collected through in-depth interviews, observation, documentation and document analysis. The data were subsequently analysed and presented qualitatively. The findings indicate that the neglect of custody rights is driven by the parents' self-interest, a lack of understanding regarding the enforceability of the ruling, and psychological barriers faced by the child. The role of the Sigli Sharia Court in addressing this issue includes post-judgment mediation efforts and the implementation of actual enforcement. The court adopts a passive stance and cannot carry out active supervision without a request from the parties involved. However, it was found that the enforcement of custody rights often reaches an impasse due to its personal and sensitive nature, thus requiring stronger coordination with child protection agencies and other law enforcement authorities. This study concludes that strengthening the functions of oversight and legal education for the community in Pidie Regency is crucial to safeguarding the best interests of the child, alongside optimal coordination between the DP3A/P2TP2A, village officials and child protection agencies in ensuring that custody rights are upheld.

Keywords : *rights violation, badhanah, execution of judgment, the best interest of the child, Sharia Court*

ABSTRAK

Putusan cerai seringkali berakhir dengan perebutan hak asuh anak hanya untuk memenangkan ego sesaat dan kemudian luput memberikan hak *badhanah* yang layak kepada anak. Penelitian ini mengkaji fenomena pengabaian hak *badhanah* (hak asuh anak) yang terjadi setelah adanya putusan hukum tetap dari Mahkamah Syar'iyah Sigli. Penelitian ini menggunakan pendekatan kualitatif dengan jenis penelitian yuridis empiris. Data dikumpulkan melalui wawancara mendalam, observasi, dokumentasi dan studi dokumen. Data kemudian dianalisis dan disajikan secara kualitatif. Hasil penelitian menunjukkan bahwa pengabaian hak *badhanah* dipicu oleh faktor ego sektoral orang tua, kurangnya pemahaman terhadap kekuatan eksekutorial putusan, dan hambatan psikologis anak. Peran Mahkamah Syar'iyah Sigli dalam menangani masalah ini mencakup upaya mediasi pasca-putusan dan pelaksanaan eksekusi riil. Dimana pengadilan bersifat pasif dan tidak dapat melakukan pengawasan aktif tanpa permohonan pihak berperkara. Namun, ditemukan bahwa eksekusi hak asuh sering kali menemui jalan buntu karena sifatnya yang *personlijke* (pribadi) dan sensitif, sehingga memerlukan koordinasi yang lebih kuat dengan lembaga perlindungan anak dan aparat penegak hukum lainnya. Penelitian ini menyimpulkan bahwa penguatan fungsi pengawasan dan edukasi hukum bagi masyarakat di Kabupaten Pidie menjadi krusial untuk menjamin kepentingan terbaik bagi anak (*the best interests of the child*) ditambah dengan koordinasi optimal antara DP3A/P2TP2A, aparat gampong dan lembaga perlindungan anak dalam memastikan pemenuhan hak *badhanah*.

Kata Kunci: *pengabaian hak, badhanah, pelaksanaan putusan, demi kepentingan terbaik anak, Mahkamah Syar'iyah*

INTRODUCTION

The high divorce rate in Pidie Regency was recorded at 497 cases in 2024 at the Sigli Sharia Court. This is an increase from the 356 cases recorded the previous year (Aceh, 2025). The majority of divorce cases were initiated by wives as plaintiffs. Economic factors, domestic violence, and marital disputes were the primary triggers for these divorces. This phenomenon reflects the social dynamics of Acehnese society, which is deeply rooted in Islamic Sharia, where divorce not only severs the marital bond but also disrupts the stability of child custody rights—which are predominantly granted to the mother in accordance with the Shafi'i school of jurisprudence and Article 105 of the Indonesian Islamic Family Law (Saraswati et al., 2021; Sunarto & Baidawi, 2020).

Islamic law guarantees the mother's rights until the child reaches the age of discernment. Islam views the mother as having a closer emotional bond, especially if the child is still a minor. This is one of the strongest justifications for the mother being deemed qualified in terms of care and upbringing. Additionally, the father retains the right to custody and participation, which includes fulfilling the child's maintenance obligations on a monthly or daily basis according to the father's ability (Sebriyani, 2023). Therefore, the division of parental roles following divorce is intended to ensure the continuity of child-rearing and the fulfilment of the child's maintenance needs.

In legal practice, a parent's remarriage often raises issues regarding the continuity of child custody and the fulfilment of child support obligations. This situation places children in a vulnerable position as they must adapt to new parenting arrangements. This vulnerability becomes even more complex when the custodial parent forms a new family. In various cases, the presence of stepfathers and stepmothers can present various social and emotional adjustment challenges for children from the first marriage. This situation has the potential to affect the child's well-being when the caregiving process is not carried out fairly.

In this context, child well-being is not merely understood as the formal fulfilment of financial support and housing. Rather, child welfare is multidimensional, encompassing physical, emotional, family relationships, social support, and a sense of security (Mil et al., 2025). When parental attention shifts to the new family without adequate oversight mechanisms, children under custody are at risk of neglect, which can lead to behavioural issues.

Child protection following divorce is already quite robustly regulated under Indonesian positive law through the Marriage Law No. 1 of 1974 and Law No. 16 of 2019

on Marriage. This article stipulates that even after a marriage has ended, in the best interests of the child, both the father and the mother remain obligated to care for and raise their child (Indonesia, 2014). This is further reinforced in Law No. 35 of 2014 on Child Protection, Article 7(1), Article 14, and Article 45(1). It affirms that children have the right to grow and develop optimally and that parents have the obligation to care for their children even after a divorce.

In the Compilation of Islamic Law (KHI), Article 105, regarding *badhanah*, stipulates that custody of a child who has not reached the age of discernment or is under 12 (twelve) years of age is the mother's right. As for children who have reached the age of discernment, the determination of custody is left to the child concerned, while still taking into account the best interests of the child (Saraswati et al., 2021). This reaffirms that even though the marriage has ended, both the father and mother still have the obligation to care for and educate the child by prioritizing the child's best interests, including in the determination of custody rights.

However, in Pidie Regency, this protection has not been accompanied by adequate post-custody ruling monitoring mechanisms, as the courts do not have an active supervisory role. In practice, the Sigli Sharia Court merely grants custody rights without any means of ongoing monitoring, particularly once the custodial parent has formed a new family. Meanwhile, relevant institutions such as the Dinas Pemberdayaan Perempuan dan Perlindungan Anak (DP3A) and Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak (P2TP2A) tend to be reactive only after a case has occurred, rather than engaging in preventive monitoring of children's welfare.

The absence of this proactive oversight creates a gap between legal provisions and social reality, meaning that children who are formally protected by a court ruling remain at risk of neglect, particularly within complex new families. It is this situation that underlies the importance of a study on the Neglect of Children's Custody Rights Following the Ruling of the Sigli Sharia Court. This is exacerbated by the fact that custody rulings often stop at the determination of rights, without guaranteeing the fulfilment of the child's rights.

Previous research has extensively examined the topic of custody rights, such as the study by (Tarmizi et al., 2023), which notes that parents often dispute child custody following a divorce decree. Additionally, research by (Syahrin et al., 2025) reveals that custody arrangements within families in Indonesia and Algeria have been implemented effectively. Furthermore, a study by (Arifin Abdullah & Ismail, 2018) revealed that custody rights granted

to the mother because the child is not yet of discerning age may be revoked due to several factors. Furthermore, research by (Karmilawati, 2024) reveals that neglect of custody rights can have very complex adverse effects on children. Finally, research by (Nasution & Fatimah, 2023) notes that neglect of custody rights often occurs after a husband and wife decide to divorce. Based on previous research, the researchers found that there have not been many studies examining the role of the courts in ensuring the enforcement of custody rights following a court ruling.

Previous studies have focused solely on the impacts and contributing factors of the neglect of custody rights following a couple's divorce. The researcher found no previous studies regarding the role of the Sharia Court in ensuring the fulfilment of custody rights by divorced couples. The role of the Sharia Court in ensuring the fulfilment of custody rights by divorced couples is crucial as part of the implementation of applicable law. Additionally, it is essential to ensure that children affected by divorce receive their rights in a proper and adequate manner. Based on the above gap, the researcher is interested in conducting a study titled "Neglect of Children's Custody Rights Following a Divorce Ruling (An Analysis of the Role of the Sigli Sharia Court)." The research questions are: (1) What forms does the neglect of a child's custody rights take following a ruling by the Sigli Shari'ah Court? (2) What are the factors causing the neglect of children's custody rights following a ruling within the jurisdiction of the Sigli Sharia Court? (3) What is the role of the Sigli Sharia Court in efforts to prevent and resolve the neglect of children's custody rights following a ruling?

RESEARCH METHOD

This study employs a qualitative approach within the framework of empirical legal research. Empirical legal research is a type of research that combines a legal (normative) approach with an empirical (field-based) approach (Utomo & Aditya, 2025). This study aims to analyse and understand the law in a real-world context, taking into account the social, economic, and cultural aspects that influence the law. The research focus is directed at the exercise of custody rights following a court ruling, particularly in situations where the custodial parent forms a new family that could potentially affect the child's well-being.

Data collection was conducted through in-depth interviews, observation, documentation, and document analysis. The data were then analysed through data collection, data reduction, and drawing conclusions. The population in this study consists of all officials and employees of the Sigli Sharia Court, totalling 35 individuals. The research sample

comprised 4 (four) informants who hold the position of court clerk. The research was conducted in early February 2026.

FINDINGS AND DISCUSSION

The Concept of *Hadhanah* in Islamic Law and Statutory Law

From a fiqh perspective, *badhanah* is the obligation and right to care for, educate, and protect children who are not yet capable of caring for themselves (Maulana, 2023). The primary recipients of *badhanah* rights are children whose parents have divorced and who are not yet *mumayyiz* (unable to distinguish between right and wrong). If the child is not yet *mumayyiz*, custody rights rest with the mother. Conversely, if the child is already *mumayyiz*, custody rights rest with the child to choose whether to be raised by the mother or the father (Ali Abdullah, 2024). It does not stop at the status of mother or father. Islam imposes absolute requirements on anyone who will care for a child as a result of divorce; among these requirements are sound mind, adulthood, the ability to educate, good character, and being a Muslim (Khair, 2020).

Although a child who has not yet reached the age of discernment is cared for by the mother, the father still has an obligation to provide for the child by giving the child support to the mother (Jafar, 2024). The mother then provides for the child in various forms that constitute the child's rights. The child's right to custody includes access to education, housing, adequate food, shelter, clothing, and guaranteed safety (Kurniawan et al., 2023).

Meanwhile, within the context of the Compilation of Islamic Law and the Marriage Law, the concept of custody is regulated in Articles 105 and 106 of the Compilation of Islamic Law. While Islamic law uses the term *mumayyiz*, positive law explicitly uses the child's age to determine whether the child is cared for by the mother or father. A child under 12 years of age is typically cared for by the mother (Kamila, 2023). A child over 12 years of age may choose to be cared for by either the mother or father. However, if, over time, the child's caregiver fails to fulfill their responsibilities, the court may transfer custody to the maternal grandmother, the father, or a suitable female relative (Mansari et al., 2018). The primary principle of *badhanah* in the Compilation of Islamic Law is to ensure that whoever cares for the child can guarantee the child's safety, education, and best interests.

Essentially, the concept of *badhanah* in Islamic law and positive law share a common and harmonious objective in protecting and ensuring the well-being of children (Hanifah, 2024). However, the differences lie in their sources of law, approaches, and implementation

mechanisms. While Islamic law is based on religious texts and the *ijtihad* of scholars, positive law derives from various adopted legal systems; it is codified, legally binding, and operates through formal judicial mechanisms.

Enforcement of Post-Divorce Custody Orders

The enforcement of a custody ruling does not end with the court's decision but extends to the actual care of the child on a day-to-day basis. Ideally, the ruling is implemented voluntarily by the party who did not obtain custody, by handing over the child to the entitled party without coercion (Rachman et al., 2024). In this situation, the relationship between both parents is maintained, particularly regarding visitation rights, so that the child continues to receive love and care from both parents.

However, if the decision is not voluntarily complied with, the entitled party may file a petition for enforcement through the Religious Court (Sari et al., 2022). This process typically begins with a warning (*aanmaning*) and proceeds to enforcement, although in practice, a persuasive approach is prioritized to avoid psychological impacts on the child (Yahya et al., 2024).

In practice, the exercise of child custody often faces various forms of neglect. Such neglect can be physical in nature, such as the failure to meet a child's basic needs for food, shelter, and education (Khairunnisa et al., 2024). In addition, there is also emotional neglect, for example, when one parent restricts the child's relationship with the other parent or engages in psychological manipulation that can harm the child's mental development (Asrial & Elkhairati, 2025).

Neglect can also occur in a legal form, namely when a court ruling is not enforced, including the refusal to hand over the child to the entitled party or the obstruction of visitation rights (Azizi, 2020; Lily et al., 2024). Furthermore, economic neglect frequently occurs, particularly when the father fails to fulfil his obligation to provide child support and cover the child's educational expenses.

The failure to enforce custody orders is generally caused by various interrelated factors. Psychological factors are one of the main causes, particularly when a child has a strong emotional bond with the parent who does not have custody and thus refuses to move (Semman, 2025). Conflict between parents also plays a significant role, where egos and prolonged disputes turn the child into an object of contention. Additionally, low legal awareness leads some parties to disregard their obligation to comply with court rulings.

From a law enforcement perspective, there are technical challenges in enforcing custody rulings because they cannot be enforced by force without considering the child's psychological well-being. Social and economic factors also play a role, such as the child's dependence on a specific environment or unfavourable economic conditions (Sinaga & Wahyudi, 2025; Suhartono et al., 2024). Therefore, the enforcement of custody rulings fundamentally requires a balance between legal certainty and a humanitarian approach, while consistently prioritizing the child's best interests as the primary concern.

Analysis of the Role of the Sigli Sharia Court

The Sigli Sharia Court plays a crucial role in ensuring the enforcement of child custody rulings, not only during the adjudication phase but also during the implementation phase. In carrying out its role, the Court strives to formulate clear, firm, and operational rulings so that they are easy for the parties to implement. In addition, judges often provide explanations to the parties regarding the legal obligations arising from the ruling, including the consequences of non-compliance.

Interview results with MI and JR confirm that the principle of the best interests of the child serves as the primary foundation for every decision, with the hope of fostering awareness and voluntary compliance among the disputing parties (Riza & Sibarani, 2021). However, due to the passive nature of the judiciary, the Court can only take further action if there is a petition from an interested party, so the successful implementation of a ruling depends heavily on the initiative of the aggrieved party.

With regard to the monitoring and enforcement of custody rulings, the Sigli Sharia Court essentially lacks a mechanism for ongoing direct oversight. Monitoring is primarily indirect, occurring through reports or complaints from parties who feel aggrieved by the failure to implement a ruling. In some cases, the Court may also coordinate with village officials, family members, or relevant institutions to ensure compliance with the ruling.

Separate interviews with HA and BN revealed that if a ruling is not voluntarily enforced, the prevailing party may file a petition for enforcement (Hartati & Syafrida, 2021). The enforcement process begins with an *aanmaning* (warning) issued by the Court Chairperson to the non-compliant party, followed by the issuance of an enforcement order, and its execution is carried out by a court officer, who, under certain conditions, may involve law enforcement officials. However, the enforcement of child custody cases has unique characteristics because the subject is a child; therefore, a persuasive approach and consideration of the child's psychological well-being are crucial to avoid negative impacts.

Furthermore, informants (MI, JR, HA, and BN) stated that, in practice, the Sigli Sharia Court faces various obstacles in ensuring the enforcement of child custody rulings. Legally, there are still limitations in the technical regulations specifically governing the procedures for enforcing child custody rights, as well as a lack of effective, stringent sanctions for parties who fail to comply with court rulings. From a sociological perspective, emotional conflict between the parties, the influence of local customs and culture, and the reluctance of one party to hand over the child often pose major obstacles.

Additionally, the child's psychological state often poses a challenge, particularly if the child refuses to be transferred to the party legally entitled to custody. Practical obstacles also arise, such as difficulties in bringing the child to court during enforcement, attempts to hide the child, and the court's limited resources. Furthermore, coordination with relevant agencies such as the police, social services, and child protection agencies has not always been optimal (Latumahina & Sekalessy, 2025). Taken together, these challenges indicate that the enforcement of custody rulings is not merely a legal matter but also involves complex social, cultural, and psychological aspects.

The Consequences of Neglecting Custody Rights

Neglecting a child's right to custody or care can have serious consequences for the child's psychological and social well-being (Karmilawati, 2024). Psychologically, children who do not receive proper care tend to feel insecure, unloved, and rejected by their parents. This condition can develop into emotional disorders such as anxiety, depression, and low self-esteem (Saputra et al., 2025). In the long term, children are also at risk of experiencing trauma and difficulty building healthy emotional relationships with others.

From a social perspective, children who experience neglect often face barriers in interacting, both with peers and the wider community (Ardian & Anwar, 2025). They may become withdrawn or, conversely, exhibit aggressive behaviour. Additionally, a lack of attention and guidance can lead to declining academic performance and increased vulnerability to negative environmental influences.

For parents, neglecting their parental rights also carries serious consequences. Parents may experience emotional distress in the form of guilt and regret, especially when they realize the negative impact on their children (Syrif, 2022). Furthermore, this neglect often triggers conflicts, both within the family and in the legal sphere, such as child custody disputes. The relationship between parents and children can also become strained or even damaged in the long term. On the other hand, society often imposes a negative stigma on

parents perceived as neglecting their responsibilities (Daming & Barokah, 2022). Under certain circumstances, this neglect may also result in legal sanctions if classified as a form of child abandonment.

From a child protection perspective, the neglect of the right to custody constitutes a violation of a child's fundamental right to care, protection, and affection. The principles enshrined in the UN Convention on the Rights of the Child affirm that every child has the right to an environment that supports their optimal growth and development (Afandy & Desiandri, 2023). In Indonesia, this is further reinforced by the Indonesian Child Protection Law, which outlines the obligations of parents and the state to ensure children's well-being (Wahyuono et al., 2026). In cases of neglect, the state has the right to intervene to protect the child, including by transferring custody to a more capable party (Nazmi & Syofyan, 2023). Thus, every decision regarding *badhanah* must always be based on the principle of the child's best interests to ensure their rights remain fully protected.

An Islamic Legal Perspective on the Neglect of Custody

From the perspective of Islamic law, the neglect of child custody is a serious issue because it is directly related to the primary objectives of Sharia (*maqasid al-syari'ah*), particularly the preservation of lineage (*hifz al-nasl*) and the preservation of life (*hifz al-nafs*) (Bakar & Rahim, 2021). The principle of the best interest of the child is fundamentally aligned with the concept of *maslaha* in Islam, which is the pursuit of good and the prevention of harm. Although this term is more widely recognized in modern international law, such as the UN Convention on the Rights of the Child, its substance has long been an integral part of Islamic teachings. In the context of *badhanah*, all decisions regarding child custody must consider the child's overall well-being, encompassing physical, psychological, educational, moral, and spiritual needs. Therefore, neglecting *badhanah* is viewed as contrary to this principle because it disregards the child's best interests and has the potential to cause harm (*mafsadah*) in the child's development (Faizzati, 2024).

In Islam, parental responsibility toward children is comprehensive and cannot be separated into material and non-material aspects. From an Islamic perspective, children are a trust from Allah SWT that must be safeguarded and nurtured with full responsibility. This obligation includes meeting basic needs such as food, clothing, and shelter, as well as the need for affection, education, and moral guidance. The Qur'an issues a stern warning for parents to protect themselves and their families from ruin, highlighting the importance of an active role in child-rearing (Khairunnisa et al., 2024).

Furthermore, in the hadith of the Prophet Muhammad SAW, it is emphasized that every leader will be held accountable for those under their care, including parents for their children. In the context of *badhanah*, scholars agree that the mother has priority in the care of young children, provided she meets the necessary qualifications, such as being of sound mind, capable of caring for the child, and refraining from actions that endanger the child's development (Aidilla & Djumardin, 2025). However, the father's responsibility remains, particularly regarding financial support and protection. Thus, the neglect of *badhanah* by one or both parents constitutes a breach of trust with moral and religious consequences.

From a fiqh perspective, neglecting the right of custody can be categorized as a violation of a religious obligation that may result in the forfeiture of custody rights. Scholars from various schools of thought, such as the Hanafi, Maliki, Shafi'i, and Hanbali, share the view that the right of custody is granted to the party best able to ensure the child's welfare (Sunarto & Baidawi, 2020). If the party who is supposed to provide custody is proven to be negligent, incapable, or engages in actions that endanger the child, then this right may be transferred to another party, such as a close relative. This is based on the principle that the right to custody is not merely a right of the parents, but also a right of the child that must be protected.

In fiqh analysis, such neglect can be linked to the concepts of taqṣīr (negligence) or even *idrar* (causing harm), both of which are prohibited in Islam (Karmilawati, 2024). Fiqh principles such as *dar'u al-mafāsīd muqaddam 'alā jalb al-masalib* (preventing harm takes precedence over seeking benefit) serve as a crucial foundation for making decisions regarding child custody. Furthermore, the principle of *al-darar yuzāl* (harm must be removed) also emphasizes that any form of neglect that harms the child must be immediately stopped, including by transferring custody rights to a more suitable party.

Overall, the Islamic legal perspective on the neglect of child custody affirms that child-rearing is an obligation that must not be neglected under any circumstances (Nasri et al., 2023). The principle of the child's best interests, the parental responsibility as a trust, and the fiqh analysis that prioritizes the public interest as the primary goal all indicate that child protection is a top priority in Islam. Therefore, any form of neglect of child custody must be viewed as a serious violation requiring attention and intervention from families, society, and legal institutions.

Resolution Efforts and Recommendations

Efforts to resolve disputes involving children must always prioritize the principle of the best interests of the child, whether through legal or non-legal channels. Legal action is pursued through the judicial system, specifically through the Sharia Court as the authority responsible for handling family matters in Aceh. In this context, resolutions are achieved through litigation processes such as divorce cases, determination of child custody (*badhanah*), and the fulfillment of child support obligations (Yus, 2022). Additionally, parties dissatisfied with a ruling may pursue further legal remedies, such as appeals and cassation, as well as the enforcement of the ruling to ensure the child's rights are fully upheld (Nidal, 2024). Although providing legal certainty, the litigation process often takes a long time and may cause psychological stress for the child.

On the other hand, non-legal measures offer an alternative that prioritizes a peaceful and humane approach. Dispute resolution through mediation, both in and out of court, is a crucial step toward reaching a mutual agreement without prolonging the conflict (Gustami & Marpaung, 2024). Additionally, family deliberation is often used as a simpler resolution method that prioritizes family values (Istikomah, 2025). Psychosocial support provided by professionals such as psychologists and social workers also plays a vital role in safeguarding children's mental and emotional well-being throughout the dispute resolution process. Consequently, non-legal approaches are considered more effective in minimizing the negative impact of conflict on children's development.

Child protection in the context of disputes is not only the responsibility of the judicial system but also involves various related institutions. The Indonesian Child Protection Commission (KPAI) plays a role in conducting oversight and providing policy recommendations regarding child protection (Sidauruk, 2023). Additionally, the Social Services Agency plays a role in providing social rehabilitation services, support, and assistance to children affected by disputes (Meitasari & Kurniawan, 2021). Legal Aid Institutions (LBH) also provide access to justice for the public, particularly for those who are less privileged (Wahyudi et al., 2022). Furthermore, professionals such as psychologists and social workers provide assessments that judges can use as a basis for their decisions. Synergy among these institutions is crucial for achieving comprehensive child protection, encompassing legal, social, and psychological aspects.

To optimize the role of the Sharia Court in child protection, several strategic steps are required. First, strengthening the application of the principle of the best interests of the

child must serve as the primary foundation for every judicial decision (Mansari & Rizkal, 2021). Second, enhancing the capacity of judicial officials through training on child protection and child developmental psychology is an urgent priority (Muhammaddiah & Safitri, 2025). Third, the mediation function must be optimized to reduce prolonged conflicts that negatively impact children (Alam & Fathurrozi, 2024). Additionally, strengthening inter-agency collaboration such as between the Child Protection Commission (KPAI), the Social Services Department, and other professionals is also essential. Equally important, monitoring and evaluation of the implementation of rulings must be conducted continuously to ensure that children's rights are truly upheld. Finally, the development of a child-friendly judicial system through the provision of specialized facilities and procedures is a crucial step in creating a safe and comfortable judicial environment for children.

CONCLUSION

The disregard of a child's custody rights following a court ruling indicates that the existence of a court decision does not fully guarantee the fulfilment of children's rights in practice. In this context, the role of the Sigli Sharia Court is not limited to adjudicating and deciding cases, but also extends to ensuring the effective enforcement of such rulings. Weak oversight, a lack of awareness among the disputing parties, and minimal coordination with relevant institutions are the main factors contributing to the neglect of custody rights. Therefore, optimizing the role of the judiciary through strengthening enforcement mechanisms, enhancing mediation functions, and fostering synergy with child protection agencies are crucial steps to ensure that the principle of the child's best interests is truly realized in practice after a ruling is issued. This study is limited to examining the Sharia Court's perspective regarding the neglect of custody rights following a ruling. Further research could explore couples who have already received a divorce decree.

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