Journal of Innovative and Creativity
Journal Homepage: https://joecy.org/index.php/joecy
e-mail: journaljoecy@gmail.com

Faculty of Education
University of Pahlawan Tuanku Tambusai
ISSN 2775-771X (Online)
ISSN 2962-570X **(Printed)**
6 (1) 2026, Page: 8875-8886

Compilation of Islamic Law and Law No. 35 of 2014 on the Protection of Children Victims of Divorce

Musram Doso[1], Vina Adania[2]
[1,2] Institut Agama Islam Darul Falah Bondowoso,
Corresponding Author: Musram Doso, e-mail: *musramdosodafa@gmail.com*

Published: Januari, 2026

ABSTRACT
Divorce is a growing social phenomenon that affects not only married couples, but also children, who are the most vulnerable parties. Children who are victims of divorce are prone to psychological, social, and emotional disorders due to changes in family structure, lack of parental attention, and post-divorce conflicts. This study aims to analyze the forms of protection for children affected by divorce from the perspective of the Compilation of Islamic Law (KHI) and Law Number 35 of 2014 concerning Child Protection, as well as to determine the implementation of such protection in Bandilan Village, Prajekan District, Bondowoso Regency. This study uses a qualitative approach with a case study method. Data collection techniques were carried out through observation, interviews, and literature studies of relevant laws and regulations and reference sources. The data were analyzed descriptively to describe the factual conditions of the protection of children of divorce in the community. The results showed that parental divorce in Bandilan Village had a significant impact on the psychological condition of children, such as feelings of loss, anxiety, decreased self-confidence, behavioral changes, and a tendency to engage in risky behavior as a form of seeking attention. Although normatively, the KHI and Law Number 35 of 2014 have regulated the obligations of parents and the state in protecting children's rights, their implementation in the field has not been optimal. Lack of parental awareness, post-divorce conflicts, and minimal psychological support are the main factors hindering the effectiveness of child protection. Therefore, cooperation between parents, families, communities, and the government is needed to ensure that children's rights are fulfilled, especially in terms of psychological and emotional protection.
Keywords: Child Protection, Divorce, Compilation of Islamic Law, Law No. 35 of 2014.

© The Author(s). 2021 Open Access This article is licensed under a Creative Commons Atibution 4.0 International License, which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence, and indicate if changes were made. The images or other third party material in this article are included in the article's Creative Commons licence, unless indicated otherwise in a credit line to the material. To view a copy of this licence, visit http://creativecommons.org/licenses/by/4.0

INTRODUCTION

Humans cannot live without the help of other humans, therefore humans are said to be social creatures. Humans always interact with their social environment, either directly or indirectly, because of interests, shared desires, or feelings that each human has. Humans are created in pairs, and the way to create pairs of humans is through marriage. Marriage is a bond that ties two people with different natures, attitudes, and characters, so a true man will legitimize the person he loves or cares for by marrying her. However, not all households run harmoniously and according to expectations. Sometimes there are households that cannot deal with existing problems. Problems in the household are usually caused by a lack of communication and other issues that ultimately lead to divorce (Arso, 2025).

Divorce is a social phenomenon that continues to increase in various countries, including Indonesia. The impact of divorce is not only felt by the husband and wife, but also has serious consequences for the children. Children are often the most vulnerable because they have no control over their parents' decisions. Family disharmony, custody battles, and emotional instability of parents after divorce can lead to various forms of child rights violations. Therefore, protecting children who are victims of divorce is a very urgent and crucial issue to ensure their optimal growth and development (Widiastuti & Adnyani, 2024).

This refers to previous research that prompted the author to conduct further research on "The Compilation of Islamic Law and Law No. 35 of 2014 on the Protection of Children Victims of

Divorce." This research was used as a comparison with previous research, including Helga's article, which explains that Divorce can cause psychological distress in children because it creates major changes in their lives and emotional environment. Children often feel loss, confusion, or depression due to the loss of family unity and the conflicts they may witness before and after the divorce. This condition can trigger mental problems such as anxiety, stress, or deep sadness, while also affecting their behavior and social relationships. Thus, divorce not only affects the family structure, but also the overall emotional stability of children (Andi Susanto, Nur Mu'minah, Ismi yatul Hasanah, 2025).

Indra also explained, "Parents have an important role in the process of children's self-discovery because they are the main source of guidance, affection, and role models in the development of children's character and self-understanding. However, when parents divorce, their focus is often divided between personal and emotional issues or adjusting to life after divorce, so that attention to the psychological needs of children may be reduced. As a result, children feel less guided or less supported in understanding who they are, coping with change, and building self-confidence. This shows that divorce can affect the quality of parental guidance in the process of shaping a child's identity(Haykal & Roziqin, 2025).

In his research, Agatha also explains, "After divorce, parents sometimes become too focused on personal issues, life adjustments, or post-divorce conflicts, thereby unknowingly neglecting their important obligations to care for and educate their children. In fact, even though the marital relationship has ended, parental responsibilities remain and should not be neglected. When parental attention is divided, children can lose the guidance, affection, and supervision they need to grow up well. This situation can affect children's emotional, social, and academic development because they need stability and support from both parents, especially during times of change after divorce." (Agatha, 2021)

Empirically, various studies show that children of divorce are at higher risk of emotional disorders, decreased academic performance, and changes in social behavior. Field data also indicates that not all children receive the optimal protection guaranteed by the Child Protection Law. There is still a gap between the applicable legal provisions and the practice of child protection in society, such as the obstruction of children's rights to meet both parents, the neglect of children's psychological needs, and custody decisions that do not fully prioritize the best interests of the child. (Arifin & Moesa, 2025).

This situation shows that protecting children who are victims of divorce is not only a family issue, but also a legal and social problem that requires serious attention. Based on this issue and referring to previous studies, the author is interested in further examining this topic through a study entitled "Compilation of Islamic Law and Law Number 35 of 2014 concerning the Protection of Children who are Victims of Divorce." This research focuses on the form of protection that should be provided to children, the implementation of such protection in society, and the factors that influence its effectiveness. This research is expected to provide scientific contributions and practical recommendations for parents, the government, and related parties in ensuring the fulfillment of children's rights even in families experiencing divorce.

METHOD

This study uses a qualitative approach with the aim of gaining an in-depth understanding of the forms of protection provided to children who are victims of divorce, whether by their parents, family, or relevant institutions. A qualitative approach was chosen because it allows researchers to explore the experiences, perceptions, and psychological and emotional conditions of child victims of divorce in a comprehensive and contextual manner. The research method used is a case study method, which is an in-depth assessment of one or more cases of child victims of divorce. This method is used to obtain a real picture of the forms of protection received by children, the dynamics of post-divorce parenting, and the obstacles that arise in fulfilling children's rights.

The research was conducted in Bandilan Village, Prajekan District, Bondowoso Regency. The location was chosen based on the phenomenon of divorce that directly impacts the psychological and social conditions of children, making it relevant to the focus of the research. The research subjects in this study were children and adolescents who were victims of their parents'

divorce, as well as parties who were considered to know and understand their conditions, such as family members and local community leaders. The research subjects were determined purposively, based on specific considerations in accordance with the needs and objectives of the study (Sugiono, 2013).

Data collection techniques were carried out through observation and interviews with the research subjects, supported by a literature study of laws and regulations, books, scientific journals, and articles relevant to the research topic. The data obtained was then analyzed descriptively and qualitatively by comparing various data sources, identifying correlations between data, and summarizing important points to obtain a systematic and in-depth understanding of the protection of children who are victims of divorce as reviewed in the Compilation of Islamic Law and Law Number 35 of 2014 concerning Child Protection.

FINDING AND DISCUSSION

Synchronization of the Compilation of Islamic Law and the Child Protection Law

The results of the study show that the Compilation of Islamic Law (KHI) and Law Number 35 of 2014 concerning Child Protection have strong common ground in their efforts to protect children, especially children who are victims of divorce. The synchronization of the two regulations is evident in their fundamental objectives, namely to guarantee the fulfillment of children's rights and to place the best interests of the child as the main principle in every policy and legal decision (Saniah et al., 2023)

The Compilation of Islamic Law views children as a trust from Allah SWT that must be safeguarded, cared for, and protected by parents (Sutriyono, 2023a). This perspective is reflected in the regulations regarding custody, financial support, and parental responsibilities after divorce. The KHI emphasizes that divorce does not eliminate parental obligations towards children, both material and non-material. This provision is in line with the principle in the Child Protection Law which states that children have the right to survival, growth and development, and protection from all forms of violence and discrimination (Indra et al., 2023).

The results of the study also found that the synchronization between the KHI and the Child Protection Law is evident in the recognition of children's rights to proper care. Article 105 of the KHI regulates child custody based on the age and maturity of the child, while Law No. 35 of 2014 affirms the right of children to be cared for by their own parents, unless there are valid reasons and in accordance with the best interests of the child. Both regulations place the interests of the child above those of the parents (Bilalu et al., 2022).

However, this synchronization has not been fully optimized in practice. Research shows that there is a difference in approach between the KHI, which is normative-religious in nature, and the Child Protection Law, which is juridical-positivistic in nature. The KHI places more emphasis on the moral awareness and religious responsibility of parents, while the Child Protection Law places more emphasis on the role of the state and legal sanctions. In practice, this difference often causes confusion in implementation, especially when there is a conflict between religious values and positive legal mechanisms (Pidana, 2025). Nevertheless, the results of the study confirm that the KHI and the Child Protection Law are complementary, not contradictory (Azni et al., 2023). The KHI provides an ethical and moral foundation, while the Child Protection Law provides more explicit legal instruments. Synchronization between the two is important to realize a comprehensive child protection system, especially for children who are victims of divorce and are in a vulnerable position.

Table 1.1 Comparison of KHI and Law No. 35 of 2014 Protection of Children Affected by Divorce (5 Key Points)

Aspect	Compilation of Islamic Law	Law No. 35 of 2014
Position of Children	Children are a trust that parents must protect	Children as legal subjects and holders of fundamental rights

Child Custody Rights	Children who are not yet discerning are cared for by their mothers; those who are discerning may choose for themselves.	Based on the best interests of the child
Child Support	Fathers are still obligated to provide for their children after divorce.	Parents are obligated to fulfill their children's basic needs.
Principles of Protection	Oriented towards Islamic values and benefits	Human rights-oriented and in the best interests of the child
Role of the State & Sanctions	Not imposing strict sanctions	The state is present and regulates sanctions for violations

It can be understood from the table above that the Compilation of Islamic Law (KHI) and Law Number 35 of 2014 have a similar orientation in protecting children who are victims of divorce, even though they use different approaches and philosophical bases. The KHI is based on Islamic legal values that place children as a trust, while the Child Protection Law is based on the principle of human rights, emphasizing that children are legal subjects with constitutional rights.

First, in terms of the status of children, the KHI views children as a trust that must be cared for and protected by their parents. This perspective emphasizes that divorce should not be a reason to neglect parental responsibilities towards children. Meanwhile, Law No. 35 of 2014 explicitly states that children are legal subjects who have the right to protection, care, and welfare. The results of the study show that strengthening the status of children as legal subjects in the Child Protection Law provides a more explicit guarantee of protection, especially when parents neglect their obligations (Sutriyono, Muhammad Abrori, Adela Idris, 2024).

Second, regarding child custody rights, the KHI regulates this specifically through Article 105, which places children who are not yet mumayyiz in the care of their mother, while children who are mumayyiz are given the right to choose. This provision demonstrates concern for the psychological aspects and welfare of children. On the other hand, the Child Protection Law does not regulate the technicalities of custody in detail, but emphasizes that every decision related to child care must be based on the principle of the best interests of the child. The results of the study found that this principle provides more leeway for judges to consider the factual conditions of the child, rather than merely adhering to normative provisions (Abrori, 2023b).

Third, in terms of child support, the KHI explicitly states that the father remains obliged to provide support to the child even after divorce. This obligation includes fulfilling the child's needs for living, education, and welfare. Law No. 35 of 2014 reinforces this provision by emphasizing that parents are obliged to fulfill the basic needs of their children without exception. Research shows that although the obligation to provide support has been clearly regulated, its implementation in the field still faces various obstacles, especially the weak enforcement of the law against negligent parents.

Fourth, from the aspect of child protection principles, the KHI emphasizes a welfare approach based on Islamic values, such as moral responsibility, compassion, and justice within the family. Meanwhile, the Child Protection Law emphasizes the principles of non-discrimination, the best interests of the child, and protection from all forms of violence and neglect. The results of the study show that these two principles complement each other, where the KHI provides an ethical and moral foundation, while the Child Protection Law provides legal certainty and institutional protection (Sutriyono, 2020).

Fifth, regarding the role of the state and legal sanctions, the KHI does not explicitly regulate sanctions for parents who violate children's rights. Child protection is emphasized more on parental awareness and responsibility. In contrast, Law No. 35 of 2014 emphasizes the role of the state, local governments, and the community in ensuring child protection, including through the application of criminal and administrative sanctions. The results of the study show that the presence of the state

through the Child Protection Law is very important in providing real protection for children who are victims of divorce, especially in cases of neglect and violence (Sutriyono, 2022).

Overall, the research results confirm that the KHI and Law No. 35 of 2014 are not contradictory, but rather complement each other in protecting children who are victims of divorce. The KHI provides a moral and religious basis, while the Child Protection Law provides legal force and guarantees state protection. The synchronization of these two regulations is key to realizing comprehensive and equitable child protection.

Children as Legal Subjects Who Must Be Protected

The results of the study show a significant paradigm shift in viewing the position of children in the Indonesian legal system. Children are no longer positioned as objects of parental authority, but as legal subjects who have fundamental rights that must be respected, protected, and fulfilled. This paradigm is clearly reflected in Law No. 35 of 2014, which states that every child has inherent rights from birth without any discrimination (Yamani et al., 2022).

In the context of divorce, the results of the study found that children are often the most affected, psychologically, socially, and economically (Sutriyono, 2023b). Therefore, recognizing children as legal subjects is very important to ensure that their rights remain protected even when their parents separate. The Child Protection Law provides legal legitimacy for children to receive protection from the state when their parents fail to fulfill their obligations (Zuhroh, 2023).

The Compilation of Islamic Law also recognizes the position of children as subjects who must be protected. Although it does not explicitly use the terminology of human rights, the KHI places children as parties who have the right to care, education, and financial support. The results of the study show that this principle is in line with the concept of maqashid al-syariah, particularly hifz al-nasl (protection of offspring) and hifz al-nafs (protection of life) (Ridwan, 2025).

However, the results of the study also reveal that in practice, the recognition of children as legal subjects is often not fully realized. Children are still often treated as objects of dispute between fathers and mothers in divorce proceedings. Children's rights are often overridden by the egoistic interests of their parents. This condition shows a gap between legal norms and social reality (Mokoagow et al., 2025).

Thus, the results of the study emphasize that strengthening the position of children as legal subjects requires more systematic efforts, both through consistent law enforcement and through public education. Children who are victims of divorce must be ensured that they continue to receive their rights to love, care, and protection without discrimination.

Challenges in Implementing Protection for Children Affected by Divorce

The results of the study show that the implementation of protection for children affected by divorce faces various complex and multidimensional challenges. These challenges stem not only from legal aspects, but also from social, economic, cultural, and psychological factors. One of the main challenges is the weak enforcement of child support obligations after divorce.

Many religious court decisions stipulate the father's obligation to provide child support, but in practice, this obligation is often not consistently fulfilled. The results of the study found that the mechanism for executing decisions related to child support is still weak, so that children are the ones who suffer the most. This condition shows that normative legal protection is not yet fully effective without the support of a strong enforcement mechanism (Ningrum, 2023).

Another challenge identified is the low level of public awareness regarding children's rights. Many parents still consider divorce to be solely a matter between husband and wife, without realizing its impact on children. Children often become victims of prolonged conflict between their parents, which leads to psychological abuse and neglect (Agustianti et al., 2022).

In addition, post-divorce economic factors also pose a serious challenge to the fulfillment of children's rights. The results of the study show that divorce often causes a decline in the economic condition of the family, which has a direct impact on the fulfillment of children's basic needs, such as education and health. In this situation, the role of the state and social institutions becomes very important to ensure that children continue to receive adequate protection (Tinggi et al., 2024).

The Role of Judges and Progressive Law Enforcement

The results of the study show that judges have a strategic role in determining the effectiveness of protecting children who are victims of divorce. Judges not only function as enforcers of the law, but also as guardians of substantive justice. In this context, a progressive legal approach is very relevant to ensure that court decisions truly protect the best interests of the child (Pratiwi, Mangku, & Yuliartini, 2020).

Religious court judges have the authority to consider the psychological, social, and economic aspects of children in every divorce decision. The results of the study show that judges who apply a progressive approach tend to be more sensitive to the conditions of children and dare to take legal breakthroughs to protect children's rights, even though this is not explicitly regulated in legislation (Nugraha, 2025).

Law No. 35 of 2014 provides space for judges to issue decisions oriented towards child protection, including the imposition of sanctions on parents who neglect their obligations. However, the results of the study show that the application of progressive law still depends heavily on the perspective and courage of the judge (RESTU, 2025).

Thus, the research results emphasize that strengthening the role of judges through capacity building, social sensitivity, and understanding of children's rights is key to realizing fair and sustainable protection for children affected by divorce.

Discussion

Overview of Children as Victims of Divorce in Bandilan Village, Bondowoso Regency

The phenomenon of divorce in Bondowoso, particularly in the Bandilan area, has become a prominent social issue in recent years. The high number of divorce cases often has an impact not only on the husband and wife, but also on their children (Hasbiyalla et al., 2025). In many cases, parents who are facing domestic conflicts tend to be so immersed in their personal problems that they neglect their children's emotional development, education, and psychological needs. Children are often the most affected, both mentally and socially, because they experience changes in their home environment, lack of affection, and the loss of one of their parents (Kurniawan & Hudafi, 2021).

In Bandilan, for example, several cases show that prolonged arguments, economic pressure, and family disharmony are the main triggers for divorce. Unfortunately, when divorce occurs, parents' focus shifts to legal proceedings, property disputes, or adjusting to life after separation. In such circumstances, the needs of children, which should be a priority, are no longer given optimal attention (Bakri & Abrori, 2025). In fact, according to many family psychology studies, children who do not receive emotional support when their parents divorce are at risk of behavioral problems, learning difficulties, decreased self-confidence, and even long-term trauma (Firdaus & Maskur, 2024).

The phenomenon of divorce in the Bandilan area shows a significant impact on the psychological and social conditions of children who are victims of divorce. Children who are victims of divorce often experience behavioral changes that can be seen in their attitudes, which become more difficult to control, a tendency to be naughty, and behavior that is different from other children their age. This behavior is actually a form of expression of feelings of insecurity, loss, or confusion due to the separation of their parents. Children who previously lived in a harmonious family environment now have to face new situations, such as the absence of one parent, changes in routine, and emotional tension within the family (Syaiful Bakri, 2025).

In addition, children affected by divorce often need special attention from their parents, but this attention is not always fulfilled. In many cases in Bandilan, parents involved in divorce tend to focus on conflict, division of property, or legal issues, so that the emotional attention and psychological needs of children are neglected. Children who do not receive adequate attention from their parents may seek attention through negative behaviors, such as delinquency, defiance of rules, or withdrawal from their social environment. This shows that children's "delinquent" behavior is not solely due to bad character, but is a form of response to the lack of emotional support and affection that should be provided by parents (Pratiwi, Mangku, & Yuliarti, 2020).

One form of behavior that often emerges is consuming alcoholic beverages or engaging in risky activities. These actions are usually not solely due to an interest in alcohol, but rather a form of protest or an attempt to express the emotional distress they feel. Children hope that through this behavior, their parents will give them special attention or ask about their condition. In other words, this behavior is a way for children to channel their unmet emotional needs due to a lack of interaction and attention from their parents after divorce (Hutapea et al., 2022).

This phenomenon shows that the "delinquency" of children who are victims of divorce does not always reflect bad character or defiance, but is a manifestation of urgent psychological and emotional needs (Mu'minah & Abrori, 2025). Children who feel neglected may seek recognition or a response from their parents through negative means, whether it be risky behavior, defiance of rules, or withdrawal from their social environment. This behavior is actually a signal that the child needs more intense communication, affection, and attention from both parents, even though they no longer live in the same house.

The author found that in Bandilan village, there are several children or adolescents who are still growing up who have become victims of their parents' divorce. This data was obtained by the author from sources of information available in Bandilan village. Although the data obtained may not be entirely accurate, it is based on direct interviews conducted by the author with relevant parties and community leaders who know and understand the situation. From these interviews, the author obtained various statements and opinions about their psychological condition after their parents divorced in Bandilan village (Faiz & Slamet, 2025).

The Psychological Impact of Divorce on Children

From the results of the observation, the author found several children who experienced psychological effects after their parents divorced. These children were then selected as research samples. To obtain data, the author conducted interviews with family members who were aware of the situation and could provide the necessary information. Let's call the child Ando (not his real name), who was one of the psychological victims of divorce. Ando is now 18 years old. He initially lived in Bandilan with his maternal uncle since he was 10 years old. Due to his young age, he did not understand what was happening to him until he was 13 years old. It was then that he understood that his father and mother would never be together again, and at that moment, he chose to live with his uncle even though his father had been granted custody. From that moment on, Ando became a quiet person and rarely socialized with his friends. Ando would immediately turn his face away if any of his friends were picked up by their parents. This is in line with what his uncle said during the interview:

> *"I don't know why Ando often daydreams and is very quiet since his parents officially divorced, and one day Ando said that he could live without his parents. From that moment on, I knew that Ando hated his parents. But even so, he often mumbled his parents' names in his sleep, and one night he mumbled that he missed his parents. Time passed quickly, and Ando decided to move to Karawang in West Java. I was initially very surprised by this decision, but I agreed because Ando is already an adult and knows what is good and bad for himself. I also asked him if he wanted to say goodbye to his parents, but he just shook his head and said with a shake of his head and said, "I will only say goodbye to my uncle because that is enough."*

Then there was Andika, who was 20 years old. He explained about his life after his parents divorced. He felt very frustrated when he found out his parents were divorcing. At that time, he was 19 years old and understood and was sensitive to the situation that had befallen his family. From that moment on, he often went out at night to get his parents' attention, but that did not meet his expectations. Therefore, he decided to live alone without joining either of his parents because, according to him, it would be the same as being neglected after their divorce. This is in line with what Andika explained:

> *"At first, I thought they wouldn't get divorced, but I was wrong. They divorced the day after they told me. What else could I do? I accepted it even though it made my mental and psychological condition unstable. From there, I sought my own life, even though it was synonymous with the nightlife. Before I met my current*

friends, I often consumed vodka, and among other things, I once consumed opium to attract my parents' attention. But what can I do? All of that didn't go according to my plans or expectations."

From the factors above, we can see that the impact of divorce on a child's psychological and mental condition is very dangerous and has a negative impact on children, especially those who are still young. Below are the psychological impacts on children that the author has learned from various literature. Parental divorce can have a significant psychological impact on children. Children often feel sadness and loss because the family unit they have known has changed. This situation makes children feel insecure and find it difficult to accept the fact that their parents no longer live together (Naibaho et al., 2025).

In addition, children may also experience anxiety and fear, especially the fear of losing the love of one of their parents. It is not uncommon for children to blame themselves and feel that the divorce happened because of something they did wrong. These feelings of guilt can burden children's emotional state and affect how they view themselves (Husamuddin, 2023).. Divorce can also cause children to feel angry and disappointed. These emotions are sometimes expressed through aggressive behavior, irritability, or rebelliousness. On the other hand, some children choose to withdraw from their social environment and become more quiet.

Other impacts include decreased self-confidence and difficulty socializing. Children may feel different from their peers and find it difficult to trust others. The emotional pressure they experience can also affect their concentration at school, leading to a decline in academic performance. However, the psychological impact of divorce can be minimized if children continue to receive sufficient attention, affection, and emotional support from their parents and their surroundings. Good guidance will help children adapt and grow with a healthier psychological condition (Abrori, 2023a).

Thus, the issue of divorce is not only a problem for married couples, but also a social issue that needs more attention. Parents must understand that the decision to separate does not absolve them of their responsibilities as fathers and mothers. Collective awareness from the community, support from the extended family, and education from the authorities are needed so that children continue to receive their rights and proper attention even though their parents no longer live together (Nur Has Winda & Zainuddin Sunarto, 2025).

Children, in a general sense, are not only the object of attention in science, but can also be analyzed from various perspectives of life, such as religion, law, and sociology. This multidimensional approach makes the understanding of children more rational and relevant, because it takes into account their interactions in the context of society, moral values, and legal norms. According to the sociological definition put forward by Apekk, children are creatures of God Almighty who constantly interact in society, nation, and state. In their social relationships, children occupy a lower status than the adults around them. The main focus of this social perspective is the protection of children's nature so that they can develop according to their nature, physically, emotionally, and intellectually (Abduh & Hamidah, 2021).

Children have a strategic role as the young generation who will continue the noble ideals of the nation, become leaders in the future, and be a source of hope for previous generations. Therefore, children need the widest possible opportunities to grow and develop optimally (Iklil Hasbiyalla, Ummul Muktaze, Norhalimah Achmad Sugiarto, 2024). Legal protection for children is an important part of this effort, which involves all levels of society in various positions and roles. Through legal protection, children can fully enjoy their rights, obtain education, health, and a safe environment, while avoiding violence and discrimination. In other words, protecting children also means protecting the quality of future generations' human resources (Arditya, 2022).

Child Protection in Law No. 35 of 2014

Legally, child protection is guaranteed through various regulations. Article 44 of Law No. 23 of 2002 emphasizes the state's obligation to provide comprehensive health facilities and services so that children enjoy excellent health from the womb. Furthermore, Law No. 35 of 2014 on Child Protection explains that the protection of minors is a series of actions to protect children's rights so that their lives, growth, development, and participation are optimal, in accordance with human

dignity. This protection includes the physical, mental, social, and spiritual safety of children, as well as ensuring that they are free from violence, discrimination, and harmful treatment. Thus, legal protection for children is a means of ensuring justice, order, and welfare (Nurjanah et al., 2025).

The impact of divorce on children is not only temporary but can have long-term effects on their social, emotional, and academic development. Children who do not receive adequate attention are at risk of experiencing difficulties in forming healthy interpersonal relationships, low self-confidence, and potential psychological disorders. Therefore, it is very important for parents, even after divorce, to continue to provide consistent attention, affection, and emotional support. Extended family, schools, and the community can also play a role in providing additional support so that children can continue to develop optimally and feel safe in their social environment. This psychological and emotional protection is key to ensuring that children affected by divorce have the opportunity to grow into mentally, socially, and morally healthy individuals (Moelyono et al., 2022).

Many children who are victims of divorce tend to exhibit behaviors to attract the attention of both parents, even though the parents are separated or busy with their own affairs. This behavior emerges as a natural response to feelings of neglect, sadness, or confusion due to changes in family circumstances. Children who were previously accustomed to living in a harmonious family environment now face uncertainty, the absence of one parent, and a lack of consistent emotional attention. This makes them look for ways to remain noticed or recognized by both parents (Ryanjaya & Ihya, 2024).

Therefore, psychological protection and attention from parents remain very important for children of divorce. Parents, extended family, schools, and the community need to work together to provide emotional and social support so that children can grow up healthy and well-adjusted. With the right approach, children can overcome feelings of anxiety, loneliness, or abandonment, and develop the ability to channel their emotions in positive ways. This consistent support also helps children feel safe, valued, and loved, enabling them to develop into mentally, socially, and morally healthy individuals.

CONCLUSIONS

Based on the results of the research and discussion described above, it can be concluded that parental divorce has a significant impact on the psychological, emotional, and social conditions of children, especially in Bandilan Village, Prajekan District, Bondowoso Regency. Children affected by divorce are prone to feelings of loss, anxiety, decreased self-confidence, behavioral changes, and a tendency to engage in risky behavior as a way of seeking attention and venting their emotions due to a lack of parental love and guidance.

Normatively, the Compilation of Islamic Law (KHI) and Law Number 35 of 2014 concerning Child Protection clearly regulate the obligations of parents and the state in ensuring the fulfillment of children's rights, including psychological and emotional protection even if the parents are divorced. However, the results of the study show that the implementation of these provisions in the field has not been optimal. The lack of parental awareness of post-divorce parenting responsibilities, prolonged conflict, and minimal psychological support are the main factors that hinder the effectiveness of child protection.

Therefore, the protection of children who are victims of divorce cannot be solely borne by parents, but requires cooperation between extended families, communities, educational institutions, and the government. A comprehensive and sustainable approach is needed to ensure that children's rights are fulfilled, especially in psychological and emotional aspects, so that children can grow and develop optimally even in divorced families.

REFERENCES

Abduh, M., & Hamidah, T. (2021). Tinjauan Mashlahah Imam Al-Ghazali Terhadap Taklik Talak Dalam Hukum Positif Indonesia. *DIKTUM*, 133–148.

Abrori, M. (2023a). *DINAMIKA KONSEP KEPEMIMPINAN DALAM ISLAM*. *04*(02).

Abrori, M. (2023b). Mutual Relationship : Membangun Komunikasi Efektif Dengan Masyarakat. *Aafiyah : Jurnal Multidisiplin Ilmu*, *1*(2). https://edujavare.com/index.php/Aafiyah/issue/archive

Agatha, G. (2021). Pembuktian Dan Pengesahan Anak Luar Kawin Serta Akibat Hukumnya Setelah Berlaku Putusan Mahkamah Konstitusi Nomor 46/PUU-VIII/2010 Dalam Pandangan Hukum Islam. *Indonesian Notary*, *3*(1), 23.

Agustianti, R., Nussifera, L., Angelianawati, L., Meliana, I., Sidik, E. A., Nurlaila, Q., Simarmata, N., Himawan, I. S., Pawan, E., & Ikhram, F. (2022). *Metode penelitian kuantitatif dan kualitatif*. Tohar Media.

Andi Susanto, Nur Mu'minah, Ismi yatul Hasanah, M. A. (2025). Analisis hukum penjualan baju thrift di tiktok shop perspektik hukum ekonomi syariah dan hukum positif. *KASBANA: Jurnal Hukum Ekonomi Syariah*, *5*(1), 43–70.

Arditya, P. (2022). Telaah konseptual pendekatan kuantitatif dalam sejarah. *Kalpataru Jurnal Sejarah Dan Pembelajaran Sejarah*, *8*(1), 76–85.

Arifin, S., & Moesa, A. M. (2025). Tinjauan Yuridis terhadap Status Anak dari Nikah Siri dalam Perspektif Hukum Islam dan Hukum Positif. *Jurnal Hukum Lex Generalis*, *6*(6).

Arso, T. (2025). PERLINDUNGAN PEREMPUAN DI BAWAH UMUR TERHADAP POTENSI TINDAK KEKERASAN DALAM PERKAWINAN ADAT DI TOBELO: Protection of Underage Women Against Potential Violence In Traditional Marriage At Tobelo. *Res Nullius Law Journal*, *7*(1), 1–11.

Azni, A., Rifqi, M. A., Saifunnajar, S., Syu'aib, K., & Zin, N. B. M. (2023). The Timing Analysis of Inheritance Distributions in the Compilation of Islamic Law. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, *23*(2), 258–273.

Bakri, S., & Abrori, M. (2025). *Problematika penerapan diversi bagi anak yang melakukantindak pidana oleh penegak hukum di era generasi beta 12*. *5*(1), 1–12.

Bilalu, N., Jamal, R., Harun, N., & Subeitan, S. M. (2022). Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, *6*(2), 514–536.

Faiz, A., & Slamet, S. R. (2025). Penetapan Isbat Nikah terhadap Perkawinan yang tidak Tercatat di Kantor Urusan Agama dan Implikasi Hukumnya terhadap Status Hukum Suami Istri dan Anak (Studi Kasus Penetapan Pengadilan Agama Jakarta Selatan Nomor 879/PDT. P/2021/PA. JS). *Arus Jurnal Sosial Dan Humaniora*, *5*(2), 2525–2533.

Firdaus, M. R., & Maskur, A. (2024). Pernikahan sirri dalam perspektif hukum islam dan pencatatan perkawinan menurut ketentuan yang berlaku di indonesia (hukum positif). *Istidal: Jurnal Studi Hukum Islam*, *11*(1), 52–72.

Hasbiyalla, I., Arifin, M., & Abrori, M. (2025). *هجام نبا هاور (ثَّ حُ وْ اً ة مَ ن مَ يَ لا وَ ها عِ يَ لا اَ* 9–1 ,(1)5 .*ن زُ دَ ل وَ أ رَّ هُ دَ ل وَ فً ة ر*. https://doi.org/10.30868/am.v12i01.6545.1

Haykal, A. M. F., & Roziqin, R. (2025). Perlindungan Hukum Terhadap Anak Yang Lahir Dari Perkawinan Siri Dalam Hak Waris Menurut Kitab Undang-Undang Hukum Perdata. *Journal de Facto*, *11*(2), 325–345.

Husamuddin, M. Z. (2023). *Rekonstruksi Maqāṣid Al-Syarīah Dalam Kebutuhan Sosial Modern (Kajian Terhadap Al-Kulliyāt Al-Khamsah)*. UIN Ar-Raniry Pascasarjana S3 Fikih Modern (Hukum Islam).

Hutapea, S., Veronika, S., & Akbaryanto, F. (2022). Analisis Yuridis Kedudukan Anak dalam Perkawinan Siri Ditinjau dari Undang Undang Nomor 1 Tahun 1974 tentang Perkawinan. *Aufklarung: Jurnal Pendidikan, Sosial Dan Humaniora*, *2*(4), 355–361.

Iklil Hasbiyalla, Ummul Muktaze, Norhalimah Achmad Sugiarto, M. A. (2024). Dampak Pernikahan Dini Terhadap Tingkat Perceraian. *SAMAWA: Jurnal Hukum Keluarga …*, *4*(1), 94–104. http://ejournal.stisdafabondowoso.ac.id/ejurnal/index.php/samawa/article/view/129%0Ahttps://ejournal.stisdafabondowoso.ac.id/ejurnal/index.php/samawa/article/download/129/90

Indra, G. L., Al Arif, M. Y., & Zaelani, A. Q. (2023). The Ideal Age For Marriage in The Compilation of Islamic Law (KHI) and Psychology. *Al-'Adalah*, *20*(1), 1–18.

Kurniawan, A., & Hudafi, H. (2021). Konsep Maqashid Syariah Imam Asy-Syatibi Dalam Kitab Al-Muwafaqat. *Al-Mabsut: Jurnal Studi Islam Dan Sosial*, *15*(1), 29–38.

Moelyono, A., Patria, R. Y., & Dwiarti, F. S. (2022). Marriage dispensation policy in children protection: Evaluation of article 7 paragraph (2) of law number 16 of 2019 concerning

amendments to law number 1 of 1974 concerning marriage. *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial*, *10*(01), 75–90.

Mokoagow, R. N., Kasim, N. M., & Moha, M. R. (2025). Ketiadaan Pencatatan Pernikahan dan Implikasinya terhadap Perlindungan Perempuan dan Anak dalam Masyarakat Perdesaan. *YUDHISTIRA: Jurnal Yurisprudensi, Hukum Dan Peradilan*, *3*(1), 75–81.

Mu'minah, N., & Abrori, M. (2025). ANALISIS YURIDIS TERHADAP SAHNYA AKAD NIKAH AKIBAT PENGARUH ILMU SIHIR. *As-Syifa: Journal of Islamic Studies and History*, *4*(1).

Naibaho, D. R., Yasmiati, N. L. W., & Windari, R. A. (2025). Analisis Putusan Mahkamah Konstitusi Nomor 46/PUU-VIII/2010 Tentang Pembagian Hak Waris Anak Yang Lahir dari Perkawinan Siri. *JOURNAL OF LAW AND NATION*, *4*(1), 177–186.

Ningrum, R. K. (2023). Itsbat Nikah Sebagai Upaya Pencatatan Perkawinan Terhadap Perkawinan Yang Belum Dicatatkan. *Hukum Pidana Dan Pembangunan Hukum*, *6*(1), 13–19.

Nugraha, A. (2025). *Sanksi Kerja Sosial Sebagai Syarat Pengesahan Kawin bagi Pelaku Kawin Tidak Tercatat Perspektif Siyasah Syar'iyyah*. Universitas Islam Indonesia.

Nur Has Winda, S., & Zainuddin Sunarto, M. (2025). Integration of the Roles of Men and Women in Forming a Harmonious Family. *International Journal of Science and Environment (IJSE)*, *5*(3), 193–202. https://doi.org/10.51601/ijse.v5i3.176

Nurjanah, S., Syarifudin, A., Baidhowi, M. M., Mahmudi, E., & Darussalam, H. (2025). Children's Rights in Islamic Law: A Contemporary Study of Family Practices. *MILRev: Metro Islamic Law Review*, *4*(2), 933–953.

Pidana, S. P. (2025). *Kekerasan verbal suami terhadap istri pada keluarga pra sejahtera perspektif pidana*. *5*(1), 1–17.

Pratiwi, L. P. P. I., Mangku, D. G. S., & Yuliarti, N. P. R. (2020). Pengaturan Terhadap Kedudukan Anak Di Luar Kawin Pasca Putusan Mahkamah Konstitusi Nomor 46/PUU-VIII/2010. *E-Journal Komunitas Yustisia Universitas Pendidikan Ganesha Program Studi Ilmu Hukum*, *3*(1), 67–69.

Pratiwi, L. P. P. I., Mangku, D. G. S., & Yuliartini, N. P. R. (2020). Pengaturan Terhadap Kedudukan Anak Di Luar Kawin Pasca Putusan Mahkamah Konstitusi Nomor 46/Puu-Viii/2010. *Jurnal Komunitas Yustisia*, *3*(1), 13–24.

RESTU, K. (2025). *ANALISIS MAṢLAḤAH TERHADAP PENGATURAN ABORSI DALAM HUKUM ISLAM DAN HUKUM POSITIF DI INDONESIA*. UIN Raden Intan Lampung.

Ridwan, S. (2025). Pernikahan tanpa Pencatatan: Kegagalan Negara dalam Melindungi Hak Sipil Perempuan dan Anak. *JURNAL ILMIAH GEMA PERENCANA*, *4*(1), 77–96.

Ryanjaya, B., & Ihya, R. (2024). Perlindungan anak dan pertanggungjawaban hukum terhadap pelaku kekerasan seksual terhadap anak (tinjauan yuridis Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak). *Journal Of Law And Nation*, *3*(1), 243–252.

Saniah, N., Yuslem, N., & Matsum, H. (2023). Analysis of Maqāshid Sharī'a on Substitute Heir in Compilation of Islamic Law (KHI). *Al-'Adalah*, *20*(1), 35–60.

Sugiono. (2013). *Metode Penelitian Pendidikan Pendekatan Kuantitatif, Kualitatif dan R&D*. digilib.unigres.ac.id.

Sutriyono, Muhammad Abrori, Adela Idris, B. A. (2024). Operasi Pemulihan Selaput Dara Bagi Calon Istri Dalam Perspektif Hukum Islam. *SAMAWA: Jurnal Hukum Keluarga Islam*, *4*(2), 1–13.

Sutriyono. (2020). *Perempuan Dimata Fazlur Rahman* (T. Hidayat (ed.); 1st, Mei 202 ed.). CV. LICENSI. https://scholar.google.com/citations?view_op=view_citation&hl=id&user=bHxSt1UAAAAJ&citation_for_view=bHxSt1UAAAAJ:zYLM7Y9cAGgC

Sutriyono. (2022). *Perempuan Dalam Keadilan Islam* (T. Hidayat (ed.)). CV. LICENSI. https://scholar.google.com/citations?view_op=view_citation&hl=id&user=bHxSt1UAAAAJ&citation_for_view=bHxSt1UAAAAJ:IjCSPb-OGe4C

Sutriyono. (2023a). Kritikan Nalar Nikah Misyar Dalam Perspektif Hukum Perkawinan Di Indonesia, Etika dan Moral. *SAMAWA: Jurnal Hukum Keluarga Islam*, *3*(1), 52–69. http://ejournal.stisdafabondowoso.ac.id/ejurnal/index.php/samawa/article/view/88

Sutriyono, S. (2023b). Problematika Pernikahan Usia Dini di Kabupaten Bondowoso: Studi Lacak Atas Faktor-Faktor Penyebabnya. *Attractive: Innovative Education Journal*, *5*(2), 466–478.

Syaiful Bakri, M. A. (2025). REVIEW OF ISLAMIC LAW AND LAW NO. 1 OF 1974 AND CONSTITUTIONAL COURT DECISION NO. 46/PUU-VIII/2010 CONCERNING SIRI MARRIAGE LAW: THE POSITION OF WIVES, CHILDREN AND PROPERTY. *HAKAM: Jurnal Kajian Hukum Islam Dan Hukum Ekonomi Isla*, *9*(2), 328–341.

Tinggi, S., Islam, A., & Iman, N. (2024). *JIM-IQT-STAINI Jurnal Ilmiah Mahasiswa Ilmu al- Qur ' an dan Tafsir Mahasiswa STAI Nurul Iman Parung Bogor hubungan dengan Sang Pencipta . Tidak ada aspek kehidupan manusia yang luput dari Allah SWT . Dan yang paling penting lagi adalah Islam senantiasa m*. *1*(1), 47–63.

Widiastuti, M., & Adnyani, N. K. S. (2024). ANALISIS YURIDIS PUTUSAN MAHKAMAH KONSTITUSI NOMOR 46/PUU-VIII/2010 TENTANG STATUS ANAK DI LUAR PERKAWINAN SEBAGAI DASAR PERTIMBANGAN HAKIM DALAM MEMUTUS PERKARA HAK WARIS ANAK DI LUAR PERKAWINAN. *Jurnal Ilmu Hukum Sui Generis*, *4*(2).

Yamani, G., Syarif, M., & Magfirah, I. (2022). Effectiveness of Islamic Law Compilation as Guidance at Religious Court of Palu City in Indonesia. *Global Journal of Political Science and Administration*, *10*(2), 34–43.

Zuhroh, D. (2023). Criticizing the Compilation of Islamic Law. *Proceedings of the 1st International Seminar on Sharia, Law and Muslim Society (ISSLAMS 2022)*, *700*, 23.