



Children's and Former Wives' Rights of Civil Servants Post-Divorce: A Legal Effectiveness Perspective

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Abstract

The background of this research is the finding to the judgment of divorce cases at the Painan Religious Court with the husband working as a Civil Servant. In order to achieve these objectives, this study used a qualitative normative legal research method. This research was a library research. The data sources in this study were secondary data sources that include primary legal materials, secondary legal materials and tertiary legal materials. Data collection was carried out in two ways, first by searching the literature by collecting books, fiqh books, relevant previous research results, journals and data sources from websites. Second, collecting data on decisions related to divorce and divorce lawsuits by a Civil Servant manually at the Painan Religious Court. The results of this study indicate First, that Islamic law stipulates that the obligation to provide maintenance shall remain be imposed on the husband for the wife to the extent the reason, namely tamkin, is still owned by him or the wife is still in the iddah period, this obligation applies without distinguishing the type of husband's profession. Two, Among the 28 cases that can be applied to Article 8 of Government Regulation Number 10 of 1983 in conjunction with Government Regulation Number 45 of 1990 concerning Marriage and Officer Permits for Civil Servants, only 3 cases are resolved by charging the wife's rights from the salary of the former Civil Servant husband. This shows that the implementation of the regulation has not been effective so that legal certainty and protection have not been achieved.

Keywords

Divorce, right of wives former, Civil Apparatus, Judgment, legal effectiveness

Introduction

This study discusses the Rights of Children and Ex-Wives of Civil Servants after Divorce from the Perspective of Legal Effectiveness Theory. For Civil Servants (PNS), there are specific regulations regarding marriage and divorce, which not only regulate marriage and divorce permits, but also Government Regulation No. 10 of 1983 Jo. Government Regulation No. 45 of 1990 concerning Amendments to Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants, specifically in Article 8, also stipulates that if a divorce occurs at the request of a male civil servant,

he is obliged to hand over part of his salary for the livelihood of his ex-wife and children. Meanwhile, Article 41 of Marriage Law No. 16 of 2019 concerning amendments to Law No. 1 of 1974 concerning marriage stipulates that the court may require the former husband to provide living expenses and/or determine certain obligations for the former wife. More specifically, Article 149 of the Compilation of Islamic Law also stipulates that if the marriage is dissolved due to divorce, the former husband is obliged to provide mut'ah, maintenance, maskan and kiswah during the iddah period, pay off any outstanding dowry and provide maintenance for children who have not yet reached the age of 21.

Based on the Annual Report of the Painan Religious Court for the period 2020-2023, statistics on cases received and decided at the Painan Religious Court over the past four (4) years show that there were 28 cases to which the provisions of Article 8(1) of Government Regulation No. 45 of 1990 concerning amendments to Government Regulation No. 10 of 1983 concerning marriage and divorce permits for civil servants could be applied. Of the 28 cases, only 3 cases imposed an obligation on the husband, who was a civil servant, to pay 1/3 of his salary to his ex-wife and 1/3 of his salary to his children.

Soerjono Soekanto stated that the effectiveness of law is created when the law has had a positive impact by achieving its objectives in guiding or changing human behavior into lawful behavior. (Soekanto, 1988:80). The effectiveness of law can be seen from law enforcement itself, which is influenced by various factors, such as the substance of the law, law enforcement, resources, legal awareness, and legal culture itself. When linked to the study of law in society, the study of legal effectiveness is an activity with a general problem formulation strategy, namely a comparison between legal reality and legal ideals, and specifically shows a comparison between law in action and law in theory, or can also be interpreted as an activity that shows the relationship between law in books and law in action. (Soleman B Toneko, 1993: 47).

Method

This research is library research, with secondary data sources covering primary legal materials, secondary legal materials, and tertiary legal materials. Data collection was carried out in two ways. First, through literature research by collecting books, fiqh books, relevant previous research results, journals, and data sources from websites. Second, by manually collecting data on decisions related to divorce by repudiation and divorce by lawsuit of civil servants at the Painan Religious Court.

Literature Review

Research on the rights of divorced civil servant wives based on

Government Regulation No. 10 of 1983 is a topic that has been widely discussed. Among them is a study entitled “Implementation of the Obligation to Provide Part of the Salary of Civil Servants after Divorce in Rejang Lebong Regency” by Dedy Ismadi Harapap, Postgraduate Student at IAIN Curup, 2023. The thesis research concluded that the obligation to provide a portion of the salary to the ex-wife and children of civil servants after divorce was not implemented, as reviewed in Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants Jo. Government Regulation No. 45 of 1990 concerning Amendments to Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants for civil servants in Rejang Lebong Regency, caused by First, the income or remaining salary of the civil servant concerned is no longer sufficient to meet the requirements of the regulation. Second, the absence of regulations regarding implementation guidelines and/or technical guidelines for implementing this regulation within the local government of Rejang Lebong District. Third, the lack of fairness felt in implementing the regulation. (Harapap, 2023).

When viewed from the perspective of Islamic law, Article 8 of Government Regulation No. 45 of 1990 concerning amendments to Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants states that male civil servants who divorce their wives are obliged to if the divorce is initiated by the male civil servant, he is obliged to provide his former wife with $\frac{1}{3}$ of his salary if there are children from the marriage and $\frac{1}{2}$ of his salary if there are no children. The time limit for providing this salary is until the former wife remarries, which is not in accordance with Islamic law. (Almar atul Hasanah, 2022)

The obligations of former civil servant husbands as stipulated in Article 8 of Government Regulation No. 10 of 1983 in conjunction with Government Regulation No. 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants are intended to provide benefits. However, because welfare is a relative matter, in Islam something can be considered beneficial if it is done to realize the objectives of Sharia law. If this provision in practice causes hardship for male civil servants and prevents them from realizing one of the objectives of Sharia law (maqashid syar'iyah) in terms of protecting their property (hifz maa), then this provision should be rejected. As the fiqh principle states: “Preventing harm takes precedence over bringing about benefit.” (Bakri, 2023)

Mohammad Fahmi Fahriza et.al (2023) In his article entitled “Post-Divorce Alimony Payments to Former Wives of Civil Servants in

Government Regulation No. 45 of 1990: A Maslahah Perspective,” he states that the obligation to pay alimony after divorce as stipulated in Government Regulation No. 10 of 1983 in conjunction with Government Regulation No. 45 of 1990 should be given a grace period in providing 1/3 of the salary to the former wife because the former husband is not always able to provide for two wives at the same time when he remarries, and in the event that the former wife states that she does not want to remarry, it will be very burdensome for the man. Furthermore, this also contradicts the provisions of Article 149 of the Islamic Family Law (KHI). (Fahriza dkk, 2023).

In addition to the relevance of the implementation of Government Regulation No. 10 of 1983 in conjunction with Government Regulation No. 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants with the principles of fiqh, as in the two studies above, Tinuk Dwi Cahyani (2019) discusses sanctions for civil servants who do not fulfill their obligations to their children and ex-wives after a divorce decree. In her research, Tinuk concludes that the application of sanctions against civil servants who do not fulfill their obligations after divorce in the Religious Court is not carried out strictly in accordance with Government Regulation No. 53 of 2010 concerning Civil Servant Discipline. The obstacles encountered in the application of sanctions against civil servants who do not fulfill their obligations after divorce are the factors of not having awareness of their responsibilities as a father or as a former husband. On the other hand, the agency where the civil servant works is also indifferent and does not apply the applicable sanctions for divorced civil servant husbands who do not fulfill their obligations to their children or former wives. (Cahyani, 2019).

Anisa Dyah Paramita and Muammad Jufri Ahmad (2022) state that the provision of post-divorce alimony amounting to 1/3 of the salary to the ex-wife is contrary to the rules in the Compilation of Islamic Law, which actually stipulates that the man or ex-husband is only obliged to provide alimony during the iddah period and to provide mut'ah alimony to the ex-wife as stipulated in Article 149 of the KHI. This rule creates legal conflict among civil servants because it causes problems when the provision of alimony ends and the ex-wife remarries. It becomes an issue when the ex-wife decides not to remarry but the ex-husband remarries, as the burden of alimony becomes a heavy burden for the man. This rule is actually irrelevant to apply in society, especially among civil servants. (Paramita, Ahmad, 2022).

This description shows that the discussion of the rights of civil

servants' wives after divorce from their husbands remains a problem year after year. In fact, in 2017, Article 8 of Government Regulation No. 45 of 1990 was subject to a judicial review because it derogated from the rights of male civil servants to a decent life.

Maintenance as an obligation

In linguistic terms, nafkah means to spend. In terminology, nafkah refers to the expenses that a person is obligated to spend on something that is their responsibility, whether it be expenses for food, shelter, or clothing. The law of nafkah for the person responsible for it is obligatory, for example, a husband is obligated to provide for his wife, and a father is obligated to provide for his children. (Al Jaziriy, 2003:1069).

There are three reasons why alimony is obligatory, namely marriage, kinship, and ownership. This has also been explained in the Qur'an, Sunnah, and Ijma'. Among them is regulated in the Qur'an, Surah Al-Baqarah, verse 233.

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُبْرِئَ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تَضَارُّ وَالِدَةُ وَلَدَهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ بَرَاضٍ مِنْهُمَا وَتَشَاوَرَا فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدِمَا أَنْ يُسْرِضَعُوا أَوْلَادَهُمَا فَلَا جُنَاحَ عَلَيْكُمَا إِذَا سَلِمْتُمَا إِلَىٰ أَيْتِمٍ بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

“And mothers should breastfeed their children for two full years, for those who wish to breastfeed completely. And it is the father's duty to provide for their sustenance and clothing in a proper manner. No one should be burdened beyond their capacity. Let not a mother be made to suffer because of her child, nor a father be made to suffer because of his child. Heirs are also subject to the same rules. If both parents wish to wean the child before two years, based on mutual agreement and consultation between them, there is no sin upon them. If you wish to have your child nursed by another, there is no sin upon you if you provide payment in a proper manner. Fear Allah and know that indeed Allah is All-Seeing of what you do..

The mandatory requirement for a husband to provide financial support is because the husband is keeping his wife in his home at that time (*bil fi'li*), not at a future time. The fuqaha do not require sexual

relations for the obligation of maintenance for the wife, nor do they require sexual relations for the obligation of maintenance for the wife, nor do they require the husband to demand sexual relations. What is required of the wife is only that she does not refuse to submit to her husband when he desires her, if indeed she has accepted the dowry.. (Abdurrahman Al Jaziriy, 2003: 1092). In other words, the reason why a husband is obligated to provide for his wife is his authority to restrict her movements and her willingness to give him her loyalty. Therefore, the obligation to provide for her remains with the husband as long as the reasons for it still exist. (Zein, 2004: 155).

Civil Employees

Divorce for civil servants who are part of the State Civil Apparatus is specifically regulated in Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants Jo. Government Regulation No. 45 of 1990 concerning Amendments to Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants. In legislative literature, the term State Civil Apparatus first appeared in Law No. 5 of 2014, which regulates the State Civil Apparatus itself. Previously, in the law regulating the main principles of civil service, namely Law No. 8 of 1974 with its amendments, namely Law No. 43 of 1999, the term used was Civil Servant.

Law No. 5 of 2014, as amended by Law No. 20 of 2023, defines the State Civil Apparatus as a profession for civil servants and government employees with employment agreements who work in government agencies. Meanwhile, Civil Service Employees in Article 1 paragraph (2) of Law No. 20 of 2023 on the Civil Service are defined as civil servants and government employees with employment agreements who are appointed by the Civil Service Supervisory Official and assigned to a government position or other state duties and are remunerated in accordance with laws and regulations.

Law No. 20 of 2023 concerning State Civil Apparatus in Article 1 paragraphs (3) and (4) states that Civil Servants are Indonesian citizens who meet certain requirements, appointed as permanent ASN by the civil service supervisory official to hold government positions. On the other hand, government employees with employment agreements are Indonesian citizens who meet certain requirements, appointed based on employment agreements for a specific period of time in order to carry out government duties and/or hold government positions. Based on these definitions, it can be concluded that every Civil Servant is a State Civil Apparatus Employee or ASN, while a State

Civil Apparatus Employee is not necessarily a Civil Servant. Civil Servants are part of the State Civil Apparatus who meet certain requirements to hold government positions. (Putri, Yusa, 2016:3). In addition to the definition contained in the law, Sri Hartini, in her book, explains the term civil servant from a linguistic perspective, stating that according to the Great Dictionary of the Indonesian Language, “Pegawai” means “a person who works for the government (companies, etc.)” while “Negeri” means state or government, so a civil servant is a person who works for the government or state. (Hartini, Sudrajat, 2019:42)

The extensive definition of civil servants has been expanded to include several groups that are not actually civil servants according to the law but are considered civil servants in certain circumstances and treated as such. This is stipulated in Articles 415-437 of the Criminal Code, Article 92 of the Criminal Code, Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Corruption Crimes, and Government Regulation Number 6 of 1974 Regarding Restrictions on Civil Servants in Private Enterprises. (Hartini, Sudrajat, 2019:42) When related to this study, regarding the rights of ex-wives and children after divorce of ASN, referring to Government Regulation No. 45 of 1990 concerning amendments to Government Regulation No. 10 of 1983 concerning marriage and divorce permits for civil servants, the term ASN is not found in the Government Regulation, but only the term Civil Servant.

Decission Analysis

Based on the Annual Report of the Painan Religious Court for the period 2020-2023, statistics on cases received and decided at the Painan Religious Court over the past four (4) years show that there were 28 cases to which the provisions of Article 8(1) of Government Regulation No. 45 of 1990 concerning amendments to Government Regulation No. 10 of 1983 concerning marriage and divorce permits for civil servants could be applied. Of the 28 cases, only 3 cases imposed an obligation on the husband, who was a civil servant, to pay 1/3 of his salary to his ex-wife and 1/3 of his salary to his children.

In investigating the facts surrounding the causes of divorce, the panel of judges focused on the breakdown of the marriage in the form of continuous disputes and arguments between husband and wife without investigating the causes or reasons for these arguments, based on Indonesian Supreme Court Jurisprudence Number 38 K/ AG/1990 dated October 5, 1991, which contains the legal abstraction that it is no longer necessary to consider who caused the dispute, but rather

emphasizes the situation itself, whether it has broken down or cracked and is difficult to maintain. If the judge is convinced that the incompatibility of the two parties involved in the case has caused the breakdown of their marriage, then the intent of Article 19 letter (f) of Government Regulation Number 9 of 1975 has been fulfilled.

In the author's view, specifically in cases of divorce involving a husband who is a civil servant, when investigating the facts leading to the divorce, the reasons and causes of the divorce should also be investigated. This is because the wife's right to her civil servant husband's income is not only based on who filed for or wanted the divorce, but is also largely determined by the reasons for the divorce as stipulated in Article 8 paragraph (4) of Government Regulation No. 45 of 1990 concerning Amendments to Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants..

Legal Effectiveness Theory

Soerjono Soekanto states that the effectiveness of a law is determined by (five) factors (Soekanto, 2008:8) namely Legal factors or regulations themselves (legal substance, Law enforcement factors (legal structure), Factors supporting law enforcement, Community factors (legal awareness) and Cultural factors. Among these five factors, it is not specified which factor has the most dominant influence. All of these factors must support each other to form legal effectiveness. However, if the systematics of these five factors can be optimized, at least the law can be considered effective. The systematics in question are that building legal effectiveness must begin with questioning how the law is, then how it is enforced, then how the means and facilities that support it are, and finally how the community responds to the law and how the culture is built. (Rosana, 2014: 14).

When this research object is linked to the theory of legal effectiveness, in the implementation of decisions regarding the imposition of obligations on husbands who are civil servants to provide their wives with half or one-third of their salary after divorce, only 3 of the 28 decisions examined by the Painan Religious Court stipulated the wife's right to her husband's salary as a civil servant, as regulated in Government Regulation No. 10 of 1983 with amendments. -rulings of the Painan Religious Court, out of the 28 rulings studied, only 3 rulings stipulated the wife's right to the income of a civil servant husband as regulated in Government Regulation No. 10 of 1983 with its amendment, Government Regulation No. 45 of 1990 concerning marriage and divorce permits for civil servants.

The other 25 rulings did not require civil servant husbands to fulfill their wives' rights to a portion of their salaries. Of these 25 rulings, there was one ruling that stated that the wife's claim for one-third of her husband's salary was unacceptable because it was unclear, 15 cases in which the wife did not file a claim for half or one-third of her civil servant husband's salary in her response, and 8 cases in which the wife did not appear at all. The condition in which the wife did not claim her right to a portion of her civil servant husband's salary, and even failed to appear in court to defend her rights, is closely related to the factor of public legal awareness, which is one of the factors that influence the effectiveness of law according to Soerjono Soekanto, whereby the public does not yet understand the relevant legal rules and provisions. In addition, this is also influenced by the factor of law enforcement officials, namely judges who have *ex officio* rights but do not use them in implementing Government Regulation No. 10 of 1983 with its amendment, Government Regulation No. 45 of 1990 concerning marriage and divorce permits for civil servants. In fact, in the theory of legal effectiveness, the closer the role of law enforcement officials is to what is expected by the law, the more effective the law will be, and vice versa.

When it comes to legal certainty, this study shows that there isn't a situation yet where legal certainty exists, as Jan Michiel Otto sees it. This is clear from how government agencies haven't consistently followed and obeyed these rules. In this case, Government Regulation No. 10 of 1983, as amended by Government Regulation No. 45 of 1990, concerning marriage and divorce permits for civil servants, specifically in the application of the rights of wives after divorce to a portion of the salary of husbands who are civil servants. In addition, independent judges (judges) have not consistently applied these legal regulations, namely Government Regulation No. 10 of 1983 with its amendment Government Regulation No. 45 of 1990 concerning marriage and divorce permits for civil servants, specifically in the application of the rights of wives after divorce to a portion of the salary of husbands who are civil servants, when they resolve disputes. As a result, citizens have not yet adjusted their behavior to these rules in principle.

The law aims to coordinate and unite all types of interests within society in accordance with their flow. Thus, protection for certain interests can be realized through assistance for other interests. Legal protection for the people is a universal concept that is embraced and applied by every country with a legal system in its own way and through its own mechanisms. This study found that there is still

minimal implementation of Government Regulation No. 10 of 1983, as amended by Government Regulation No. 45 of 1990, concerning marriage and divorce permits for civil servants, specifically in the application of a wife's rights after divorce to a portion of her husband's salary as a civil servant. However, this does not negate the existence of legal protection for wives who are divorced by husbands who are civil servants. This can be seen in the imposition of obligations on the former husband in the form of iddah, madhiyah, and mut'ah alimony, which also takes into account the ability of the husband who is a civil servant in determining the nominal amount of these obligations.

The tendency of the panel of judges to prioritize the imposition of iddah, madhiyah, and mut'ah payments on the former husband for the divorced wife, according to the author, is also due to the legal certainty in the implementation of the decision. Where the obligation to provide iddah, madhiyah or mut'ah can be carried out immediately after pronouncing the divorce decree in a divorce case as stipulated in the Supreme Court Circular Letter Number 1 of 2017 concerning the Implementation of the Results of the 2017 Supreme Court Plenary Meeting as Guidelines for the Implementation of Tasks for the Court (Sema 1 of 2017), one of the rules or norms of which is that the Court may include a clause (order) on the consequences of divorce, such as iddah alimony, mut'ah, and past alimony (madliyah), to be paid by the husband to his wife immediately before the pronouncement of divorce.

Meanwhile, regarding the imposition of rights of wives and children from a portion of civil servant salaries, as stipulated in Supreme Court Circular Letter Number 2 of 2019 concerning the Enforcement of the 2019 Supreme Court Plenary Session Results as Guidelines for the Implementation of Court Duties, it is stipulated that: *"In the context of implementing Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Adjudicating Cases of Women Facing the Law to provide legal protection for women's rights after divorce, the implementation of Government Regulation Number 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants in conjunction with Government Regulation No. 45 of 1990 concerning Amendments to Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants, the division of salary must be stated in the declaratory judgment, the implementation of which is carried out through the relevant agency."*

In addition to these factors, even though they were taken into consideration in the ruling, there were no reasons given to explain why the husband was not required to pay his ex-wife a portion of his salary

after the divorce. In this case, the author strongly suspects that there were considerations of the interests of both parties, not only for the wife but also for the divorced male civil servant. The continuous distribution of part of the male civil servant's salary to his ex-wife until she remarries could be detrimental to the male civil servant, especially when the male civil servant decides to remarry, which will certainly create new obligations or responsibilities for the male civil servant. The provision on the distribution of the male civil servant's salary to his ex-wife, from the perspective of *maqashid syariah*, also does not reflect the achievement of *hifzul maal* for the husband who is a civil servant, because the assets that should be owned in full must be “forcibly” transferred based on this regulation to another person who has no physical or emotional ties with the civil servant (the divorced wife).

Conclusion

Maintenance as an obligation in Islamic law arises due to three things: marriage, kinship, and ownership. The obligation of maintenance in marriage does not automatically exist after the marriage contract, but is also determined by the husband's right to *tamkin* (control) over his wife. Meanwhile, after the dissolution of marriage, the obligation of alimony is also closely related to the condition of the wife who is still bound by a waiting period (the husband has the right to *ruju'*). These conditions show that alimony as an obligation requires the right of the person providing alimony from the person receiving alimony.

On the other hand, positive law through Law No. 1 of 1974, Article 41(c), provides scope for the court to determine the obligations of the husband after divorce. In addition to the Compilation of Islamic Law, which applies specifically to Muslims, there are other regulations governing the rights of wives and children after divorce, ranging from the Civil Code, Government Regulations, Regulations of the Chief of the Indonesian National Police, Regulations of the Commander of the Indonesian National Armed Forces, and Regulations of the Minister of Defense. This situation will certainly lead to disparities in the application of the law and inconsistencies between legal provisions within a legal system.

In the implementation of divorce rulings at the Painan Religious Court between 2020 and 2023, there were 64 cases involving husbands who were civil servants or equivalent. Of the 28 cases to which Article 8 of Government Regulation No. 10 of 1983 Jo. Government Regulation No. 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants could be applied, only 3 cases resulted in a decision to grant the wife the right to receive part of her

ex-husband's civil servant salary. This illustrates that the application of Article 8 of Government Regulation No. 10 of 1983 Jo. Government Regulation No. 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants has not been effective, so that legal certainty and protection have not been achieved.

The lack of enforcement of Article 8 of Government Regulation No. 10 of 1983 Jo. Government Regulation No. 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants, it is strongly suspected that the panel of judges gave priority to the rights of wives or children as stipulated in the Compilation of Islamic Law (nafkah madhiyah, nafkah iddah, mut'ah, hadhanah, and child support). This can be seen from the facts uncovered in the court hearings in these decisions regarding the reasons for divorce, which were one of the factors determining whether or not the wife and children of male civil servants were entitled to a portion of the salary. In addition, the factor of legal certainty in the implementation of the imposition of the wife's rights in the form of madhiyah alimony, iddah alimony, and mut'ah is considered more certain (set forth in the form of a condemnatory order) than the imposition of a portion of the salary, which is set forth in the decision in a declaratory manner.

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