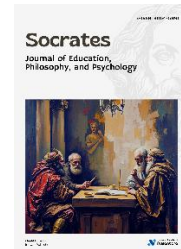




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The Role of Local Communities in Supporting Children After Divorce in Aceh

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Abstract: Divorce is an increasingly complex social problem in Indonesia, including in Aceh. It has a significant impact on children, emotionally, socially and psychologically. This research aims to examine the role of local communities, particularly customary institutions, in providing support to children after divorce in Aceh. This research uses a qualitative approach with literature study as the main method. Data were obtained from journal articles, theses, and related literature relevant to the research topic. Data analysis was conducted systematically through data collection, data reduction, data presentation, and data verification. The results showed that local communities, especially customary institutions, have great potential in providing support to post-divorce children through various forms, such as emotional, social, and practical support.

Keyword: Local Community, Children, Support

INTRODUCTION

In Indonesia, divorce has become a serious social problem. Nearly all provinces in Indonesia have very high divorce rates, including Aceh, which has implemented Islamic law. A harmonious relationship between parents and children significantly influences a child's growth and development. A harmonious relationship filled with understanding and affection will positively impact the child's personality. Therefore, divorce can have a significant impact not only on the separated parents but also on the child.

Lodiana stated that divorce presents significant challenges for married couples, both from the surrounding community and from within the family. The desire to continue living after facing marital discord has significant social repercussions for their children (Mulida, S., Elmi, I, & Pelu 2009). Yusuf stated that parental divorce will impact the development of early childhood, as they generally still need the full love and attention of

both parents. (Al-Bayan, 20 (January-June 2014)). A chaotic family atmosphere can negatively impact a child's mental development, as a child's personality is generally shaped through childhood experiences. The experiences a child experiences during childhood, both positive and negative, will influence their adult life.

Law No. 1 of 1974 concerning Marriage regulates several parental obligations after divorce. According to Article 41 of the Marriage Law, the consequences of a marriage ending in divorce are: (1) Both the mother and father remain obligated to care for and educate their children, solely based on the child's interests. If there is a dispute regarding custody of the children, the Court shall make the decision; (2) The father is responsible for all costs of care and education for the child; if the father is unable to fulfill these obligations, the Court may determine that the mother shall share these costs; (3) The Court may require the ex-husband to provide living expenses and/or determine certain obligations for the ex-wife.

The Compilation of Islamic Law, through Article 105, regulates the consequences that arise after divorce. In the provisions It is stipulated that in the event of a divorce: (a) Maintenance of a child who is not yet mumayiz or under 12 years old is the mother's right. (b) Maintenance of a child who is mumayiz is handed over to the child to choose between the father or the mother as the holder of the maintenance rights. (c) Maintenance costs are borne by the father.

In Aceh's unique socio-cultural context, the role of the local community is crucial in providing support and protection for children affected by divorce. The local community is needed to provide advice and counsel so that couples can maintain their marriage and prevent divorce.

Islamic law, in addressing this issue, provides for a solution for each husband and wife to be resolved by a peacemaker (hakam) from each family. This is stipulated in Q.S. An-Nisa' (3): 35.

The hakam (peacemaker) in a household dispute should be one from the husband's family and one from the wife's family, or others may be involved. The hakam's role is to understand the underlying dispute and its causes, and then attempt to reconcile the two. This role is best carried out by a wise person, even someone not from the husband's or wife's family, who may be more knowledgeable about the issue and find it easier for both parties to resolve it. This is done to prevent divorce. If efforts by the hakam (peace makers) from both families are unsuccessful, an external hakam (peace makers) can be appointed, such as a village customary institution.

Customary institutions not only function as administrators of government activities but are also responsible for resolving or reconciling domestic disputes within their jurisdiction.

Legislation explicitly stipulates that strengthening customary law and customary justice must begin at the village level and mukim level. One example is Qanun No. 4 of 2003 concerning Mukim Governance in the Province of Nanggroe Aceh Darussalam, which grants mukim the authority to: a. Decide and/or establish laws, b. Maintain and/or develop customs, c. Establish customary peace. Regarding the resolution of cases related to customs and traditions, Qanun No. 5 of 2003 concerning Gampong Governance in the Province of Nanggroe Aceh Darussalam stipulates that the duties and obligations of the village government are: a. Resolving customary disputes, b. Maintaining and preserving customs and traditions, c. Maintaining peace and order and preventing the emergence of immoral acts in society, d. Working with the Tuhapeut and Imum Meunasah, acting as a peace judge.

In Aceh society, some children whose parents divorce are unable to fulfill their rights. Research by Hasanah (2019) found that "Children become victims of parental divorce because they no longer receive balanced attention from both."

A father or mother who unilaterally abandons their family can put pressure on both the wife/husband and the child. The child feels no one is sincere to them, and in extreme cases, can even lead to thoughts of suicide. Without a father or mother, a child's personal development will differ from that of other children from normal families with intact parents, as the mother must assume the role of father, and the father must also assume the role of mother. Some children of single parents in Aceh experience difficulties communicating and socializing with their surroundings. They prefer to be alone and frequently ask about their father. These children also struggle with introverted personalities, shyness, and low self-confidence. This issue requires further research examining the role of society or the community in supporting children after divorce in Aceh.

This study aims to explore the role of the local community in providing support to children after divorce. Based on the above background, the author is interested in further research entitled "The Role of the Local Community in Supporting Children After Divorce in Aceh." This research can contribute to the development of theories on social support, particularly in the context of families experiencing divorce. This research can increase public and community awareness of the importance of social support for children after divorce.

METHOD

This study employed a qualitative research method, employing a literature review design (Miles and Huberman, 1992). The literature case study approach was employed in this study because the researchers considered the need for more discussion on post-divorce child support. This study was conducted from the second week of November 2024 to the first week of December 2024. The focus of the study was an in-depth analysis of a number of literature relevant to the topic "The Role of Local Communities in Supporting Children Post-Divorce." Data collection in this study involved systematic literature searches, critical reading, and synthesizing findings from various sources. Data analysis techniques used included data collection, data reduction, data display, and data verification for drawing conclusions. The data sources or objects of study used in this study were scientific articles from national journals published from 2020 to 2024. The process of collecting journal article data involved accessing Google Scholar, Semantic Scholar, and relevant journals.

RESULTS AND DISCUSSION

The role of the local community is crucial in supporting children after divorce. By providing various forms of support, the community can help children overcome difficulties and grow into healthy and happy individuals.

The results of this literature review are journal articles and theses relevant to the author's research: a total of 14 articles from national journals. The journal category includes 13 articles and thesis categories, with 3 articles.

The author's categorization narrows down the findings based on the literature review, which will serve as the theoretical basis for the researcher. The 14 journal articles categorized as local community roles will be discussed in depth, with 6 journal articles and theses aligning with the category (4 journal articles and 2 theses) that address the role of local communities in supporting children after divorce.

Based on the findings obtained from identifying the articles and journals, this study discusses the participants, authors, objectives, research methods/designs, and the results presented in the study.

The first discussion, an article on the theme raised by Mansari et al. (2018) *Child Custody Rights Following Parental Divorce in the Decisions of Sharia Court Judges in Banda Aceh*. This study used a qualitative descriptive analysis method to explain judges' considerations in determining child custody after a divorce. The results show that Sharia Court judges' considerations in determining child custody after a divorce in Banda Aceh are as follows. First, child custody is divided into three categories: 1) Custody granted to the mother; 2) Custody granted to the father; 3) Custody granted to both the mother and father in a single decision. Second, the basis for the judges' considerations are: (a) Request from one party (husband or wife); (b) Mutual agreement between the plaintiff and defendant; (c) Default decision, i.e., a decision made without the defendant's presence; (d) Based on Article 105 of the Compilation of Islamic Law (KHI), which states that the mother has the right to care for children who are not yet mumayyiz (under the age of 12). Third, legal considerations regarding granting custody to the mother or father do not conflict with applicable legal provisions. Children under 12 years of age are cared for by the mother, while children who are legally married are free to choose to live with either the father or the mother, and the father is responsible for the child's maintenance and education costs. Fourth, the best interests of the child are prioritized in determining custody.

From this study, the author concludes that the judicial process (the decision of the Banda Aceh Sharia Court judge) plays a role in post-divorce child custody decisions, with an emphasis on justice and the child's well-being.

The second discussion is from the article by Abd Azis; Luluk Alfiya (2023) on *Psychological Well-Being in Early Childhood After Their Parents' Divorce*. The study used a qualitative descriptive analysis method. The results showed that children experience difficulty establishing warm relationships with others, including peers.

Inability to master the environment, such as interacting with the social environment. Autonomy, purpose in life, self-acceptance, and personal growth show varying results depending on parenting styles and environmental support.

From this study, the authors can conclude that children's psychological well-being tends to be low in aspects of social relationships and environmental mastery due to a lack of direct parental involvement. Therefore, support from the surrounding environment can help children cope with the negative impact of their parents' divorce.

The third discussion is from Muhammad Sahlan's (2012) article on *Sociological Observations of Divorce in Aceh*. The study used a qualitative descriptive analysis method. The results showed that the divorce rate in the region increased significantly, especially after the conflict and tsunami disaster. Several factors contributing to the increase in the divorce rate in Aceh include: (1) Conflict and Disasters. Post-conflict situations and natural disasters, such as the tsunami, have affected family structures and relationships between couples; (2) Modernization and changes in the family system also play a role in the increasing divorce rate; (3) Economic autonomy, educational level, and emotional maturity of couples are important factors influencing the decision to divorce. (4) Incompatibility and lack of responsibility between partners are the main causes of divorce.

From this study, the author can conclude that divorce in Aceh is a complex phenomenon influenced by various social, economic, and cultural factors. Acehnese society, known for its strong religious values and traditions, should be able to reduce the divorce rate. Therefore, cross-sectoral collaboration between the government and society is needed to address this problem and prevent the increasing trend of divorce.

The fourth discussion of Devina Susanti's (2021) thesis concerns the *Role of Customary Institutions in Reducing Divorce Rates*. This study uses a descriptive analysis method with a qualitative approach, collecting data through field research. The results indicate that customary

institutions are not fully involved in resolving family problems, although legally and normatively they play a role in helping reduce divorce rates.

From this research, the author concludes that customary institutions play a role in reducing divorce rates, but face various challenges that limit their effectiveness, leading some cases to be brought to the Sharia Court for resolution.

The fifth discussion of Masykur's (2023) thesis concerns the Fulfillment of Child Support after Divorce in Baitussalam District, Aceh Besar Regency. This study

uses a field research method with a qualitative approach. The results indicate that: 1. There are several forms: a. The only party responsible for fulfilling child support after divorce is the child's mother (ex-wife), assisted by the mother's parents. The husband does not provide child support because his domicile is unknown to the wife, but the husband should have known the contents of the panel of judges' decision. b. Child support is borne by the mother for half a day, and the other half by the ex-husband (father). 2. Legal remedies that can be taken if child support is not met after the divorce, the mother can resolve the matter through the local village apparatus. If a resolution cannot be reached at the village level, the mother, in this case, as the prevailing party, can file a lawsuit to the Sharia Court to fulfill the obligation to provide child support.

From this study, it can be concluded that many fathers do not provide child support after divorce. However, according to the law, fathers are obligated to provide child support. Mothers left behind often struggle to support their children on their own.

The sixth discussion is from the article by Dhiyaul Izzah, et al. (2023) on Self-Disclosure of Adolescent Survivors of Parental Divorce, Accompanying UPTD PPA in Banda Aceh City. This study uses descriptive research with a qualitative approach. The results of the study showed that there were results related to self-disclosure that fell into 4 windows, namely: Open Area (Open), Blind Area (Unknown to adolescents) and Hidden Area (Hidden by adolescents) and Unknown Area (Unknown to adolescents and also companions).

From this study, it can be concluded that this study aimed to examine how adolescents whose parents are divorced share their problems with others, whether to counselors (child problem experts) or companions (people who support them daily). The results showed that these adolescents preferred to talk to counselors. They felt more comfortable and safe sharing their feelings and thoughts with counselors. This is because counselors better understand what adolescents experiencing problems are experiencing.

SOS Children's Villages Foundation Banda Aceh

SOS Children's Villages is the world's largest non-profit organization, actively supporting children's rights and committed to providing children who have lost or are at risk of losing parental care with their primary needs: a loving family and home.

SOS focuses on the care, education, and health of children under its care. The goal of SOS Children's Villages is to provide families for children who lack parental care, so they can grow up with love, respect, and a sense of security. SOS Children's Villages hopes to build families for children who have lost their care, help children build their futures, help them understand and hone their abilities, interests, and talents, and support community empowerment.

SOS Children's Villages Banda Aceh was established after the tsunami disaster of December 26, 2004, in Aceh, which claimed many lives and property. Many children lost their parents, their fathers, mothers, or even both. The presence of orphans and orphans in the community has long existed.

The role of the SOS Children's Villages Banda Aceh Foundation is not only to provide assistance but also to serve as a substitute for parents who are unable to fulfill their duties properly. In addition, the SOS Children's Villages Banda Aceh Foundation also provides services by assisting and guiding children towards

proper personal development and job skills, so they can become members of society who can live decently and responsibly towards themselves, their families, and the community.

The services provided by the SOS Children's Villages Banda Aceh Foundation for its foster children include basic needs, which are the primary needs of basic human needs. If these needs are not met, humans will experience difficulties in their lives. Primary needs include clothing, food, and shelter. Clothing is the clothing required by humans as civilized beings. Clothing, including school uniforms and everyday wear, is provided once a semester according to the children's needs and has been approved by donors or generous individuals. Each child has a dedicated donor who is ready to finance their daily needs.

Discussion

Under Indonesian law, children have the right to life, education, development, and fair participation, with respect for human dignity and against violence and discrimination. Children also have the right to a name as their identity and citizenship status, and the right to worship, think, and express their religion according to their intelligence and age, under the supervision of their parents. Furthermore, children have the right to know their parents, receive education and care from their parents, and have the right to be cared for by others, or, according to applicable laws, to be adopted or adopted by anyone. This is because if parents cannot guarantee the child's development or are neglected, the child is neglected. Children also have the right to health care and social security, as well as physical, mental, spiritual, and social needs.

Child protection can be divided into two parts: legal child protection, which includes protection in the areas of public law and civil law. Then, non-legal child protection includes protection in the social, health, and educational sectors. In child protection efforts, this can be referred to as the concept of child protection.

Direct protection is an effort directly related to the interests of children, including preventing anything that could harm or compromise their interests, along with supervision to ensure the child's proper development and protection from internal and external disturbances. Indirect protection, in this case, is not directly addressed by the child, but by other participants in child protection, such as parents, officials, guardians, and so on. These indirect child protection efforts include preventing others from harming the child's interests through legislation, increasing understanding of children's rights and obligations, providing mental, physical, and social development for other participants in the context of child protection, and taking action against those who obstruct child protection efforts.

Child protection in a society, nation, and state is a benchmark for the welfare and prosperity of the community, nation, and state concerned. Therefore, it is a shared responsibility of the government, society, and families to foster child protection for humanitarian purposes. (Ridwan Nurdin 2022).

A thesis written by Risa Putri Idami, entitled "Mechanism for Resolving Domestic Disputes by Village Customary Institutions According to Sharia Mediation (Case Study of Sibreh Keumudee Village, Sukamakmur District)," was published in 2017 by a student at the Faculty of Sharia and Law, UIN Ar-Raniry. The conclusion of this thesis is that the resolution mechanism involves the husband, wife, or their family reporting the dispute to the village head (geuchik). However, internal family mediation is recommended first. If this mediation is unsuccessful, then traditional institution leaders may participate in the mediation process. Mediation is conducted at night or after Isha prayers at an agreed-upon location.

The mediation process essentially involves listening to suggestions and advice from village customary institutions. The customary institutions will deliberate to offer appropriate alternative solutions. The mediation will end when a result is reached. Article 2 Paragraph (1) of Aceh Qanun Number 10 of 2008 concerning customary institutions states that customary institutions function as a vehicle for community participation in the administration of government, development, community development, and resolving social problems. One of the most important functions of customary institutions is the judicial sector. In the judicial process

for domestic disputes, the figures involved include Geuchik, Tuha Peut, and Imum Meunasah or other names. Customary institutions that have developed in the lives of Acehnese people from the past until now have functions and roles in fostering cultural values, order, peace, harmony, and prosperity for the Acehnese people as a manifestation of realizing common goals in accordance with the wishes and interests of the local community.

CONCLUSION

Divorce can cause psychological trauma, social difficulties, and academic difficulties in children. Communities, particularly traditional institutions, have significant potential to provide emotional, social, and practical support to children after divorce. Several challenges exist in implementing community support, such as lack of coordination, limited resources, and changing social values. The Marriage Law and the Compilation of Islamic Law provide a legal framework regarding child custody and parental obligations after divorce, but their implementation in practice still needs improvement. Traditional institutions in Aceh have significant potential to resolve family conflicts and provide support to children, but their role still needs to be optimized.

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