

Legal Policies for the Protection of Children's Rights After Divorce: A Comparative Study of Malaysia, Singapore, and Indonesia

Fauza Qadriah^{a,1,*}, Nawir Yuslem^{b,2}, Mhd. Yadi Harahap^{b,3}

^{abc} UIN Sumatera Utara Medan

¹ fauzaqadriah96@gmail.com; ² nawir_yuslem@uinsu.ac.id; ³ mhdyadiharahap@uinsu.ac.id

* corresponding author

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ABSTRACT

Divorce has a significant impact on children, particularly concerning the fulfillment of their custody, financial support, and psychosocial well-being. This study analyzes legal policies on the protection of children's rights after divorce in Indonesia, Malaysia, and Singapore through a comparative law approach. Using normative and empirical juridical methods, this research examines existing legal regulations and the effectiveness of their implementation based on court case data, divorce statistics, and interviews with legal experts. The findings indicate that while all three countries have regulations ensuring children's rights post-divorce, gaps remain in their implementation. In Indonesia, weak enforcement mechanisms for child support lead to many children losing their financial entitlements. Malaysia's dual legal system (sharia and civil) sometimes delays the execution of child support rights. Meanwhile, Singapore has developed an integrated system with a therapeutic justice approach, including mandatory mediation and more effective enforcement mechanisms. This study recommends establishing a child support enforcement unit in Indonesia, harmonizing legal procedures in Malaysia, and enhancing psychosocial support programs in Singapore. Legal reforms incorporating best practices from these three countries are expected to improve the protection of children's rights after divorce.

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1. Introduction

The legal protection of children's rights after divorce is a critical issue that varies significantly across different legal jurisdictions. Divorce not only affects the spouses involved but also has profound implications for the well-being of children. Ensuring their rights to custody, maintenance, and welfare post-divorce is essential in safeguarding their best interests. In Southeast Asia, Malaysia, Singapore, and Indonesia have distinct legal frameworks governing child protection after divorce, shaped by their respective legal traditions, religious influences, and sociocultural contexts. Malaysia, with its dual legal system of civil and Sharia law, approaches the issue of child custody and maintenance through the Law Reform (Marriage and Divorce) Act 1976 for non-Muslims and Islamic Family Law for Muslims. Singapore, a city-state with a common law system, enforces child protection through the Women's Charter and relevant family law statutes, emphasizing child welfare principles in judicial decisions. Meanwhile, Indonesia, as the world's most populous Muslim-

majority nation, incorporates Islamic family law within its national legal system, primarily regulated by the Marriage Law No. 1 of 1974 and the Compilation of Islamic Law.

The comparative study of these three jurisdictions offers valuable insights into the strengths and challenges of different legal approaches in ensuring the protection of children's rights post-divorce. Key areas of examination include custody arrangements, child support obligations, parental responsibilities, and enforcement mechanisms. Additionally, the interplay between religious and secular legal principles in shaping these policies is crucial to understanding their effectiveness and applicability. Parental divorce has a significant impact on the fulfillment of children's rights. Every year, thousands of children in Indonesia, Malaysia, and Singapore are affected by their parents' divorce. In Indonesia, for example, more than 95% of divorce cases processed in court involve children under the age of 18. Assuming that every family has two children, it is estimated that 900 thousand to 1 million children in Indonesia are affected by divorce every year (Supreme Court of the Republic of Indonesia). The trend of divorce has also increased in the last five years; Indonesia recorded 516,334 divorce cases in 2022, the highest in six years (Divorce cases in Indonesia soared again in 2022, the highest in the last six years), while Malaysia experienced 62,890 divorce cases in 2022 (up 43% from 2021) (Department of Statistics Malaysia). Singapore also faces thousands of divorce cases each year (7,107 cases in 2022) although it is slightly lower than in 2021. This phenomenon shows the urgency of protecting children's rights after divorce in the three countries.

All three countries have ratified the United Nations Convention on the Rights of the Child (Convention on the Rights of the Child, CRC), which requires the state to protect the rights of children without exception in the situation of parental divorce. Indonesia, Malaysia, and Singapore each have positive laws governing children's rights, such as Child Protection Laws In Indonesia, Child Act 2001 in Malaysia, and Children and Young Persons Act in Singapore. However, the real implementation of this protection after divorce often encounters obstacles. Many children lose access to proper parenting or alimony support after their parents divorce. Data in Indonesia shows that only about 1-2% of divorce cases explicitly claim hadhanah (custody) or child support (Fulfillment of Post-Divorce Child Support Rights in Indonesia, Malaysia and Australia | Director General of BADilag), even though most of the cases involve children. This signals a potential gap: children's rights may be neglected if they are not actively prosecuted. In Malaysia and Singapore, despite the availability of legal frameworks, challenges such as compliance with alimony payments and enforcement of court judgments are still frequently reported.

The urgency of this research lies in the importance of ensuring that the best interests of the child are legally protected after divorce. This article aims to conduct a comparative study of legal policies for the protection of children's rights after divorce in Indonesia, Malaysia, and Singapore. By analyzing the similarities, differences, and effectiveness of regulatory implementation in the three countries, it is hoped that legal gaps and areas that need to be reformed can be identified. These findings will provide policy recommendations to strengthen the protection of children's rights in the context of divorce, especially from the perspective of Indonesia's positive law by learning from the experiences of Malaysia and Singapore.

This research aims to analyze and compare the legal policies governing child protection after divorce in Malaysia, Singapore, and Indonesia, identifying best practices and potential areas for reform. By exploring the similarities and differences in legal frameworks, this study seeks to contribute to the broader discourse on enhancing child welfare policies in family law across different legal traditions.

2. Method

This research uses a normative and empirical legal approach. The normative approach is carried out by a literature study of relevant laws and legal doctrines in Indonesia, Malaysia, and Singapore. Primary legal data sources include positive laws and regulations, including: Law no. 1 of 1974 concerning marriage (along with its amendments to Law no. 16/2019) and Child Protection Law (Law no. 35/2014) in Indonesia, Law Reform (Marriage & Divorce) Act 1976 and the Islamic Family Law Enactment in Malaysia, as well as the Women's Charter (Cap. 353) in Singapore. In addition, jurisprudence or court decisions related to custody rights and child support after divorce are also analyzed in the three countries. A comparative legal approach is used to outline the structure and substance of the regulation in each country.

An empirical approach is taken by collecting real data on the implementation of child rights protection after divorce. Empirical data includes statistics on divorces and child rights disputes in the last five years, as well as information from interviews and opinions of family law experts. For example, data on the number of divorce cases and the proportion of cases involving children were collected from official reports (Central Statistics Agency of Indonesia, Department of Statistics Malaysia, and Singapore Department of Statistics). Previous research and reports of judicial institutions are also used as references, for example the international webinar of the Supreme Court of the Republic of Indonesia on the fulfillment of child support (fulfillment of child maintenance rights after divorce in Indonesia, Malaysia and Australia| Directorate General of the Religious Justice Agency) and qualitative studies in the Malaysian Sharia Court regarding the enforcement of child support. Interviews with legal experts and family judges were conducted on a limited basis to explore the effectiveness of regulations and obstacles in the field.

The collected data was analyzed by descriptive-comparative analysis method. This analysis compares normative arrangements and factual implementations in Indonesia, Malaysia, and Singapore to identify key similarities and differences. Furthermore, a critical evaluation of the effectiveness of the policy is carried out: the extent to which the legal rules in each country have succeeded in ensuring the fulfillment of children's rights (such as custody, maintenance, education, and psychological welfare) after divorce. The results of the analysis are presented systematically according to the imrad format, followed by a discussion of comparison and drawing conclusions and recommendations. This combined normative-empirical approach is expected to produce a complete picture and evidence-based recommendations for post-divorce child protection law reform.

3. Results and Discussion

3.1. Results

1) *Legal framework for the protection of children's rights after divorce*

Indonesia's legal framework has regulated the rights of children after divorce in various regulations. Marriage law no. 1/1974 (as amended by Law No. 16/2019) regulates the consequences of divorce for children. Article 41 of the Marriage Law confirms that after a divorce, both parents remain obliged to maintain and educate their children in the best interests of the child, and the father is responsible for all necessary expenses for the maintenance and education of the child (Women's and Children's Rights After Divorce). This provision places the primary financial responsibility on the father, while the mother who holds custody (hadhanah) is still obliged to take good care. In the religious justice environment (for Muslims), the compilation of Islamic law (khi) article 149 also regulates the rights of children after divorce in line with the Marriage Law (Women's and Children's Rights After Divorce). In addition, child protection law no. 35/2014 emphasizes the right of children to receive care, affection, education, and protection from both parents, even when parents are separated.

Legal policies in Malaysia regarding the protection of children after divorce are divided based on religious jurisdiction. For non-Muslims, the law reform (marriage and divorce) act 1976 (LRA 1976) applies which is a civil marriage law. The 1976 LRA regulates the issue of custody and child maintenance with the principle of the best interests of the child as the main consideration. There is a presumption or juridical assumption that very young children should be cared for by the mother: article 88(3) lra 1976 stipulates that children under 7 years old should be cared for by the mother, unless there is strong evidence to the contrary. This assumption can be aborted if the mother is considered unfit or there are conditions that are detrimental to the child, but in general it reflects the tender years doctrine policy that protects children under five with maternal affection. Meanwhile, for Muslim couples, each state implements an enactment of Islamic family law (for example, the Islamic Family Law (Federal Territories) Act 1984 for federal territories) which is in line with sharia principles. In Islamic law, the right of hadhanah is usually given to the mother for children who have not yet reached a certain age, often around 7 years old, provided that the mother is able and there is no harm, while the father is still obliged to provide for the child. Thus, both the civil law system and sharia in Malaysia affirm the right of children to be cared for and supported. Malaysia has also enacted the child act 2001 which protects the interests of children in general, although in the context of divorce the main focus goes back to the LRA 1976 and related sharia enactments.

Singapore adheres to a secular, unified legal system for most family matters, governed by the Women's Charter (Cap. 353). The Women's Charter regulates divorce, child custody, and child support in one national law. Article 46(1) of the women's charter stipulates that from the time the marriage takes place, husband and wife are equally responsible for caring for and maintaining their children (duty of parents according to section 46 of the women's charter). This obligation continues after the divorce, where the court is authorized to establish custody (custody, care and control) and access, as well as order the payment of child maintenance by the parents. The main principle adopted is that the welfare of the child is paramount – the welfare of the child is the most important consideration. Unlike Malaysia, Singapore law does not provide automatic presumptions based on the age or gender of the parents; Each decision is based on an evaluation of the child's interests in the case. In Singapore, the guardianship of infants act also applies to child custody matters, but in the context of divorce, the women's charter is the main reference. For Singaporean Muslims, there are sharia courts that handle divorce according to the administration of Muslim law act, but the alimony and custody aspects of Muslim children can also be handled in the family court according to the Women's Charter (File A Maintenance Application - Singapore Courts). Overall, Singapore's legal framework provides comprehensive legal protection for children after divorce, with an emphasis on shared parental responsibility and court intervention to ensure that children's rights are safeguarded.

2) Empirical Data: Divorce Cases And Implementation Of Children's Rights

Indonesia divorce trends and their impact: the divorce rate in Indonesia is very high in absolute terms. In the last five years, there has been an increase in the number of divorce cases to a peak in 2022 of 516,334 cases (Divorce cases in Indonesia soared again in 2022, the highest in the last six years). In 2023, this figure decreased slightly to 463,654 cases, but it is still higher than in previous years (Divorce Cases in Indonesia Dropped in 2023, First Since March). The majority of divorces are filed by the wife (Divorce lawsuit ~70-75%) (Divorce cases in Indonesia soared again in 2022, the highest in the last six years). The consequence of the high number of divorces is the number of minors affected by parental separation. As mentioned, more than 95% of cases involve children, and it is estimated that around 850 thousand to 1 million children become victims of parental divorce every year (Fulfillment of Post-Divorce Child Support Rights in Indonesia, Malaysia and Australia | Directorate General of Religious Justice Agency) (Supreme Court of the Republic of Indonesia). Ideally, every divorce decision must regulate custody and child support. However, the data shows that only a small portion of divorce lawsuits list custody claims (about 2%) or child support (about 1%). As a result, not all divorce decisions explicitly guarantee the fulfillment of children's rights, especially related to alimony. The Chief Justice of the Supreme Court of the Republic of Indonesia even highlighted the low effectiveness of the implementation of child support decisions: divorce decisions do not automatically guarantee a deduction of the ex-husband's salary for child support, so that many mothers and children after divorce are economically vulnerable (Supreme Court of the Republic of Indonesia). This shows that even though the rules exist, the practice of children's rights (maintenance) is often not implemented optimally. Some cases in the field show the biological father letting go of his hand after the child is taken care of by the mother, and the mother is reluctant to sue legally because of the emotional burden of dealing with the ex-husband (Children's Rights After Divorce in Indonesian Laws and Regulations). This condition is a serious challenge in child protection after divorce in Indonesia.

Malaysia divorce trends and the implementation of children's rights: Malaysia has also experienced an increase in divorce rates, albeit on a smaller scale than Indonesia. In 2022, there were 62,890 divorce cases in Malaysia, an increase of 43.1% from the previous year (Department of Statistics Malaysia). This sharp increase was partly contributed by Muslim divorces (46,138 cases in 2022, up 45.8%) and non-Muslims (16,752 cases, up 36.4%) (Department of Statistics Malaysia). This high number means that tens of thousands of children are also affected. Malaysian regulations require the filing of custody and child support issues as part of a divorce. In sharia judicial practice, it often happens that child support claims are filed separately or following after a divorce decision, which has the potential to delay the fulfillment of children's rights. Empirical data shows that there are many cases of fathers failing to fulfill their maintenance obligations in Malaysia. Research in the Penang sharia court found that many cases of child support arrears were reported in various states. The accumulation of arrears weighs on the welfare of children and caregivers. In response to this, several initiatives were made: for example, the establishment of a family support division (FSC) in

sharia courts (such as in Penang) to assist mothers in executing child support. Through mechanisms such as judgment debtor summons, the court can order the father to pay the arrears or face imprisonment for the period of arrears. This shows that law enforcement efforts in Malaysia have been made, including imposing strict sanctions on negligent fathers, in order to ensure that children's rights are fulfilled. However, there are still many mothers and children who have to go through additional legal processes to get their rights, which indicates that the effectiveness of protection still needs to be improved.

Singapore divorce trends and policy implementation, in Singapore, the number of divorces is comparatively smaller but not negligible. Throughout 2018–2022, there were an average of around 7,385 divorce cases per year. In 2022, there were 7,107 divorces/denials of marriage, down 9.9% from 7,890 cases in 2021. In contrast to Indonesia and Malaysia, where the majority of the population is Muslim, in Singapore divorce is mostly through civil (non-Muslim) channels, with a smaller portion of Muslim divorces. More than half of divorces in Singapore involve children: from 2008 to 2018, about 52–56% of divorces under the women's charter had at least one child under the age of 21. This means that every year there are thousands of children who have to be regulated for custody and maintenance after their parents' divorce. Singapore has a relatively well-organized system in dealing with this. Any divorce involving children is required through mediation and counseling in the family justice courts before the verdict. Programs such as the mandatory parenting programme (mpp) require parents who are about to divorce (with children under 21 years old) to attend counseling on parenting and post-divorce planning. These steps are a preventive effort so that parents understand the impact of divorce on their children and draw up an agreement for the welfare of their children. Regarding child support, Singapore courts routinely issue legally binding maintenance orders. The level of compliance is relatively better, but the Singapore government has identified cases of maintenance defaulters. In the last five years, Singapore has initiated reforms: in 2023 the Family Justice Reform Act was passed which includes the establishment of a new Maintenance Enforcement Process (MEP). This MEP (starting in 2025) aims to facilitate enforcement and prevent failure to pay alimony through the unit of alimony enforcement officers and easier access for alimony recipients. Thus, empirically, Singapore has made efforts to improve the effectiveness of the implementation of post-divorce child protection policies, starting from the pre-divorce stage (compulsory counseling) to post-judgment (maintenance enforcement). As a result, extreme cases of parental neglect are reported less frequently than in Indonesia or Malaysia, although the need for improvement continues to be recognized.

3.2. Discussion

1) *Comparative analysis of legal regulations*

In terms of formal regulations, the three countries have similarities in recognizing the basic principles of post-divorce child protection, but there are important differences in the context of their respective legal systems. The main similarity is that Indonesia, Malaysia, and Singapore both recognize that parental obligations to children are not interrupted by divorce. All jurisdictions uphold the principle of the best interests of the child (the best interests of the child) as the basis for decision-making on custody and maintenance arrangements. This is consistent with the obligations in the Convention on the Rights of the Child that have been ratified). In addition, all three have rules regarding parental maintenance obligations: fathers are generally burdened with primary financial responsibility in Indonesia and (in the majority of cases) Malaysia (Women's and Children's Rights After Divorce), while in Singapore the responsibility can be divided proportionately but still demanded from parents who do not live with the child (often the father). The child's right to parenting is also guaranteed; All states allow the courts to determine custody (legal custody) and care/control (daily physical care) to one or both parents, taking into account the child's emotional relationship, age, and caregiver ability.

2) *Differences In Regulations Arise From The Legal Framework Used*

Indonesia combines national law with sharia principles for the Muslim population. Marriage law is generally applicable but its implementation is different in religious (Muslim) courts vs general courts (non-Muslims). The compilation of Islamic law provides specific guidelines for religious judges, for example, mothers usually get custody of a child (not yet mumayyiz, around <12 years old) unless there is a serious obstacle. Meanwhile, for non-Muslims, the determination of custody is based on the civil code and jurisprudence, with a modern approach also to the best interests.

Indonesia does not have a strict age limit in the marriage law for the exercise of custody, but the Supreme Court's rulings and practices often adopt that children under five should be with their mothers.

Malaysia implements a dual legal system (Dual System) clearly: LRA 1976 for non-Muslims vs sharia enactment for Muslims. This results in procedural differences and sometimes differences in results. In the civil system (LRA 1976), there is Tender Years Consumption (child <7 to mother) as legal protection (Children Below 7: Who Gets Custody in a Divorce? | Thomas Philip Advocates and Solicitors, Kuala Lumpur, Malaysia), while in the sharia system, although it is not written as an article of law, the doctrine of hadhanah also places mothers as the main caregivers of young children. Thus, the two systems tend to be harmonious in substance even though they have different legal bases. For maintenance, the father is obliged to provide for the legal child until the age of 18 (or more if he is still in school), and the court may order a deduction of the father's salary or source of income. In the sharia system, the obligation to support children by the father is Fardhu (religious obligations) and can be enforced through orders of religious courts, including legal tactics such as Garnishee Orders or imprisonment for those who disobey (Enforcement Child-Maintenance Payment Using Judgement Debtor Summons and Judicial Notice: A Penang Case Study). However, coordination between systems also needs to be considered – for example, cases of interfaith couples or religious conversions can give rise to jurisdictional disputes related to children's rights.

Singapore has a single and centralized legal framework (Unified Family Law) for the majority of the population, so there is no court dualism unless sharia options are limited to Muslims. This creates consistency in child protection standards. There is no gender or religious preference in the law; Each case is decided flexibly. For example, custody can be given jointly (Joint custody It's common enough in Singapore to keep both parents involved), although care and control usually to one (often mothers especially for small children, but that is the result of case-by-case consideration). Singapore is also unique in its approach to therapeutic justice – law combined with social services: prior to hearing, parents are required to mediate and parenting programs (The Impact of Divorce on Children at Different Ages - Yeo & Associates LLC), and after the divorce there is a support program (parenting pact, post-divorce counseling, etc.) (The Impact of Divorce on Children at Different Ages - Yeo & Associates LLC). It shows a policy orientation that is not only legal-formal but also pays attention to the psychological aspects of children and long-term family relationships.

3) *Child protection policy effectiveness & implementation gaps*

Although normatively the three countries already have legal tools to protect children's rights after divorce, the effectiveness of their implementation varies and each faces its own challenges (gaps). Indonesia: the implementation gap is very visible in the aspect of child support enforcement. Although the law requires fathers to bear the cost of their children (Women's and Children's Rights After Divorce), the absence of an automatic mechanism makes many mothers have to file a separate lawsuit or collect themselves after the divorce decision. Data shows that very few people file child support claims at the same time as divorce, as a result of which many divorce decisions do not contain alimony details. Even if there is a alimony decision, the execution is weak. The Supreme Court of the Republic of Indonesia recognized that the implementation of the decision on child support "is still ineffective" (Supreme Court of the Republic of Indonesia). There is no unified system such as automatic payroll deductions; Legal remedy if the ex-husband is negligent is to file a execution which is often complicated and time-consuming. A societal culture that refuses to return to conflict (such as a mother who sincerely bears herself rather than dealing with her ex-husband again) also makes children's rights neglected (Children's Rights After Divorce in Indonesian Laws and Regulations). In terms of custody, in general, the courts (especially religious courts) consistently grant custody to mothers for small children, and children are given the opportunity to express their wishes if they are mumayyiz (usually around the age of 12 years and above). However, supervision of the fulfillment of custody and access rights (e.g., father-to-child visits) is poorly monitored after divorce. There is no special institution that ensures that the psychological needs of children after divorce are met. As such, Indonesia faces a gap between ideal legal norms and socio-economic realities: many children are only cared for by mothers with limited resources, without adequate parental support or state intervention.

Malaysia, the effectiveness of post-divorce child rights protection in Malaysia is hampered by the complexity of the system and uneven enforcement. In non-Muslim divorces under the LRA, the high

court (civil court) generally includes custody and maintenance orders in the divorce decree. However, maintenance enforcement is still a challenge because it requires voluntary compliance or advanced legal steps (e.g., confiscation of assets if you fail to pay). In Muslim cases, separate procedures sometimes slow down the realization of children's rights – for example, new fathers are required to provide child support through separate lawsuits after divorce, which means the child may not receive alimony during the process. At the regulatory level, there are actually facilities such as imprisonment for fathers who default on maintenance according to sharia court decisions. Some states have established family support divisions to proactively assist with enforcement. This is a positive step, but whether it has been implemented evenly nationally is still a question. Another gap is the lack of data integration; If the father moves to another state or goes out of the country, collecting alimony becomes difficult. Similarly, cross-jurisdictional custody issues (one Muslim, one non-Muslim) can give rise to complex disputes that impact children. However, in general, legal awareness in Malaysia is starting to increase – both mothers and fathers are more likely to involve the courts to ensure the rights of the child (e.g., the mother is demanding alimony, or the father is demanding access to see the child). The challenge ahead is to strengthen coordination between sharia and civil justice positions in protecting children's rights and speeding up the process of claiming alimony so that children are not financially displaced during legal procedures.

Singapore, relatively speaking, Singapore shows the most effective implementation among the three countries, thanks to its integrated systems and strong institutional support. Almost every divorce involving a child in Singapore is followed by an official stipulation of custody, visitation schedules, and child support. Compliance with court orders is high, although not perfect, quite high due to a firm legal system and good enforcement capacity. However, Singapore is not free from cases of fathers/mothers who are in default of their obligations. The Singapore government has identified a number of "maintenance defaulters" and pushed for policy reforms such as the establishment of maintenance enforcement officers under family justice courts. This step is a proactive response to the existing small gaps, so that they do not grow. In addition, Singapore's advantage lies in its non-legal support: the required counselling and mediation programs succeed in suppressing protracted conflicts, so parents tend to adhere to facilitated agreements (because they co-formulate). Programs such as the mandatory parenting program before divorce and parenting pact after divorce help parents focus on their child's needs. This has positive implications: a report by Singapore's Ministry of Social and Family Development (MSF) cited a decline in divorce rates and cases that adversely affect children in recent years, partly due to efforts to prevent family conflicts. Even so, Singapore faces social changes (e.g. small nuclear families, minority Muslim populations with their own sharia preferences) that require continuous adjustments in policies to remain inclusive for all groups.

4) *Gaps And Opportunities For Reform*

Based on the above results, there are several common gaps in the implementation of post-divorce child rights protection in the three countries, namely: (a) child support enforcement – a cross-border problem, with Indonesia and Malaysia facing many cases of arrears, while Singapore has begun to improve the mechanism to prevent arrears; (b) Time and procedure – In Indonesia and Malaysia, legal proceedings are sometimes slow or separate (not automatically a package with a divorce) so that children are not immediately protected, whereas Singapore shortens the process through an integrated approach; (c) Legal Awareness and Culture – In Indonesia (and parts of Malaysia), social norms sometimes make mothers reluctant to demand their children's rights due to stigma or reluctance to continue conflict (Children's Rights After Divorce in Indonesian Laws and Regulations), while in Singapore residents are more likely to demand their rights through legal channels because of the high level of legal literacy.

The gap is also an opportunity to learn from each other. Indonesia, for example, can learn from the initiatives of Malaysia and Singapore in terms of livelihood enforcement. The establishment of a special division or unit for alimony collection, such as in Malaysia, or a maintenance enforcement process such as in Singapore, can be adopted in the Indonesian system. This can be in the form of a supreme court regulation or a new law that allows automatic salary deductions for child support, or the establishment of a trust fund that prioritizes child support payments and then bills the father. Malaysia can see Singapore's model of integrating court services with family counselling. Although the dual legal system will still survive, Malaysia can improve coordination by ensuring that in every divorce case (both in sharia and civil courts) there is a mandatory parenting mediation session or

counselling such as the MPP in Singapore, which involves child psychologists. This will help parents understand that divorce is not only a matter of husband and wife, but also children, so they are expected to be more cooperative to fulfill post-divorce obligations. Singapore, with its advanced position, can still learn from the Indonesian/Malaysian context in terms of local wisdom and flexibility. For example, a community approach or involving extended family (grandparents) in post-divorce parenting—which is common in Malay/Indonesian culture—could be considered in support programs in Singapore, so that children have a wider support network.

Regulatoryly, the three countries can strengthen national legal instruments that specifically regulate the protection of children's rights after divorce. Indonesia and Malaysia both do not have Technical regulations at the level of government regulations or Supreme Court regulations that focus on regulating the execution of children's rights after divorce. A technical guideline for judges, for example, would be very useful for standardizing practice: this was mentioned as a necessity in the supreme court of the Republic of Indonesia (Supreme Court of the Republic of Indonesia). Singapore via Family Justice Courts Routine Issuing Practice Directions, and Malaysia could take advantage of the forum of the Malaysian Chief Shariah Judges Meeting to make common guidelines on maintenance and hadhanah. Harmonization efforts with the CRC could also be improved: Malaysia had reservations on some of the CRC articles at the time of ratification, perhaps related to sharia issues, but could review the national regulations to be more in sync with international standards on children's rights."

4. Conclusion

The comparative study found that Indonesia, Malaysia, and Singapore already have legal frameworks that recognize and seek to protect children's rights after divorce, but the level of effectiveness of the implementation of these policies is different. Indonesia's positive laws (marriage law and child protection law) affirm the responsibility of parents to children even though they are divorced, but in practice many children do not get optimal maintenance or care due to weak enforcement and low demands for rights by the mother. Malaysia offers a perspective of legal dualism: both the civil and sharia systems emphasize the interests of children, even providing protection (children under five with mothers) and sanctions for arrears. However, the fragmentation of procedures and the inequality of implementation in the field make child protection not completely equal. Singapore stands out for its relatively effective single system, combining strict rules and support programmes, so that children's rights are more guaranteed through court rulings and parental compliance, although there is still a need for continuous improvements such as the renewal of enforcement mechanisms. The main finding of this comparison is that the issue of child support enforcement is a universal challenge. Post-divorce children are vulnerable to being ignored for their economic rights if there is no strong mechanism. In addition, the consistency of custody arrangements needs to be guaranteed so that the child does not lose the relationship with one of the parents. The policy implications that can be drawn are the importance of building an integrated enforcement system for children's rights. The government and judicial institutions in Indonesia can consider establishing a special unit for the enforcement of divorce judgments related to child support, as Singapore and some Malaysian courts have done. Also, an awareness campaign is needed to encourage the parties to proactively demand children's rights in court, so that the issue is not spared in the decision.

Recommendations for legal reform include: (1) revision of regulations to allow automatic execution of child support (through employee salary cuts or administrative blocking of bank accounts once there is a maintenance decision); (2) the preparation of judicial technical guidelines that require every divorce decision with a child to clearly include the arrangement of child custody, access, and maintenance; (3) strengthening mediation and family counselling institutions in all jurisdictions – learning from Singapore, compulsory counselling programmes before and after divorce have been shown to help suppress conflict and ensure a focus on the needs of the child; (4) cross-border cooperation in sharing best practices, given that the three countries have different socio-legal backgrounds that complement each other's insights (e.g., the Regional Judicial Forum on Child Protection can be routinely held between Indonesia, Malaysia, and Singapore to learn from each other's policies). Ultimately, protecting children's rights after divorce requires a shared commitment between policymakers, law enforcement, and parents themselves. The law must function as a safety net that ensures that no child falls into a vulnerable condition due to the divorce

of his parents. By implementing targeted reforms – especially in the enforcement of alimony and parenting support – it is hoped that the rights of children in Indonesia, Malaysia, and Singapore after divorce can be effectively protected in accordance with the mandate of international conventions and positive law of each country.

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