

# Revitalization of the Execution of Religious Court Decisions through Engineering Compliance with the Implementation of Execution of Judgments Related to the Fulfillment of the Rights of Ex-Wives and Children

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## ABSTRACT

The implementation of religious court rulings related to the fulfillment of the rights of former wives and children has many obstacles that cause very few rulings to be successfully implemented. The existence of regulations governing the execution of existing rulings is quite outdated because it is still based on the regulations left by the Dutch East Indies Colonial. Breakthroughs in the field of execution such as dwangsom or delays in the pronouncement of talaq pledges to pressure the convicted have not shown significant and optimal results in overcoming this problem. Ideas emerged on opportunities for advances in information technology and integration of population administration that can be used to engineer compliance with the implementation of rulings in realizing the fulfillment of the rights of former wives and children after divorce. The research method used is normative juridical with a legal approach, case approach, historical approach, comparative approach, and conceptual approach. The theories used include Authority Theory as Grand Theory, Legal Protection Theory as Middle Range Theory, and Legal Theory that Engineers Society as Applied Theory. The results of the study are the regulation of the Supreme Court of the Republic of Indonesia regarding the execution of religious court decisions in the implementation of decisions related to the rights of former wives and children after divorce contained in laws and regulations both materially and formally as well as policy regulations. The existence of this legal basis has not been able to effectively guarantee the fulfillment of the rights of former wives and children after divorce. Strengthening the execution of religious courts needs to be carried out as a renewal that is able to overcome the problem of stagnant executions that exist today, especially the existing executions are still unable to be carried out simply, quickly, and at low cost. Strengthening the authority to implement decisions related to the rights of former wives and children by religious courts through the suspension of citizens' rights to the convicted is carried out by utilizing the development of information technology and the integration of population databases to improve compliance and successful execution of religious court decisions. Social engineering by marrying law and information technology will be able to strengthen the authority to carry out executions by religious courts so as to create legal protection that is certain and fair for ex-wives and children after divorce.

## Keywords

*Revitalization of Religious Court Authority, Execution, and Verdicts*

## INTRODUCTION

Judicial power is an independent power exercised by a Supreme Court and subordinate judicial bodies in the general court, religious court, military court, state administrative court, and by a Constitutional Court, to administer justice to uphold law and justice. One form of judicial power is the Execution of Court Decisions. (Ihwanudin, 2016)

Quoting, the Religious Court as one of the Judicial Powers in the Indonesian constitutional system can be a kaffah and reliable court if it has (1) competence as broad as Islamic sharia; (2) competence in execution of sharia decisions; (3) applied sharia law instruments in accordance with the development of applied sharia law instruments in accordance with the development of community legal needs; and (4) competence and professionalism to overcome juridical constraints. (Rifqi, n.d.)

The competence of execution of sharia decisions by religious courts is one of the elements of being a Kaffah and reliable judiciary. Thus, competence in the implementation of decisions becomes a must for Religious Courts. The implementation of a judgment that already has permanent legal force (Inkracht van Gewijsde) for justice seekers is the ultimate goal of justice seekers. Amar the decision that has been decided by the Judge of the Religious Court is realized by the implementation of the court decision. The mandate for the implementation of court decisions implied in the consideration of Law Number 48 of 2009 concerning Judicial Power through the phrase "is an independent power exercised by a Supreme Court and judicial bodies subordinate to it in the general judicial environment, religious court environment, military court environment, state administrative court environment, and by a Constitutional Court, to administer justice to enforce the law and justice" The phrase administering justice to enforce the law can be interpreted as after the exercise of judicial authority in the form of examining, adjudicating, and deciding a dispute submitted to him by the litigant, then continued by implementing the decision in order to realize the fulfillment of law and justice.

In Chapter X of the Implementation of Court Decisions Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power Article 54 paragraphs (2) and (3) has been clearly stated regarding the implementation of Court Decisions which reads "(2) The implementation of court decisions in civil cases is carried out by clerks and bailiffs led by the chief justice and (3) Court decisions are implemented with due regard to human values and justice." Then in Article 55 paragraphs (1) and (2) which reads "(1) The chief justice must supervise the implementation of court decisions that have obtained permanent legal force. (2) Supervision of the implementation of court decisions as referred to in paragraph (1) shall be carried out in accordance with laws and regulations."

The authority to implement the Court's decision is related to the authority of the Religious Court as stated in the Consideration of Law of the Republic of Indonesia Number 50 of 2009 concerning the Second Amendment to Law Number 7 of 1989 concerning Religious Courts in line and linear with the consideration of Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power in which the Religious Court bases its consideration which reads " (a) that the judicial power is an independent power to administer justice in order to uphold law and justice so that it is necessary to realize a clean and authoritative judicial institution in fulfilling the sense of justice in society." If observed in the content of the norm, the Religious Court has the authority to examine, adjudicate, and decide disputes submitted to it according to the characteristics possessed by the Religious Court. Then the Religious Court can implement court decisions to uphold law and justice in fulfilling the sense of justice in society.

The meaning of being in charge and authorized to examine, decide and resolve cases is to refer to the acceptance of cases according to the type of case, examine them in a trial until then decided into a court decision. The decision is expected to be a dispute resolution for the type of case under its authority if the decision is carried out voluntarily by the convict. However, the meaning of resolving cases can also mean the execution of a verdict so that justice is achieved, rights are returned to their owners, and obligations are carried out as a reflection of law enforcement. (Yana & Trigiyatno, 2022)(Nurdin, 2019)

Regarding the implementation of judicial practice in religious courts in the form of examining, deciding and resolving cases, it is regulated in Article 54 of Law of the Republic of Indonesia Number 7 of 1989 concerning Religious Courts reads that the Procedural Law applicable to courts within religious courts is civil procedural law that applies to courts within the general judicial environment, except those specifically regulated in this law. This means that judicial practices in religious courts refer also to formal legal sources as in the general judicial environment. (Qomaro, 2021)

However, in the implementation of the procedural law there are also obstacles and obstacles, the framer of the Religious Justice Law then formulated Article 58 paragraph (2) which reads that the Court assists justice seekers and tries its best to overcome all obstacles and obstacles to achieve a simple, fast and low-cost trial. The existence of this article refers to efforts to overcome obstacles and obstacles to judicial practice in the form of examining, deciding and resolving cases in which the implementation of decisions is included. (Jannah, 2010)

That in divorce talaq if the marriage breaks up due to talaq, then the former husband is obliged to give proper mut'ah to his former wife, either in the form of money or property, unless the former wife is qobla al dukhul, providing bread, maskan and kiswa to the former wife while in iddah, unless the former wife has fallen into talaq ba'in or nusyuz and is not pregnant, pay off the dowry still owed in full, and half if qobla al dukhul, and provide hadhanah expenses for his children who have not reached the age of 21 years and provide a proper residence or residence for the ex-wife during the iddah talaq. (Teak et al., 2021)

In line with this authority, the Religious Court also has the authority to implement decisions on cases of Marriage-Divorce disputes as a form of case resolution after examination, trial, and decision of cases. For divorce cases that have the content of fulfilling child support, wife support, mut'ah, iddah income that has been decided by the Religious Court where the amar is punitive (Condemnatoir), ideally the decision is carried out by the convicted voluntarily but in the event that the convicted person is reluctant to implement the decision voluntarily, the winning party can submit an execution request to the Chairman of the Religious Court / Shar'iyah Court. (Kurnaini, 2017)

In fact, the Religious Court / Shar'iyah Court experienced considerable obstacles in implementing decisions related to the fulfillment of the rights of former wives and children after divorce. This fact is reinforced from a report from AIPJ2 (Australia Indonesia Partnership For Justice 2) entitled Analysis of Divorce Case Verdicts in Indonesia contains facts in the form of 447,417 divorce cases in religious courts / syar'iyah courts in 2019 and 480,724 divorce cases in 2020. With such a large number of cases caused by several factors including experiencing physical violence by 13%, husbands not providing for children by 29%, and husbands leaving home for more than two years for no apparent reason by 61%. There are 1% of divorce cases in the Religious Court/Shar'iyah Court that apply for child support, there are 2% of divorce cases in the Religious Court that apply for child custody, and 1% of divorce cases in the Religious Court/Shar'iyah Court that have requests for wife support. Less than 1% of divorce cases in the Religious Court/Shar'iyah Court had applications related to joint property and in 9 out of 10 of these cases the judge granted the lawsuit in his ruling. (Yulita, 2020)

In practice, not all parties sentenced through a judge's decision are willing to voluntarily carry out the ruling, so assistance from state instruments is needed. In this case, the court as an organ of the state is given the authority to take action to force the convicted party to carry out the verdict. In the context of the implementation of the judgment in an effort with execution related to the rights of the former wife and children, this also has many technical obstacles, for example, execution becomes non-executable because the ex-husband is manifestly unable to fulfill because the circumstances cannot be carried out (due to poor factors, wages below the UMR). In other circumstances such as the former husband (Execution Respondent) is able to comply with the judgment but he is reluctant to pay, the Chief Justice ex officio through the Bailiff cannot carry out the execution due to the unavailability of support for the technical execution authority. (Nyoto et al., 2020)

The limited efforts that can be made by the Religious Court as a judicial institution that has the authority to execute are due, among others, to the fact that the execution instruments available in the execution of child support and the rights of ex-wives in the field of marriage are not as clear and firm as the instruments possessed by the field of civil law. In the execution of the civil field, it is known as real execution, execution of emptying, to the execution of payment of a sum of money that previously could be requested for confiscation both confiscation of conservatoir and confiscation of revindication in anticipation of later if terminated against the object of execution that has been requested for confiscation. However, it is different from the execution of the fulfillment of the rights of children and ex-wives in the field of post-divorce marriage where the object of execution is uncertain and tentative so that it will be difficult to fulfil (Henga & Achir, 2021; Sallatu, 2019).

## METHODS

The study used several approaches. With this approach, researchers will get information from various aspects about the issues that are being tried to find answers. The approaches used in legal research are the statute approach, case approach, historical approach, comparative approach, and conceptual approach. The Normative Law approach refers to a scientific activity based on certain methods, systematics, and reasoning that aims to always look for definite points of departure and expected research regulations on how a research should be carried out in order to produce reliable and valid conclusions.

## RESULTS

### **Engineering the implementation of execution through engineering compliance voluntary implementation of the fulfillment decision related to the ex-wife and children after divorce**

The Law on Judicial Power has led this discussion to the Norm which states that religious courts have the authority to examine, adjudicate, decide, and settle cases between people of Muslim faith in accordance with the provisions of laws and regulations. The authority is divided into the authority to examine, adjudicate,

decide and resolve cases. Examining, adjudicating, deciding refers to the definition of judicial power in the narrow sense. This is based on the redaction meaning of the phrase examine, judge, decide which prioritizes the understanding of judicial power as the power of an independent state to administer justice. So the judicial power is identified with the judicial power or the power to adjudicate. While the editor completes ushering in the meaning of the process or effort after the administration of justice is completed.

Religious courts have the authority to examine, adjudicate, decide, and settle cases between people of Muslim faith in accordance with the provisions of laws and regulations, essentially affirming the manifestation of Religious Courts as one of the judicial powers as state power in enforcing the law. So judicial power is synonymous with "the power (to) enforce the law or the power of law enforcement. The essence of such an understanding is linear with the phrase expressed in the mandate of Article 24 paragraph 1 of the 1945 Constitution which reads Judicial power is an independent power to administer justice in order to uphold law and justice.

The focus of the meaning of judicial power in a broad sense that is not limited to the administration of justice or in the field of judicial power will also reach outside the administration of justice or in the field of judicial power, which is equally important, namely solving cases which in this case one of them is the implementation of the Court Decision itself. Resolve cases accommodating the power to enforce the law and continue the law enforcement process after the exercise of the power to prosecute. An independent and independent judicial power must also be manifested in the entire process of law enforcement which includes the power to adjudicate (examine, adjudicate, decide) and the power to resolve cases as a logical process of continuation of the power to adjudicate. Departing from such an understanding, the enforcement of judicial power in the field of Islamic civil law is in the Religious Court as the authority of the independent and independent administration of judicial power.

In Chapter X of the Implementation of Court Decisions Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power Article 54 paragraphs (2) and (3) has clearly stated the implementation of Court Decisions which reads "(2) The implementation of court decisions in civil cases is carried out by clerks and bailiffs led by the chief justice and (3) Court decisions are implemented with due regard to human values and justice." Then in Article 55 paragraphs (1) and (2) which reads "(1) The chief justice must supervise the implementation of court decisions that have obtained permanent legal force. (2) Supervision of the implementation of court decisions as referred to in paragraph (1) shall be carried out in accordance with laws and regulations."

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In the implementation of religious court decisions related to the dispossession of the rights of former wives and children derived from the Divorce Talaq and Divorce Lawsuit Cases. If the marriage breaks up, at least there are obligations from the ex-husband which the judge's decision is ordered including:

- a. Give proper mut'ah to his former wife, either in the form of money or property, unless the former wife is qobla al dukhul;
- b. Provide bread, maskan and kiswa to the former wife during iddah, unless the former wife has been in talaq ba'in or nusyuz and is not pregnant;
- c. Pay off the dowry still owed in full, and half when qobla al dukhul;
- d. Provide hadhanah fees for children who have not reached the age of 21 years.

In Book II of the Administrative and Technical Guidelines for the Judiciary, it is also mentioned in the Religious Court as much as possible to try to find out the type of husband's work that is clear and certain, and to know the estimated average monthly income to be used as a basis for consideration in determining child support, mut'ah, madhiyah bread, and iddah bread. In order to fulfill the principle of benefit and ease in the implementation of the decision, the determination of mut'ah should be in the form of non-pecuniary objects, such as houses, land, or other objects so as not to complicate execution. Mut'ah must be given by the former husband provided that dowry has not been established for the wife of ba'da dukhul and divorce by the will of the husband. The amount of mut'ah is adjusted to the propriety and ability of the husband. Meanwhile, in a divorce, a lawsuit can also be filed regarding child support, wife support, mut'ah, iddah bread.

Not all judges' decisions can be enforced in the truest sense of the word, that is, by force by the court. Only condemnatory rulings can be enforced. Declaratory and constitutive rulings do not require coercive means to carry them out. Since there is no right to an achievement, the occurrence of legal consequences does not depend on the help or willingness of the defeated party, therefore there is no need for coercive means to carry it out. A judge's decision that has acquired definite legal force can be voluntarily enforced by the person concerned, that is, by the defeated party. If a case has been decided and has obtained definite legal force, then the defeated party can voluntarily implement the decision. Thus, the case was resolved without getting assistance from the court in implementing the decision.

In practical reality as mentioned in chapter III of this dissertation, it happens that the defeated party does not want to carry out the judge's decision voluntarily so that assistance from the court is needed to implement the decision forcibly. The winning party in the judgment may request execution of the judgment (execution) to the court that will execute it forcibly (execution force). The execution of the judge's decision or execution is essentially nothing but the realization of the obligation of the party concerned to fulfill the achievements stated in the decision. The execution of the judgment in the context of the Religious Court consists of:

- a. execution of a judgment punishing the defeated party to pay a sum of money. The required achievement is to pay a certain amount of money. This execution is regulated in article 196 HIR (ps. 208 Rbg).
- b. execution of a judgment punishing a person for committing an act. This is regulated in article 225 HIR (ps. 259 Rbg). People cannot be forced to fulfill achievements in the form of deeds. However, the winning party can ask the judge to have the interest to be obtained assessed with money.
- c. Real execution. This real execution is not regulated in the HIR but is regulated in article 1033 Rv. What is meant by real execution by article 1033 Rv is the execution of the judge's decision ordering the emptying of fixed objects. M Syarifuddin explained in more detail that real execution is execution on the basis of a Religious Court Decision with permanent legal force, the contents of which ordered the execution respondent to take real actions such as the surrender of an item, emptying immovable objects, carrying out a certain act, and stopping certain actions. If the person convicted of emptying the permanent property does not want to comply with the judge's warrant, the judge shall order by letter to the bailiff that with the assistance of the clerk of the court and if necessary with the help of the instruments of state power, that the permanent property be vacated by the convicted person and his family. This type of execution, although regulated in Rv, is therefore required by judicial practice, it is common. HIR only recognizes real execution in auction sales (ps. 200 paragraph 11 HIR, ps. 218 paragraph 2 Rbg).

Execution, which has a legal basis in practice, still experiences many problems whose form has been mentioned in Chapter III of this Dissertation. Execution, which is one form of judicial power, namely resolving cases, has not been able to meet the basic principles of justice, namely the principle of simple, fast, and light costs. The principle of simple, speedy, and light trial is a legal principle is a very basic philosophy that colors the provisions of civil procedural law including in religious courts. Legal principles are often not visible in the sound of statutory articles, but are basic values that are not visible in these articles. Law Number 48 of 2009 Article 2 paragraph (4) specifies that the Court assists justice seekers and tries to overcome all obstacles and obstacles to achieve a simple, fast, and low-cost trial. According to the explanation of the law, what is meant simply is that the examination and resolution of cases are carried out in an efficient and effective manner.

The authority to execute religious court decisions, which in reality has many obstacles and problems, needs to be revitalized so that in its implementation the execution becomes effective, can be carried out, reliable, simple, and as much as possible removes obstacles in its implementation. Adapting from the success of increasing compliance and community participatory in the vaccination program in overcoming the Covid-19 pandemic, the author initiates that the same thing can be used to increase the compliance of the convicted to implement the decision on the fulfillment of the rights of former wives and children after divorce. In essence, this effort utilizes the National Identity Number (NIK) as a means of control, compliance, and social engineering of the ruler (government) over citizens.

The legal basis for this effort is contained in Presidential Regulation of the Republic of Indonesia Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context of Overcoming the Corona Virus Disease 2019 (Covid19) Pandemic. If we look at Article 13A of this Regulation, we find the formulation of the article which reads:

- (1) The Ministry of Health conducts data collection and sets targets for Covid-19 Vaccine recipients.
- (2) Everyone who has been determined as the target recipient of the Covid-19 Vaccine based on data collection as referred to in paragraph (1) must take part in the Covid-19 Vaccination.
- (3) Exempted from the obligation as referred to in paragraph (21) for target recipients of the Covid-19 Vaccine who do not meet the criteria for receiving the Covid-19 Vaccine in accordance with the indications of the available Covid-19 Vaccine.

- (4) Any person who has been determined as a target recipient of the Covid-19 Vaccine who does not participate in the Covid-19 Vaccination as referred to in paragraph (2) may be subject to administrative sanctions, in the form of:
- delay or termination of the provision of social security or social assistance;
  - suspension or termination of government administrative services; and/or
  - finances.
- (5) The imposition of administrative sanctions as referred to in paragraph (4) is carried out by ministries, agencies, local governments, or agencies in accordance with their authority.

In practice, then, the threat of postponement or termination of the provision of social security or social assistance and the delay or termination of government administrative services makes the public quite obedient to carry out the covid19 vaccination. It can be seen here that the main population data is the Population Identification Number today, its existence is increasingly strategic. This is because the National Identity Number is the only basis for population administration (single identification number).

In addition, NIK has also been used as the main means of transactions, including the replacement of the Taxpayer Identification Number (NPWP). The use of the National Identity Number for tax services has been realized by the Directorate General of Taxes (DJP) of the Ministry of Finance. Thus, NIK is used as a Taxpayer Identification Number (NPWP). This program has officially taken effect on Tuesday, July 19, 2022. At this early stage, as many as 19 million taxpayers can already use KTP as NPWP for transactions. The legal basis is Law Number 7 of 2021 concerning Harmonization of Tax Regulations which was passed on October 29, 2021 Article 2 paragraph (2) which reads "Taxpayer Identification Number as referred to in paragraph (1) for individual taxpayers who are residents of Indonesia using a residence identification number."

In consideration of Law of the Republic of Indonesia Number 7 of 2021 concerning Harmonization of Tax Regulations, the main consideration contains sociological reasons which reads "that to increase sustainable economic growth and support the acceleration of economic recovery, a fiscal consolidation strategy is needed that focuses on improving the budget deficit and increasing the tax ratio, which among others is carried out through the implementation of revenue performance improvement policies taxes, tax administration reform, increasing the tax base, creating a tax system that prioritizes the principles of justice and legal certainty, and increasing voluntary compliance of taxpayers. It can be seen here that NIK is also used as a tool to increase taxpayer compliance.

In addition to these two examples of the use of NIK as a tool to engineer community compliance in government programs, there is also Presidential Instruction of the Republic of Indonesia Number 1 of 2022 concerning Optimizing the Implementation of the National Health Insurance Program. Through the issuance of this Presidential Instruction, it shows that the government views the use of government administration and population administration as an effort to succeed government programs in this context is the National Health Insurance Program is an effective way. Through the opening phrase which reads "In order to optimize the implementation of the National Health Insurance program, increase access to quality health services, and to ensure the sustainability of the National Health Insurance program". This instruction is addressed to enough 30 Ministries, State Institutions, Regional Work Equipment, and other state equipment. The instruction expressly orders Ministers, Heads of State Institutions, Regional Work Apparatus, and Leaders of state equipment to take steps according to their respective duties, functions, and authorities to optimize the National Health Insurance program. In the instruction to the Minister of Home Affairs to provide access to population data based on the National Identity Number to be used as data on membership in the National Health Insurance program in accordance with the provisions of laws and regulations. The pattern of using BPJS membership requirements as a condition for managing various kinds of government service needs is duplicated from the vaccination certificate program which is a requirement for entry to shopping places, land, sea, and air travel requirements which are found to be quite effective and successful.

That NIK which was originally a fulfillment of the official identity rights of citizens by the state has now shifted to become a tool of controlling community compliance. NIK which is one of the outputs / results of the Population Administration can be used for public services and the development of other sectors. This formulation is given by Article 1 point 1 of Law of the Republic of Indonesia Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration which reads "Population Administration is a series of structuring and regulating activities in the issuance of documents and Population Data through Population Registration, Civil Registration, management of Population Administration information and utilization of the results for public services and sector development another." Thus, the use of NIK in its development is widely used to engineer citizen compliance because in its definition it has initially been given authority for it which is reflected in the phrase for public services and the development of other sectors. The development of other sectors here certainly accommodates also the interests of judicial and judicial power.

Departing from the forms of use of NIK in the realm of increasing citizen compliance in the executive realm which turned out to be effective and successful, then it should be in the judicial realm (judicial power)

can also be applied. Especially in increasing efforts to implement court decisions which have so far in practice had many obstacles.

H.L.Hart explained the law as a coercive order as a standard way of functioning of the law. Although for reasons no one can provide the number of officers necessary to ensure that each member of the public is officially and individually informed of every action ordered to him. In the context of the implementation of the judgment, the decision of the religious court as a reflection of the principle of *res judicata pro veritate habetur* (what the judge decides must be considered correct and must be implemented) must also be obeyed and implemented by the punished party even though it must be done by coercion. If a judgment is not complied with by an individual, the court may alert that person and request that the judgment be obeyed or that the non-compliance be formally identified and recorded and a penalty imposed forcing him or her to do so. Without certain facilities or facilities, it is impossible for law enforcement to take place smoothly. These facilities or facilities, among others, include educated and skilled human labor, good organization, adequate equipment, sufficient finances, and so on. If it's those things. If it is not fulfilled, it is impossible for law enforcement to achieve its goals. So it is clear that the existence of a means is needed in law enforcement, one of which is the implementation of religious court decisions.

This facility can then be realized by using the Identity Number to control the implementation of the decision. The government in a broad sense in strengthening the Judicial Power whose representation, one of which is that the Supreme Court can build an effort that utilizes the Identity Number to force citizens (in the context of the convicted / execution respondent) to carry out the contents of the decision. The mechanism is to seek based on the Identity Number of the Convicted / Execution Respondent to:

- a. Suspend payment and/or deduct wages, salaries, remuneration or financial income of a certain amount proportionate (according to law and justice) from the government and private parties to be paid to ex-wives and children as an implementation of the judgment;
- b. Require the requirement of clean NIK records from the obligation to implement decisions related to the rights of former wives and children shortly before carrying out interest management in all Ministries/Institutions and Government Work Units;
- c. Suspend or terminate the provision of government administrative services;
- d. Limiting mobility in traveling both by land, sea, and air;

### **Strengthening the authority to execute judgments through engineering the suspension of citizens' rights to the convicted or execution respondent**

Legal awareness and compliance with the law by society more deeply discuss the description of how law sustains the strength of its institutions, although there will always be a distance between law in books and law in actions. Laws that ideally regulate and become social control of society, on the contrary, backfire on society itself. In this case, then the application of the main law related to Islamic family law in Indonesia is important to pay attention to aspects related to law enforcement. It would be very superficial if law enforcement regarding family law in Indonesia is only seen in one direction, because the law itself applies and is in the community. At least, the participation and contribution of humans as subjects of law greatly determines whether the law works effectively or not. This is at least what is used as a basis for thinking when describing the relationship of law enforcement by the court as a representation of judicial power (state in the broad sense) faced by society, especially citizens in the context of the convicted.

The issue of competence possessed by religious courts in implementing decisions related to the fulfillment of the rights of former wives and children after divorce, also needs to be mentioned in the discussion of this dissertation to show its condition. Competence has the meaning of authority (power) to determine (decide) something. The competence of the court is the power to receive, examine, and try and resolve every case submitted to it. This competence is an implementation of its main duty as an independent actor of judicial power to administer justice in order to uphold law and justice. The competence of the Religious Court as an Islamic sharia court is the power to receive, examine, and adjudicate and resolve every Islamic sharia case submitted to it.

The execution of a court decision is an effort that requires force (power) to force the convicted to carry out the contents of the decision. As this is reflected in the etymological meaning of execution which comes from the word *executie* means to carry out the judge's decision (*ten uitvoer leggingen van vonnissen*). Thus, what is meant by execution is to forcibly execute a court decision with the help of a general force, in order to execute a court decision that has acquired permanent legal force. The nature of execution which is basically the act of carrying out or carrying out a court decision. According to Article 195 HIR, the execution process is to carry out the judge's decision by the court. The right to execute a judge's decision as stipulated in the Code of Civil Procedure is the entire provision governing what can be used to force a defeated case to do what is required of him in accordance with the judge's decision, if the defeated party does not do it voluntarily, then

the party won by submitting can carry out the contents of the decision to the Chief Justice where the case is filed with Assistance of forced tools.

The tool of force here can certainly be interpreted as everything related to the implementation of the judgment even by force. The form of forced alat here, the author of the construction is a population database, especially the population identification number (NIK) which is currently being used massively as a means of transaction as well as a legal identity and recognized by the state. The National Identity Number which is a tool to which various citizens' rights are attached to obtain or access all services from the government and non-government services can be used to engineer the compliance of the convicted person to implement the contents of court decisions.

Conceptually, this mechanism of strengthening execution is in line with legal theory that engineers society (social engineering), where good law can develop society or direct the development of society. With the development of information and communication technology which also affects aspects of electronic population administration. This advancement in aspects of electronic population administration data can be used to improve control and compliance with convicted persons who are reluctant to carry out voluntary verdicts and make it easier for religious courts to managerize, monitor, and carry out executions related to the fulfillment of the rights of former wives and children.

With the availability of a Population database that makes NIK a single identity number for all matters of public service as stated in Article 64 paragraphs (2) to (4) of Law of the Republic of Indonesia Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration "(2) NIK as referred to in paragraph (1) becomes a single identity number for all matters of public service. (3) The Government shall carry out all public services based on the NIK as referred to in paragraph (2). (4) To carry out all public services as referred to in paragraph (3), the Government shall integrate existing identity numbers used for public services no later than 5 (five) years from the promulgation of this Law." This norm then makes the foundation of NIK as the only identity recognized by the state in order to obtain public services and as a basis for issuing other documents in the field of government administration. The unique nature of NIK refers to the understanding that each person's NIK with other people's entities must be different (unique), The number number on the NIK is a combination of 16 (sixteen) numbers whose composition consists of 2 (two) digits, the first number is the Provincial Area code, the next 2 (two) digits are the city/regency area code, the next 2 (two) digits are the District/Kapanewon/Kemantren area code, The next 6 (six) digits indicate the identity date of birth of the citizen, and the last 4 (four) digits are the sequence number of automatic NIK issuance by the system. The population database that has been available can be integrated into various other applications, practices that have been running in the Supreme Court, especially in Religious Courts, are integration and data sharing with the Population Administration System Application (SIK) from the Ministry of Home Affairs, the Marriage Management Information System Application (SIMKAH) from the Ministry of Religious Affairs, and the Case Tracing Information System (SIPP) from the Supreme Court.

With the initial capital already commonly used Population Database within the Court and Government Bureaucracy, it is not impossible if this is used as a strengthening of judicial power, especially the implementation of executions. Strengthening (revitalizing) the execution of judgments has a correlation that is directly proportional to the engineering of legal compliance of the community (the convicted).

## CONCLUSION

The existence of a legal basis for execution in religious courts has not been able to effectively guarantee the fulfillment of the rights of former wives and children after divorce. This legal basis provides a loophole for strengthening judicial power, especially in the Religious Court regarding Execution. Strengthening the execution of religious courts needs to be carried out as a renewal that is able to overcome the problem of stagnant executions that exist today, especially the existing executions are still unable to be carried out simply, quickly, and at low cost. Strengthening the authority to implement decisions related to the rights of former wives and children by religious courts through the suspension of citizens' rights to the convicted is carried out by utilizing the development of information technology and the integration of population databases to improve compliance and successful execution of religious court decisions. Social engineering by marrying law and information technology will be able to strengthen the authority to carry out executions by religious courts so as to create legal protection that is certain and fair for ex-wives and children after divorce.

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