
Imposition of Ex-Wife's Post-Divorce Livelihoods: A Socio-Legal Overview

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ABSTRACT

This study aims to determine how the fulfillment of the rights of the ex-wife in obtaining the burden of living after the divorce decision. This type of research is a sociological jurisprudence based on the jurisprudence school. This research is based on normative law (statutory regulations), but does not examine the system of norms that work in society. The analysis used in this study is descriptive data analysis using a qualitative approach to secondary legal materials and primary legal materials.

The description includes the content and structure of positive law and Islamic law, which is an activity carried out by the author to analyze the determination. The results of this study indicate that the fulfillment of the burden of living after the divorce decision by the ex-husband to the ex-wife in divorce cases, in its implementation has not run optimally in all divorce cases accompanied by the burden of living, although this has been based on a judge's decision which has permanent legal force. Fulfillment of the burden of living after the divorce decision in his position is largely determined by the good faith of the ex-husband in fulfilling the responsibility of burdening the living voluntarily by the contents of the court's decision as to the party who is burdened with a living.

So that to realize the maximum post-divorce burden of living in all divorce cases with the qualification of the burden, in this case, it is important to immediately give birth to the concept of legal reform in fulfilling the payment of living by guaranteeing the property of the ex-husband by including the element of guaranteeing the property of the ex-husband in the the decision handed down and presenting a mechanism for executing for free or for free.

Keywords: Livelihood Rights; Ex-wife; Divorce.

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1. Introduction

Human life in this world of different sexes naturally has an attractive attraction between one another to live together or logically it can be said to form an inner and outer bond to create a harmonious, happy, prosperous, and eternal family and household. . But in the course of the household in a family in practice, it is not always good. A family living a married life is always faced with the ups and downs of life which sometimes ends with the breakup of a family relationship with divorce, both coming from the male side and the female side.

Law of the Republic of Indonesia Number 1 of 1974 as amended by Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage Article 1 states that marriage is an inner and outer bond between a man and a woman as husband and wife to form a family (household).), which is happy and eternal based on the One Supreme Godhead. Then in Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law Article 2 states that marriage according to Islamic law is marriage, which is a very strong contract or *mitsaaqan gholiidhan* to obey Allah's commands and carry out worship.

Juridically, it can be interpreted that marriage is a process to unite civil relations between a man and a woman to obtain legal legality, especially from a positive legal perspective. Fulfillment of the legality of marriage law from a juridical perspective, in essence, provides legal implications for the position of legal rights inherent in every married couple, especially for the wife, both after marriage and at the time of the termination of the marriage due to divorce.

One aspect that becomes an essential problem in divorce cases is related to the issue of the burden of living which is the obligation of the ex-husband to fulfill it as the contents of the post-divorce court decision, especially if the divorce is filed by the husband, which is known as the talk divorce case. In a divorce case filed by the husband, in this case, talk divorce, if there is a claim for reconvection (back suit) that was submitted by the wife during the trial process, then this must be fulfilled by the husband by the contents of the Court's decision before the agenda for reading the pledge. divorce. This is as seen in the divorce case number 96/Pdt.G/2017/PA. Glo whose burden was fulfilled before the agenda of the trial read the divorce pledge, so that the rights of the wife in obtaining the burden of living as stated in the court's decision can be fulfilled.

Juridically, the issue of the burden of living in divorce cases has been regulated in the Law of the Republic of Indonesia Number 1 of 1974 as amended by Law Number 16 of 2019 concerning marriage, Article 41 letter (c) which affirms that "The court may oblige the former husband to provide living expenses and/or determine an obligation for the ex-wife". However, in its implementation, the provisions contained in Article 41 letter (c)

of the Marriage Law which are the legal basis for the burden of living are sometimes deliberately ignored by the husband as the insured, so that in its existence it is judged not to be able to accommodate the settlement of all problems related to encumbrance. income, especially in providing legal protection for the right of the ex-wife to obtain post-divorce expenses. Where this is inseparable from the position of Article 41 letter (c) of the Marriage Law as the legal basis that regulates the burden of living is only limited to affirming the imposition of a living obligation for ex-husbands given to the Court, but no norm regulates further efforts regarding the steps in providing legal protection for the fulfillment of the right to a living for the ex-wife after the divorce decision so that in this case there is still a legal vacuum (*rechtsvacuum*) which in the future is important to be addressed immediately.

About the issue of post-divorce alimony, especially for citizens who are explicitly Muslim, this has been regulated in Presidential Instruction No. 1 of 1991 on the Compilation of Islamic Law Article 149 letters (a) to (d) which states that:

If the marriage is dissolved due to divorce, then the ex-husband must:

- a) Giving a decent *mut'ah* to his ex-wife, either in the form of money or things, unless the ex-wife is *qiblah al dukhul*.
- b) Giving *nafkah*, *maskan*, and *kiswah* to the ex-wife during the *iddah*, unless the ex-wife has been sentenced to *talaq basin* or *nusyuz* and is not pregnant.
- c) Pay off the dowry that is still owed in full and in half when *qiblah al dukhul*.
- d) Provide *hadhanah* fees for children who have not reached the age of 21 years.

Referring to the description of Article 149 of the Compilation of Islamic Law which regulates the husband's obligations to provide a living for his ex-wife and post-divorce for children, essentially this norm is a legal basis that can be used as a basis for the ex-wife to earn a living from her ex-husband after the divorce decision. However, this provision at the implementation level only becomes a regulation that is textual in nature and does not have coercive power if the obligation to fulfill a living occurs due to negligence by the ex-husband. Because in essence, the norms in a statutory regulation can have coercive power if there has been a court order of execution. Thus, one of the legal problems that often arise in divorce cases, especially divorce divorces, is related to the fulfillment of the rights of the ex-wife after the divorce decision which was intentionally neglected by her ex-husband so that in this case there is no legal protection for the position of the wife's rights after the divorce. divorce decision.

The burden of subsistence imposed on the ex-husband as stated in the judge's decision is born from a very mature consideration process and is based on legal facts revealed at the trial by prioritizing the values of justice, certainty, and legal expediency. So that the size

of the burden of living given to the ex-husband at the time of divorce has been truly measurable based on the circumstances and ability of the ex-husband. So the argument that states that the husband cannot fulfill the burden of living by court decisions in his existence can be refuted.

The problem that often arises in the scope of the burden of living after the divorce decision is the clarity of the position of the ex-wife's rights in obtaining the burden of living from her ex-husband by the contents of the Court's decision. Because in this case, although legally the issue of the burden of living has been regulated in Article 41 letter (c) of the Law of the Republic of Indonesia Number 1 of 1974 as amended by Law of the Republic of Indonesia Number 16 of 2019 concerning marriage and Article 149 of the Compilation of Islamic Law, However, in its implementation, the ex-wife's right to obtain living expenses as stated in the Court's decision was not fulfilled due to the intentional element of the ex-husband in ignoring the contents of the Court's decision regarding the burden of a living.

The legal consequences that arise if the burden of living that has been borne by the husband is based on the demands for a counterclaim (claims) made by the wife as contained in the contents of the judge's decision, the case is filed by the husband if it is within six months from the summons for the divorce agreement. If the income charged to the wife is not fulfilled, then the case will fall automatically. Thus, the position of the wife in obtaining legal protection to get a living burden in the case of talk divorce in its existence is still limitations. So that in its existence the legal protection of the rights of the ex-wife to obtain the burden of living from her ex-husband as stated in the Court's decision has not been accommodated properly.

This is done based on the initiative and desire of the parties in this case the wife who requires the husband to fulfill the burden of living first before reading the divorce pledge. So in this case it can be understood that the problem of the legal protection of the right to fulfill a living for ex-wife after divorce is still a legal vacuum (Recht vacuum) that regulates the wife's right to obtain a living burden for the demands of reconciliation as contained in the contents of the judge's decision. Because the judge's decision does not explicitly mention the existence of the husband's obligation to fulfill the burden of living which is the wife's demand. As a result, if there is a reading of the talk pledge before the husband's income is charged, then the ex-wife's right to earn a living that has been imposed on her husband as stated in the court's decision tends to be ignored due to the absence of regulations that specifically regulate and are coercive about the husband's obligations to fulfill the burden of living. , because this is still bound by the agreement of the parties who mutually agree to read the pledge before the fulfillment of a living. However, the problem that arises, in this case, is when the ex-husband does not have

good faith in fulfilling the demands for voluntary support as is found in several divorce cases with the category of burden as the data on divorce cases from 2017 to 2019. In 2017 there were 199 cases. talk divorce with the category of granting 30 cases, 20 cases were met and 10 cases were not fulfilled. Furthermore, in 2018 there were 243 divorce cases with the category of loading 61 cases, 40 cases were met and 21 cases were not fulfilled. In 2019 there were 168 cases of divorce with the category of loading 30 cases, 12 cases were fulfilled and 18 cases were not fulfilled.

Referring to the divorce case data mentioned above, basically, it gives a strong signal and becomes real evidence that the fulfillment of the rights of ex-wives to the burden of living after the divorce decision in its existence is still a legal problem in the field of marriage that needs to get a follow-up process. especially regarding the reform of the rules that can provide total legal protection for the position of the wife's rights after the divorce decision.

In particular, the issue of the legal protection of the position of the ex-wife's rights to earn a living from her ex-husband by the contents of the court's decision in its current orientation is still a legal issue that is considered important to immediately get a legal umbrella as a strong basis in regulating the position of rights. wife's rights after divorce. This refers to the existence of divorce cases with the burden of a living which in its implementation there is still neglect that is done intentionally by the ex-husband to not fulfill the burden of living as a court decision as seen in the divorce case number 377/Pdt.G/2017/PA. Go.

In case number 377/Pdt.G/2017/PA. Gtlo regarding divorce, in essence, it appears that the petitioner's divorce petition was granted by the panel of judges. However, in this case, the counterclaim (reconvention lawsuit) carried out by the respondent as the plaintiff for the convention who demanded a living from the applicant as the defendant in the counterclaim was also granted by the panel of judges, so that in his position the applicant is obliged to fulfill the burden of living on his ex-wife as stated in the verdict. court. However, in reality, the applicant deliberately does not carry out the contents of the court's decision relating to the burden of maintenance on himself that must be fulfilled against his ex-wife as stated in the court's decision. Thus, it is very clear that in this case the rights of the wife to get a living from her ex-husband have not received strict protection from a legal perspective so that norms that regulate clearly and firmly the position of post-divorce support are born.

2. Method

This type of research is a sociological jurisprudence based on the jurisprudence school. This research is based on normative law (statutory regulations), but does not examine

the system of norms that work in society. In sociological juridical research, the task of the researcher is to examine "what lies behind what appears to be the application of laws and regulations". Stand in this case still says that sociological juridical legal research is included in the category of doctrinal legal research on law in concreto and normative legal research is called legal research in abstract.

3.1 Analysis or Discussion

3.1. Fulfillment of Ex-Wife's Rights in Obtaining Livelihood After Divorce Decision.

Discussing the fulfillment of the rights of ex-wives in obtaining post-divorce living expenses in court is inseparable from several aspects that play an important role in fulfilling the rights of wives after divorce in court. These aspects consist of several things including First, the circumstances and conditions of the ex-husband both in terms of material and non-material abilities as the insured who is responsible for fulfilling the burden of living. Second, the position of the judge's decision in providing the burden of living which is the basis for the defendant or respondent in demanding a living, because the judge's decision is the main key for the defendant or the respondent as an ex-wife to claim her right to earn a living.

Third, the defendant's active attitude in fighting for his rights in obtaining the burden of living as stated in the court decision. Fourth, it is important to immediately provide a legal instrument for executing a living that prioritizes the principles of legal protection for women's rights in earning a living by determining the rate of execution costs that is easily accessible by the applicant for execution if the livelihood is not fulfilled voluntarily by the ex-husband as the insured. . Because so far the large execution costs that must be incurred in applying for the execution of a living have been one of the obstacles to the fulfillment of a living for the ex-wife.

Article 149 of the Compilation of Islamic Law states that "if the marriage is dissolved due to divorce, then the ex-husband must:

- a) Giving a worthy mut'ah to his ex-wife, either in the form of money or things, unless the ex-wife is qiblah al dukhul.
- b) Giving nafkah, maskan, and kiswah to the ex-wife during the iddah, unless the ex-wife has been sentenced to talaq basin or nusyuz and is not pregnant.
- c) Pay off the dowry that is still owed in full and in half when qiblah al dukhul.
- d) Provide hadhanah fees for children who have not reached the age of 21 years.

Article 149 of the Compilation of Islamic Law is the legal basis that regulates the provision of a living for ex-wives who are a burden to the husband after divorce if this is requested in court. Thus, this provision becomes a strong legal basis for the ex-wife to demand the acquisition of living expenses from her ex-husband by the contents of the court's decision. Even though in its implementation the fulfillment of this livelihood is intentionally ignored by the ex-husband as the insured.

Referring to the Marriage Law and the Compilation of Islamic Law which is the legal basis for judges in providing the burden of living as outlined in the judge's decision, ideally, the burden of living can be carried out optimally by the ex-husband as the insured by the contents of the judge's decision regarding the burden of living. However, in its implementation, the fulfillment of the rights of the ex-wife in obtaining the burden of living after the divorce decision has not run optimally by the contents of the court's decision because in some divorce cases which have a living burden the ex-husband as the insured is living.

So that in responding to this, there needs to be a forced effort through the execution of the ex-wife as the party who gets the burden of living by a court decision that has permanent legal force.

The problem of fulfilling the burden of living through the execution path after the divorce decision is currently one of the legal problems in the field of marriage that needs to get a serious response, especially in guaranteeing and protecting the rights of the ex-wife to obtain the cost of burdening her ex-husband after the court's decision. , especially by using the execution route as a form of coercion carried out so that the ex-husband can carry out and fulfill the burden of living by the contents of the court's decision. The fulfillment of a living after the divorce decision is one of the problems that often arise between the parties, especially after the divorce decision is handed down. In his position, this cannot be separated from the principle of good faith which is often neglected by the insured party, in this case, the ex-husband as found in several divorce cases at the Gorontalo Religious Court which is presented in the following table of cases:

Table 1. Data on Divorce Cases at the Gorontalo Religious Court with Livelihoods, 2017-2021.

Year	Divorce talaq	Cases With Livelihoods	Not fulfilled	fulfilled
2017	199	30	10	20
2018	243	61	21	40
2019	168	30	18	12

2020	146	31	15	16
2021	161	38	20	18

Source: Gorontalo Religious Court, 2021 .

Based on the data on divorce cases with the burden of living as contained in the table above, it is identified that there are several divorce cases that have permanent legal force, both divorced divorce and lawsuits whose expenses are not fulfilled by the ex-husband as stated in the court's decision. This condition is strong real evidence that the fulfillment of a living for the ex-wife after the divorce decision in its orientation is one of the legal problems in the field of marriage that needs to get a solution, especially in providing legal protection for the ex-wife's right to get living expenses from her ex-husband after the decision. Divorce is by the contents of the court's decision if the ex-husband does not have good intentions in carrying out the contents of the court's decision, especially those relating to the issue of the burden of living.

Based on the data on divorce cases in the Gorontalo Religious Court with the burden of living from 2017 to 2019, each identified in 2017 there were 30 cases of encumbrance with qualifications met 10 cases and 20 cases were not fulfilled. In 2018 there were 61 cases that had a livelihood with qualifications met 21 cases and 40 cases were not fulfilled. Furthermore, in 2019 30 cases had a living expense with 18 cases fulfilled and 12 cases not fulfilled.

According to the number of cases that had a living charge from 2017 to 2019, which in total amounted to 72 cases with unfulfilled qualifications for a living expense, in this position it is a fact and concrete evidence that in fulfilling the burden of a living after a divorce decision there are still problems that must be resolved. , especially in providing and fulfilling the rights of the ex-wife in obtaining the burden of living in accordance with the contents of the court's decision.

Problems that occur in the scope of fulfilling a living, in its existence are closely related to the consistency of the responsibility of the defendant or the respondent as a former husband in complying and carrying out the contents of court decisions to carry out the obligation to charge a living voluntarily. Because in fact, in some divorce cases that have burdens, there is still negligence of living that is not fulfilled by the ex-husband as the insured. This can be seen through the facts presented in the divorce case data at the Gorontalo Religious Court from 2017 to 2019, which in total there were 72 cases with unfulfilled loading qualifications.

Juridically, regarding the regulation of living has been explicitly regulated in several regulations, namely the Law of the Republic of Indonesia Number 1 of 1974 in

conjunction with the Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage and the Presidential Instruction of the Republic of Indonesia Number 1 of 1991 concerning the Compilation of Islamic Law respectively. respectively in article 41 letter (b) and letter (c) of the Marriage Law and article 149 of the Compilation of Islamic Law. The following will describe the articles relating to living arrangements.

Regarding income as regulated in Article 41 letter (b) and letter (c) of the Law of the Republic of Indonesia Number 1 of 1974 in conjunction with the Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage, it will be described as follows:

a) Article 41 letter (b) stipulates that "the father is responsible for all costs of maintenance and education needed for the child; if the father is in fact unable to fulfill these obligations, the Court may determine that the mother is also responsible for the costs."

b) Article 41 letter (c) stipulates that "The court may oblige the ex-husband to provide living expenses and/or determine an obligation for the ex-wife".

Furthermore, in the Presidential Instruction of the Republic of Indonesia Number 1 of 1991 concerning the Compilation of Islamic Law, the regulation of living will be described as follows:

Article 149

"If the marriage breaks up because of divorce, then the ex-husband is obliged to:

- a) Giving proper mut'ah to his ex-wife, either in the form of money or goods, unless the ex-wife is qoblal al dukhul.
- b) Giving a living, food and kishwah to the ex-wife during the iddah, unless the ex-wife has been sentenced to talak ba'in or nusyuz and is not pregnant.
- c) Pay off the dowry that is still owed in full and in half when qoblal al dukhul.
- d) Provide hadhanah fees for their children who have not reached the age of 21 years.

The position of livelihood in terms of regulation in its existence continues to be strengthened. This can be seen from several regulations governing the position of living including the Law of the Republic of Indonesia Number 1 of 1974 in conjunction with the Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage, Presidential Instruction of the Republic of Indonesia Number 1 of 1991 concerning Compilation of Laws and Regulations of the Supreme Court Republic of Indonesia Number 3 of 2017

concerning Guidelines for Adjudicating Women's Cases Facing the Law.

Article 6 of the Regulation of the Supreme Court of the Republic of Indonesia Number 3 of 2017 concerning Guidelines for Adjudicating Women Against the Law explains that judges in adjudicating women's cases face the law: (b) Interpreting statutory regulations and or unwritten laws that can guarantee Gender Equality ; (c) Exploring legal values, local wisdom and a sense of justice that live in the community to ensure Gender Equality, equal protection and non-discrimination.

This article is a legal umbrella for women who have been divorced by their husbands and are a party to this case, so the judge can interpret the legislation or unwritten law and explore legal values to provide equal justice to the wife who was divorced by her husband even though she did not file a lawsuit. reconvention. So that justice remains equal and non-discriminatory. The implication of the article is that the judge can charge a living to the ex-husband to fulfill the wife's rights after the divorce, where these rights are protected by law, namely iddah, mut'ah and madhiya expenses.

Justice is formed by right thinking, is carried out fairly and honestly and is responsible for the actions taken. The sense of justice and law must be enforced based on positive law to enforce justice in law in accordance with the reality of society that wants to achieve a safe and peaceful society. Justice must be built by the ideals of law (rechtidee) in a state of law (rechtsstaat), not a state of power (machtsstaat). Law functions as the protection of human interests, law enforcement must pay attention to four elements, namely legal certainty (rechtssicherheit), legal expediency (zweckmassigkeit), legal justice (gerechtigkeid), legal guarantees (doelmatigkeit). Thus, a protection can be said to be legal protection if it contains the following elements:

- a) There is protection from the government to its citizens.
- b) Guarantee of legal certainty.
- c) Regarding the rights of citizens.
- d) There are legal sanctions for those who violate it.

Based on the description above, it can be seen that there are at least four components of legal protection, namely the government as the party that protects, the government guarantees its certainty, the protected aspect is the rights of its citizens and the government provides sanctions or penalties for those who violate it. So, legal protection is all forms of efforts to protect human dignity and respect for human rights in the legal field. The principle of legal protection for both the Indonesian people is based on Pancasila and the concept of the rule of law. Both sources prioritize recognition and

respect for human dignity.

Based on responsive legal theory, a good law is a law that is able to recognize and respond to the public's desire to achieve substantive justice. This responsive legal theory contains a critical view that law is a way to achieve goals, not only the rule of law that must be won and enforced because applying jurisprudence is not enough, but must be enriched with other social sciences.

Referring to the Marriage Law and the Compilation of Islamic Law, each of which regulates the content of norms relating to living, then from a juridical point of view it is clear that the object of livelihood has a strong legal basis. However, one of the problems that often arise in the scope of living is related to legal protection of the ex-wife's right to obtain the fulfillment of a living from her ex-husband after the divorce who deliberately does not carry out the contents of the decision related to the burden of living.

Some of the problems that also often arise in the imposition of a living in divorce cases in court are related to matters including: First, the condition of the ex-husband who does not have a permanent job, making it difficult for the ex-husband to charge a living in accordance with the contents of the court's decision. Second, there is an indifference from the ex-husband for the fulfillment of the expenses that have been imposed on him. Third, there is bad faith from the ex-husband who only intends and wants to pay some of the burden of living that has been imposed on him.

Responding to these matters, the judge as an actor who plays a role in determining the amount of income that must be borne by the ex-husband in his position puts forward the principle of justice for both parties. This can be seen from the statement of Mr. Sahrul Fahmi who said that the birth of the amount of income charged to his ex-husband refers to the facts revealed at trial. Where the proportionality of the burden of Nafion to the ex-husband is based on the condition and ability of the husband by considering all sides, both work, and material owned by the ex-husband. So that the amount of income charged to the ex-husband as contained in the court's decision is a proportional burden and is considered capable of being carried out by the ex-husband.

Currently, one of the problems faced by the Court in fulfilling the burden of living in the bad faith attitude of the ex-husband who deliberately neglects his obligations in fulfilling the burden of living. So that in its implementation, there are several cases, especially the case of divorce, which has fallen for the sake of the law due to the ex-husband's intentional neglect of the burden of living in six months until the end of the time for reading the divorce pledge.

Furthermore, regarding the ability of the ex-husband who is only able to fulfill half the

burden of living as contained in the court's decision, in its implementation this is based on the mutual agreement of both parties. Where the ex-husband can fulfill half the burden of living if there is an agreement from the ex-wife that has been mutually agreed upon.

In connection with the element of intentionality for parties who neglect the contents of the court's decision, in its existence, this can be reached through a request for execution as a form of coercive effort aimed at the executed party in order to carry out the contents of the decision as stated by the Court's decision. However, in the implementation, especially in the context of fulfilling a living, the forced efforts carried out through real executions sometimes cannot be carried out because it is caused by several substantial things including First, including the number of execution costs that must be incurred so that sometimes it is not proportional to the value of the livelihood that will be requested for execution. Second, there is no mechanism capable of ensuring the payment of the child's and/or wife's income in the form of iddah, mut'ah, and past/negligent income by the Petitioner or the Defendant. Third, no mechanism binds a third party (the institution where the Applicant works) to ensure the execution of the payment of living expenses by the Applicant or Defendant who is absent. Fourth, there is an element of intent on the part of the applicant not to be present on the agenda of the talaq pledge trial in the divorce case, which causes a delay of the trial for 6 months which opens the potential for the case to fall, resulting in the loss of the maintenance obligations that have been imposed in the decision. Fifth, there is no norm or regulation (*vacuumrecht*) that regulates the execution of a living after the divorce decision. Sixth, there is no legal sanction that can ensnare the applicant or defendant who deliberately neglects to fulfill the burden of living as stated in the decision.

Substantially the aspect that becomes very essential is the occurrence of obstacles in the implementation of real executions of the burden of living as stated in the Court's decision, namely that there is still a legal vacuum (*vacuumrecht*) relating to norms that specifically and explicitly regulate the execution of the burden of living by ex-husbands, especially when ex-husbands intentionally neglecting the burden of living as determined by the Court. Thus, in responding to this, it is necessary to have concrete efforts that must be made in accommodating the protection of the legal rights of ex-wives in obtaining living expenses through the revision of Law of the Republic of Indonesia Number 1 of 1974 in conjunction with Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage which regulates the scope of fulfilling post-divorce livelihoods through execution efforts. So that the problem of execution of the burden of living which has been one of the problems that arise in the field of marriage can be resolved by applicable legal procedures.

The emergence of obstacles or obstacles in the execution of the imposition of living expenses after the divorce decision essentially has implications for the position of the ex-

wife's right to obtain the fulfillment of post-divorce expenses as contained in the contents of the decision. Thus in the context, the law is considered not to be able to provide full protection to the position of the ex-wife's rights, especially to earn a living as contained in the decision that has been ruled out by the panel of judges.

The author wants to emphasize more the subject matter and finding aspects in the field related to the execution of decisions regarding the imposition of maintenance costs for both ex-wife and children, most of which cannot be carried out, this is because the execution costs are greater than the demands for the imposition of the maintenance costs. And also no law can bind an ex-husband regarding the imposition of the cost of living.

The problem of the implementation of the execution of a living, which is seen both in terms of the implementation mechanism and the existence of regulations governing the implementation of the execution of a living, in this case, is the main aspect that causes problems in the implementation of the execution. This is a logical consequence due to the existence of a legal vacuum (*rechtsvacuum*), especially the norms governing the execution of a living as a legal basis (legal standing) which is used as a guideline by the Religious Courts in carrying out the execution of a living in divorce cases. The issue of the burden of living in divorce cases is regulated in Law Number 1 of 1974 as amended by Law Number 16 of 2019 concerning marriage Article 41 letter (c) which reads "The court may oblige the ex-husband to provide living expenses and/or determine an obligation for the ex-wife". However, in its implementation, the provisions contained in Article 41 letter (c) of the Marriage Law have not been able to accommodate the settlement of all problems related to the burden of living, especially in the execution of post-divorce decisions. This is inseparable from the position of Article 41 letter (c) of the Marriage Law which regulates the imposition of living expenses and is only limited to the affirmation of the imposition of a living obligation for ex-husbands which is given to the Court. However, no norm further regulates the implementation of the execution of a living after a divorce decision.

3. Closing

Fulfillment of the burden of living after the divorce decision by the ex-husband to the ex-wife in divorce cases, in its implementation has not run optimally in all divorce cases accompanied by the burden of living, although this has been based on a judge's decision which has permanent legal force. Fulfillment of the burden of living after the divorce decision in his position is largely determined by the good faith of the ex-husband in fulfilling the responsibility of burdening the living voluntarily by the contents of the court's decision as to the party who is burdened with a living.

So thto to realize the maximum post-divorce burden of living in all divorce cases with the qualification of the burden, in this case, it is important to immediately give birth to the concept of legal reform in fulfilling the payment of living by guaranteeing the property of the ex-husband by including the element of guaranteeing the property of the ex-husband in the the decision handed down and presenting a mechanism for executing for free or for free.

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