



Legal Implications of Defendant's Non-Compliance with Child Support Obligations Based on Ruling No. 214/Pdt.G/2023/PA.Gtlo

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Abstract: This study aims to analyze the legal implications of the defendant's non-compliance with child support obligations and the judge's considerations in determining the amount and increase of child support in Decision No. 214/Pdt.G/2023/PA.Gtlo. The background of this research focuses on the issue of non-compliance with child support obligations after divorce, which often leads to negative impacts on the child's well-being and may trigger prolonged legal processes. In this context, it is important to explore how the law responds to such non-compliance and how judges consider various factors in determining fair and sustainable child support. The objective of this research is to examine the legal consequences of the defendant's non-compliance with child support obligations and to understand the basis of the judge's considerations in determining the amount and increase of child support, specifically the annual increase of 20%. The research method employed is empirical legal research with a qualitative approach, combining court decision document analysis and interviews with relevant parties. Primary data is obtained from interviews with judges and lawyers, while secondary data is gathered through relevant legal literature. The research results indicate that non-compliance with child support obligations may result in legal sanctions such as execution or fines, and impact subsequent legal processes. The judge's considerations in determining child support include the defendant's financial capacity, the child's needs, and the principle of social justice. A realistic decision on child support increases is essential for the sustainability of fulfilling the child's rights.

Keywords: Child Support; Defendant's Non-Compliance; Judge's Considerations.

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1. Introduction

Divorce is an event that not only affects the two individuals involved but also has a significant impact on the lives of the children in the marriage. In Indonesia, the phenomenon of divorce has become one of the growing social issues, with hundreds of thousands of divorce cases each year. According to data from the Central Statistics Agency (BPS), in 2022, there were 516,334 divorce cases, marking a 15.31% increase from the previous year. This data illustrates that divorce is not a rare occurrence and often leaves behind major issues, particularly concerning the fulfillment of child support obligations after divorce.¹

The resolution of child support issues after divorce is a crucial aspect of the divorce process itself. Child support is not merely about providing money to the child; it encompasses the parent's responsibility, particularly the father, to ensure that children affected by divorce continue to have their basic needs met, such as food, clothing, shelter, education, and health. In this regard, child support becomes a legal instrument aimed at protecting the child's welfare and ensuring that the child's rights are not neglected, even after the parents have separated.

However, it is not uncommon for non-compliance with child support obligations to occur after a divorce, typically involving the father, who is required to pay the child support. Non-compliance with child support obligations often leads to significant problems, both for the children whose needs are neglected and for the party that suffers harm, usually the mother or the plaintiff. Furthermore, this non-compliance can result in legal sanctions imposed on the defendant, which adds to the complexity of family law issues.²

This study will examine one of the cases handled by the Gorontalo Religious Court, namely Decision No. 214/Pdt.G/2023/PA.Gtlo, which relates to the determination of child support after divorce. In this case, the plaintiff, the mother of a child named Asyifa Wardatul Ahyani, sued her husband, Herman Ahyani, for child support in the amount of IDR 5,000,000 per month, with a 25% annual increase. However, the defendant, who works as a private employee, did not agree to such an increase, and the judge ultimately set the child support at the same amount, IDR 5,000,000 per month, with a 20% annual increase. This decision became the center of debate, considering the defendant's non-compliance with the child support obligation as stipulated by the court.³

¹ Ikrimah Adawiyah, "Nusyuz Sebagai Dasar Pertimbangan Hakim Dalam Memutuskan Gugatan Nafkah Madhiyah Perspektif Perlindungan Hak Perempuan (Studi Putusan Nomor 11/Pdt. G/2021/PA. Min Dan Putusan Nomor 252/Pdt. G/2021/PA. Tli)" (B.S. Thesis, Fakultas Syariah Dan Hukum UIN Syarif Hidayatullah Jakarta), Accessed May 11, 2025, <https://Repository.Uinjkt.Ac.Id/Dspace/Handle/123456789/84791>.

² Adriansyah Adriansyah, "Pemenuhan Hak Perempuan Dan Anak Pada Putusan Verstek Di Pengadilan Agama," *FENOMENA* 13, No. 2 (2021): 187–202.

³ Muhammad Yusuf Ardiansyah, "Putusan Verstek Dan Pembebanan Nafkah Dalam Cerai Gugat Perspektif Maqasid Al-Shari'ah" (Phd Thesis, IAIN Ponorogo, 2024), <http://Etheses.Iainponorogo.Ac.Id/Id/Eprint/27470>.

The determination of child support in this decision is intriguing to analyze further, particularly in examining the extent to which the judge's decision reflects a sense of justice for both the child and the defendant. As is known, in determining the amount of child support, the judge must consider not only the child's needs but also the parents' financial capacity, including their ability to meet these obligations. This is where the challenge lies. In this case, the judge sought to balance the interests between the child's increasing needs and the defendant's financial capacity as a private employee. The decision to set a 20% annual increase in child support, although lower than the plaintiff's request, was an effort to adjust the support in line with inflation and the child's needs while remaining realistic within the defendant's financial capability.⁴

However, the primary issue that arises is the defendant's non-compliance with the court-mandated child support obligation. This non-compliance could harm the child, who is the most affected party in the parents' divorce. If the child support set by the court is not fulfilled, the child will miss out on basic rights such as education, health, and other essential needs. This, of course, will impact the child's quality of life and their physical, emotional, and psychological development. Children who do not receive the child support as determined by the court often feel neglected by their parents, which can ultimately lower their self-esteem.⁵

Furthermore, non-compliance with child support obligations can lead to significant legal consequences for the defendant. Article 41 of Law No. 1 of 1974 on Marriage asserts that the father is responsible for the maintenance and education costs of the child. Non-compliance with child support obligations may result in legal sanctions, which could include fines or even imprisonment, depending on the severity of the violation. This is where the importance of strict enforcement of the law comes into play, to ensure that the child's rights are protected and not ignored.⁶

However, another aspect that must be considered is the defendant's financial ability to meet the child support obligations. In many cases, the defendant may have limited income, and despite the court's order regarding the child support amount, it is not uncommon for the defendant to struggle to fulfill this obligation. In such cases, the judge must balance the child's rights with the parents' financial capacity and allow flexibility in determining the child support amount. This is important to ensure that the decision remains realistic and feasible according to each party's financial situation.

This study also highlights the importance of fairness in determining child support after divorce. The court's decision must reflect fairness not only for the child but also for the parents who are obligated to provide support. Therefore, when determining

⁴ Ergi Ahmad Fahrezi, "Disparitas Putusan Hakim Mengenai Implementasi Sema Nomor 3 Tahun 2015 Terhadap Besaran Nafkah Anak Pasca Perceraian Di Pengadilan Agama Depok Perspektif Efektivitas Hukum" (B.S. Thesis, Fakultas Syariah Dan Hukum UIN Syarif Hidayatullah Jakarta), Accessed May 11, 2025, <https://Repository.Uinjkt.Ac.Id/Dspace/Handle/123456789/77732>.

⁵ Heniyatun Heniyatun And Siti Anisah, "Pemberian Mutâ€™ Ah Dan Nafkah Iddah Dalam Perkara Cerai Gugat," *Profetika: Jurnal Studi Islam* 21, No. 1 (2020): 39-59.

⁶ Diana Fitri, "Penolakan Hakim Terhadap Hak Ḥaḍānah Istri Dalam Putusan No. 0056/Pdt. G/2017/Ms. Bna: Tinjauan Dari Sisi Mashlahah" (Phd Thesis, UIN AR-RANIRY, 2020), <https://Repository.Ar-Raniry.Ac.Id/Id/Eprint/13368/>.

the amount of child support, the judge must consider various factors, including the parents' economic conditions, the child's basic needs, and the ever-changing social and economic developments. A fair and wise decision will ensure that the child receives their rights, while the parents are not burdened with an excessive obligation.⁷

From a family law perspective, non-compliance with child support obligations is an issue that cannot be overlooked. Failure to fulfill the child support obligation can negatively affect the child's development and lead to serious legal consequences for the non-compliant party. Therefore, it is crucial for the court to make fair decisions and ensure that each obligation is fulfilled according to the financial capacity of each party.⁸

Moreover, the decisions made by the court in determining child support after divorce should prioritize the best interests of the child. Children who are victims of divorce need extra attention and protection from both parents, and one form of protection is ensuring they receive adequate support to meet their basic needs. In this regard, the court plays a very important role in safeguarding the child's welfare and ensuring that their rights are fulfilled, even if their parents have separated.⁹

This study aims to provide a deeper understanding of the legal implications of non-compliance with child support obligations after divorce, as well as to analyze how the law can provide fair protection for children affected by their parents' divorce. Through an analysis of Decision No. 214/Pdt.G/2023/PA.Gtlo, this study hopes to contribute to the development of family law in Indonesia, particularly in the protection of children's rights after divorce.

2. Method

The research method used in this study is empirical legal research, with a qualitative approach.¹⁰ Empirical research was chosen because it aims to explore the facts in the field and link these findings with the applicable laws and regulations. The qualitative approach is used to analyze descriptive data, which includes data related to court decisions and interviews with parties involved in the divorce process, particularly regarding the determination of child support after divorce.

The data used in this study consists of two types: primary data and secondary data. Primary data was obtained through in-depth interviews with judges, lawyers, and the parties involved in the divorce case that is the subject of the study, namely Decision

⁷ Utami Fitriah, "Penentuan Nafkah Anak Pasca Cerai Menurut Teori Jurimetri Prespektif Masalah Mursalah" (B.S. Thesis, Fakultas Syariah Dan Hukum Universitas Islam Negeri Syarif Hidayatullah Jakarta), Accessed May 11, 2025, <https://Repository.Uinjkt.Ac.Id/Dspace/Handle/123456789/65364>.

⁸ BESARAN NAFKAH IDDAH, "TINJAUAN HUKUM ISLAM TERHADAP PERTIMBANGAN HAKIM DALAM MEMUTUSKAN," Accessed May 11, 2025, <https://Eprints.Walisongo.Ac.Id/Id/Eprint/24793/>.

⁹ Mohamad Hamim, "Implementasi Pemberian Nafkah Iddah Di Pengadilan Agama," *Ahwaluna | Jurnal Hukum Keluarga Islam* 1, No. 1 (2022): 20-39.

¹⁰ S. H. Suyanto, *Metode Penelitian Hukum Pengantar Penelitian Normatif, Empiris Dan Gabungan* (Unigres Press, 2023), https://Books.Google.Com/Books?Hl=Id&Lr=&Id=Zg2mEAAAQBAJ&Oi=Fnd&Pg=PA16&Dq=Metode+Penelitian+Hukum&Ots=Lfu5q8u7w&Sig=58q5Jx586SJBsEr1aktjwEDm_W8.

No. 214/Pdt.G/2023/PA.Gtlo. These interviews aim to explore their views, considerations, and understanding of the child support determination process in divorce cases and the legal implications that arise due to non-compliance with child support obligations. Secondary data was obtained through literature studies, including books, articles, regulations, and previous research relevant to the topic of this study.

Subsequently, the data analysis is conducted in a descriptive and interpretative manner, by comparing the results of the interviews and relevant legal documents. This approach allows the researcher to draw deeper conclusions about the application of the law and the impact of non-compliance with child support obligations in divorce cases.

3. Analysis of the Legal Implications of Defendant's Non-Compliance with Child Support Obligations

Divorce is an event that changes the life dynamics not only for the husband and wife but also for the children involved in the marriage. One of the most crucial aspects of divorce is fulfilling child support obligations. Child support is a basic right that must be fulfilled by parents after divorce to ensure that the child's welfare and needs are guaranteed. Non-compliance with child support obligations can lead to significant legal and social consequences. In Decision No. 214/Pdt.G/2023/PA.Gtlo, which is the focus of this research, the judge set the child support at IDR 5,000,000 per month with a 20% annual increase. However, the defendant's non-compliance with this obligation has led to several legal implications that need to be further examined.¹¹

One of the most direct consequences of non-compliance with child support obligations is the legal sanctions that can be imposed on the defendant. Legally, failure to comply with child support obligations is considered a violation of a court decision that has legal force. Under Indonesia's legal system, specifically the Civil Code (KUHPerdata) and the Compilation of Islamic Law (KHI), parties who fail to fulfill child support obligations can face various sanctions, ranging from fines, execution, to criminal sanctions in certain cases.

In this case, the defendant's non-compliance with the child support obligations as outlined in Decision No. 214/Pdt.G/2023/PA.Gtlo can result in serious legal consequences. One of the sanctions that can be imposed is the execution of the defendant's property to fulfill the unpaid child support. The court can order the seizure of the defendant's property or income if they fail to pay the child support as stipulated. This execution aims to ensure that the child's rights are met and that the defendant cannot ignore the obligation set by the court.¹²

Besides property execution, in more extreme cases, non-compliance with child support obligations can lead to criminal sanctions. This occurs when the non-

¹¹ Nailal Muna And Ngurijal Anam, "ALTERNATIF PENYELESAIAN SENGKETA SEBAGAI PERLINDUNGAN HAK ANAK PASCA PERCERAIAN," *Musawa: Journal For Gender Studies* 16, No. 1 (2024): 1-10.

¹² Aulil Amri, "Pengabaian Suami Dalam Pemberian Nafkah Istri," *Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan* 9, No. 1 (2022): 268-84.

compliance is accompanied by fraudulent actions or attempts to evade the obligation in an unlawful manner. However, criminal sanctions are usually applied as a last resort, after administrative steps like imposing fines or executing property have not been successful.¹³

In this context, the court must carefully consider the sanctions that are appropriate for the level of violation committed by the defendant. The law must be fair and proportional, meaning that the sanctions should be balanced with the severity of the violation, while ensuring that the child's rights, as the most affected party, are well protected.

Non-compliance with child support obligations also has significant implications for the ongoing legal process. One of the main effects is the repetition of legal procedures or even changes to the court's decision that has been set. In Indonesia's judicial system, every decision made by a judge is final and binding, but if the defendant fails to comply with the decision, the court can modify how the obligation is fulfilled through the execution process.¹⁴

This execution process is an important step that shows the law's capacity to enforce decisions that have been made. However, in some cases, the defendant's non-compliance can lead to prolonged legal proceedings, ultimately resulting in delays in fulfilling the child's rights. This is detrimental to the child, who must endure uncertainty in the fulfillment of their rights. If the court's decision is not promptly implemented, the child may feel neglected, which can impact their psychological and emotional well-being.

Additionally, non-compliance can worsen the relationship between the child and the parent. In many cases, a child who does not receive the child support as determined by the court may feel unappreciated or ignored by their parent. Non-compliance with child support obligations can damage the parent-child relationship and may even lead to a further breakdown in communication. This is very harmful to the child's psychological development, as they need stable emotional support from their parents, even after divorce.¹⁵

Another consequence is the emergence of distrust in the judicial system itself. When the defendant does not fulfill the child support obligations decided by the court, the child and the plaintiff may begin to doubt the fairness and effectiveness of the law. This can create social instability and undermine the credibility of the judicial

¹³ WARDATUL HASANAH, "Peranan Pengadilan Agama Menjamin Pemenuhan Hak Perempuan Dan Anak Akibat Perceraian Dalam Sema No 3 Tahun 2018," Accessed May 11, 2025, [Http://Digilib.Uinkhas.Ac.Id/33436/1/Skripsi.Wardatulhasanah.Pdf](http://Digilib.Uinkhas.Ac.Id/33436/1/Skripsi.Wardatulhasanah.Pdf).

¹⁴ Mutmainah Indah Lestari, "Perlindungan Hak-Hak Istri Dalam Putusan Cerai Talak: Studi Kasus Pada Putusan Cerai Talak Di Pengadilan Agama Kota Palangka Raya Tahun 2023," *Innovative: Journal Of Social Science Research* 4, No. 6 (2024): 8015–32.

¹⁵ Fikri Azka Riza Musyaffa, "Pertimbangan Hakim Dalam Pembagian Harta Bersama Pasca Perceraian Akibat Istri Nusyuz Perspektif Tujuan Hukum Gustav Radbruch: Studi Putusan Nomor 348/Pdt. G/2020/PTA. Smg" (Phd Thesis, Universitas Islam Negeri Maulana Malik Ibrahim, 2024), [Http://Etheses.Uin-Malang.Ac.Id/69231/](http://Etheses.Uin-Malang.Ac.Id/69231/).

institution. Therefore, it is crucial for the court not only to make correct decisions but also to ensure that those decisions are effectively implemented.

In the context of non-compliance with child support obligations, the court's role is critical. The court's duty is not only to issue decisions but also to ensure that those decisions can be carried out effectively. Therefore, in addition to imposing legal sanctions on the defendant, the court must have mechanisms in place to monitor the ongoing implementation of child support obligations.¹⁶

One way the court can do this is by conducting periodic evaluations of the fulfillment of child support obligations. The court can request reports from both the plaintiff and the defendant regarding the fulfillment of the child support obligations, and provide a platform for the plaintiff to report any delays or non-compliance with payments. Additionally, the court can leverage technology to monitor the fulfillment of child support obligations, such as by using an electronic payment system that makes it easier for both parties to report the fulfillment of obligations.

Ultimately, the goal of every legal decision in divorce cases is to protect the child's rights. Child support is one of the fundamental rights that parents must fulfill, and non-compliance with child support obligations can negatively impact the child's development. Therefore, it is important for the court to ensure that every decision made is not only fair to the parents but also prioritizes the child's best interests.¹⁷

In this regard, the legal system must consider all factors that affect the child's welfare. For example, the court must take into account the financial capability of the parents, the child's socio-economic conditions, and the basic needs that must be met to ensure the child's well-being after the divorce. The court must also evaluate whether the child support determination is in accordance with principles of fairness and reasonableness, ensuring that it does not unduly burden one party while still guaranteeing the child's rights.

As a step to ensure the fulfillment of child support obligations, the court can facilitate mediation between the plaintiff and the defendant. This mediation aims to find more flexible solutions while still considering the child's welfare. Furthermore, the court can provide options for the defendant to pay child support in other forms, such as through installments or by providing goods needed by the child. The court can also allow more time for the defendant to fulfill the child support obligation if they are facing financial difficulties.¹⁸

¹⁶ Abdurrahman Adi Saputera, "Analisis Terhadap Kelalaian Pemenuhan Nafkah Anak Pasca Putusan Pengadilan Agama Gorontalo," *Tamaddun Journal Of Islamic Studies* 2, No. 1 (2023): 1-22.

¹⁷ EMI SAPUTRI, "Studi Komparatif Pertimbangan Hukum Hakim Pengadilan Agama Bondowoso Dan Pengadilan Agama Surabaya Tentang Hak Asuh Anak (Studi Putusan Nomor 297/Pdt. G/2023/Pa. Bdw Dan Nomor 2710/Pdt. G/2023/Pa. Sby)," 2024, [Http://Digilib.Uinkhas.Ac.Id/39553/1/EMI%20SAPUTRI_204102010040.Pdf](http://Digilib.Uinkhas.Ac.Id/39553/1/EMI%20SAPUTRI_204102010040.Pdf).

¹⁸ Muhamad Sarman, "Pertimbangan Hakim Dalam Penolakan Cerai Gugat Berdasarkan Sema No. 3 Tahun 2023 (Analisis Putusan Nomor 1119/Pdt. G/2024/PA. Srg)" (B.S. Thesis, Fakultas Syariah Dan Hukum UIN Syarif Hidayatullah Jakarta), Accessed May 11, 2025, [Https://Repository.Uinjkt.Ac.Id/Dspace/Handle/123456789/83289](https://Repository.Uinjkt.Ac.Id/Dspace/Handle/123456789/83289).

The use of technology to monitor the fulfillment of child support obligations can also be an effective solution. By using electronic payment systems, the court can directly monitor the monthly child support payments and issue warnings or sanctions if delays occur. This technology can also help ensure that the child support obligations are met with high transparency.¹⁹

Non-compliance with child support obligations is a serious issue that not only affects the child but also creates injustices in the legal system. Therefore, the court must have a clear mechanism to ensure that every decision made can be effectively implemented. The legal sanctions imposed on the defendant should be proportional and appropriate to the violation, while ensuring that the child's rights are well protected. Additionally, the court must ensure that the decision made is not only fair to the parents but also prioritizes the child's best interests. Regular monitoring and the use of technology can be essential steps in ensuring the fulfillment of child support obligations more efficiently and transparently. In this way, legal decisions in child support cases can be optimally carried out, providing fair protection for the child and maintaining public trust in the judicial system.

4. Judges' Considerations in Determining the Amount and Increase of Child Support in Decision No. 214/Pdt.G/2023/PA.Gtlo

Decision No. 214/Pdt.G/2023/PA.Gtlo is an example that illustrates how the judge at the Gorontalo Religious Court took various factors into account when determining the amount of child support to be paid by the defendant after the divorce. In this case, the judge ruled that the defendant, a father who had divorced his wife, must pay child support of IDR 5,000,000 per month, with an annual increase of 20%. This decision not only reflects an effort to fulfill the child's rights but also represents an attempt to balance the obligation with the defendant's social and economic conditions.²⁰

Determining child support after divorce is a challenging task. This is because the decision made will directly impact the quality of life of the children involved. Child support obligations are not only related to meeting the child's daily physical needs but also include psychological and emotional needs, which should not be overlooked. Therefore, the judge's considerations in setting the amount of child support and the annual increase must not only be based on mathematically calculated figures but should also take into account the prevailing values of justice in society, as well as the overall well-being of the child.²¹

1) Economic Condition of the Defendant

¹⁹ M. Thariq Abdullah Visra, "Peran Bahagian Sokongan Keluarga Di Malaysia Dalam Masalah Nafkah Anak Pasca Perceraian" (B.S. Thesis, Fakultas Syariah Dan Hukum Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2023), <https://Repository.Uinjkt.Ac.Id/Dspace/Handle/123456789/70621>.

²⁰ Darmawati Yusriani, Ma Hafidz, And Abdul Qahar, "Efektivitas Jaminan Pemenuhan Hak-Hak Anak Dan Perempuan Pasca Perceraian Studi Di Pengadilan Agama Pare-Pare Kelas IB," *Journal Of Lex Philosophy (JLP)* 5, No. 1 (2024): 17-35.

²¹ Afrinal Afrinal And Ala Restika, "Dissenting Opinion Dalam Penetapan Mut'ah: Analisis Putusan Pengadilan Agama Painan Nomor 0063/Pdt. G/2016/PA. Pn," *Sakena: Jurnal Hukum Keluarga* 8, No. 1 (2023): 23-38.

One of the main factors considered by the judge in determining the amount of child support is the financial condition of the defendant. In this case, the defendant is a man working as a private employee. The defendant's financial situation is very important for the judge to consider because child support must be in line with the parent's ability to provide. The judge must ensure that the decision made does not burden one party, especially in this case, the defendant, who may have limited income.

In this case, the defendant objected to the proposed child support increase submitted by the plaintiff, who requested an increase of 25% per year. The defendant argued that such an increase was not in line with his capacity as a private employee with limited income. After considering various factors, the judge ultimately decided to set the annual increase at 20%. This decision reflects a balance between the growing needs of the child and the defendant's financial ability. Although the defendant disagreed with the 25% increase, the judge found that a 20% annual increase was more realistic and would ensure that child support could keep up with inflation and the increasing needs of the child.²²

It is important to note that the income of a private employee is not always fixed or guaranteed, especially if the defendant works in a sector heavily dependent on economic conditions or the performance of the company where he is employed. This makes the calculation of child support not only a matter of the amount requested by the plaintiff but also an issue of how much the defendant can reasonably afford without straining his finances. In this regard, the judge plays a crucial role in ensuring that the child support determination considers not only the child's needs but also the objective conditions of the parent who is obligated to provide the support.

2) Children's needs

Another crucial consideration is the child's needs. Child support is not just about the amount set by the court, but also whether that amount is sufficient to meet the child's basic needs, such as food, clothing, shelter, education, and healthcare. The judge must consider various aspects of the child's needs, which are not only physical but also psychological. Children involved in divorce often face emotional and psychological challenges that can affect their development. Therefore, the judge's decision in determining child support should also account for the child's psychological and emotional needs, which require proper attention and support from both parents.

In Decision No. 214/Pdt.G/2023/PA.Gtlo, the judge decided to set the child support at IDR 5,000,000 per month. While this amount may seem substantial, it must still be considered in the context of the child's evolving needs over time. The judge also set an annual increase of 20%, reflecting the understanding that

²² Amjad Irfani Bin Arpan, "Efektivitas Peran Bahagian Sokongan Keluarga Dalam Penuntutan Nafkah Anak Pasca Perceraian Periode 2020-2022 (Studi Di Mahkamah Tinggi)" (Phd Thesis, UIN Ar-Raniry Fakultas Syariah Dan Hukum, 2024), <https://Repository.Ar-Raniry.Ac.Id/Id/Eprint/35146/>.

the child's needs will continue to grow. This annual increase is intended to offset inflation and rising living costs, ensuring that the child can continue to enjoy a decent standard of living even after the parents have separated.

It is important to note that the child's needs encompass more than just daily physical needs, such as food and clothing, but also education and healthcare. In this case, the judge considered the increasing cost of the child's education as they grow older and their need for better education. Additionally, the child's healthcare needs must also be taken into account, particularly in terms of medical care that may be needed, whether for minor illnesses or more serious health conditions.²³

3) The Principle of Justice in the Determination of Child Support

The principle of justice is crucial in determining child support. As a fundamental legal consideration, justice not only means granting the rights to those in need but also imposing the obligation on those capable of fulfilling these needs. In this case, the judge faces the challenge of balancing the child's right to receive adequate child support with the parents' obligation to provide support according to their financial capabilities. Justice in this context is not only related to the amount of child support but also involves the principle of balance between rights and obligations.²⁴

In Decision No. 214/Pdt.G/2023/PA.Gtlo, the judge seeks to achieve justice by considering both aspects. On one hand, the judge must ensure that the child receives sufficient support to meet their living needs, including education, healthcare, and other basic needs. On the other hand, the judge must consider the defendant's financial condition, as he works as a private employee with potentially limited income. In this regard, the judge's decision to set a 20% annual increase in child support reflects an effort to balance the child's rights with the defendant's financial ability.²⁵

The principle of justice also requires the judge to consider the social and emotional aspects in their decision. Children involved in divorce often face significant emotional challenges, and one way to support them is by ensuring they receive enough child support to meet their basic needs. Thus, the judge's

²³ Ardian Fachrurrozy, "Putusan Hakim Tentang Hak Istri Pasca Cerai Gugat (Analisis Perbandingan Perkara Putusan Nomor 97/Pdt. G/2020/PA. Mtp Dan Putusan Nomor 0561/Pdt. G/2020/PA. Dpk)" (B.S. Thesis, Fakultas Syariah Dan Hukum UIN Syarif Hidayatullah Jakarta), Accessed May 11, 2025, <https://Repository.Uinjkt.Ac.Id/Dspace/Handle/123456789/67225>.

²⁴ Tayep Suparli, "Implementasi Perma Nomor 3 Tahun 2017 Dalam Pemenuhan Hak-Hak Perempuan Pasca Perceraian Pada Perkara Cerai Gugat Di Pengadilan Agama Sibuhuan Dalam Perspektif Yuridis Dan Hukum Islam (Studi Putusan Nomor 6/Pdt. G/2022/Pa. Sbh)" (Phd Thesis, Universitas Islam Indonesia, 2023), <https://Dspace.Uii.Ac.Id/Handle/123456789/45008>.

²⁵ Feby Amalia FIRDA, "Akibat Hukum Tidak Dipenuhinya Hadhanah Anak Yang Belum Mumayyiz (Studi Putusan Nomor 661/Pdt. G/2021/PA. Jbg)," Accessed May 11, 2025, <https://Repository.Unej.Ac.Id/Handle/123456789/113819>.

decision in determining child support also plays a vital role in safeguarding the psychological well-being of the child after the parents' divorce.

4) Annual Income Increase and its Impact on the Sustainability of Child Support Fulfillment

The judge's decision to set a 20% annual increase in child support is an interesting point for further discussion. This increase aims to ensure that child support keeps pace with inflation and the rising cost of living over time. However, the question is, does this increase align with the financial capabilities of the defendant, who works as a private employee? This becomes crucial, as a private employee's income is not always stable and is highly dependent on various external factors, such as the company's condition and the overall economy.

Although a 20% annual increase seems reasonable to adjust for inflation, it is important to remember that not all parents have the same financial capacity. The defendant's limited income could make it increasingly difficult to meet the child support obligations as they grow each year. Therefore, it is essential for the judge to consider whether this increase is still realistic and not excessively burdensome for the defendant.²⁶

The decision to set a 20% annual increase also has long-term implications. If the defendant is unable to meet the ever-increasing child support obligation, it could create greater tension in the legal process. The defendant may feel increasingly burdened by the growing obligation, which could, in turn, affect the relationship between the child and the parent. Therefore, it is important for the judge to ensure that the decision made takes into account the long-term sustainability of fulfilling the child support obligation.

5) The Sociological and Economical Role of Sustainable Child Support Determination

In addition to economic factors, sociological factors also play an important role in determining child support. In this context, the judge must consider the family's social conditions, including the relationship between the child and parents after the divorce, as well as how child support can help create social and emotional stability for the child. Uncertainty in fulfilling child support obligations can lead to instability, which can negatively impact the child's development and potentially result in psychological and social issues in the future.²⁷

²⁶ M. Khusnul Khuluq, "Putusan Majelis Hakim Tentang Nafkah 'Iddah Dan Mut 'Ah Yang Berkeadilan Dalam Perspektif Maqashid Al-Shari 'Ah Jasser Auda" (Phd Thesis, Universitas Islam Indonesia, 2025), <https://Dspace.Uii.Ac.Id/Handle/123456789/55036>.

²⁷ Nur Rais Madjid And Adhitya Widya Kartika, "Pelaksanaan Pemenuhan Hak-Hak Istri Pada Perkara Cerai Talak Di Pengadilan Agama Surabaya.," *Jurnal Ilmu Hukum, Humaniora Dan Politik (JIHHP)* 4, No. 5 (2024),

Therefore, the determination of child support should not only be viewed from an economic perspective but also from a social perspective. The judge must consider how sufficient child support can provide a sense of security and stability for the child, which will, in turn, help them grow and develop well, both physically and emotionally.

In determining the amount of child support and the annual increase, the judge must consider various factors, both economic and social.²⁸ The decision made must reflect the principle of justice, where the child's right to receive sufficient support is balanced with the financial capacity of the parents. Decision No. 214/Pdt.G/2023/PA.Gtlo reflects the judge's effort to balance the child's increasing needs with the defendant's limited financial ability.²⁹ The decision to set an annual increase of 20% reflects an attempt to maintain that balance, but further attention is needed regarding the long-term impact of this decision, particularly related to the sustainability of fulfilling child support obligations. The judge must always ensure that the decision made not only considers the figures involved but also the social and emotional impacts that may arise for both the child and the parents.

5. Conclusion

The conclusion of the discussion on the Legal Implications of Defendant's Non-Compliance with Child Support Obligations and the Judge's Considerations in Determining the Amount and Annual Increase of Child Support in Decision No. 214/Pdt.G/2023/PA.Gtlo highlights the importance of balancing the child's right to receive adequate support and the financial capacity of the parents, particularly the defendant, during the divorce process. Non-compliance with child support obligations has significant legal consequences, including the potential imposition of administrative or criminal sanctions on the defendant who fails to fulfill the court-mandated child support obligations. These sanctions aim to ensure the fulfillment of the child's rights, as the child is the most affected party in the divorce process.

The judge's decision in determining child support and the annual increase, as seen in Decision No. 214/Pdt.G/2023/PA.Gtlo, shows that child support determination is not just a matter of mathematically calculated numbers. The judge must consider the defendant's economic condition, in this case, a private employee with limited income, as well as the child's needs that continue to grow over time. The decision to set a 20% annual increase is an effort to maintain this balance, although it is important to be cautious to avoid overburdening one party.

<https://Search.Ebscohost.Com/Login.aspx?Direct=True&Profile=Ehost&Scope=Site&AuthType=Crawler&Jrnl=27472000&AN=180180792&H=Pgrgxoslphnk3%2bmmqreutqatj4llqne5sqxgurmykyoehnh2uerczfp6p5zl9sbaezltsgtjgeujxmrijlh6q%3D%3D&CrI=C>.

²⁸ CHAN MARZON, "Hak Naafkah Istri Dalam Perkara Cerai Gugat Perspektif Masalahah (Analisis Putusan Pengadilan Agama Manna Nomor: 278/Pdt. G/2021/Pa. Mna)" (Phd Thesis, UIN FATMAWATI SUKARNO BENGKULU, 2022), [Http://Repository.Iainbengkulu.Ac.Id/9505/](http://Repository.Iainbengkulu.Ac.Id/9505/).

²⁹ Budiman Sepri Weli, "Analisis Putusan Hakim Tentang Perkara Nusyuz Tahun 2018 (Studi Di Pengadilan Agama Bengkulu Kelas 1a Tentang Nusyuz)" (Phd Thesis, IAIN BENGKULU, 2019), [Http://Repository.Iainbengkulu.Ac.Id/3596/](http://Repository.Iainbengkulu.Ac.Id/3596/).

It is crucial for the judge to also consider the social and psychological factors affecting the child when determining a fair child support amount so that the child can continue to enjoy a stable life both physically and emotionally. This decision should reflect the principle of justice, taking into account both the parents' financial ability and the child's long-term well-being. Therefore, the court plays a vital role in ensuring the protection of the child's rights through fair and proportional decisions.

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