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### **Implementation of women's legal protection In religious courts in indonesia**

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#### **Abstract**

The implementation of legal protection for women within Religious Courts is discussed in this paper. As members of a vulnerable group, women frequently face barriers to accessing the law and justice. As a result, the Supreme Court of the Republic of Indonesia took the initiative to take concrete steps by issuing a Regulation of the Supreme Court of the Republic of Indonesia (PERMA) Number 3 of 2017 concerning Guidelines for Trying Cases Involving Women Against the Law. This PERMA serves as a model for all courts under the Supreme Court, to ensure that women's groups have equal access to the law and justice. This type of qualitative literary research employs a literature approach to examine and comprehend documents or other literature relating to legal protection for women, particularly those directly relating to policies issued by the Religion Chamber. According to the findings of this study, the implementation of legal protection for women in Religious Courts can be seen in the policies issued by the Directorate General of Religious Courts (DITJEN BADILAG MA) in collaboration with the Religious Chamber, both on judicial and non-judicial techniques. Regarding non-judicial techniques, the DITJEN BADILAG MA has given several policies to the Religious Courts/Syari'yyah Courts through circulars or decrees to optimize services that assist justice seekers, particularly vulnerable groups, in obtaining justice quickly and affordably. Regarding judicial techniques, the Religious Chamber has held plenary sessions to develop various policies and legal regulations protecting women's rights following divorce.

#### **Keywords**

Women's Rights, Law, the Religious Court, and legal reform

## A. Introduction

Non-discrimination is a fundamental principle of law and human rights. Everyone, regardless of background, has the right to equal treatment before the law. This principle is also guaranteed in the Republic of Indonesia's 1945 Constitution, as stated in Article 28 letter D paragraph (1), which states that "Every person has the right to recognition, guarantee, protection, and fair legal certainty, as well as an equal treatment before the law (non-discrimination)." The state constitution's affirmation of "non-discrimination" is a constitutional measure for the legal protection of women's fundamental rights, which are frequently ignored and result in injustice (Afifah, A., 2017).

One of the state's efforts to ensure other women's rights is through the ratification process of various international agreements related to women's protection to become official state rules, such as the Convention on The Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), and various other international agreements. Many ratified regulations, however, do not necessarily imply that women have easy access to justice (CEDAW, 2015). Many women's organizations face discrimination and unfair treatment. According to a press release by the Ministry of Women's Empowerment and Child Protection (Kemen PPPA) (2017), women and children are particularly vulnerable to violence and discrimination. According to the Women's National Commission (2020), domestic violence perpetrated by their husbands accounts for nearly half of the reasons for divorce, whether physical, psychological, verbal, sexual, or economic violence (Suadi, A., & Candra, M., 2016).

Violence against women can occur due to gender differences in characteristics, positions, and roles, resulting in unequal relationships between men and women. For example, women are considered weaker than men, and men are thought to have more rights to resources than women, such as education, employment, inheritance, and so on (BKKBN, 2004, p. 92). To ensure that there is no discrimination against women in judicial practice in Indonesia, the Supreme Court of the Republic of Indonesia as one of the judicial power actors took the initiative to take concrete steps by issuing the Supreme Court Regulation of the Republic of Indonesia Number 3 of 2017 concerning Guidelines for Trying Cases Involving Women Against the Law (PERMA Number 3 of 2017).<sup>1</sup> As a direct consequence of this, numerous policies and legal reforms, including the guidelines that govern Religious Courts, were developed following the provisions of PERMA Number 3 of 2017. Nevertheless, according to field research by several non-governmental organizations (AIPJ2, SAMMI Institute, IRCKJHAM, Savy Amira

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<sup>1</sup> The initiative of the Supreme Court in drafting and establishing this PERMA is in line with Article 79 of the Law on the Supreme Court, which states that the Supreme Court can regulate matters necessary to carry out the judicial process if there are matters which have not been regulated in law.

Women's Crisis Center Surabaya, LBH Surabaya, and Pelangi Community Interfaith Women's Network), many people are unaware of the numerous policy and legal reforms implemented. Furthermore, because the public perceives the judicial branch (the Court) to be less active in public engagement, the general public is unaware of these policies. As a result, active participation from the Court is necessary to carry out outreach or campaigns related to policies that govern the protection of women (Attachment to the Decree of the DITJEN BADILAG Number 1959 of 2021).

Based on the foregoing, the problem formulation in this article is How to Implement Legal Protection for Women in Religious Courts? Thus, the objective of this article is to learn and analyze women's legal protection in religious courts.

## **B. Materials and Methods**

This type of research is qualitative literary research that employs a literature approach by viewing and comprehending documents or other literature relating to women's legal protection (Soekanto S & Mamudji S., 2006). The data used to write this article is secondary data or data collected by others rather than the authors themselves (Istijanto Oei, 2008). Secondary legal material used by the author includes policies and legal regulations issued by the Chamber of Religion and DITJEN BADILAG MA, law books, research results, journals, and other writings related to the topic of discussion.

### **1. Findings and discussion**

#### **2. An overview of the number of lawsuits involving women in Indonesia's Religious Courts**

#### **3. Cases filed in 2021 in Religious Courts in number**

According to the DITJEN BADILAG MA's 2021 Annual Report, 673,290 cases were assessed by Indonesia's Religious Courts/Syar'iyah Courts for 2021. 637,000 new cases were received, making up this total, while 35,506 unfinished cases from the previous year make up the remaining instances. With 495,812 cases received, claims took the lead among the cases filed, followed by petition cases with 141,188 cases, simple litigation with 303 cases, and jinayat (Islamic criminal) cases with 480 instances.

##### **a. The majority of cases filed in Religious Courts**

According to the DITJEN BADILAG MA's 2021 Annual Report, five cases are most commonly submitted in court: divorce cases filed by wives, divorce cases filed by husbands, marriage dispensation cases, marriage legalization cases, and heir determination cases. The number of cases in detail is the number of divorce cases filed by wives totaling 363,358 cases, the number of divorce cases filed by

husbands totaling 121,379 cases, the number of Dispensation of Marriage cases totaling 62,913 cases, the number of cases legalizing marriage totaling 49,930, and the number of cases of Determination of Heirs totaling 17,650 cases. According to these facts, most cases registered with the courts include women, whether it is a case related to the legality of women's law, women's rights, or women's responsibility. Furthermore, within the jurisdiction of the Aceh Syar'iyah Court, the highest sort of jinayat (Islamic criminal) case is still dominated by cases involving women. Whether it is women as perpetrators or victims, there have been 196 maisir (gambling) cases, 113 rape cases, 52 adultery cases, 48 ikhtilat (dating) cases, and 41 sexual harassment cases.

#### **b. Legal Aid Postal Services, Case examination outside the Courthouse, and Free trial services**

The number of services provided to justice seekers through the Court Legal Aid Post has fluctuated from year to year. The quantity of services provided by the Court Legal Aid Post has increased and decreased dynamically from year to year. In 2021, the religious court served 229,844 people for 281,167 hours on a budget of about IDR 17,179,154,000. (seventeen billion one hundred seventy-nine million one hundred fifty-four thousand rupiahs).

Concerning examining cases outside the Courthouse services, the Religious Courts resolved 28,906 cases using this program in 2021, spending IDR 13,878,224,000. (thirteen billion eight hundred seventy-eight million two hundred twenty-four thousand rupiahs). This initiative, also known as the "mobile court," is a permanent program of the Religious Courts that allows people in remote areas far from the courts to access justice easily. Furthermore, the mobile court services collaborate with the Ministries of Home Affairs (Civil Registry Service) and Religion (Office of Religious Affairs). The mobile court was set up to help the community receive legal identity through marriage and birth certificates as quickly as possible. As a result, 6,502 cases, or 196.67% of the target, were resolved using mobile courts in 2021.

Meanwhile, in terms of Providing Free Trial services, the DITJEN BADILAG MA succeeded in realizing 33,879 cases of charge waiver for the poor in 2021 by spending IDR 7,751,530,000. (seven billion seven hundred fifty-one million five hundred thirty thousand rupiahs). Beneficiaries of Legal Aid Postal Services, Case Examination Outside the Court Building, and Provision of Free Trial Services are always based on the majority of cases received by each Religious Court/Syar'iyah Court throughout Indonesia. As a result, women make up the majority of service recipients.

#### **4. The Supreme Court Regulation Number 3 of 2017 provides legal protection for women.**

According to the terms of Article 28, paragraph (2) of the 1945 Constitution, protecting citizens, especially women, is a state obligation. As a result, the state

must ensure that Indonesian women are free from prejudice or treatment due to their innate nature, which is weaker than men's. To ensure this, the State of Indonesia has ratified several International Covenants protecting women's rights. For example, the International Covenant on Civil and Political Rights (ICCPR) was later ratified by Law Number 12 of 2005 concerning the Ratification of the International Covenant on Civil and Political Rights. Its provisions state that all individuals (male and female) are equal before the law. Therefore, all sorts of rules ban discrimination and ensure equal protection for men and women. Furthermore, long before ratifying the ICCPR, the Indonesian state ratified the Convention on the Elimination of All Forms of Discrimination Against Women through Law Number 7 of 1984, which in its provisions explains the same thing (Women's National Commission, 2017, p. 121).

Legal protection is the most crucial thing in realizing justice for women. Unfortunately, even though *de jure* many provisions regulate it, *de facto* women still experience discriminatory treatment and encounter obstacles to access to law and justice (Syarifuddin, 2020). This fact follows the data in research conducted by MAPPI FHUI (2019). This injustice begins with gender stereotypes and progresses to discriminatory treatment, such as rape victims who are frequently questioned by judges and other law enforcement officers about their sexual history (whether they are virgins or not), what clothes they wear, what style the rape perpetrators use, and so on. Because these gaps keep occurring, a new strategic arrangement is required to ensure complete legal protection for women against all forms of discrimination and injustice. Based on that explanation, the following strategies are required to achieve the desired legal protection: (1) Incorporate CEDAW principles and norms into national legislation programs that reflect women's protection; (2) Encourage stakeholders to harmonize legislation with CEDAW and develop a CEDAW implementation plan, concurrently monitoring and evaluating the implementation components. (3) Assist in developing capacity for the judiciary and government institutions on gender issues and women's rights. Capacity building can take the form of gender sensitivity training for judges and court officials or assistance to ministries in developing policies supportive of women's rights, and (4) encouraging active participation of women in the legal sector and supporting those who have worked in the legal sector. This assistance will assist stakeholders in identifying the barriers that women face in obtaining work and good legal services (Syarifuddin, 2020).

To encourage this, the Supreme Court of the Republic of Indonesia enacted Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Trying Cases Involving Women Against the Law, which serves as a guide for all courts, including Religious Courts, in examining women who conflict with the law. The establishment of this PERMA is a legal breakthrough that includes components and strategies for achieving legal protection for women's rights (Suadi, A., 2018).

## **5. Implementation of Women's Legal Protection in Religious Courts**

The community can sense the implementation of legal protection for women in religious courts before and after the passage of PERMA Number 3 of 2017. However, since the PERMA was officially enacted, the stretching of legal reform related to protecting women's rights has become increasingly prominent. The policies issued by the DITJEN BADILAG MA and the Chamber of Religion, both judicial and non-judicial, demonstrate this implementation. In the non-judicial realm, the DITJEN BADILAG MA issued a circular to all Indonesian Religious Courts/Syari'yyah Courts emphasizing the importance of optimizing services for justice seekers, particularly women, disabled people, and children, in obtaining justice quickly, simply, and affordably. These policies include the following:

- a. Decree of the Director General of BADILAG MA No. 376/DJA/HM/.00/SK/I/2021 concerning a Task Force for the Implementation and Review of Judicial Information Systems in Religious Courts
- b. Decree of the Director General of BADILAG MA Number: 1959 concerning the Enforcement of the Policy Brief on Post-Divorce Guarantees for Women and Children
- c. Decree of the Director General of BADILAG MA Number: 206/DJA/SK/I/2021 concerning Service Standards for Persons with Disabilities in Religious Courts Environment.
- d. Decree of the Director General of BADILAG MA Number: 2650/DJA/SK/-HM.02.03/VII/2019 concerning the Use of the Poverty Integrated Database in the Context of Providing Legal Services to Poor People in Religious Courts.
- e. Letter from the Director General of BADILAG MA Number: 3396/DJA/-OT.02.1/VII/2019 concerning Trials of 9 (Nine) Applications of Innovation for Religious Court Services.
- f. In addition to various circular letters and related decrees. Furthermore, the BADILAG MA Directorate General guides all religious court officials through webinars, training, and other collaborations related to achieving and protecting women's rights.

Regarding judicial technics, the Religious Chamber has formulated several regulations, particularly those relating to efforts to protect the law against women. The Chairperson of the Religious Chamber led the preparation of these regulations directly through a plenary meeting, the results of which were then brought back by the Supreme Court's leadership. If the rules are approved, they will be determined and enacted by the Supreme Court through a circular letter that will serve as a guideline for judges throughout Indonesia. Apart from plenary room meetings, DITJEN BADILAG MA and the Chairperson of the Religious Chamber always hold Coordination Meetings to discuss judicial technics on-court problems, including issues about the fulfillment of women's rights. The following are the results of the

chamber's formulation, which has become a guideline for judges who are required to reform the law and have a gender perspective:

**a. Before the divorce is finalized, the ex-husband must pay divorce penalties**

Mut'ah, iddah, and madlyah are divorce penalties the ex-husband must pay. Mu'tah is a gift from an ex-husband to his wife. Iddah is the three-month waiting period for an ex-wife to be able to remarry after a divorce. While madlyah is the wife's subsistence, which the husband neglects, it becomes the husband's debt to his wife.

Mut'ah provisions are governed by Article 149 letter (a), 158, 149, and 160 of the Compilation of Islamic Law. According to Article 149, if a marriage is broken up due to divorce, the ex-husband must give a proper mut'ah to his ex-wife, either in the form of money or objects. The provisions governing the obligation of ex-husbands to provide iddah to ex-wives are outlined in Article 149 letter (b) of the Compilation of Islamic Law, which states that when a marriage ends due to divorce, the husband is obligated to provide subsistence, maskan (place of residence), and kiswah (clothes) to the ex-wife during the iddah period (waiting to be able to remarry) (Heniyatun, et al., 2020). Whereas provisions regarding madlyah or subsistence neglected by the husband are regulated in Article 77 paragraph (5) of the Compilation of Islamic Law, this stipulates that if a husband or wife neglects their respective obligations, then the aggrieved party can file a lawsuit with the Religious Courts, as the scholars stated that the livelihood that is neglected by the husband is a debt. Among those who believe this is Imam Abu Ishaq al Syirozi in the Book of Al Muhadzdzab, who says: "When a wife surrenders to her husband, the husband is obligated to provide for her, and if the husband does not pay this obligation until the deadline, the maintenance becomes a debt that must be carried by the husband and does not fall with the passage of time."

The three divorce penalties are obligations the ex-husband must pay due to his desire to divorce his wife. However, some ex-husbands failed to fulfill these obligations, resulting in the neglect of rights that their ex-wives should have obtained. To ensure that the obligations imposed on ex-husbands can be carried out, the Supreme Court through the Religious Chamber has formulated rules through the Supreme Court Circular Letter (SEMA) Number 1 of 2017 which confirms that payment of obligations due to divorce by ex-husbands to ex-wives, especially mut'ah, iddah, and madliyah, then the court can include an order in the verdict with the sentence "must be paid before the divorce is finalized (before ikrar talak)".

According to this rule, the husband only commits to divorce once he has completed all of his obligations. The divorce cannot be finalized when the husband does not want or is not prepared to perform all of these obligations. Thus, the Panel of Judges will offer the opportunity to the husband for at least 6 (six) months to prepare so that he may meet his obligations. If the husband is ready, he can report to the court, and the court will reschedule the ikrar talak agenda.

The court ensures the fulfillment of the rights the wife should have secured from her ex-husband under this clause. This assurance of women's rights fulfillment is part of the implementation of the rules of PERMA No. 3 of 2017, which governs guarantees for awarding restitution, compensation, compensation, and aid to women.

As stated in the Religious Courts Magazine, Edition 20 of 2022, the provisions in this circular letter are almost entirely obeyed by decisions of Religious Courts throughout Indonesia. The magazine's editor ran a survey to determine "compliance" with these rules. The findings reveal that 9 out of 10 decisions chosen at random included a 'sentence,' as required by SEMA Provision No.1 of 2017. (DITJEN BADILAG, 2022). Therefore, these provisions can be included in the Pagar Alam Religious Court Decision Number 161/Pdt.G/2020/PA.Pga, Lubuk Pakam Religious Court Decision Number 2179/Pdt.G/2020/PA.Lpk, Cibinong Religious Court Decision Number 2945/ Pdt.G/2020/PA.Cbn, Simalungun Religious Court Decision Number 765/Pdt.G/2020/PA.Sim, Pasir Pengaraian Religious Court Number 465/Pdt.G/2020/PA.Ppg, and other decisions.

**b. In divorce cases filed by the wife, she can sue for Mut'ah, Iddah, and Madlyah**

Essentially, ex-husbands' obligation to pay divorce penalties to ex-wives is part of Allah's commandment for husbands to always have intercourse with their wives according to the principle of *imsak bi ma'ruf au tasrih bi ihsan*. As a result, if their marital relationship must be severed due to divorce, they must maintain good treatment, one of which is the payment of divorce penalties such as *mut'ah*, *iddah*, and *madlyah* (Jadir, B.M., 2016). However, legislation has not clearly outlined regulations governing the fulfillment of divorce penalties brought about by women's initiatives (Najichah, 2020).

Article 149 of the Compilation of Islamic Law only governs the legal consequences of divorce initiated by the husband, which results in divorce penalties. In contrast, divorce initiated by the wife is only governed by Article 41 of Law Number 1 of 1974, which does not explain the legal consequences. The article only states that if a divorce occurs, the Court may order the ex-husband to pay the ex-living wife's expenses and determine the ex-obligation wife is to her ex-husband. Because the legal consequences of divorce initiated by the wife are not regulated, many decisions deny post-divorce women's rights, and several decisions reject the wife's claims for *mut'ah*, *iddah*, and *madlyah*. Indeed, jurisprudence has held that the imposition of divorce penalties on husbands does not fall because the wife initiates the divorce. This is evidenced by the Court's Jurisprudence Number 137 K/AG/2007, dated 6 February 2008, and Number 02 K/AG/2002, dated 6 December 2003.

Based on these considerations, the Religious Chamber formulates a provision that explains that even if the wife initiates a divorce, so long as she is not *nusyuz* (wife's fault), the court may impose divorce penalties in the form of *mut'ah*, *iddah*, or *madlyah* on her ex-husband. This formulation was authorized



by the Supreme Court's leaders and was implemented by Circular Letter (SEMA) No. 3 of 2018. The provisions of the regulation were subsequently ratified by Decree No. 1959 of the Director General of BADILAG, dated 25 June 2021, regarding the Enforcement of the Policy Brief) Guarantees for the Protection of the Rights of Women and Children after Divorce.

In divorce cases filed against the wife's will, the regulation emphasizes that she may sue her ex-husband in the form of mut'ah, iddah, or madlyah. This provision also stipulates that ex officio judges may impose divorce penalties such as mut'ah, iddah, and madlyah on husbands if it is determined that the husband was the reason his wife filed for divorce. For instance, a wife may file for divorce due to her husband's neglect, violence, or other reasons that are not her fault.

The value of gender equality and impartiality has been considered in the provisions of SEMA Number 3 of 2018, so the enactment of this provision brings new hope to fulfilling women's rights in Indonesia. Several Religious Court decisions have followed the provisions in this SEMA, including the Pasir Pengaraian Religious Court Decision Number 251/Pdt.G/2022/PA.Ppg, Sei Rampah Religious Court Decision Number 805/Pdt.G/2022/PA.Srh, Magetan Religious Court Decision Number 1149/Pdt.G/2022/PA.Mgt, and Jakarta Timur Religious Court Decision Number 4879/Pdt.G/2022/PA.Jt.

When the Panel of Judges imposes divorce penalties on the husband, he must fulfill these obligations before receiving the divorce certificate. This is stated in Supreme Court Circular Letter (SEMA) No. 2 of 2019. One of the provisions explained that to provide legal protection for women's rights post-divorce, provisions for payment of the husband's obligations to the wife can be included in the verdict: "...which must be paid before the ex-husband takes the divorce certificate".

### **c. The ex-wife can sue for child expenses that were neglected by her ex-husband**

Article 41, paragraph 2 of the Marriage Law has regulated the matter of fulfilling the maintenance of the child by the father. This provision states that the father is responsible for all costs of caring for and educating the child, however, if the father cannot fulfill this obligation, the Court may order that the mother bear these costs.

This provision is then emphasized in Article 149, paragraph 4 of the Compilation of Islamic Law, which states that if a marriage ends in divorce, the ex-husband is obligated to provide childcare costs for his children under the age of 21. Even though the obligation to provide child care costs is clearly defined in the law, many fathers ignore this obligation in practice. As a result, the mother is burdened with multiple responsibilities simultaneously (double burden). The mother must take good care of her child while bearing the financial burden. Therefore, when a father neglects his responsibility to pay for the needs of his child, then he should be punished (Azizi, A.Q., 2020). One of the punishments is the reimbursement of all costs incurred by the mother while caring for her child.

To ensure this is implemented, the Supreme Court issued Supreme Court Circular (SEMA) No. 2 of 2019, confirming that the costs of caring for a child the father neglects can be sued by the mother or the person who cares for the child (madliyah). This provision confirms that the Supreme Court is concerned with ensuring women's rights, which her ex-husband frequently violated. In addition, this provision contradicts Supreme Court Decision Number 608 K/AG/2003, dated March 23, 2005, which explained in its considerations that a father's obligation to provide for his child could not be sued (Amiriyyah, N., 2015).

Furthermore, this provision indicates that a mother's willingness to pay for her child's care does not necessarily abort the father's obligation to pay for the child's care, notably if the father deliberately neglects his obligations. This is considered more equitable than the view that the costs of caring for a child neglected by the father cannot be sued. The provisions in this SEMA have been followed by several religious court decisions, as stated in the Koto Baru Religious Court Decision 108/Pdt.G/2021/PA.Kbr, Manna Religious Court Decision Number 324/Pdt.G/2021/PA.Mna, Talu Religious Court Decision Number 601/Pdt.G/2021/PA.Talu, Panyabung Religious Court Decision Number 75/Pdt.G/2021/PA.Pyb, and Marisa Religious Court Decision Number 136/Pdt.G/2021/PA.Msa.

**d. If the husband is a civil servant, the wife is entitled to part of the ex-salary husband's in the event of divorce.**

For spouses of civil servants (PNS) or wives who have civil servant husbands, they are bound by the provisions of Government Regulation 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants. Article 8, paragraph (1) of this provision explains that if a divorce occurs at the will of a husband who is a civil servant, he is obliged to give up part of his salary for the support of his ex-wife and children. Then Article 8 paragraph (2) states that the distribution of the husband's salary is one-third of the civil servant concerned, one-third for his ex-wife, and a third for his children. Finally, specifically for the wife, Article 8, paragraph (7) explains that her rights are limited until the ex-wife remarries (Nilkhairi, 2017).

According to one of these provisions, the distribution of salaries for civil servants who divorce their wives must be stated in a declaratory decision, the implementation of which can be carried out through the agency where the civil servant works.

Many civil servants have divorced their wives but do not give part of their salary to their ex-wives. As a result, to protect women's rights, particularly the rights of civil servants' ex-wives, the Supreme Court issued SEMA Number 2 of 2019. This provision was established to protect women's rights after divorce. Furthermore, this provision is a form of confirmation of ex-husbands who are civil servants' obligations to their ex-wives as stipulated in Government Regulation 45

of 1990. Several religious court decisions have followed this provision, as stated in the Sir Rampah Religious Court Decision Number 830/Pdt.G/2022/PA.Srh, Bintuhan Religious Court Decision Number 187/Pdt.G/2022/PA.Bhn, Brebes Religious Court Decision Number 262/Pdt.G/2022/PA.Bb, Salatiga Religious Court Decision Number 394/Pdt.G/2022/PA.Sglt, and Soreang Religious Court Decision Number 5039/Pdt.G/2022/PA.Sor.

**e. The ex-wife can request that her ex-husband's assets be confiscated as collateral for childcare costs.**

Renewal of family law in Indonesia is thought to be slower than in other Muslim-majority countries such as Turkey, Egypt, or Malaysia in ensuring the fulfillment of women's and children's rights post-divorce (Nurlaelawati, E., 2010). Malaysia, for example, has an institution known as the Family Support Division. This institution's role is to assist the Syari'ah Court (religious court) in ensuring that ex-husbands can carry out decisions related to childcare costs. If the ex-husband refuses to make the decision, this institution will summon the ex-husband to be advised that he should pay childcare costs to his ex-wife through one of its units called the Solemn Advice and Legislation Unit. If he disregards the decision, the unit will report the ex-husband to the court to request confiscation of the husband's property or deduction of the husband's salary. Furthermore, this unit can imprison ex-husbands who refuse to pay for childcare. Malaysia also has a Fund Management Unit, which can provide child care costs to ex-wives in the amount of child-rearing fees determined by the court and later reimbursed by the ex-husband (Naim, M., 2021).

In Indonesia, the mechanism for ensuring the realization of women's rights in the form of divorce penalties remains unclear. As a result, many court decisions are authoritative on paper but have no effect. This is due to the difficulty of executing executions, which courts can only carry out due to the complicated and expensive mechanism. In some cases, the costs incurred for execution are more than the rights that the ex-wife will obtain. Furthermore, the execution will be challenging to carry out because the ex-assets husbands are not guaranteed.

The provisions contained in the Supreme Court Circular Letter (SEMA) Number 5 of 2021 arose due to these issues. For example, one of the provisions states that to impose child care costs, the ex-wife may apply for the confiscation of the ex-assets husband as a guarantee for the payment of child care costs. The provisions in this SEMA represent the Religious Chamber's efforts to fulfill the rights of women and children. As a result, the court's decisions are simple to implement and beneficial to the ex-wife.

**C. Conclusion**

Based on the preceding discussion, the implementation of legal protection for women in Religious Courts can be seen in the policies issued by the DITJEN

BADILAG MA in collaboration with the Religious Chamber, both on judicial and non-judicial techniques. Regarding non-judicial techniques, the DITJEN BADILAG MA has given several policies to the Religious Courts/Syari'yyah Courts through circulars or decrees to optimize services that assist justice seekers, particularly vulnerable groups, in obtaining justice quickly and affordably. Regarding judicial techniques, the Religious Chamber has held plenary sessions to develop various policies and legal regulations protecting women's rights following divorce. The result of plenary sessions will then be submitted to the Supreme Court's leader. The results will be determined and enforced if approved via a Supreme Court Circular Letter (SEMA). The SEMA serves as a guide for judges in carrying out their duties in deciding cases.

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