



Gender Stigma and Legal Effectiveness: Obstacles for Single Parents in Executing Post-Divorce Support Rights

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Abstract

Post-divorce, the fulfillment of the right to maintenance for single women and their children often reaches a dead end, even though it has been established through a court decision. This study aims to analyze how gender stigma in society and structural barriers in the legal system affect the effectiveness of the execution of post-divorce maintenance rights. Using socio-legal research methods with Lawrence Friedman's legal effectiveness approach, data were collected through a study of legal decision documents and in-depth interviews with single women. The results indicate a double burden faced by women. Culturally, the negative societal stigma against widowhood, perceived as "materialistic" or "insincere," triggers psychological pressure that discourages them from pursuing their legal rights. Structurally, the mechanism for executing decisions in Religious Courts is considered ineffective due to complicated procedures, high execution costs, and the absence of an asset tracking system or automatic wage attachment for defaulting ex-husbands. This study concludes that the law will not be effective as long as the legal culture remains discriminatory and the legal structure does not provide a coercive solution. Legal reform is needed in the form of regulations regarding automatic income deductions by the state to ensure the welfare of women and children post-divorce.

Keywords: Divorce; Gender Stigma; Legal Effectiveness; Right to Support; Single Parent.



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INTRODUCTION

Divorce not only marks the end of the domestic relationship between husband and wife, but also triggers a transformation of the family structure that often places women in a vulnerable position. One of the most crucial impacts after divorce is the emergence of the single parent phenomenon, where women—as the party most often given child custody—must shoulder dual responsibilities independently. The Indonesian Constitution, through Article 28B paragraph (2) of the 1945 Constitution, expressly guarantees the right of every child to survival, growth, and development, as well as protection from violence and discrimination. At the technical level, Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI) also regulates the obligation of the former husband to provide *iddah* (waiting), *mut'ah* (waiting for marriage), and child support after divorce. This regulation is normatively created as an economic safety net so that women and children do not fall into poverty after the collapse of the family institution.

However, there is a wide gap *between* the law written on paper (*law in books*) and the law *in action* . Although Religious Courts often grant claims for the right to alimony for women and children, the execution of these decisions is largely deadlocked. Former husbands easily shirk their obligations without receiving significant legal sanctions. The weak coercive power of the courts in executing civil alimony decisions is one portrait of the fragility of the legal protection system for women in Indonesia. *Single parents* are forced to struggle alone to meet domestic needs and children's education, while the

state has not been present to provide a gender-responsive guarantee mechanism (Joko Supaat, Moh. Muhibbin, 2025) ; (Tri Alviani, 2026) .

When viewed through the sociology of law, the stagnation of law enforcement cannot be separated from the cultural factors of a patriarchal society. Lawrence Friedman (1975) *stated that the effectiveness of the law is determined by three main elements: legal structure (apparatus and institutions), legal substance (statutory regulations), and legal culture (attitudes and values in society). In the context of the right to livelihood, Indonesian legal culture is still surrounded by a strong gender stigma against divorced women. Widows or *single mothers* who are assertive in pursuing their economic rights are often socially judged with labels such as "materialistic," "unwilling to accept their fate," or "greedy." The psychological pressure caused by this negative stigma creates an invisible barrier that causes many *single women* to choose to give up and withdraw from formal legal channels to avoid social exclusion. Even though single women are vulnerable to physical exhaustion, emotional instability, and social pressure due to having to bear the dual role of head of the family and childcare alone (Syindi Durand, 2023) .

Previous research on post-divorce outcomes has generally focused on the psychological aspects of children of divorce victims or normative analysis of judges' considerations in determining alimony amounts. Conversely, research specifically examining how social stigma interacts with weaknesses in the court's enforcement system is still very limited. The current legal framework is often considered insufficient to guarantee the fulfillment of child support, due to the lack of specific legal policies that are adaptive to the specific economic vulnerabilities faced by single mothers (Fairuza 'Alima Fardindaputri; Fuat Hasanudin, 2025) . This paper aims to fill this gap (*novelty*) by integrating cultural analysis (gender stigma) and structural analysis (legal execution mechanisms) to see why the right to support for *single parents* is so difficult to realize.

Based on this background, this study formulates two main questions. First, how does gender stigma in society influence the mentality and freedom of *single-parent women* to assert their right to support? Second, what structural barriers within the Indonesian legal system contribute to the ineffective execution of post-divorce support decisions? Through this discussion, it is hoped that transformative policy recommendations can be formulated to uphold gender justice and ensure the economic well-being of single-parent families.

RESEARCH METHODS

This study uses a **socio-legal research approach** , a legal research method that not only views law as a set of normative textual rules (*law in books*) but also examines how law operates and interacts with social and cultural realities in society (*law in action*). *This approach was chosen because the issue of executing the right to support for single women cannot be separated from external influences in the form of gender stigma that exists within the legal culture of society* (Cahya Yustianugraha, 2022)

1. Data Types and Sources

The data used in this study consists of two types, namely:

- **Primary Data** : Data obtained directly from the field through in -*depth interviews* with key informants. The informants in this study included *single female parents* who experienced obstacles in fulfilling their post-divorce maintenance rights.
- **Secondary Data** : Supporting data obtained through document studies, consisting of:
 - *Primary Legal Materials* : The 1945 Constitution, Law Number 1 of 1974 concerning Marriage, and the Compilation of Islamic Law (KHI).
 - *Secondary Legal Materials* : Legal articles, reputable scientific journals, gender sociology articles, dissertation repositories and various other related writings.

2. Data Collection Techniques

Field data collection was conducted in Serang Regency, Banten, using **purposive sampling** . Informants were selected based on specific criteria: *single women* who hold child custody, have a *final* and/or final divorce decision, and/or have fulfilled the requirements for religious divorce; have rights related to maintenance, but their ex-husbands have not fulfilled these obligations. In addition to interviews, a literature review technique was used to analyze regulatory documents and review literature to strengthen the theoretical basis of the research.

3. Data Analysis Method

The collected data was analyzed using **descriptive qualitative analysis techniques** with an interactive model. The data analysis process involved three stages:

1. **Data Reduction** : Filtering, classifying, and discarding interview data and documents that are not relevant to the focus on gender stigma and obstacles to livelihood execution.
2. **Data Display : Arranging** information systematically into a deductive text narrative so that the patterns of cultural and structural barriers are clearly visible.
3. **Conclusion Drawing/Verification** : Connecting field findings with Lawrence Friedman's theory of Legal Effectiveness to answer the problem formulation that has been established.

RESULTS AND DISCUSSION

1. The Construction of Gender Stigma Against Widows and the Psychosocial Impact of Demanding the Right to Support

Based on field research, it was found that societal culture creates a layered gender stigma against divorced women (*single mothers*). Society tends to harbor social suspicion and label them negatively when a *single mother* asserts herself or demands child support from her ex-husband. The social response is often judgmental, not supportive (Katherine Yovita; Adelia Dwi Angelica; Kristina Gabrella Pardede, 2022) .

Interview data shows three main patterns of stigma faced by *single parent women* :

- **Materialistic Stigma:** Women who pursue the fulfillment of alimony decisions are labeled as "money-crazy" or "shameless" because they continue to ask their ex-husband for money.
- **The Stigma of Insincerity:** Society constructs that divorce should be approached with total resignation. Demanding economic rights is seen as a form of "insincerity" in accepting fate or a sign of being unable *to move on* . This construction forces women to passively accept the situation because the act of demanding rights is often seen as an inability to adapt to their new status (Destya Salsabila; Setia Budhi, 2024) .
- **Dependency Stigma:** Women are considered economically indepen- dent if they still rely on their ex-husband for support, regardless of the child's legally protected right. Women are expected to be completely independent, while also being blamed when demanding child custody, which is a shared responsibility (Dwi Kurniawati, Maya Atri Komalasari, 2022) .

These discriminatory social interactions create significant psychological pressure. Consequently, *self-censorship* , or voluntary abstinence from formal legal channels, occurs. The majority of *single parent informants* stated they would rather back down and let their ex-husbands abstain than face gossip from neighbors or prolonged family conflict. This social construct directly stifles women's legal awareness *and acts* as an invisible barrier limiting their access to justice (Nurhasnah, 2024) .

Table 1. Profile of Single Parent Female Informants and Post-Divorce Income Conditions

No	Name (Initials)	Age	Number of children	Post-Divorce Support Conditions	Number of Family Members Covered
1	Mrs. AL	34	1	Totally Absent (Ex-husband never paid since the decision <i>became final</i>), School fees were covered by himself with the help of his extended family.	2 People (1 Child + 1 Biological Mother)

2	Mrs. EV	35	1	Absent Total (Ex-husband committed domestic violence), Household expenses covered by herself	3 People (1 Child + 1 Biological Mother + 1 Biological Sibling)
3	Mrs. SU	65	5	Total Absence (Ex-husband cuts off contact and hides assets/salary)	1 Person (1 Child)
4	Mrs. MAR	45	3	Total Absence (Former husband no longer lives in the same province or archipelago)	3 People (3 Children)
5	Mrs. MTS	52	1	Total Absence (Informant is reluctant to process divorce due to customs and fear of social stigma)	2 People (1 Child + 1 Biological Mother)
6	Mrs. SLM	26	0	Total Absence (Ex-husband lives out of town with his family; gives the excuse of not having a steady income)	1 Person (1 Biological Mother)
7	Mrs. CCS	44	1	Total Absence (Before separating, there was already conflict with the husband)	1 Person (1 Child)
8	Mrs. MR	33	2	Totally Absent (Husband is hard to find)	2 People (2 Children)

Based on the data presented in Table 1, a very concerning empirical reality was discovered regarding the enforcement of family civil law in the field. Of the total of 8 *single female informants* interviewed, cumulatively stated that their ex-husbands **completely shied away** from their obligation to pay post-divorce maintenance, both for the ex-wife (*iddah* and *mut'ah*) and child maintenance (*hadhanah*). This finding confirms a pattern of structural neglect of economic responsibility following the final ruling of the Religious Court. Judges' decisions, which are normatively intended to protect vulnerable groups, in reality experience a complete paralysis of their execution function.

This total absence forced *single parent informants to undertake* extraordinarily difficult survival strategies *to support themselves and the families they support. In the absence of a financial safety net from their ex-husbands or special subsidies from the state, these women transformed into sole breadwinners* . They had to enter the job market—mostly in the informal sector with uncertain incomes—such as opening small home businesses, becoming day laborers, or even freelancers.

This burden is compounded by the fact that informants not only support themselves and their school-age children, but some also have to support elderly, sick, or other immediate family members. This asymmetrical economic struggle demonstrates acute gender inequality. *Single women* experience not only economic vulnerability *but* also physical and psychological exhaustion due to the accumulation of domestic burdens (childcare) and public burdens (earning a living) borne alone without the support of a compelling legal system (Resky Woda, 2024) .

2. Anatomy of Structural and Procedural Obstacles in the Execution of Alimony Decisions in Court

In addition to cultural barriers such as stigma, this study found a fragile legal structure *in* ensuring the execution of Religious Court decisions. Normatively, court decisions are binding (*executable*). However, in the realm of Indonesian family law, the execution of decisions regarding *iddah* (*waiting*), *mut'ah* (*waiting for temporary dowry*), and child support is passive and dependent on the independent initiative of the plaintiff (the woman).

Structural constraints encountered in the field include:

- **Complicated and Expensive Execution Procedures:** To execute a violated alimony order, a woman must file a formal execution request with the Religious Court. This procedure requires a substantial down payment. For *single mothers* with unstable economic conditions after a divorce, this cost becomes an irrational new burden (the cost of processing the execution is often greater than the amount of alimony demanded). This procedural financial barrier is validated by socio-legal research in [the Humaniorum Journal](#) , which found that the procedure

for requesting alimony execution in the Religious Court is considered complicated, unfriendly to the general public, and burdens applicants with irrationally high costs. A preliminary study by [the Independent Institute for Judicial Research and Advocacy \(LeIP\)](#) also confirmed that the lack of a down payment makes the execution process completely impossible for the court (Tri Alviani, 2026) .

- **Lack of Firm Coercive Instruments:** Religious Courts do not have specialized law enforcement officers (such as bailiffs integrated with the police) to force ex-husbands to pay. If an ex-husband claims he has no money or is deliberately concealing his income, the court has difficulty tracking him. This lack of specialized officers aligns with an analysis by [the Pekanbaru High Religious Court \(PTA\)](#) , which highlighted the limitations of our national civil procedural law, which lacks rigid operational support instruments in the field. Furthermore, a report from [the Regional Child Protection Commission \(KPAD\)](#) also confirmed that the court's weak coercive power over ex-husbands who claim they have no money is a major challenge that triggers severe psychosocial stress for children and single mothers (Harmanta;, 2026) .
- **Lack of Asset Tracking and Automatic Salary Deductions:** The Indonesian legal system has not yet integrated court decisions with banking, tax, or agency data from ex-husbands. As a result, ex-husbands can easily manipulate their income information without any real criminal or administrative sanctions. Enforcement of post-divorce alimony decisions in Indonesia is often hampered by expensive formal execution procedures, weak coercive instruments, and the absence of an asset tracking system. [Hukumonline](#), through the opinions of academics/legal experts, also highlights that this condition makes court decisions merely sterile legal texts, thus burdening single mothers in demanding their children's economic rights. Child support decisions often remain mere court orders, with no real guarantee of enforcement. When child support obligations are ignored, the state does not automatically come to enforce its own decisions. As a result, single mothers are forced to bear a double burden: raising their children alone and covering the shortfall in income from limited resources, while their children grow up with limitations they never chose (Kristianti, 2026) .

3. Analysis of Legal Effectiveness: The Death of Gender Justice in the Marriage Law System

Analyzing it using Lawrence Friedman's Theory of Legal Effectiveness, the failure to enforce child support rights in Indonesia is the result of an acute disharmony between the substance, structure, and culture of the law. This lopsided synchronization aligns with the findings of juridical-sociological research on family law at [UIN Sunan Kalijaga Yogyakarta](#) , which firmly states that the effectiveness of child support fails to be achieved due to an operational *gap* between written regulations and enforcement practices in the field (Muzayyanah, 2018) .

Elements of Law (Friedman)	<i>Single Parent Support Rights Cases</i>	Effectiveness Status
Legal Substance (Substance)	The Marriage Law and the Compilation of Islamic Law (KHI) have regulated the obligation to provide minimal maintenance in writing. [†]	Good enough (but strict sanctions)
Legal Structure (Structure)	Religious Courts are administrative in nature and cannot impose direct penalties like in criminal cases. Execution procedures are considered expensive and there are no integrated asset tracking tools.	Weak/Ineffective
Legal Culture (Culture)	Patriarchal stigma casts a skeptical eye on assertive widows; ex-husbands feel they are not obligated to pay.	Very Weak/Inhibitory

The legal substance already accommodates the rights of women and children. However, this law becomes ineffective when confronted with a legal structure that does not accommodate women's poverty and a misogynistic legal culture in society.

Meanwhile, from a gender justice perspective, the current execution system is gender-biased because it places the burden of proof and costs on women in weaker economic positions. The law fails to recognize that post-divorce, women experience a drastic decrease in income while domestic expenses increase.

As long as the state does not provide coercive and gender-friendly legal instruments, the decisions of judges in Religious Courts will only be "paper justice" that perpetuates the impoverishment of *single women* and their children. Gender-biased policies are considered to ignore the decline of women's economic class due to the lack of access to control over financial resources after legal trauma (G. Widiartana, 2011). In addition, strong criticism is expressed that there is a system inequality where the reluctance of ex-husbands to fulfill economic obligations is not accompanied by progressive administrative or criminal sanctions (Gushairi, 2023).

CONCLUSION

This research shows that the obstacles to women's post-divorce livelihood are not merely technical regulatory issues, but rather the result of strong, culturally institutionalized psychosocial pressures. Three main forms of stigmatization—materialistic stigma, insincerity stigma, and dependency stigma—have cumulatively distorted women's normative economic rights into a social taboo. As a result, the phenomenon of *self-censorship has emerged*, with the majority of *single parents* choosing to voluntarily withdraw from formal legal channels and allowing their rights to be ignored to avoid public gossip and interpersonal conflict (Dwi Kurniawati, Maya Atri Komalasari, 2022); (G. Widiartana, 2011).

Through the lens of critical sociology, this phenomenon confirms the operation of structural violence and social exclusion. Repressive patriarchal social structures have proven successful in crippling women's legal awareness and legal agency before they can access judicial institutions. The state and law enforcement system need to recognize that guaranteed access to justice *will* never be substantively achieved as long as the social stigma that limits women's mobility after divorce is not deconstructed through gender-responsive legal education.

Recommendations

Based on the findings regarding the strong social stigma and *self-censorship phenomenon* experienced by women after divorce, the recommendations in this study are aimed at several related parties:

1. For Judicial Institutions (Supreme Court and Religious Courts)

- **Implementation of Automatic Ex-Officio Execution** : Religious courts should adopt an automatic *salary attachment system* for ex-husbands who are civil servants, state-owned enterprise employees, or formal private sector employees. This step is crucial to prevent women from having to resort to independent legal advocacy, which can trigger social stigma.
- **Optimizing Gender-Responsive Legal Aid Posts (Posbakum)**: Legal Aid Posts (Posbakum) in courts should provide psychosocial support, not just legal administrative assistance. This aims to strengthen women's mental health and legal agency against pressure and gossip from their environment during the process of claiming their rights.

2. For the Ministry of Women's Empowerment and Child Protection (KPPPA) and Advocacy Institutions

- **Widow Stigma Deconstruction Campaign:** Launch a massive public education program to change the public's perception of divorced widows. The campaign's focus should shift from "assessing the morality of widows" to "ensuring the protection of children's rights to development" after divorce.
- **Providing Safe Spaces and Support Communities:** Establishing local *peer- support groups* for *single parents* . These safe spaces are crucial for minimizing social isolation and providing moral support to prevent self -*exclusion* from public spaces.

3. For Regional Government and Village/Sub-district Apparatus

- **Community Legal Education:** Local government officials (RT/RW/Village) and legal counselors must actively promote family law at the grassroots level. The public needs to be made aware that demanding *iddah* (*waiting*) , *mut'ah* (*waiting for marriage*), and child support are legitimate legal rights, not materialistic actions.

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