



## **Membangun Pondasi Indonesia Emas: Peranan Pengadilan Agama Putussibau di dalam Menekan Tingginya angka Perceraian dan Stunting di Kapuas Hulu**

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### **Abstrak**

Penelitian ini bertujuan untuk menganalisis peran strategis Pengadilan Agama Putussibau dalam menekan angka perceraian dan stunting di Kabupaten Kapuas Hulu sebagai bagian dari upaya membangun fondasi Indonesia Emas 2045. Dengan pendekatan campuran, penelitian ini menggabungkan analisis kualitatif melalui wawancara mendalam dengan hakim, petugas Dinas Sosial, dan tokoh masyarakat, serta analisis kuantitatif terhadap data perkara perceraian dan prevalensi stunting selama periode 2020–2024. Hasil penelitian menunjukkan bahwa Pengadilan Agama Putussibau telah mengimplementasikan berbagai inovasi layanan, seperti program SENTARUM (Pesan Antar Akta Cerai Sampai Rumah) untuk meningkatkan aksesibilitas layanan hukum di wilayah terpencil. Selain itu, kerja sama dengan Dinas Sosial dalam penanganan dispensasi kawin bertujuan untuk mengendalikan pernikahan usia dini yang berkontribusi terhadap tingginya angka stunting. Data menunjukkan bahwa dari Januari hingga April 2021 terdapat 83 pengajuan perceraian, dengan mayoritas penggugat adalah pihak istri, yang disebabkan oleh berbagai faktor seperti masalah nafkah dan ketidakcocokan. Sementara itu, angka stunting di Kapuas Hulu mengalami penurunan dari 32,9% pada tahun 2020 menjadi 31,2% pada tahun 2021. Penelitian ini menyimpulkan bahwa peran aktif Pengadilan Agama Putussibau dalam inovasi layanan dan kolaborasi lintas sektor berkontribusi signifikan dalam menekan angka perceraian dan stunting. Rekomendasi yang diberikan meliputi peningkatan edukasi pranikah, penguatan program mediasi, dan perluasan kerja sama dengan berbagai pihak untuk mendukung pembangunan sumber daya manusia yang berkualitas menuju Indonesia Emas 2045.

**Kata Kunci:** Pengadilan Agama, Perceraian, Stunting, Dispensasi Kawin, Kapuas Hulu, Indonesia Emas

### Abstract

This study aims to analyze the strategic role of the Putussibau Religious Court in reducing divorce and stunting rates in Kapuas Hulu Regency as part of efforts to build the foundation for Indonesia Emas 2045. Using a mixed-methods approach, the research combines qualitative analysis through in-depth interviews with judges, Social Service officers, and community leaders, as well as quantitative analysis of divorce case data and stunting prevalence during the period of 2020–2024. The results show that the Putussibau Religious Court has implemented various service innovations, such as the SENTARUM program (Delivery of Divorce Certificates to Homes) to improve legal service accessibility in remote areas. Additionally, collaboration with the Social Service in handling marriage dispensations aims to control early marriages, which contribute to high stunting rates. Data indicates that from January to April 2021, there were 83 divorce filings, with the majority of plaintiffs being wives, driven by various factors such as financial problems and incompatibility. Meanwhile, the stunting rate in Kapuas Hulu decreased from 32.9% in 2020 to 31.2% in 2021. This study concludes that the active role of the Putussibau Religious Court in service innovation and cross-sector collaboration has significantly contributed to reducing divorce and stunting rates. Recommendations include enhancing premarital education, strengthening mediation programs, and expanding partnerships with various stakeholders to support the development of high-quality human resources toward Indonesia Emas 2045.

**Key Words:** Religious Court, Divorce, Stunting, Marriage Dispensation, Kapuas Hulu, Indonesia Emas

### A. Introduction

Human resource (HR) development is a fundamental pillar of a nation's progress and prosperity. The continuous improvement of human resource quality is key to ensuring the well-being of both current and future generations. A fundamental question arises: how can legal institutions, particularly the Religious Courts, actively contribute to strengthening the foundation of human resources by addressing social issues such as high divorce rates and child stunting? This study aims to answer that question by analyzing the role of the Putussibau Religious Court within the context of Islamic family law and social development.

As a concrete example, in Kapuas Hulu Regency, the high rate of divorce has had serious socio-economic impacts on families, which in turn contributes to the issue of child stunting. Data shows that the number of divorce cases at the Putussibau Religious Court remains high, with the majority of cases filed by wives citing economic difficulties and incompatibility. Meanwhile, the stunting prevalence in this area also remains above the national average, indicating a close link between family stability and the health of the younger generation. Through various innovative programs, such as premarital mediation services, family law education initiatives, and cross-sector collaborations with the Health Office and Social Services Office, the Putussibau Religious Court strives to reduce divorce rates and their adverse effects on children.

Within the framework of legal theory, the welfare state theory positions family protection as a state responsibility for national interest. Corrective justice theory emphasizes the importance of rectifying social fractures through fair legal interventions. Moreover, the Islamic legal principle of *maqāṣid al-sharī'ah* highlights the protection of progeny (*ḥifẓ al-nasl*) and life (*ḥifẓ al-nafs*) as primary objectives of Islamic law, aligning closely with efforts to reduce stunting and strengthen the institution of the family.

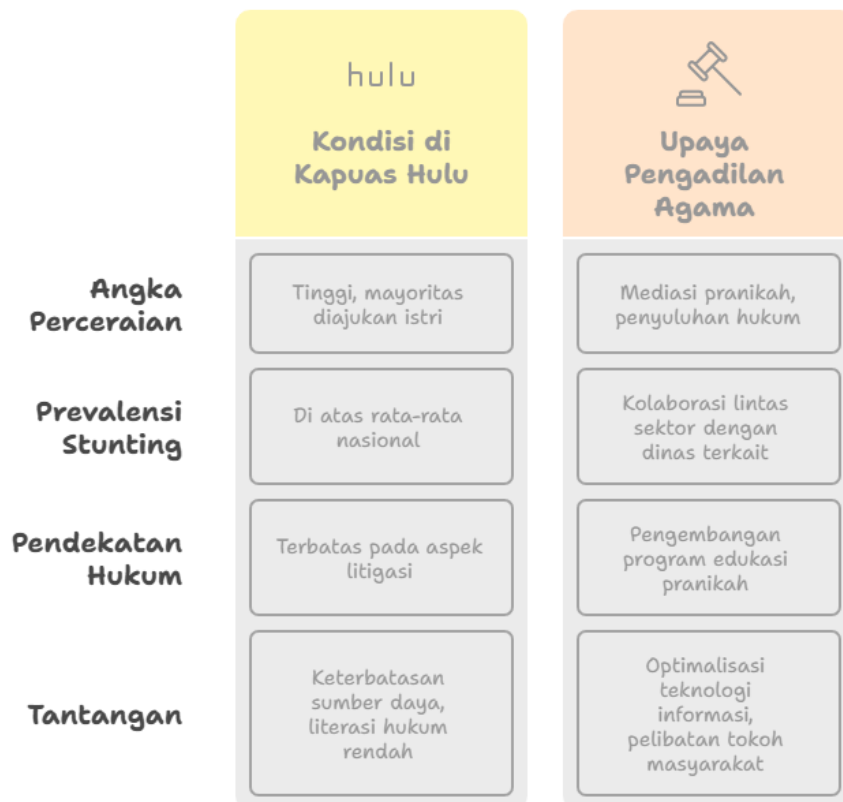
A comparative analysis of the role of legal institutions in human resource development across various countries shows that strengthening the preventive function of family courts significantly contributes to societal welfare. For example, in several developed countries, family courts actively engage in pre- and post-marital counseling, whereas in Indonesia, their role remains largely limited to litigation. Kapuas Hulu serves as a vivid example where the complexity of social issues demands a synergy between legal, health, and social welfare approaches. Although the Putussibau Religious Court has implemented various innovations, challenges remain, such as limited resources, low public legal literacy, and suboptimal inter-agency coordination.

Based on this analysis, several innovations could be expanded and strengthened in Kapuas Hulu. These include the development of community-based premarital education programs,

integration of family mediation services with child health services, optimization of information technology to facilitate access to legal services, and the active involvement of religious and community leaders in efforts to prevent divorce and stunting. Furthermore, adopting the principles of maqāsid al-sharī'ah in family development—such as justice, balance, and public benefit—can provide a strong ethical and moral foundation for managing family issues in the region.

These innovations are grounded in relevant legal theories and sustainable development principles and must be implemented through a clear regulatory framework and strengthened judicial institutional capacity. Through these measures, the Putussibau Religious Court can make a greater contribution to building high-quality human resources, fortifying the foundation for Indonesia Emas 2045, and realizing a more just, prosperous, and competitive society in Kapuas Hulu.

### Pengadilan Agama Putussibau: Peran dan Inovasi



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Gambar 1. Inovasi PA Putussibau 1

### B. Methodology

The method used in this study is a mixed-method research approach, combining qualitative and quantitative approaches to gain a deeper and more comprehensive understanding of the role of the Putussibau Religious Court in reducing the high divorce rates and stunting in Kapuas Hulu.

The qualitative approach in this study adopts a socio-legal perspective, which views law as a social phenomenon that exists in society. The focus is on how legal norms, particularly Islamic family law, are implemented in the practice of handling divorce cases and their impact on the welfare of children. To enrich the analysis, this approach is complemented with the perspective of Maqashid Syariah, particularly in the dimensions of protecting progeny (ḥifẓ al-nasl) and life (ḥifẓ al-nafs).

Meanwhile, the quantitative approach is used to process statistical data on the number of divorce cases, the reasons for divorce, the success rate of mediation at the Putussibau Religious Court, and the prevalence of stunting in Kapuas Hulu. These quantitative data are obtained through document studies, annual reports, and official data from relevant institutions such as the Health Office and the Women's Empowerment and Child Protection Office.

### 1. *Research Design*

This study adopts a mixed-method approach, integrating qualitative and quantitative methods to achieve a deep and comprehensive understanding of the strategic role of the Putussibau Religious Court in reducing divorce and stunting rates in Kapuas Hulu. The qualitative approach is socio-legal in nature, analyzing how Islamic family law norms are applied in divorce cases and how these impact child welfare, supported by the Maqashid Sharia framework focusing on the protection of lineage (*ḥifẓ al-nasl*) and life (*ḥifẓ al-nafs*).

The quantitative approach involves the statistical analysis of divorce case data and stunting prevalence from 2020–2024. The research is exploratory to uncover institutional innovations and descriptive to systematically present the impact of these innovations on family stability and child welfare.

### 2. *Participants (Population and Sample)*

The study population includes various stakeholders directly involved in handling divorce and child welfare issues:

- Judges and staff of the Putussibau Religious Court
- Officials from the Social Service (Dinas Sosial) and Health Service (Dinas Kesehatan)
- Community leaders and religious figures involved in family counseling
- Individuals who have experienced divorce proceedings
- Health workers dealing with stunting cases

The sample will be determined by purposive sampling, selecting informants based on their expertise, authority, and direct involvement in the field. The estimated number of participants is 15–20, or until data saturation is achieved.

### 3. *Technique of Data Collection*

Data will be collected through three primary techniques:

- In-depth interviews using semi-structured interview guides, aimed at exploring stakeholders' perceptions and experiences regarding divorce handling, marriage counseling, and child welfare interventions.
- Document analysis, including divorce case records from the Putussibau Religious Court, stunting reports from the health department, and relevant regulations and policies.
- Quantitative data collection from statistical databases regarding the number of divorce cases and stunting prevalence between 2020–2024.

Triangulation will be used to strengthen the validity of findings by cross-verifying qualitative and quantitative data sources. *Instruments*

### 4. *Instrumen*

The research instruments include:

- Interview guides for judges, social workers, community leaders, and divorced individuals
- Observation sheets for court and social service activities related to family counseling and stunting prevention
- Document checklists including laws, government regulations, court statistics, social service reports, and health department reports
- Audio recorder, camera, and field notes to support comprehensive field data documentation.

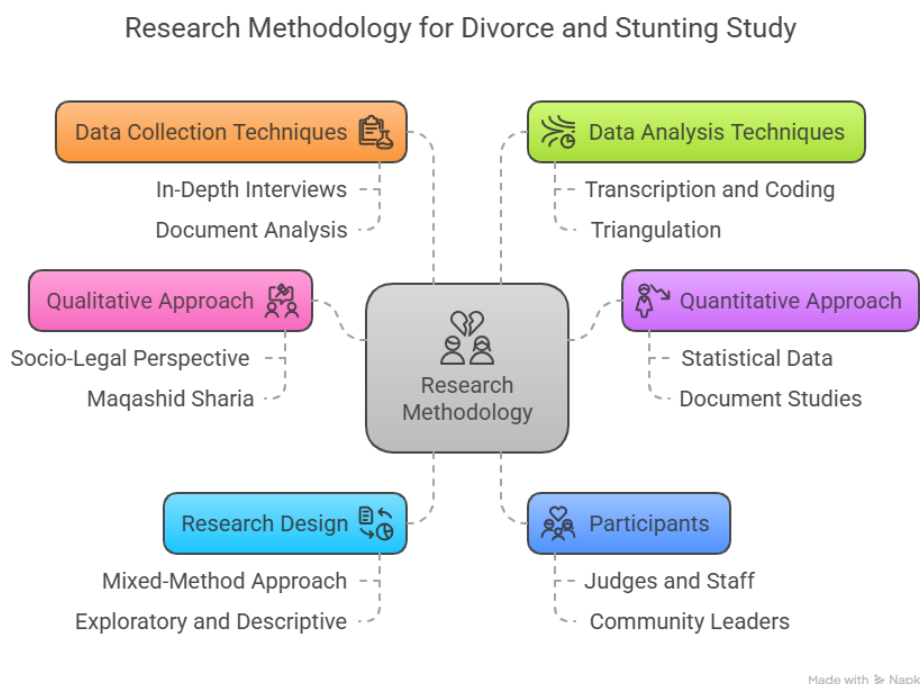
### 5. *Technique of Data Analysis*

Data analysis follows these stages:

- Transcription of interviews and field notes.
- Data reduction and coding to identify key themes such as innovation in court services, the correlation between divorce and stunting, and cross-sector collaboration models.
- Data presentation in the form of narrative descriptions, tables, charts, and selected quotations from informants.
- Triangulation between qualitative and quantitative findings for validation.
- Interpretation based on Islamic legal theory, socio-legal perspectives, and Maqashid Sharia analysis (especially protection of lineage and life).

A juridical-sociological analysis will assess the effectiveness of legal interventions in reducing social problems, while a Maqashid Sharia analysis will evaluate how the

implemented programs support the primary objectives of Islamic law, especially *hiḥfz al-nasl* and *hiḥfz al-nafs*.



## C. Finding and Discussion

### 1. Findings

The urgency of this research lies in examining the extent of the active role played by the Putussibau Religious Court in reducing the high rates of divorce and stunting in Kapuas Hulu, in preparation for Indonesia Emas (Golden Indonesia) 2045. This aligns with data released by the Putussibau Religious Court, which recorded a surge in divorce cases; in 2023, the Court received, examined, and adjudicated 1,200 divorce cases, an increase compared to the previous year (2022), which recorded 980 cases. Considering its impact on women and children, we can clearly observe the rise in juvenile delinquency, stunting, and the lack of fulfillment of rights for women and children. This situation constitutes a key problem that must be addressed through solutions and preventive measures to realize Indonesia Emas.

The objective of this research is to provide solutions to tackle the high divorce rates at the Putussibau Religious Court through various efforts, including optimizing the "SUSCANTIN" (Pre-Marital Counseling Services) at the Office of Religious Affairs (KUA) before marriage takes place, organizing family support by local women's groups (PKK), and revitalizing the BP4 (Family Counseling Body) to assist parties before filing for divorce at the Court. Synergy among institutions is essential in preparing for Indonesia Emas 2045. The role of the Religious Court is also crucial, particularly through innovations such as mobile court sessions, which are part of the Court's mandate as one of the judicial authorities under the Supreme Court of the Republic of Indonesia.

Putussibau is one of the cities in West Kalimantan that has experienced a surge in divorce cases in recent years. In 2023, the Putussibau Religious Court handled 1,200 divorce cases within its jurisdiction, a rise from the 980 cases recorded in 2022. This phenomenon is alarming, especially as we move towards the vision of Indonesia Emas 2045. The negative impacts of divorce are significant, including a rise in juvenile delinquency, high rates of stunting due to the diminished role of both parents in child-rearing, and increased criminal behavior resulting from broken homes.

From the perspective of Islamic family law, the phenomena emerging in recent decades are negative consequences of divorce. The rise in juvenile delinquency, stunting, and criminal acts are directly proportional to the increasing divorce rates. According to data published by the Putussibau Religious Court, the rise in divorce rates is also associated with the increasing number of marriage validation (*itsbat nikah*) and marriage

dispensation applications. Over the past three years, there has been a noticeable increase in divorce cases, both initiated by husbands and wives.

The saying "al-Umm madrasat al-ula" (the mother is the first school) aptly describes the central role of parents in a child's education. If the family foundation in a nation is strong, the nation's condition will be correspondingly strong. The role of the Religious Court is thus crucial, given that its duties and competencies extend beyond adjudication to include supporting and preserving family integrity, particularly among Muslim communities.

In his psychoanalytic theory, Sigmund Freud emphasized that parents are central figures in a child's development, especially during early life stages. This aligns with Lawrence Kohlberg's theory of moral development, which asserts that individuals with strong moral values form responsible citizens who contribute to the nation's progress. Relating this back to the role and contribution of the Religious Court, as stipulated in Article 49 paragraph (1)(a) of Law No. 7/1989: "The Religious Court is tasked with providing legal services to justice seekers based on Islamic law," and Article 50 paragraph (1)(b): "The Religious Court has the authority to provide fatwas and advice to those who request it."

Several measures are undertaken by the Religious Court to educate the public on good family management, including legal counseling, mobile court sessions, fostering "Sakinah" (harmonious) families, and social media outreach. By strengthening family law values, the Religious Court is expected to reinforce the national foundation towards achieving Indonesia Emas in 2045.

Based on the above introduction, the title for this BIMA (Bimbingan Ilmiah Mahasiswa) research project is: "Building the Foundation for Indonesia Emas: The Role of the Putussibau Religious Court in Reducing the High Rates of Divorce and Stunting in Kapuas Hulu." Based on observations conducted by the research team at the Putussibau Religious Court in Kapuas Hulu, it was found that there has been a significant decrease in divorce rates compared to previous years. This positive outcome is attributed to the work programs implemented by the Chief of the Putussibau Religious Court, YM Zulkifi, S.E.I., M.H., during his tenure. Various efforts have been made by the Court to build the foundation for Indonesia Emas 2045, particularly in reducing divorce and stunting rates in Kapuas Hulu. This is evidenced by the active conduct of mobile court sessions to reach remote areas, ensuring citizens' rights to access justice. Furthermore, in response to modernization and technological advancements in the 5.0 era, the Putussibau Religious Court has developed several applications to facilitate legal access for citizens in Kapuas Hulu's jurisdiction, including: JEMPOLAN, SILOK, SENTARUM, and SI BARA.



In order to reduce the high rates of divorce and stunting in Kapuas Hulu, several policies have been issued by the Putussibau Religious Court (PA Putussibau), which have been integrated with related agencies such as the Civil Registry Office (DISDUKCAPIL), the Social Service Office (DINSOS), the Office for Women's Empowerment, Child Protection, Population Control, and Family Planning (DP3APPKB), and the Health Office (DINKES). This integration is essential to ensure harmonization and mutual understanding in building a strong foundation for Indonesia Emas 2045, particularly in addressing the high rates of divorce and stunting in Kapuas Hulu.

The programs implemented include mediation, circuit courts (mobile court sessions), integrated court sessions, public outreach (socialization), legal education (Penmas), thematic speech/sermon competitions, Memorandums of Understanding (MoUs) with relevant companies, and cooperation with other related sectors. All of these efforts are aimed at synchronizing, harmonizing, and building a shared understanding in carrying out their respective duties and functions. Despite the limitations in budget and human resources, PA Putussibau continues to optimize the implementation of its programs. For instance, the circuit court activities are carried out collaboratively through a spirit of mutual cooperation. This joyful and voluntary spirit is crucial to provide equitable service and access to justice for all citizens, particularly in Kapuas Hulu, whether by land or by water routes. This commitment is in line with the mandate of Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states: "Everyone shall have the right to recognition, guarantees, protection, and fair legal certainty as well as equal treatment before the law."

Several innovative measures have been introduced by PA Putussibau to help reduce the high rates of divorce and stunting in Kapuas Hulu, including: First, establishing MoUs with several local companies to ensure legal protection and certainty for women and children, whose rights are often neglected following divorce. In response to this issue, Chief Judge YM Zulkifli, S.E.I., M.H., issued a policy mandating that companies deduct a portion of the salaries of divorced individuals to fulfill obligations such as 'nafaqah iddah' (post-divorce maintenance for the wife), child support, 'muta'ah' (compensation payment), and others, following the finalization of court rulings. Second, regarding marriage dispensation applications, PA Putussibau requires applicants to attach a certificate from the Health Office or its subordinate units confirming that the individuals involved are not pregnant and are free of HIV. This measure is mandatory to prevent cases of child marriage involving pregnant minors and to curb the spread of HIV, which has become a major concern among the people of West Kalimantan and has often led to criticism directed at the Religious Courts for granting dispensations for underage marriages.



Provisions of Article 49 of Law Number 7 of 1989 on the Religious Courts, as amended by Law Number 3 of 2006 and Law Number 50 of 2009, stipulate that the Religious Court has the duty and authority to examine, adjudicate, and resolve cases at the first level between individuals who are Muslims in the field of Islamic civil law in Indonesia (including: marriage, inheritance, wills, grants, endowments, zakat, infaq, sharia economy, and child adoption).

In addition to its judicial function (Article 51 of the Religious Court Law), the Religious Court also performs several other functions, including:

Supervisory Function, Advisory Function, Administrative Function, Access Function, Legal Aid/Advocacy Function, and more, as further explained in: Article 60 paragraphs (1) and (2) of Law Number 50 of 2009 stipulate that: (1) Every Religious Court shall establish a legal aid post for underprivileged justice seekers in obtaining legal assistance; (2) The legal aid referred to in paragraph (1) shall be provided free of charge at all levels of the judiciary until the decision has obtained permanent legal force.

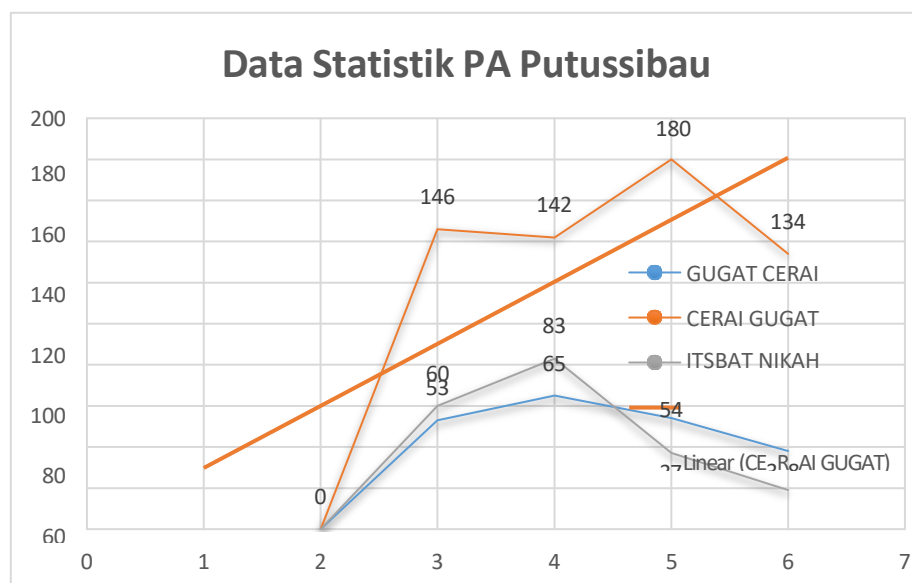
Legal awareness in society is the fundamental foundation in law enforcement and legal compliance. This is in line with what was stated by Lawrence M. Friedman, who explained that without strong legal awareness, the legal system cannot effectively function as a tool

of social engineering, as originally proposed by Roscoe Pound. Friedman's theory of legal awareness is reinforced by Robert D. Putnam in his theory of Social Capital and Legal Awareness, which links legal awareness with the concept of social capital. In his work, he explains that social capital includes social networks, norms, and trust that facilitate coordination and cooperation for mutual benefit, playing an important role in enhancing public legal awareness.

1. The Religious Court plays a crucial role in raising public legal awareness, especially among Muslims. This is closely related to one of its core functions: providing legal aid and advocacy. The Religious Court does not merely function as a judicial institution but also plays a role in the social structure, justice system, and public legal understanding. The roles of the Religious Court in society can be classified into six aspects:
2. Law Enforcement: The Religious Court functions to receive, examine, and adjudicate specific civil cases for the Muslim community in the Republic of Indonesia. This is regulated in Article 49 of Law No. 7 of 1989 on Religious Courts.
3. Maintenance of Social Order: In performing its judicial function as one of the institutions executing judicial power in Indonesia, the Religious Court resolves societal disputes in accordance with Islamic legal principles, thereby helping to maintain social harmony and order. This aligns with its founding vision as a court institution under the Supreme Court.
4. Education and Dissemination of Islamic Values: The Religious Court plays an active role in educating the public about Islamic legal principles and their enforcement in Indonesia. Through court proceedings and legal outreach activities, the public is expected to become more aware of and understand the core values of law, justice, solidarity, and morality.
5. Increasing Legal Awareness: The existence of the Religious Court also symbolizes public legal empowerment. This is evidenced by one of its programs, circuit court sessions, held annually. This initiative aims to help the public access their rights in Islamic civil matters.
6. Protection of Women's and Children's Rights: In many cases, the Religious Court has a key role in ensuring the protection of women's and children's rights, especially in divorce, child custody, and inheritance cases. The court ensures justice and legal protection for all community members without exception. Adaptation to Social Change: The Religious Court actively reconstructs Islamic civil law provisions through its decisions. This process of adaptation and reinterpretation must align with technological and societal advancements. "Al-hukmu yataghayyuru bitaghayyur al-amkina, wa az-zamana, wa ahwalihā" (Legal rulings change with changes in time, place, and circumstances). This reconstruction is expected to meet the needs of today's society, helping to bridge traditional Islamic legal practices with current social realities. Overall, the Religious Court plays a pivotal role in strengthening the legal and social structure of society. It ensures that justice is aligned with Islamic legal principles, values, and ethics, while also fostering and enhancing public legal awareness.

The positive impact of the programs implemented by the Putussibau Religious Court has brought refreshing changes in practice. This is evidenced by the decline in divorce and marriage dispensation cases within its jurisdiction. Based on interviews conducted by the researcher with the Head of the Putussibau Religious Court, it was found that: In 2023, the number of Contested Divorce (Cerai Gugat) cases dropped to only 38, a decrease compared to previous years: 54, 63, and 51 respectively. Mutual Consent Divorce (Cerai Talak) cases in 2023 dropped to 133, compared to 180, 141, and 140 in prior years. In relation to stunting, the role of the Putussibau Religious Court in its absolute jurisdiction includes handling marriage dispensation petitions. These dispensations are considered by many to be a contributing factor to the increase in stunting cases, besides divorce. In 2023, only 48 marriage dispensation petitions were submitted to the Putussibau Religious Court, down from previous years: 71, 105, and 73. This can be seen in the following table:

PA Putussibau				
Tahun	Gugat Cerai	Cerai Gugat	Itsbat Nikah	Dispensasi Nikah
2020	53	146	60	73
2021	65	142	83	105
2022	54	180	37	71
2023	38	134	19	48



Golden Indonesia 2045 is a strategic vision that sets the goal for Indonesia to become a developed country by the year 2045, marked by high-quality human resources, a strong economy, and equitable social welfare. Achieving this vision requires various developmental instruments encompassing education, health, the economy, and family resilience. Family resilience is one of the key pillars in realizing a prosperous and competitive society. It refers to the ability of families to face challenges and pressures while maintaining their functions and roles optimally. A strong and harmonious family produces a generation that is healthy, educated, and morally upright—key assets in nation-building. Conversely, fragile families may lead to numerous social problems, such as divorce and early marriage, which negatively impact the quality of human resources. The Religious Courts play a crucial role in maintaining family resilience by handling divorce and marriage dispensation cases. Data shows that the divorce rate in Indonesia has been increasing in recent years. In 2018, there were 408,202 divorce cases, which rose to 439,002 in 2019, and reached 516,334 in 2022. This high divorce rate presents a serious challenge in efforts to strengthen family resilience. In addition to divorce, early marriage remains a major concern. Although Law Number 16 of 2019 raised the minimum marriage age to 19 for both men and women, marriage dispensation requests remain high. For instance, in Bojonegoro, East Java, there were 435 marriage dispensation applications by November 2023.

Child marriage can cause various issues such as school dropouts, poverty, and poor reproductive health, which in turn hinder the realization of Golden Indonesia 2045. Addressing these problems requires synergy among various stakeholders, including the Ministry of Religious Affairs, Religious Courts, the Counseling, Development, and Preservation of Marriage Agency (BP4), and civil society organizations. Programs such as premarital counseling for engaged couples and youth marriage readiness programs aim to enhance understanding and preparedness in building harmonious families. Furthermore, the role of the Religious Courts in providing advice and mediation before ruling on divorce or granting marriage dispensation is vital. The implementation of Supreme Court Regulation Number 5 of 2019 on Guidelines for Adjudicating Marriage Dispensation Applications is also a progressive step in ensuring that decisions are made in the best interest of the child. Consequently, it is expected that early marriage rates can be reduced, allowing the younger generation greater opportunities to reach their full potential.

Overall, the effort to build the foundation for Golden Indonesia 2045 is closely linked to the role of institutions such as the Religious Courts in addressing divorce and marriage dispensation issues. Through effective collaboration and targeted programs, family resilience can be strengthened, leading to a generation prepared to welcome Golden Indonesia 2045 with optimism and readiness.

The Religious Court is one of the key pillars in Indonesia's judicial system, with exclusive jurisdiction to handle specific types of cases as mandated by law. This exclusive jurisdiction refers to the authority of the Religious Courts to adjudicate matters related to Islamic family law, including divorce, marriage dispensation, inheritance, grants, waqf, and others, as stipulated in various legal regulations. This authority is grounded in a strong legal foundation, including the 1945 Constitution of the Republic of Indonesia, Law Number 48 of 2009 on Judicial Authority, and Law Number 7 of 1989 on the Religious Courts, which has been amended several times. The constitutional basis for the Religious Courts is laid out in Article 24 of the 1945 Constitution, which states that judicial power is independent and exercised to uphold law and justice. Furthermore, the Judicial Authority Law provides the legal framework that affirms the independence of judicial institutions, including the Religious Courts. These courts serve the Muslim community with jurisdiction that is not held by general courts, such as handling cases of marriage, divorce, and marriage dispensation. Law Number 7 of 1989 on the Religious Courts, as amended by Law Number 3 of 2006 and Law Number 50 of 2009, legally empowers the Religious Courts to adjudicate cases within the scope of Islamic law.

This includes absolute authority over cases such as divorce and marriage dispensation. For instance, in the context of marriage dispensation, the Religious Court is authorized to grant permission for marriage to individuals who have not yet reached the minimum legal age, taking into consideration urgent reasons and the best interest of the child. In relation to divorce, the Religious Courts play a crucial role in maintaining family integrity and sustainability. Divorce cases handled by the Religious Courts often involve various mediation efforts to prevent the dissolution of marital bonds. However, when divorce becomes inevitable, the court is also responsible for ensuring that the rights of all parties involved—including children—are upheld in accordance with the principles of justice. On the other hand, in cases involving marriage dispensation, the court is tasked with ensuring that decisions are not only grounded in legal regulations but also consider the social and psychological impacts on the child and their family. The role of the Religious Courts in handling divorce and marriage dispensation cases is closely related to the broader effort to build the foundation of Indonesia Emas 2045. Family resilience is one of the key aspects in fostering a superior and highly competitive generation. By ensuring that case resolutions are carried out fairly and in accordance with legal principles, the Religious Courts contribute to the establishment of strong and harmonious families—an essential foundation for human resource development, which is the main pillar in realizing the grand vision of Indonesia Emas 2045.

Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI) are two key legal instruments governing family law in Indonesia, particularly for Muslims. The enactment of Law No. 1 of 1974 reflects the Indonesian government's effort to unify marriage regulations, which were previously based on a pluralistic legal system where customary, religious, and Western laws coexisted. This law aims to establish a uniform legal framework for marriage that regulates the rights and obligations of spouses, protects children's rights, and ensures social order. The formulation of this law was driven by public demand for marriage regulations that aligned better with contemporary developments and Pancasila values. Before its enactment, various legal systems—such as the *Burgerlijk Wetboek* (BW) for Europeans and customary law for indigenous populations—often created legal uncertainty. The enactment of Law No. 1 of 1974 on January 2, 1974, officially provided Indonesia with a unified legal basis for marriage applicable in both religious and state contexts.

The complexity of family law concerning Muslims in Indonesia subsequently led to the need for more specific legal provisions. This was realized through the issuance of the Compilation of Islamic Law (KHI) via Presidential Instruction No. 1 of 1991. The KHI is a codification of Islamic law designed to complement the Marriage Law by providing guidelines for the Religious Courts in adjudicating cases related to marriage, inheritance, and waqf. The compilation was developed with the involvement of Islamic scholars, academics, and legal practitioners to ensure its conformity with both Islamic principles

and the Indonesian context. The promulgation of the KHI aimed to offer legal clarity to Muslims, especially regarding the diverse practices of family law across different regions. Prior to the KHI, Religious Courts often faced challenges in resolving cases due to differing interpretations of Islamic law. The KHI provides standardized guidelines that help ensure judicial decisions are more consistent and just. Law No. 1 of 1974 and the KHI function not only as legal instruments but also as reflections of Indonesia's dynamic social, cultural, and religious landscape. Both aim to accommodate Islamic religious principles while meeting the demands of modernity and the protection of human rights. For example, the stipulation of minimum marriage age and the prohibition of polygamy without prior permission are efforts to protect women and children, in line with commitments to family welfare. Historically, the development of these legal instruments was not without challenges and debates. The enactment of Law No. 1 of 1974, for instance, faced opposition from certain groups who believed the law did not fully align with their religious principles. Similarly, the compilation of the KHI encountered challenges in harmonizing diverse scholarly views on Islamic law. Nonetheless, these two instruments remain foundational in the regulation of family law in Indonesia. Overall, they demonstrate Indonesia's effort—as a diverse nation—to balance religious law, customary practices, and modern legal norms. They serve not only as guidelines for the family life of Muslim citizens but also contribute to strengthening social harmony and legal order in Indonesia.

The role of parents—especially mothers—is vital in the psychological and moral development of children. Sigmund Freud, in his psychoanalytic theory, emphasized that parents are central figures in a child's early development. He described five psychosexual stages—oral, anal, phallic, latency, and genital—wherein interactions with parents, particularly the mother, significantly influence the formation of personality. For instance, in the oral stage (0–1 year), a child's satisfaction centers around oral activities such as breastfeeding, and the mother's role in meeting these needs forms the basis for the child's sense of trust and security. Lawrence Kohlberg, through his theory of moral development, proposed that individuals progress through three levels of moral reasoning: pre-conventional, conventional, and post-conventional. Each level consists of two stages that reflect how individuals judge right and wrong. Parental guidance and moral modeling are crucial in helping children reach higher levels of moral reasoning. For example, at the conventional level, children begin to understand the importance of obeying social norms and laws—lessons learned through interactions with parents and their environment. The importance of the mother's role in child education is also emphasized in Islamic teachings. An Arabic proverb states: “Al-ummu madrasatun idha a'addadtaha a'addadta sha'ban tayyiba al-a'raq”, meaning “The mother is a school; if you prepare her well, you prepare a noble generation.” This highlights how the quality of education and nurturing provided by mothers determines the quality of future generations. Moreover, the Prophet Muhammad (peace be upon him) said, “Al-nisā' imād al-bilād, idhā ṣalaḥna ṣalaḥa al-bilād, wa idhā fasadna fasada al-bilād,” meaning “Women are the pillars of a nation; if they are righteous, the nation is righteous, and if they are corrupt, the nation is corrupt.” This underscores the significance of women's roles—especially as mothers—in shaping the state of a nation. The Qur'an also emphasizes the importance of honoring one's parents, especially the mother. In Surah Al-Ahqaf (46:15), Allah SWT says: “And We have enjoined upon man to be good to his parents. His mother carried him with hardship...” This verse highlights the high regard given to the mother's role in childbirth and upbringing. Likewise, Surah Luqman (31:14) states: “And We have enjoined upon man [care] for his parents. His mother carried him, [increasing her] in weakness upon weakness...” These verses affirm the immense sacrifices made by mothers and their critical role in a child's life.

## 2. Discussion

The Role of Parents in Child Education and the Strategic Position of the Religious Court of Putussibau in Realizing Golden Indonesia 2045. In the legal context, the role of parents in a child's education is recognized as part of family responsibility. Law Number 1 of 1974 on Marriage emphasizes that both husband and wife have the obligation to properly nurture and educate their children. Furthermore, the Compilation of Islamic Law (KHI), enacted through Presidential Instruction Number 1 of 1991, provides guidelines for Muslims regarding marriage, inheritance, and guardianship—all of which highlight the importance of

parental roles in shaping a child's character and morality. The role of parents, especially mothers, in children's education has wide-reaching implications for the quality of future generations. By instilling strong moral and spiritual values, parents contribute to the formation of responsible and virtuous individuals. This aligns with the vision of Golden Indonesia 2045, which aims to produce superior and globally competitive human resources. A strong and harmonious family is the primary foundation for achieving this goal. Therefore, efforts to strengthen the role of parents in child education must become a priority. Programs that enhance parenting capacity—such as marriage counseling and parenting education—need continuous development and dissemination. Additionally, support from various parties, including the government, educational institutions, and the broader community, is essential to create an environment conducive to children's growth and development.

From the perspective of Islamic law, a mother's role in child education is not merely a moral duty but also a religious obligation. A hadith of the Prophet Muhammad (PBUH) states that “the mother is the first school (madrasah) for her children,” illustrating the essential role of mothers in shaping the moral character of the next generation. Thus, the empowerment of women, especially in education and child-rearing, is crucial in building a quality generation. Overall, the synergy between parental roles, adequate legal support, and strong moral values will yield a generation ready to face future challenges. Therefore, the vision of Golden Indonesia 2045 can be achieved through the tangible contributions of every family in forming noble and competitive individuals. There is a well-known expression in Arabic:

الأعراف طيب شعبا أعدت أعدتها إذا مدرسة الأم “The mother is a school; if you prepare her well, you prepare a nation with strong roots.” Another saying asserts: *صلح إذا ال بلاد، عماد ال نساء* “Women are the pillars of the nation; if they are virtuous, the nation thrives, but if they are corrupt, the nation falters.” Golden Indonesia represents the vision for Indonesia to become an advanced and prosperous country by 2045, marking its 100th year of independence. Achieving this vision requires strategic and comprehensive measures, particularly in social and familial spheres. Article 49 of Law No. 7 of 1989 concerning Religious Courts states:

“Religious Courts are tasked and authorized to examine, decide, and resolve cases at the first level among Muslims in the field of Islamic civil law in Indonesia (covering: marriage, inheritance, wills, endowments, almsgiving, donations, Islamic economics, and child adoption).” Beyond its judicial function, the Religious Court also plays various other roles, including: Supervision, Providing advice, Administrative function, Legal access, Legal aid/advocacy. Legal awareness in society forms the basic foundation for law enforcement and compliance. As Lawrence M. Friedman stated, without strong legal awareness, it is impossible for the legal system to operate effectively in fulfilling its ideal function as a “tool of social engineering,” as proposed by Roscoe Pound. The role of Religious Courts in society can be classified into six areas: Law enforcement, Maintenance of social order, Education and dissemination of Islamic values, Raising legal awareness, Protection of women’s and children’s rights, Adaptation to social change.

As a researcher, I conclude that the findings of my study titled “Building the Foundation of Golden Indonesia: The Role of the Religious Court of Putussibau in Reducing Divorce and Stunting Rates in Kapuas Hulu” are reflected in the following three research problem formulations:

1. The active role of the Putussibau Religious Court in reducing divorce (both divorce suits and repudiation) and stunting (through marriage dispensation) in Kapuas Hulu.
2. The court has implemented several innovative programs to address these issues, including: Mediation Program: Proactive efforts in mediating household conflicts before they lead to divorce. This successfully reduced divorce suit cases from 180 in 2022 to 133 in 2023.
3. Mobile and Integrated Court Sessions: Regular mobile court sessions in remote areas enable broader access to justice.
4. Cross-sector Collaboration: Partnerships with agencies such as the Health Office and the Office for Women Empowerment and Child Protection (DP3APPKB) to tackle stunting issues through stricter policies on marriage dispensation applications.
5. Digital Applications: Tools such as JEMPOLAN and SI BARA facilitate easier public access to legal services, reflecting a modern response to the digital era.
6. The necessity of the Putussibau Religious Court’s active role in achieving the vision of Golden Indonesia 2045. In addition to performing its core duties (based on absolute and relative competencies), the court’s involvement is crucial for several reasons:

Strengthening Family Resilience: As an institution dealing with marriage disputes and dispensations, it contributes directly to family stability, a cornerstone of superior human capital.

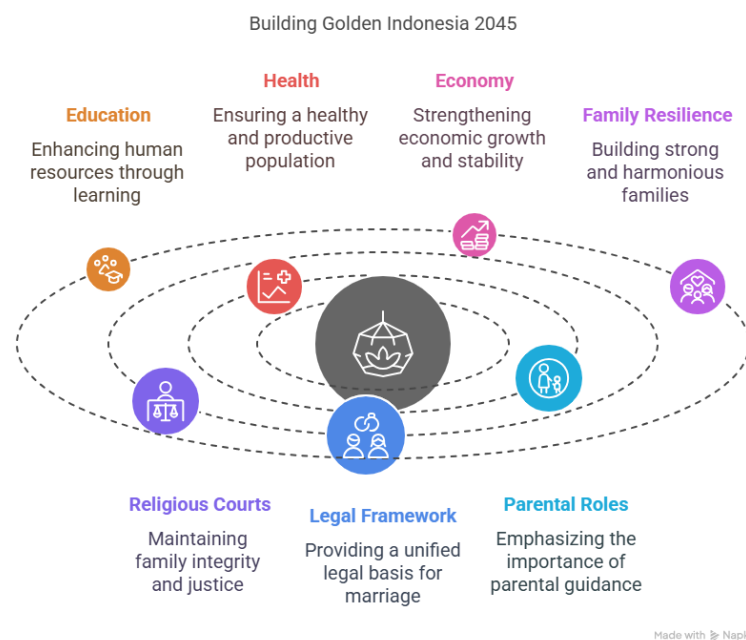
7. **Prevention of Child Marriage:** Policies requiring medical certificates for dispensation applications help prevent early marriages, which are often linked to stunting and disrupted education.
8. **Legal Awareness:** Through education and outreach, the court raises public awareness of the importance of family law as a social foundation.
9. **Legal Equality Vision:** Providing legal justice in remote areas through mobile courts ensures inclusive development.
10. **Challenges faced by the Putussibau Religious Court in these efforts.**

These can be categorized into several factors:

1. **Limited Human Resources:** Budget constraints and staff shortages hinder the optimal implementation of mobile courts and other programs.
2. **Enforcement Limitations:** The Religious Court lacks strong enforcement authority, so execution of rulings often depends on the goodwill of the involved parties.
3. **Geographic Obstacles:** The remote location of Kapuas Hulu makes public access and service implementation challenging.
4. **Stigma and Legal Unawareness:** Some communities still lack understanding of the importance of legal norms surrounding marriage and their impact on social welfare.

In summary, the progressive efforts of the Putussibau Religious Court not only directly impact the reduction of divorce and stunting rates but also support the vision of Golden Indonesia 2045 by reinforcing family resilience and providing equitable legal services.

## D. Conclusion



This study concludes that the Religious Court of Putussibau plays a strategic and multidimensional role in reducing the alarming rates of divorce and stunting in Kapuas Hulu. Through a combination of judicial innovation, legal education, community collaboration, and digital transformation, the Court has succeeded in not only fulfilling its adjudicative function but also in promoting family resilience and legal literacy among the Muslim population under its jurisdiction. The proactive programs initiated by the Court—such as mobile court sessions (sidang keliling), pre-marital counseling (SUSCANTIN), collaboration with PKK for family mentoring, revitalization of BP4 mediation services, and the launch of user-friendly digital applications—have had a positive impact on both access to justice and the prevention of family breakdowns. These integrated efforts contribute significantly to minimizing the negative effects

of divorce, including juvenile delinquency, stunting, and the neglect of women's and children's rights.

Furthermore, the downward trend in divorce cases observed over the recent period underscores the effectiveness of these strategies. It demonstrates that judicial institutions, when empowered and collaborative, can act as key agents in national development — especially in strengthening family structures as the fundamental units of society. Thus, the experience of the Religious Court of Putussibau offers a replicable model for other regions in Indonesia in the collective effort to achieve the vision of Golden Indonesia 2045, where strong families will serve as the bedrock of a just, advanced, and morally resilient nation.

## E. References

- Ali, A. (2015). Kebijakan Hukum Pengelolaan Sumber Daya Alam Berkelanjutan di Indonesia. *Jurnal Konstitusi*, 12(3), 456-478.
- al-Qaradawi, Y. (1999). *Hukum Zakat*. Litera AntarNusa.
- Asshiddiqie, J. (2005). *Perihal Undang-Undang*. Konstitusi Press.
- Astono, A., & Muyassar, Y. R. (2024). Penerapan Jaringan Sensor Untuk Meminimalisir Kriminalitas Di Kabupaten Kubu Raya: Perspektif Hukum Pidana. *Justitia et Pax*, 40(1), 63-82.
- Astono, A., Muyassar, Y. R., & Wagner, I. (2024). Perempuan Dayak dalam peran menjaga lingkungan hidup perspektif ekofeminisme terhadap hukum lingkungan di Kalimantan Barat (Studi kasus: Kecamatan Sengah Temila, Kabupaten Landak). *Arus Jurnal Sosial dan Humaniora*, 4(1), 8-16.
- Daly, H. E., & Farley, J. (2011). *Ecological Economics: Principles and Applications* (2nd ed.). Island Press.
- Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources.
- Esposito, J. L. (Ed.). (2003). *The Oxford Dictionary of Islam*. Oxford University Press.
- European Commission. (2020). *The European Green Deal*.
- Hazdan, M. F., & Muyassar, Y. R. (2024). Pencegahan Penyalahgunaan Narkoba melalui Pendekatan Maqashidu Syariah di Desa Parit Banjar, Kabupaten Mempawah. *Almufi Jurnal Pengabdian Kepada Masyarakat*, 4(2), 369-376.
- Hourani, A. (1991). *A History of the Arab Peoples*. Warner Books.
- Indonesia. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Indonesia. Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup.
- Indonesia. Undang-Undang Nomor 4 Tahun 2009 tentang Pertambangan Mineral dan Batubara.
- Jimly Asshiddiqie. (2009). *Green Constitution: Menuju Negara Hukum Lingkungan*. Rajawali Pers.
- Jordan, A., & Lenschow, A. (Eds.). (2010). *Environmental Policy Integration: From Process to Practice*. Earthscan.
- Kelsen, H. (2009). *Teori Umum tentang Hukum dan Negara*. Nusa Media.
- Kementerian Lingkungan Hidup dan Kehutanan Republik Indonesia. (2020). *Laporan Status Lingkungan Hidup Indonesia 2020*.
- Kennedy, H. (2004). *The Prophet and the Age of the Caliphates: The Islamic Near East from the 6th to the 11th Century* (2nd ed.). Pearson Longman.
- Khan, M. F. (1994). *Essays in Islamic Economics*. Islamic Foundation.
- M.EC., Muyassar, Y. R., Usman, R., Basmar, E., Arifin, Z., Purwanto, E., & Rohim, M. (2024). *HUKUM PERBANKAN SYARI'AH*. Penerbit Haura Utama.
- Mahfud MD, M. (2010). *Perkembangan Hukum Tata Negara: Studi tentang Krisis dan Konstitusi*. Rajawali Pers.
- Muyassar, Y. R. (2022). The Construction of Religious Court Judges' Decisions in the Case of Joint Assets Based on Islamic Law and Legal Development. *JURNAL CITA HUKUM (Indonesian Law Journal)*, 10, 205.
- Muyassar, Y. R. (2022). The Existence of Marriage Guardians in Islamic Family Law in Tunisia. *International Conference On Education And Technology*, 2(2022), 23.
- Muyassar, Y. R. (2023). *KONSTRUKSI PUTUSAN HAKIM PENGADILAN AGAMA DALAM PERKARA HARTA BERSAMA PERSPEKTIF HUKUM ISLAM DAN PROGRESIVITAS HUKUM*. Pustakapedia

- Muyassar, Y. R. (2023). *PEMBANGUNAN BERKELANJUTAN: TINJAUAN BEBERAPA PILAR*. PT. Putra Pabayo Perkasa.
- Muyassar, Y. R. (2024). "Shibhul Iddah and the Perspective of Gender Justice: A Critical Analysis". *Atlantis Press*, 2(2024), 243-264.
- Muyassar, Y. R. (2024). *Cyber Law and Islamic Family Law: Safeguarding Women's and Children's Rights in the Digital World*. *Arus Jurnal Sosial dan Humaniora*, 4(3), 10. Arden Jaya Publisher.
- Muyassar, Y. R. (2024). *Developing Ethical Marketing for Indonesian Micro, Small and Medium Enterprises (MSME) by Cyber Law Enforcement*. *Atlantis Press*, 2(3), 144.
- Muyassar, Y. R. (2024). *Digital Safeguards: Exploring Women's and Children's Rights in Islamic Family Law and Cyber Law*. *Atlantis Press*, 2(2), 120.
- Muyassar, Y. R. (2024). *Implementasi Islam Washatyyah dalam Pendidikan Karakter untuk Memperkokoh Nilai-Nilai Kebangsaan di Era Digital*. *Almufi Jurnal Pengabdian kepada Masyarakat*, 1(IV), 15. Arden Jaya Publisher.
- Muyassar, Y. R. (2024). *The Role and Efforts of Pontianak City Government*. In [THE INTERNATIONAL CONFERENCE ON THE CHANGING OF LAW] (Vol. 4, No. 2, p. 76). Atlantis Press.
- Muyassar, Y. R. Y. A. S. (2024). *Freedom to learn-Independent Campus (Merdeka Belajar Kampus Merdeka -MBKM) Program in realizing legal-conscious Village*. *HUFS Global Law Review*, 16(1), 146.
- Muyassar, Y. R., Alkadrie, S. M. R. R. M., Dawi, K., & Arabiyyah, S. (2024). *A Study of Fiqh and Positive Law on the Impact of Online Gambling on the Morality of Indonesian Society*. *Arus Jurnal Sosial dan Humaniora*, 4(2), 1123-1134.
- Muyassar, Y. R., Arabiyah, S., Purwanto, P., & Fahmi, F. (2022). *Itsbat marriage: Urgency, problems, and practices, to reach law-aware villages in kubu raya, west kalimantan*. *Jurnal Analisis Hukum*, 5(2), 253-263.
- Muyassar, Y. R., Arrabiyah, S., & Hazdan, M. F. (2024). *Legal Counseling on "Itsbat Marriage" to Increase Community Legal Awareness*. *Bubungan Tinggi: Jurnal Pengabdian Masyarakat*, 6(4), 830-836.
- Muyassar, Y. R., Astono, A., & Kariza, C. I. (2024). *Peran Pengadilan Agama dalam Revitalisasi Kesadaran Hukum Masyarakat di Desa Punggur Besar*. *Arus Jurnal Sosial dan Humaniora*, 4(1), 245-253.
- Muyassar, Y. R., Dawi, K., Alkadrie, S. M. R. R. M., & Arabbiyyah, S. (2024). *Penyuluhan Hukum Terkait Pencegahan Kenakalan Remaja melalui Penguatan Nilai-Nilai Pancasila di SMP Pelita Harapan*. *Almufi Jurnal Pengabdian Kepada Masyarakat*, 4(1), 160-168.
- Muyassar, Y. R., Purwanto, P., Satria, R., Yuliastini, A., & Hazdan, M. F. (2023). *Environmental Jurisprudence and Its Implications for Mining Practices in Ngabang, West Kalimantan*. In *International Conference on "Changing of Law: Business Law, Local Wisdom and Tourism Industry" (ICCLB 2023)* (pp. 1528-1534). Atlantis Press.
- Ostrom, E. (1990). *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge University Press.
- Schlager, E., & Ostrom, E. (1992). *Property-Rights Regimes and Natural Resources: A Conceptual Analysis*. *Land Economics*, 68(3), 249-262.
- Steurer, R. (2018). *Environmental policy integration: concept, trajectory, and achievements*. *Journal of European Public Policy*, 25(9), 1333-1355.
- Sunstein, C. R. (1993). *After the Rights Revolution: Reconceiving the Regulatory State*. Harvard University Press.
- Young, O. R. (2002). *The Institutional Dimensions of Environmental Change: Fit, Interplay, and Scale*. MIT Press.