Fulfillment of the Rights of Children with Disabilities After Their Parents' Divorce

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Abstract
The purpose of this study is to provide an overview of the fulfillment of the rights of children with disabilities after their parents' divorce, in fact children with disabilities in a harmonious family really need the special attention of their parents, so that when both parents divorce, it is necessary to protect and fulfill the rights of children with disabilities from both parents, but currently there are parents who lack self-acceptance of the birth of children with disabilities and make them both divorced, based on the above background regarding the fulfillment of the rights of children with disabilities after the divorce of parents it is interesting to study, this study uses an empirical juridical research methodology using several approaches, namely a qualitative approach, the results of this research is a future concept so that the fulfillment of the rights of children with disabilities is fulfilled after the divorce of their parents.
I. Introduction

Citizens are the highest social unit, citizens are called an important group because citizens are the lowest social base that builds a larger social unit, namely citizens. (Indahni et al., 2023) Citizens are the smallest part of the population. According to their type, citizens are divided into 2, namely citizens who are the smallest basic citizens and large citizens, batih citizens are citizens who consist of core citizens, namely, father, mother and their children. On the other hand, a large citizen is a citizen who consists of the total body of citizens, both from the father’s side and from the mother’s side. As interpreted by PPA, parents are the main part in protecting and caring for children, parents are the main factor in children and have a big role and responsibility for their protection. However, if a child is classified as having special needs (disability) of course he has different characteristics from ordinary children and of course the position that the parents occupy will also be familiar with the child’s situation. (Horas, 2023)

In the 2015 SUPAS results, there were survey results which explained that children with special needs in East Java Province, especially at the age of 10 years and beyond, had a weight score of 9.40 out of the total community. Based on previous research, there are 1.43% of the total community, while from the survey results is known that Kab. Jember, especially people with disabilities, counts 35,065 people. People with disabilities in Kab. Jember is dominated by physical disabilities with 34,296 people (97.83%). According to statistical data from the District Social Service. Jember was found to be the sub-district with the most people with disabilities, Kaliwates with 368 people. (Anggraeni et al., 2022) A marital relationship is a source of support, a safe haven from the stresses and strains of life, if the relationship is going well. However, marital relationships sometimes face challenges, some of which are beyond the jurisdiction of the couple. Typically, children are considered a great blessing for a married couple and the inability to have children can be devastating. While children with special needs are similar in size to normal children, various challenges are also associated with raising children with special needs.

Parents of children with special needs are required to make greater changes to ensure that their children live as normal a life as possible. This research aims to describe the marriage of parents who have children with disabilities as difficult, dysfunctional, and most likely to end in divorce. (Mustary, 2019) Children who face disabilities represent children who must be protected by family, parents and the government, because children with disabilities must obtain their rights, a very important right is the right to receive learning, the provisions require that children must obtain appropriate learning rights. (Afifah & Hadi, 2018) Education is what makes children with disabilities able to create a generation of young people who are more advanced than before. Legal protection for children can be said to be an effort to protect the various independence and basic rights of children. in Decree No. 8 of 2016 Regarding Persons with
Disabilities, the definition of disability is a person who faces physical and psychological limitations for a long time who in interacting with the environment can face obstacles and difficulties in participating.

Child protection in Law Number. 35 of 2014 concerning Child Protection, in Article 1 number 2 explains that child protection is all activities to defend children from their rights so that they can always live, develop, grow and participate in a full way in accordance with human degrees and degrees, and obtain protection from violence and discrimination. However, the peculiarities of children with disabilities do not only affect themselves, but also affect the families of children with disabilities, especially older people. Older people who have children with disabilities will face various problems intellectually or socially because they have children with disabilities. Feelings of shame, companions who are less able to welcome children with disabilities and various aspects that give rise to social problems for older people who have children with disabilities. One of the problems that occurs among older people who have children with disabilities is the problem of separation. (Daroni et al., 2018) In connection with the explanation above, the formation of separation between the parents often results in abandoned children because both parents prefer to take individual paths.

This is also the information presented by the Indonesian Child Protection Commission (hereinafter abbreviated as KPAI) regarding family cluster competitions and substitute care, where throughout 2021 KPAI has received competitions totaling 2,971 problems, the problems complained of include children who are victims of a ban on access to meet. elderly people (492 problems), children victims of problematic parenting or clashes between parents or families (423 problems), children victims of abuse of their right to support (408 problems), children victims of problematic parenting (398 problems) and children victims of deprivation of their right to guidance (306 problems). (Sandy, 2022) Likewise, the information above by KPAI only describes information about separation and cases of abandonment of children who do not have special wishes, so in this case it is very clear that the issue of separation of older people due to having children with disabilities has not been touched upon, as was the case in 2015, in the city of Surabaya where There is a husband and wife who are separated because they have a child with an autistic disability. (Setyawan, 2014)

The separation occurred because the husband felt ashamed of having a child with a disability. Plus, the husband and wife do not get along in looking after the child. They have different ideas about methods or procedures for guiding their children who have special desires, so that after that they also face parenting stress and decide to separate. The Chairman of the Supreme Court, M. Syarifuddin, in the dialogue also explained that the application of separation regulations, especially regarding the payment of child and wife support, was still not efficient; The implementation of the non-cash separation policy makes it easier to pay off part of the ex-husband’s income for the ex-wife’s support and child care assistance. Finally, women and children are vulnerable to being trapped in
deprivation and are even vulnerable to becoming victims of wrongdoing, meanwhile children must obtain legal protection because their existence is very elementary in the rules of a family, community, nation and country. Children are the next generation, the pride of the family, and in a larger sense they are the next generation who will create the dreams of the nation and country. (Hidayah, 2021)

In this regard, legal protection and legal protection for the rights of children born from each marriage, especially guarantees for the maintenance rights of children affected by separation, are very necessary so that children can develop and grow naturally and naturally until they are old or able to stand on their own. The level of handling of child support issues proposed and formalized in the separation issue regulations is still small and not yet efficient (Harvin & Priandhini, 2021), As a result, the results of the study above were responded to by various groups in defense and opposition. Assumptions in a positive way report that there needs to be regulatory and institutional innovation efforts so that legal protection for the rights of children with disabilities after separation can be well secured. Likewise, some others think that the low number of child support issues is not a mistake on the part of the legal tribunal, because the legal tribunal is bound by legal determinations of activity which do not allow the jury to decide on issues other than those prosecuted (ultra petitum principle).

Divorce of parents who have children with disabilities results in a lack of fulfillment of the rights of children with disabilities (Namkung et al., 2015), It is well known that children with disabilities from intact citizens sometimes still need special treatment, in this case the author focuses more on future concepts regarding fulfilling the rights of children with disabilities after their parents divorce.

2. Research Method
This research describes the rights of children with disabilities after parental divorce using a qualitative approach. The qualitative approach is defined as an approach to mastering an event regarding what is felt by points such as perception, behavior, encouragement and other actions in a holistic way with a method of defining it in the form of words and also language. (Purwati, 2020). The location of the research was Jember Regency. The informants in this research are Religious Court Judges, Social Services, parents who have children with special needs (disabilities). The reason is to determine the standard of resource persons based on the experience that parents have in dealing with children with special needs (disabilities). Researchers can obtain the desired research results and then the information on the sources that researchers have.
3. Results and Discussion

Forms of Protection for Children with Disabilities After Their Parents' Divorce

According to the Big Indonesian Dictionary (KBBI), children are trusted and a gift from the Almighty God who have degrees and ranks as whole people. In Law 35 or 2014, the child protection plan consists of several views, including: protection of children's fundamental rights and independence, protection of children in judicial proceedings, protection of children's safety (in the family, learning and social areas), protection of children in cases of arrest and struggle for freedom, protection of children from all forms of exploitation (slavery, child trafficking, night entertainment, pornography, drug trafficking or abuse, using children to commit crimes and the like). Legal protection for children has quite a large scope. (J. Moleong, 2017) Not only child protection, the state also makes provisions regarding children who make mistakes or violate the law which are resolved in the juvenile court law. Number. 11 of 2012 concerning the criminal justice system for children, this aims to ensure that there is legal collateral for children who are involved in criminal matters. (Yuliyanto, 2020)

In various acts and global meetings, it appears that the need for legal protection for children can cover various aspects, namely: protection of children's fundamental rights and independence, protection of children in judicial proceedings, protection of children's safety (in the family, learning and social areas), protection of children in cases of arrest and struggle for freedom, protection of children from all forms of exploitation (slavery, child trafficking, night entertainment, pornography, drug trafficking or abuse, using children to commit crimes and the like), protection of street children, protection children from the consequences of war or armed clashes, protecting children from acts of violence (Nasution & Zen, 2006). From this description, it can be seen that legal creators (DPR and state) have legal policies that are responsive to child protection. Children are placed in a great position as trusted by the Almighty God who has an important position in ensuring the continued existence of this country. Through Law Number. 23 of 2002, guarantees that children's rights are protected, especially when the Indonesian Child Protection Commission (KPAI) was established which has the responsibility to increase the effectiveness of child protection. (Elliza, 2022)

Child protection is an important issue and is considered very important to be pursued due to growing conditions in people’s lives, such as nightlife which is closely related to the economic perspective. Another dilemma that children often experience is violence experienced at home and at school which is related to poverty, social status, religion and customs. Another thing that is also found in the progress of technological development is that children often participate in crime problems, for example child trafficking, children and child pornography. (Said, 2018) Protection of children is carried out in accordance with their needs so that it does not seem
excessive or protection for children is carried out by paying attention to the impact on the environment and the child itself, so that protection of children is carried out in a logical, responsible and useful way which is carried out in an efficient and effective way.

Increasing citizens’ understanding and the State’s responsibility to tackle disabilities has become an important obligation so that every person, regardless of the category and severity of the disability they have, is able to enjoy their very basic rights. Segregation concerns for people with disabilities are a serious problem and require attention from the state (Itasari, 2020). Human rights protection is closely related to legal protection for people, because basically legal protection is an actual stage for strengthening human rights in positive law. In this way, human rights protection is not limited to normative instruments but must also be complemented by institutional methods. Therefore, not only from positive law, human rights must also be protected through legal entities. In terms of providing legal protection for the roles and rights, roles and positions of persons with disabilities, the Government is, among other things, responsible for preventing and distributing accessibility rights. Accessibility for people with disabilities (disabilities) is a very important thing to be realized, it is a form of relief provided for people with disabilities to create equal opportunities in terms of outlook on life and livelihood. (Yuliartini et al., 2021)

Coverage regarding the rights of persons with disabilities is not only complete, detailed and specifically stated in Law Number. 19 of 2011, in the usual way it is also regulated in Articles 41, 42 and 54 of Law Number. 39 of 1999 concerning Human Rights, Since the Law on Persons with Disabilities Number. Law No. 8 of 2016 was passed, citizens then put pressure on the state to quickly issue state regulations (PP) as a subsidiary of Law No. 8 of 2016 concerning Persons with Disabilities. This is because the Law on Persons with Disabilities cannot yet be implemented optimally because the provisions for implementing the Law do not yet exist. Regarding the fact that the implementation provisions (government regulations or PP) for the Disability Law have not yet been ratified, this will of course have consequences, even though the law can still be implemented, special technical conditions and more specific regulations will not be able to be applied, while the activity law continues to operate..(A. Priamsari, 2019) The consequences that subsequently arise as a result of the exhaustion of the executive provisions of the Law on Persons with Disabilities are, the lack of guaranteed legal clarity for persons with disabilities, the inability to enforce the real provisions contained in the interpreted Law article by article, and the birth of laws that could result in individuals to make policies that are not appropriate, resulting in the potential for the rights of persons with disabilities not to be fulfilled, as is regulated in the 2016 Law on Persons with Disabilities..

Furthermore, the rights for persons with disabilities which are regulated
exclusively in Article 5 of the Republic of Indonesia Law Number 8 of 2016, for protection and fulfillment in accordance with the characteristics of the situation and wishes they have, are: the rights of persons with disabilities, the rights of women with disabilities and the rights of children with disabilities, as follows: The rights of persons with disabilities generally include the right to life, the right to be free from stigma, personal rights, the right to equality and legal protection, the right to learning, the right to profession, entrepreneurship and cooperatives, the right to health, political rights, the right faith, sports rights, cultural and tourism rights, social safety rights, accessibility rights, public service rights, protection rights from disasters, habilitation and rehabilitation rights, permit rights, data collection rights, the right to live independently and be involved in society, the right to expression, speak, and obtain data, the right to change location and nationality; and free from acts of discrimination, neglect, abuse and exploitation. (Ni, 2019)

The arrival of a child with a disability status will cause many changes in society, since the child’s birth and will continue in the next stages of development. The obligation of parents at this time is to familiarize themselves with the condition of their children who have special needs (disabilities), children who are no longer a source of pride for their parents, but the children they give birth to become a source of disappointment for their parents because they feel they are different from ordinary children. (Kandel & Merrick, 2007) Parents’ acceptance of the situation of children with disabilities will be reflected in the parents’ routine with their children. The philosophy of parental acceptance-rejection that emerges from Rohner explains that the actions of parents who accept or reject will be expressed physically or verbally. (Lidanial, 2016) As in previous research conducted by Hendriani et al. (Hendriani et al., 2006) proves that community acceptance is related to various aspects: ties or interactions with community organizations; whether there is data regarding the situation of the prospective child; whether there is a description of disability, whether there is readiness to experience the situation of the future child; perceptions of people with disabilities. The majority of parents tend to react in a negative way either emotionally or physiologically to the perception of their child’s disability.

As the results of the author’s interview with a woman with the initials SA who lives in Ambulu District, Jember Regency, said that: (Wawancara bersama saudari SA. Tanggal 17 Juli 2023)

“In the past, my ex-husband and I accepted each other for the presence of our child with a disability, but as time went by we experienced problems regarding our child’s care, this caused us to experience continuous arguments, until in the end we divorced and chose to give our child to cared for by my mother (our
child’s grandmother) and I chose to work in Bali Province and currently I don’t know where my husband is”.

Parents’ negative acceptance of children with special needs (disabilities) results in parents’ divorce, so in this case the author wants to look in detail at the fulfillment of children's rights after parental divorce by conducting interviews with sources who are judges at PA Drs H. Mahdi S., H., M.H. say that: (Wawancara bersama Drs H. Mahdi S.H.)

"The Supreme Court is currently working on the protection of women and children, such as holding a Judicial Discussion on the Rights of Women and Children after Separation on Wednesday 27-28 July 2022 at the Borobudur Inn, Jakarta. is the cooperation of the Supreme Court with the Federal Circuit & Family Court of Australia (FCFCoA). “

In its implementation in the religious court environment, the absolute and relative authority of religious courts becomes an efficient tool for creating access to protection for women's material and non-material rights. The authority of religious courts in resolving matters related to marriage is directly related to the needs of women, especially in cases where marriages end in separation not only have an impact on the rights of women (wives), but also on the rights of children, which sociologically is more important. Lots of people around women. The fact is that currently more legal problems affect women and children than men. Protection of children is attempted to guarantee and protect their rights so that they can live, develop, grow, and participate in the maximum way in accordance with human dignity, and obtain protection from violence and discrimination. (Undang-Undang No. 35 tahun 2014 tentang Perubahan atas UU No. 23 Tahun 2022 & tentang Perlindungan Anak pada Bab I: Ketentuan Umum)

Children's rights should not be neglected, whether in a society where the father and mother are intact, especially in a society where the mother and father are gone. The protection of women’s and children’s rights through Religious Court decisions will be reviewed from the implementation of Perma Number. 3 of 2017, concerning the Principles of Examining women’s problems in conflict with the law. Judges examine women’s problems in relation to the law based on the following guidelines: a) appreciation of human dignity; b) non-discrimination; c) gender equality; d) meeting before the law; e) generality; f) expediency; and g) legal clarity.
The efforts to protect women and children after divorce Drs H. Mahdi S,H.,M.H explained that: (Wawancara bersama Drs H. Mahdi S,H.)

“In creating coverage of equality and harmony of the rights of women and children who are in direct conflict with the law, with these problems the Supreme Court as the body that oversees 4 areas of justice has issued PERMA No. 3 of 2017 concerning Guidelines for Trying Women in Conflict with the Law.”

“Religious courts implemented this Perma after the issuance of SEMA Leaflet Message No. 1 of 2017 regarding the Implementation of the summary of the Results of the 2017 Supreme Court Chamber Plenary Meeting as the basis for the Implementation of Obligations for Courts, which stated that in the application diagram of Perma No. 3 of 2017 to provide legal protection for the rights of Women’s rights after divorce, as well as payment for the consequences of separation, especially iddah, mut’ah and madliyah maintenance, can be included in the decision by saying that they will be paid before the pronouncement of the divorce vow.”

“Not only that, regarding child maintenance after parental divorce is explained in SEMA No. 4 of 2016 concerning the Implementation of the Conclusions of the Results of the 2016 Supreme Court Chamber Plenary Meeting as Principles for Implementing Obligations for the Court. It also explains that religious courts can decide on child support for the father if the child is in custody. in his mother’s care as is also regulated in Article 156 letter (f) KHI”
Based on the explanation above, up to now the Supreme Court has not looked at the rights of children with special needs (disabilities) after their parents divorced, in this case Drs H. Mahdi S,H.,M.H said that: (Wawancara bersama Drs H. Mahdi S,H.)

"Religious Courts are formalistic in nature, where in their implementation the judge ensures the fulfillment of children’s rights after the parents divorce by making court decisions containing the child’s living rights, child health, child education without asking in detail whether the child is normal or has a disability."

Seeing these facts, the researcher carried out an investigation at the Jember Regency Social Service and carried out an interview session where in this session the author obtained data on children with disabilities who had been neglected due to their parents’ divorce. Azis’ explanation as an employee of the Jember Regency Social Service is as follows: (Wawancara bersama Azis)

“There are abandoned children with disabilities due to parents’ divorce in Jember Regency as per data for 2022 -2023” as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Initial Name</th>
<th>Address</th>
<th>Type of Disability</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>IT</td>
<td>Tanggul</td>
<td>Daksa and Intellectuals</td>
</tr>
<tr>
<td></td>
<td>EA</td>
<td>Rambipuji</td>
<td>Intellectual</td>
</tr>
<tr>
<td>2023</td>
<td>VA</td>
<td>Ambulu</td>
<td>Intellectual</td>
</tr>
</tbody>
</table>

Based on this data, Azis and his team responded to the occurrence of neglected children with disabilities, where in this case the Social Service referred to (Wawancara bersama Azis)

“Regulation No. 8 of 2016 is serious about upholding the level and dignity of individuals, arguing that human rights (HAM) are absolute rights that must be possessed by people with special needs (disabilities). The implementation of the rights that must be received by people with special needs (disabilities) is not yet optimal, this is due to the absence of binding regional regulations. However, Kab. Jember is currently one of the regions that has regional regulations that accommodate the special needs of people with disabilities, this is stated in Regional Regulation No. 7 of 2016. The presence of this regional regulation is expected to provide protection for people with special needs (disabilities) and
become one of the efforts to provide protection from vulnerabilities or various matters of discrimination and human rights violations”

“Regarding the protection of abandoned children with disabilities, the Jember Regency Social Service has been waiting for reports from residents, so when there are reports from residents, the Jember Regency Social Service creates a special unit team to care for these children. So far, the Jember Regency Social Service has sent abandoned and disabled children with disabilities at the “Ikas Ummul Mahmudatul Azhar Orphanage, Jombang Regency”, apart from sending children with disabilities to the Social Service, for children with disabilities who are cared for by their grandmothers, the Social Services Service provides financial assistance, this aims to ensure that the child’s grandmother does not feel burdened”

Future Concepts to Fulfill the Rights of Children with Disabilities After the Divorce of Their Parents.

From the review in the previous subsection, we can all know that the separation of parents who have children with special needs has a negative impact on children with special needs, especially in their education. Therefore, it is necessary to find solutions and alternative actions so that the separation can be avoided. If it has occurred, how can the negative consequences of the separation be minimized? One substitute for taking action is by distributing community guidance to parents. Community guidance or family therapy is an encouragement effort given to individual community members through a community system (improving community communication) so that their abilities can grow optimally, as a result they can overcome problems based on sincerity and love for the community.(Novita, 2015) In research conducted by Novita in 2015, community guidance was implemented to overcome separation problems that occurred in the Consultation Bureau and family guidance carried out at Al-Falah Surabaya. The strategy used in providing guidance to people who have problems is by observing, viewing and defining problems, sharing thoughts, advising, providing alternative solutions, providing guidance, providing encouragement, independence, exploring other data, and providing solutions based on the Al-Quran and Sunnah.

Law enforcement in a country is closely related to the legal system of that country.(Windari, 2011) Furthermore, according to Lawrence Meir Friedman, the legal system consists of: Legal Structure (including the form of law enforcement institutions) regarding the protection of children with disabilities after the separation of their parents. parents of children with disabilities, the judge in this case provides a
form of legal protection in the decision product, this refers to SEMA No. 4 of 2016 concerning the Implementation of the Formulation of the Results of the 2016 Supreme Court Chamber Plenary Meeting as the Principle of Implementing Obligations for Courts and determines that religious courts can decide the maintenance of a child from his father. Legal Substance (regulations and norms, both living law and statutory provisions) provisions regarding the protection of children with disabilities refer to the 1945 Basic Law, Law No. 8 of 2016 concerning Persons with Disabilities. It is said that the majority of persons with disabilities in Indonesia live in a situation of vulnerability, mental retardation, and or poor, this is due to the existence of barriers, constraints, difficulties, and reduction or elimination of the rights of persons with disabilities.

Therefore, policies are needed that provide sufficient accessibility so that people with disabilities receive harmony, opportunities, including protection from intimate violence. (Sodiqin, 2021) Not only these provisions, the basic regulations outlined in the 1945 Constitution clearly guarantee people with disabilities. At least in Article 28H paragraph (2) of the 1945 Constitution, it is stated that every person has the right to receive relief and special treatment to obtain the same opportunities and benefits to achieve equality and equality. Apart from this law, there is also SEMA No. 4 of 2016 concerning the Implementation of Formulations. The results of the 2016 Supreme Court Chamber Plenary Meeting as Principles for Implementing Obligations for Courts and explain that religious courts can decide on child support for their father. (Dwintari, 2018) Legal Culture (people's actions towards the law, values, views and dreams). After the issuance of a legal product in the form of a Religious Court ruling containing children’s rights that must be complied with by the father or mother of a child with a disability, it seems that this product has not been implemented optimally to date, such as referring to the principles for the protection of women and children issued by the Research Center and the Legal and Judicial Development of the MA-RI Kumdil Education and Training Research and Development Agency which reported that there were obstacles to the execution of provisions on child support rights and so on: (Irawan, 2019)

a) The respondent’s negligence in implementing the court's order. Child support provisions are generally accompanied by provisions on the right to guide children. When the right to guide children is handed over to the ex-wife, the support for children who are still underage is also handed over to the ex-wife. The ex-husband, who does not have good intentions, fulfills his obligation to share the child’s maintenance because he believes that the wife, who has the right to guide the child, is obliged to fulfill the responsibility of providing for the child.

b) The Respondent does not have a permanent income or does not have sufficient assets to execute, due to limited economic conditions.
c) The budget for implementing the execution by the court does not match the subject to be executed. The amount of maintenance imposed on the respondent is smaller than the budget that must be spent for the execution process.

d) There is no determination of punishment for the party who defaults. The absence of punishment for respondents who do not pay child support creates legal uncertainty regarding the protection and fulfillment of children's support rights.

e) There are no regulations that ensure the implementation of maintenance payments by respondents who do not implement court decisions. In several cases, the ruling states that child support payments are made through deductions from the respondent's rights at his place of work. As with wife's maintenance, the absence of a systematic standard mechanism for cooperation with third parties and monitoring mechanisms means that its implementation is ineffective in guaranteeing children's maintenance rights. Meanwhile, parents who neglect their role towards their children can be subject to supervisory action or their powers of custody can be revoked.

Looking at the explanation above, the fulfillment of the rights of children with disabilities can be carried out by Religious Court judges by knowing in depth the ownership of children, whether normal or disabled. If a husband and wife have normal personalities but have a child with disabilities, then the judge can see what is wrong. one parent who is deemed worthy of being able to care for the child well, apart from that, if the judge sees that both parents of the child who have special needs, are parents who also have special needs (disabled) or are deemed unable to care for the child themselves, then the Religious Courts can collaborate with the Social Services to report the whereabouts of children with disabilities in view of how vulnerable the children are to being abandoned by their parents, so that in this case the Religious Courts and the Social Services can build cooperation so that children with disabilities have their rights fulfilled. after his parents' divorce.

The purpose of strengthening the law in the core concept is to harmonize the bonds of values described in sound principles in order to create, maintain and maintain peaceful social life, as well as in promoting children's rights through guarantees for the protection of children themselves, it is very necessary to have harmony, in the roots of the legislation with law enforcers as well as citizens' understanding in implementing these provisions. (Windari, 2011) In order to make it easier to explain the explanation so that it can be observed in the layout of the Working Form of the Legal System and so on:
4. Conclusion

Based on the explanation of the discussion above, the conclusions that can be given are as follows:

a) Until now there is still no binding regulation regarding the fulfillment of the rights of children with disabilities after their parents' divorce, there have been several cases of abandonment of children with disabilities after divorce in Jember Regency, but up to now the Social Service in handling children with disabilities has the neglected ones are still waiting for reports from residents, so technically the rights of children with disabilities have not been fully fulfilled.

b) Solutions and alternatives so that the negative impact of divorce on parents who have children with disabilities can be minimized by providing community counseling to parents. Another alternative is collaboration between the Religious Courts and the local Social Service to provide each other with data regarding residents who have children with disabilities and are vulnerable to being abandoned, so in this case the Social Service does not need to wait for reports from residents to take action to rescue children with disabilities from parental neglect.

Fulfillment of children’s rights in the Religious Courts so that they are not only stated in decisions, but the Religious Courts can take definite steps such as the Religious Courts Social Services for Children with Disabilities who are vulnerable to being abandoned by their parents. Fulfillment of the Rights of Children with Disabilities who are abandoned by both parents Post Divorce means collaborating with the Social Service to prevent abandonment of
children with disabilities after parental divorce, considering that the Religious Courts are the first door institution for divorce between parents who have children with disabilities.

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