

THE REALITY OF DIVORCED WOMEN AS SINGLE PARENTS: A LEGAL REVIEW OF NAFAQAH AND CHILDREN IN PULO VILLAGE, BANTEN PROVINCE

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Abstract

Single-parent families are generally more common among women in society. This is mainly due to divorce. The topic of this study is a legal review of the reality of divorced women about alimony and child custody, with a focus on single mothers due to divorce. The purpose of this research is to analyse and understand alimony and child custody as realities experienced by women as single parents. This research is a legal-sociological study, examining the issue from a legal perspective while incorporating a non-legal approach that considers social factors. Using a qualitative research approach, data is presented in the form of descriptions and interpretations of what was found in the field; presented in the form of descriptions and analyses (Descriptive Analytical) rather than numbers. Data collection was conducted through in-depth interviews, where informants shared their experiences without having to answer written questions, allowing them to recount experiences that may have been unpleasant or traumatic. The discussion states that women who become single parents in a family also play a role in supporting their children financially due to divorce. Some single mothers are even assisted by their extended families to help their children. According to the Marriage Law and the Compilation of Islamic Law, even if the father and mother divorce, the father is not exempt from his responsibility to provide financial support, even if the child does not live with him.

Keywords: *Childcare, Nafaqah, Single Parent*

A. INTRODUCTION

Marriage between a man and a woman is intended as an effort to maintain self-respect so that they do not fall into forbidden acts, to preserve the continuity of healthy human/offspring (hifz an nasl) life, to establish a home life filled with love between husband and wife, and to help each other for the mutual benefit.¹

A complete family usually consists of a father, mother, and children. Both parents act as parents to their children. However, in real life, a family often has only one parent. This situation can be described as a single-parent household. In Indonesia, the number of single parents is higher among single mothers than single fathers. This is evidenced by the percentage of single mothers at 14.84%, which is significantly higher than the percentage of single fathers at 4.05%. Data from the Central Statistics Agency (BPS) shows that 11,168,460 (5.8%) of Indonesians are widowed, while 2,786,460 (1.4%) are widowed, out of a total population of 191,709,144. Data from the Central Statistics Agency (BPS) shows that 12.72% of household heads were female in 2022. This percentage decreased by 1.66 percentage points compared to the previous year's 14.38%. Examining the trend, the rate of female-headed households has increased from 2012 to 2020.²

A *single parent* is often portrayed as a resilient woman. This is because she shoulders all household needs alone, without the assistance of a husband. In this position, she is required to play a dual role, from managing household needs, being responsible for the care and education of children, to serving as the head and breadwinner of the family. Her role as a mother further underscores the challenges of being a *single parent*. The task of caring for, especially young children (toddlers), raising, and educating children falls solely on her. In reality, most *single parenting* occurs due to divorce, even though Marriage Law Number 1 of 1974 stipulates that three causes of marital dissolution, besides divorce, are death and court decisions.³

Being a single parent is a common occurrence in society, where the existence of single parents, or what is commonly referred to as a single-parent household, is a prevalent reality. They raise their children alone without the assistance of a partner, whether husband or wife. This status seems complicated in a society that still looks down on them, not to mention the negative stigma they face from their environment.⁴

A family is essentially a group of people united by the bonds of marriage and love. A family is a unit of people who interact and communicate, creating social roles for husband, wife, and children. The nuclear family consists of a father, a mother, and children. The family is the smallest and most fundamental social institution in society. The process of self-identification and initial socialization occurs within the family.

¹ Prabanita Sundari, "Family Psychology in the Context of Single Parents," *Khazanah Multidisiplin* 4, no. 1 (2023): 109–28.

² Isnenda Cendekiarti; Tamrin Bangsu; Desy Afrita, "Obstacles for Single Mothers in Meeting Family Economic Needs in RT 02, Kampung Bali Subdistrict, Bengkulu City," *Reslaj: Religion Education Social Laa Roiba Journal* 6, no. 10 (2024): 2266–82.

³ Dewi Sulistyarningsih, "Children's Education in Single-Parent Female Families," *Spectrum of Education Policy Analysis* 9, no. 2 (2021): 110–19.

⁴ Like Gusmira, "The Role of Mothers as Single Parents in Families in Kopah Village, Kuantan Tengah District, Kuantan Singungi Regency," *JOM FISIP* 6, no. 1–15 (2019): 7,

Through this socialization process within the family, a person is equipped to interact and socialize with the larger social institution, society. The formation of a family through marriage inevitably entails roles that must be fulfilled by its members, giving rise to new functions within the family.

The phenomenon of single parents is common in society, where they raise and care for their children alone without the help of their partners, especially if the person experiencing this is a woman. This is certainly not easy to go through, because in society, women who are not married are still looked down on. Additionally, physical and psychological maturity are primary factors necessary for a woman's success as a single parent in raising her child. A single-parent family is a family consisting of a single parent, either a father or a mother, due to divorce or the death of a parent. Single parenthood can also occur when a child is born without a legal marriage bond, and their care becomes the responsibility of that parent. Several factors influence single-parent status. These factors include: a. Divorce, b. Death, c. Adoptive parents. Parents living apart / not yet divorced.⁵

Being a single parent, especially for a mother, certainly presents its challenges. She and her children must meet the ever-increasing needs of life, navigating this without a single head of the family. The family faces numerous obstacles, with the mother responsible for all household responsibilities. She fulfills these needs, including daily living expenses, the children's needs, and other needs. One of the family's challenging functions is the economic function. This economic function is crucial for family strength. Meeting daily and other needs begin with the monetary function. Single parents, especially women who have experienced divorce, will seek any job to meet their financial needs. ⁶Single parents are individuals who perform dual roles, acting as both a father and a mother, and thus must shoulder the responsibilities of two people alone.⁷

Being a single parent, especially for women, undoubtedly presents a significant burden. After separating from a partner, women experience various changes in their lifestyle. Some common feelings after a separation include profound sadness. Following a divorce, a person may experience negative emotions such as a loss of trust, anger, and ultimately, a sense of hopelessness. Furthermore, women can experience psychological impacts from divorce, including feelings of shame, guilt, loneliness, low self-esteem, helplessness, regret, and anxiety.⁸

⁵ Havizathul Hanim, "The Role of Single Parent Women in Fulfilling Economic Functions in the Family. Case Study: Single Parent Women Working at Tosyma Reflexology Massage, South Jakarta," *Journal of Science and Culture* 41, no. 60 (2018): 7081–7100.

⁶ Hanim.

⁷ Sumiyatun Sumiyatun and Achmad Muhibbin, "The Independence of Single Parent Women in Educating Children (Case Study in Pakang Village, Andong, Boyolali)," *Journal of Social Science Education* 25, no. 1 (2015): 73–79.

⁸ Indah and Siti Nurmaidah, "The Meaningfulness of Single Parent Women's Lives in Society (A Phenomenological Study of Single Parent Women in the Jenggawah Area, Jember Regency)," *Al-Tatwir Journal* 9, no. 1 (2022): 69–84.

B. RESEARCH METHODS

This type of research is *Juridical-Sociological/Socio-Legal Research*, where the problem is reviewed from a legal perspective, accompanied by a non-legal approach that includes social factors, but still within the limits of legal review. The writing continues to discuss legal norms and incorporates non-legal scientific studies. The method employed in this writing utilizes a qualitative approach, where data are presented in the form of descriptions and interpretations of findings gathered in the field. Data is processed and presented in the form of descriptions and analysis (Analytical Descriptive), conveyed through statements rather than numbers. The resulting data obtained from the location are in the form of words or spoken by people (in this case, informants), who are trusted. The Data Collection Technique is conducted by conducting Interviews (*Deep Interviews*), where informants are allowed to tell stories, without having to answer a series of written questions, because it is not easy for informants to tell their unpleasant experiences. The results of the interviews are primary legal data in this study, while secondary legal data includes literature studies by examining various literature related to reviews of Marriage and Divorce; Legislation related to Marriage, namely Law Number 1 of 1974 concerning Marriage, and the Compilation of Islamic Law (KHI) which discusses Divorce, the Position of Husband and Wife, Joint Property, Maintenance, and Child Custody; Studies on the Position of Men and Women after Divorce; Scientific Journals; Books that discuss the issue of Marriage, Divorce, the Rights of Men and Women after Divorce; including reviewing various articles and writings regarding divorced women and their position as single parents.

C. RESULTS AND DISCUSSION

1. Overview of the Reality of *Single Parent Conditions*

The definition of the word “*Single*” means one or alone, and the word “*parent*” means a single parent (in the form of). A single parent is defined as a family consisting of only one parent, either the father or the mother, resulting from divorce and/or the death of a parent. *Single parenting* can also occur in the condition of a child being born to a married couple without a legal marriage bond, and their care and upbringing are usually the responsibility of the mother. In general, the family that we commonly know consists of a father, a mother, and children. Fathers and mothers act as parents for their children. However, in real life, we often encounter families where one of the parents is no longer present. This situation gives rise to what is known as a single-parent family. A single parent is a parent who has been widowed, whether the father or mother, who bears the responsibility and role of raising children, whether due to the death of their partner, divorce, or the birth of a child out of wedlock. Based on the various definitions above, it can be stated that a *single-parent family is a family consisting of only one parent, who raises their children alone without the presence, support, or responsibility of their partner, and lives with their children in one household.*⁹

⁹ St. Fatimah Tola and Nurdin Nurdin, “Strategies for Meeting the Living Needs of Single Parents,” *Equilibrium: Journal of Education* 3, no. 1 (2017): 38–46.

The struggles of a *single parent* are significant, and they often serve as the primary support for their family. A mother must struggle to support her family, from meeting daily household needs to paying for her children's education. All of this is done tirelessly and without complaint, because a *single mother* does not want her children to be neglected and despair because they do not have a father. *Single mothers* are also required to be good at managing their time, fulfilling their role as fathers while simultaneously not abandoning their role as mothers. Their role as fathers is as leaders for their families. Independence in making decisions and establishing policies for their families. Additionally, as a single mother, she is also responsible for supporting her family's livelihood. However, her role as a mother should not be neglected. Even while working, a *single mother* must still care for and oversee what happens at home. Preparing her children for independence, providing understanding gradually according to their age, and showering affection are key to their success. This is done because it is recognized that after a divorce, children will experience psychological impacts due to the loss of one of their parental figures, which will affect their behavior at home, school, and in the community. Therefore, a single mother needs to foster self-confidence and instill a sense of security and comfort in her children, as these priorities determine the effectiveness of her role.¹⁰

Being a *single parent* is certainly not easy, as one must simultaneously fulfill two roles: on the one hand, be responsible for properly caring for and raising a family, and on the other, earn a living for their family. This dual role sometimes impacts a mother's work responsibilities and concentration within the household. As a result, *single parents* sometimes experience internal conflict due to the conflict between their public sector responsibilities and the task of supporting their family. Furthermore, single parenthood is often negatively perceived by society. The societal stigma is that children with this condition will be challenging to manage, usually have problems, and are considered children from dysfunctional families. Being a *single parent* carries significant responsibilities and consequences. A *single mother* must be responsible for her family, especially her children, who still need someone capable of providing for their needs, such as financial support, because the absence of a father can weaken the family's economic standing.¹¹

In general, a *single mother* also plays a role in controlling and supervising her children's religious observances. Some *single mothers* stated that they constantly remind their children of the obligation to perform religious observances. The seriousness of the importance of socializing religious norms to their children is a responsibility that single mothers indeed assume. Sometimes, sanctions are imposed, such as scolding or hitting their children, if they observe their children deliberately abandoning religious observances, for example, in the case of prayer. Another indicator that provides a picture of responsibility for socialization in *single-parent families* is through holding discussions within the family, building communication between

¹⁰ Sucey Primayuni, "The Living Conditions of Single Parent Women," *SCHOULID: Indonesian Journal of School Counseling* 3, no. 1 (2018): 17.

¹¹ Sulistyarningsih, "Children's Education in Single Parent Female Families."

children and parents, in this case, the mother, in resolving problems that sometimes arise in the family. This is because parents are considered capable of guiding and demonstrating attitudes to their children. The function of the family is directed at equality and togetherness. Each family member is guided to live in harmony with the others. Likewise, a child must be involved in every problem-solving within the family. As an individual, he is allowed to express his ideas, thoughts, and suggestions. The goal is to create wholeness and happiness within the family.¹² The primary function of affection in the family is to protect parents for their children. Parents provide economic and physical protection for their children from infancy until they are considered fully capable of living in society. Children's lives will feel comfortable when their parents are present in every aspect of their lives, even if only in a limited capacity.¹³

Single female parents must also provide the foundation for moral education within the family by instilling moral values in their children. Instilling moral values is crucial to equip children to interact with society, ensuring they grow up well and are not easily influenced by their surroundings. Social education within *single-parent families* also involves instilling values of politeness, including good behavior and adherence to societal standards of good and evil. Social education is provided through interaction and communication between parents and children. Furthermore, religious education within *single-parent families* also involves instilling in children the practice of prayer, reciting the Quran for Muslims, and other forms of worship.¹⁴

Likewise, there is a Protective Function, which addresses all the practical physical needs of children, such as childcare and other essential services. This protective function includes physical, economic, and psychological protection. This protective function encompasses everything, including how parents control and supervise the activities carried out by children both inside and outside the home. This function also includes caring for children, encompassing their cleanliness, tidiness, and daily activities, as well as protecting them from fear and insecurity. Protection against insecurity can begin with providing calming advice by mothers in place of, or the absence of, or in the event of a loss of advice that fathers should give. The provision of advice must also involve instilling good character and norms, as well as promoting good values in society. The advice given by mothers to their children is reflected in the intensity of daily routines.¹⁵

Similarly, in terms of economic function, the status of a single mother and head of the family requires a woman to act as the breadwinner and decision-maker within the family. Research has also found that adolescent and adult children, as well as other family members, participate in supporting the single mother's finances, fostering a sense of mutual understanding. The children share in their mother's struggle to earn a living and cover the family's living expenses.¹⁶

¹² Tola and Nurdin, "Strategies for Meeting the Living Needs of Single Parents."

¹³ Tola and Nurdin.

¹⁴ Sulistyarningsih, "Children's Education in Single Parent Female Families."

¹⁵ Tola and Nurdin, "Strategies for Meeting the Living Needs of Single Parents."

¹⁶ Tola and Nurdin.

Women who are single parents will often become the head of the household. In addition to the demands of balancing work and family, single women face greater challenges in meeting their families' needs due to economic factors. As single parents, they bear a heavier burden because they shoulder it alone. On the one hand, they must provide for their family's needs, while on the other hand, they must also care for and educate their children.¹⁷ It is not easy for single parents to live their lives after the loss of a family member, namely a husband, because everything must be borne alone.¹⁸ Several factors cause a woman to become a single parent, a mother, such as divorce due to the death of a husband, polygamy, and domestic violence, which make them unable to maintain their household, resulting in divorce, which gives rise to many single-parent mothers. This allows them to adapt to new circumstances and continue to thrive for the sake of their children.¹⁹ The passage of time makes them accustomed to the conditions they are experiencing.

A *single mother* also implements several methods in the educational process for her children, providing advice and role models, as well as offering supervision, rewards, and punishments. Advice is given to instill good values in children, while role models are set with the hope that children will emulate the good behavior exemplified by their parents. Role models have a significant influence on children's education, as children tend to imitate the behavior of those they respect, including their parents and other influential figures. Children who are given good role models will increasingly admire their parents, and this will influence the identification of goodness in character development.²⁰

In social life, people often hold different views about single parents. This is also true within the extended family of a *single-parent mother*, who comes from her family environment and her children. *Single parents* are required to provide understanding, be more patient, and be more resilient in dealing with family problems. *Single parents* will usually feel more stressed than families with intact parents, which can affect their character and parenting style towards their children. However, with maturity and character improvement, they can become ideal mothers for their children. A *single parent mother* must also have the independence in the soul needed to carry out her dual roles in the household such as cooking, washing dishes and clothes, cleaning the house, preparing food for the family, caring for, raising and educating her children while playing a role in the public sector, namely by earning a living for her family and socially, namely socializing with the community. The balance of roles in the household and public must be achieved with extra effort through patience, knowledge, and consistency in their execution.²¹

¹⁷ Iis Maharani Pratama Marpaung, "Single Parent Women in Family Institutions in Koto Tandun Village, Tandun District, Rokan Hulu Regency," *JOM FISIP* 8, no. 2 (2021): 1–13.

¹⁸ Ibnu Rauf, Jetty ET Mawara, and Titiek Mulianti, "The Role of Mothers as Single Parents in Families in Gotowasi Village, South Maba District, East Halmahera Regency," *Jurnal Holistik* 16, no. 3 (2023): 1–15.

¹⁹ Dewi Nurul Hardiani, "Adaptation Strategy of Single Parents-Mothers-in Fulfillment of Family Requirements (Case Study in Bukit Gajah Village District of Ukui Pelalawan Regency)," *JOM FISIP* 05, no. 01 (2018): 1–14.

²⁰ Sulistyaningsih, "Children's Education in Single Parent Female Families."

²¹ Primayuni, "Living Conditions of Single Parent Women."

As a *single parent* working to earn a living, she must consider many factors, starting from the source of income and the nominal amount that is relatively appropriate to meet her needs, as well as the efficient use of time and energy, so that she can still fulfill her primary duties as a single mother without neglecting her household responsibilities. A *single-parent mother* is required to adapt to her status and continue her life, even without a husband, while earning a living for the family and balancing her roles in both the domestic and public spheres. Each of these must be implemented with her way and strategy in living life as a *single parent woman*, because the success of a *single parent woman* in educating and supporting her children depends significantly on how she applies the method in balancing roles, both time and energy and how she interacts in society, so that good relationships can be established and not be ridiculed.²²

Among the challenges faced by single parents, stress is the most significant.²³ This is because *single parents* are expected to assume significant responsibilities, including financial preparation, managing all household needs, and caring for their children. Prolonged stress, if unmanaged, can have negative consequences. The negative cognitive impacts of stress manifest themselves in symptoms such as difficulty concentrating. Psychologically, stress can lead to increased anxiety, increased defense mechanisms, and increased anxiety, difficulty sleeping or restless sleep, and feelings of sadness.

Psychological conditions, including feelings of grief over loss, workload, life's burdens, the burden of raising children, and lack of family support, can also lead to emotional exhaustion. Single parents generally feel anxious about the future, as things will no longer go as they had planned with their partner. Issues they face include financial difficulties, housing issues, loneliness due to not finding someone to share the burden, decisions and responsibilities regarding children, and tension about how friends and relatives will react to their handling of living alone.²⁴

That women who their husbands leave, whether they are divorced or their husbands have died, generally have very complex problems, including receiving negative assessments from society when they decide to remarry, even receiving negative assessments from society when leaving the house/traveling or when answering the phone, symptoms of feeling lonely, difficulties in carrying out/carrying out duties as head of the household, taking care of children, and meeting the economic needs of the family.²⁵

2. Legal Review of Support and Child Care

a. Overview of Livelihood

²² Primayuni.

²³ Dulce Elda Ximenes Dos Reis, Endang Retno Surjaningrum, and Ike Herdiana, "Analysis of Stress Coping Strategies in Single Mothers after Husbands Leave: Systematic Literature Review," *Journal of Education, Humanities and Social Sciences (JEHSS)* 3, no. 3 (2021): 1378–88.

²⁴ Era Rahmah Novie Ahsyari, "Emotional Exhaustion and Coping Strategies in Single Parent Women (Case Study of Single Parents in Paser Regency)," *Psikoborneo: Jurnal Ilmiah Psikologi* 2, no. 3 (2014): 170–76.

²⁵ Ximenes Dos Reis, Surjaningrum, and Herdiana, "Analysis of Stress Coping Strategies in Single Mothers after Husbands Leave: Systematic Literature Review."

Single-parent families require them to balance their income with their daily needs. A *single mother* is expected to fulfill her role alone without a partner, working in the public sector and becoming the primary breadwinner for her children, and perhaps even her parents, as this allows them to survive with their family and children. Financial planning involves setting aside a portion of their income for savings, which can later be used to cover their children's educational needs or other urgent needs.²⁶

However, it is essential to note that a single mother is entitled to joint property, which is regulated by law and is permitted. The Marriage Law defines joint property as property acquired by a husband and wife during their marriage. The marriage in question is valid. Valid marriages after 1974 are regulated by Law Number 1 of 1974 concerning Marriage. Joint property belongs to the husband and wife jointly, even if only the husband or wife works. Regarding when joint property is formed, it is determined according to each party's sense of justice; however, in general, it is determined based on fairness, rather than time.²⁷

The concept and term "gono-gini" is taken from Javanese tradition as "a child who has only two siblings, a boy and a girl (from one father and one mother)". The term "gana-gini" was then developed as a concept about the union between a man and a woman in the bonds of marriage.²⁸

According to Erna Wahyuningsih and Putu Samawati, the way to obtain joint assets is as follows: (1). The division of joint assets can be submitted at the same time as filing for divorce by stating the joint assets and evidence that the assets were obtained during the marriage in the "*posita*" (reason for filing the lawsuit). The request for division of assets is stated in the *petitum* (lawsuit), (2). The division of joint assets is typically addressed after the divorce decision, which involves filing a lawsuit to determine the ownership of joint assets. For those who are Muslim, the lawsuit for joint assets is submitted to the religious court in the area where the wife lives. For non-Muslims, the lawsuit for division of joint assets is submitted to the district court where the respondent lives.²⁹

Provisions regarding marital property are also contained in the Compilation of Islamic Law. Article 96 and Article 97 of the Compilation of Islamic Law state that: "1) If a divorce occurs due to death, then half of the joint property becomes the right of the surviving spouse; 2). The distribution of joint property for a husband or wife whose wife or husband is missing must be postponed until there is certainty of his or her actual death or legal death based on a religious court decision." Article 97 reads: "A widow or widower who is divorced is entitled to half of the joint property as long as it is not stipulated otherwise in the marriage agreement. The articles above emphasize that, in the event of divorce or death, each of the surviving spouses (the

²⁶ Primayuni, "Living Conditions of Single Parent Women."

²⁷ Bernadus Nagara, "Division of Joint Assets or Joint Property after Divorce according to Law Number 1 of 1974," *Lex Crimen* 5, no. 7 (2016): 51–57.

²⁸ Etty Rochaeati, "Legal Analysis of Joint Property (Gono Gini) in Marriage According to Islamic Law and Positive Law," *Jurnal Wawasan Yuridika* 28, no. 1 (2013): 650–61.

²⁹ Nagara, "Division of Joint Assets or Joint Property after Divorce according to Law Number 1 of 1974."

survivor) is entitled to receive half of the joint property. It does not take into account who works, and in whose name the joint property is registered. As long as the property was acquired during the marriage by Article 35 and Article 36 of the Marriage Law, then the property obtained is joint, and is divided equally between husband and wife.³⁰

The provisions in the Marriage Law also stipulate that if the husband wishes to use joint assets, he must obtain the wife's permission. Likewise, the wife must obtain her husband's consent if she wishes to use joint assets. Article 36, paragraph (1) of the Marriage Law states: "Regarding joint assets, a husband or wife may act with the consent of both parties." If the use of joint assets does not receive the consent of one of the two parties, the action is considered unlawful because it is a criminal act that can be prosecuted. The basis is in the Compilation of Islamic Law, Article 92, which states that: "A husband or wife without the consent of the other party is not permitted to sell or transfer joint assets." Husbands/wives are also permitted to use joint assets as collateral, provided they receive the consent of one of the parties. Regarding this matter, Article 91 paragraph (4) of the Compilation of Islamic Law stipulates that: "Joint assets may be used as collateral by one party with the consent of the other party."³¹

Likewise, the legal provisions of joint property related to debt, Article 93 of the Compilation of Islamic Law paragraph (1) states that: "Their respective assets bear responsibility for the debts of a husband or wife". The meaning of the above article is that debts that are specifically owned by the husband/wife are the responsibility of each husband/wife. For example, if one of them has a debt before they get married, then the debt is considered their responsibility. This provision does not apply, if it turns out that the debt is related to family interests, this is regulated in Article 93 of the Compilation of Islamic Law paragraph (2) which states that: "Responsibility for debts incurred for the benefit of the family, is borne by the husband's assets" The Compilation of Islamic Law regulates joint property in polygamous marriages. Article 94 paragraph (1) states: "Joint property from a marriage where a husband has more than one wife, each of whom is separate and independent."³²

Based on KHI Article 149, it is stated that as a result of the dissolution of a marriage due to divorce, the husband is obliged to: a. Give appropriate *mut'ah* to his ex-wife, whether in the form of money or objects, unless the ex-wife is *Qabla ad dukhul*. b. Providing living, *maskan* (residence), and *kiswah* (clothing) to the ex-wife during the *iddah* period, unless the ex-wife has been given a divorce or *nusyuz* and is not pregnant. c. Pay off the dowry that is still owed in full, or half if *qabla ad dukhul*. d. Providing *hadhanah* costs for children who have not yet reached the age of 21 years.

The legal consequences of a marriage breaking up due to divorce are also regulated in Article 41 of Law Number 1 of 1974 which contains provisions that: a.

³⁰ Country.

³¹ Rochaeti, "Legal Analysis of Joint Property (Gono Gini) in Marriage According to Islamic Law and Positive Law."

³² Rochaeti.

Both the mother and father are obliged to care for and educate the children, solely based on the interests of the children, if there is a dispute regarding control of the children, the court will make its decision. b. The father is responsible for all costs of care and education required by the child; if the father, in reality, cannot fulfill these obligations, the court can determine that the mother bears these costs. c. The court can require the ex-husband to provide living expenses and/or determine an obligation for the ex-wife.

b. Overview of Child Care

Child care in Arabic is called "*hadhanah*." *Hadhanah* according to the language means "placing something near the ribs or in the lap", because it is likened to a mother when breastfeeding her child placing the child in her lap, as if a mother at that time was protecting and nurturing her child, so that "*hadhanah*" is used as a term which means: "the education and care of a child from birth until he can stand up on his own to take care of himself is carried out by the child's relatives". According to Sayyid Sabiq, *Hadhanah* is taking care of young children, whether male or female, or who are grown but not yet in the household, without orders from them, providing something that makes them good, protecting them from anything that damages their body, spirit and mind so that they can stand alone in facing life and can take responsibility when they are adults. *In civil law*, *Hadhanah* is usually referred to as care or guardianship. The right to custody or guardianship is a child's right from the parents and is also the parents' obligation towards the child. Article 45, paragraph (1) and paragraph (2) of the Marriage Law contain an imperative provision that both parents are obliged to care for and educate their children as well as possible. This obligation remains in effect until the child is married or can support themselves.³³

One of the obstacles faced by single parents in educating their young children is economic hardship, and children frequently ask about their father and child custody.³⁴ Fulfilling children's educational rights in single-parent families is a crucial issue. Education is key to opening up opportunities for a better future for children. However, single parents often face obstacles in financing their children's education. Furthermore, limited time to accompany their children's learning and provide academic guidance is also a challenge.³⁵ Parenting style is the attitude parents exhibit toward their children. This attitude can be observed in various ways, including how parents regulate their children, how they reward and discipline them, how they demonstrate authority, how they provide attention, and how they respond to their children's needs and desires. Therefore, parenting style refers to the manner in which parents educate their children, both directly and indirectly.³⁶ This parenting style is typically implemented by both fathers and mothers, in this case, as a husband

³³ Irfan Islami and Aini Sahara, "Legality of Custody Rights of Minor Children (*Hadhanah*) to Fathers Post-Divorce," *ADIL: Jurnal Hukum* 10, no. 1 (2019): 181–94.

³⁴ MY Ramadhana, S., & Aziz, "Parenting Patterns of Early Childhood in Single Parent Families in Krueng Sabee District, Aceh Jaya Regency," *Scientific Journal of Early Childhood Education Students* 01, no. 04 (2016).

³⁵ Tati Wulandari, "Fulfillment of Children's Rights in Single-Parent Families in Jambi: Challenges and Strategies," *Harakat An-Nisa: Journal of Gender and Child Studies* 9, no. 1 (2024): 35–44.

³⁶ Dyan Paramitha, "The Role of Single Parent Women in Raising Children in Maritengngae District, Sidrap Regency (A Gender Anthropology Study)," *Phinisi Integration Review* 1, no. 2 (2018): 216.

and wife. However, being a single parent requires women to carry out this parenting style alone.

Parenting is the best way for parents to educate their children, demonstrating their sense of responsibility toward them. This responsibility is a primary one. Children are the fruit of love and affection, bound by the bonds of marriage between husband and wife within a family. The family, one of the smallest elements in society, is the most important social institution and the primary social unit through which individuals are instilled with core values and culture.³⁷

According to Article 105 letter (a) of the Compilation of Islamic Law, it is stated that the custody of a child who is not yet *mumayyiz* (under 12 years old) is the right of the mother and Article 156 letter (a) of the Compilation of Islamic Law also explains that the custody of a child who is still under 12 years old is the right of the biological mother. The position of the biological mother can be replaced if the mother has died. In this Article, it is stated that the father can assume the role of the mother if the mother has passed away. The female line above the mother (i.e., grandmother or aunt) is also no longer present.³⁸

Therefore, if a proper understanding is established that being a single parent is a difficult situation for a woman, then returning to the legal basis of marriage is the right choice to provide space for legal norms to be implemented. The Marriage Law and the Compilation of Islamic Law are two of the foundations for understanding child support and care for single women who are divorced.

3. The Reality of Divorced Women as *Single Parents* in Banten Province

In this research, sources of stories were obtained from 5 informants who were willing to have their stories written, whose data and names will, of course, be initialed. In terms of income and childcare, the three informants in this article are women who struggle to provide for and raise their children on their own. The first story is about a young woman named AL (32 years old) who has a daughter aged around 6 years. That AL is a daily housewife who, at the time of her divorce from her husband, still relies on her husband's income because she does not work in the public sector. At the time of the divorce, AL was around 26 years old. AL spent her time caring for and taking care of her toddler, and then raised her with the help of her sister and parents, who lived near her and her husband's residence at the time. Until now, this article has been written, AL is a single parent who chose to remain at her parents' house and gather with her sisters, who are also married. AL is a *single parent* who has not decided to remarry and continues to struggle to support her child with the help of her sisters and mother. (Informant AL: 2024).

Next is EV (33 years old), who has a daughter who is currently 8 (eight) years old. EV is a *single parent* who also experienced Domestic Violence (KDRT) during the divorce process. During the divorce process, EV also filed a complaint/criminal charge for the violence she experienced. EV was around 25 years old at the time of the divorce process, and her daughter was 8 months old at the time. The method of fighting over the child

³⁷ KN Muniro, "Parenting Patterns of Single Parents in Children's Education," *Egalita*, 2012, 1–43.

³⁸ Islami and Sahara, "Legality of Custody Rights of Minor Children (Hadhanah) to Fathers After Divorce."

by her ex-husband and his family also occurred. EV was in a weakly protective environment at that time. She only lived with her elderly mother, while her father had long since passed away. EV has a younger brother, but at that time, he was working out of town. This situation made it difficult for EV to ask for help and report her condition when the domestic violence occurred. However, after the divorce hearing, the judge finally decided that EV had the right to custody of her child. EV agreed and decided to raise her child with her mother, assisted by her younger brother, who was the backbone of the family and responsible for supporting EV and her daughter. (Informant EV: 2024).

Next is SU (63 years old), who also lived a single-parent life since the age of 47. SU successfully raised five sons and daughters even without financial assistance from her ex-husband. SU's five sons and daughters also lived with her at that time, and until this article was written, SU had married three of her sons and daughters, and four of her sons and daughters had completed their education. Only the youngest son was continuing his education at the Islamic boarding school of his choice. Unlike AL and EV, who were both housewives, SU was a *single parent* with a profession as a Civil Servant Teacher at a Public Junior High School in Serang Regency. SU continued to live at her residence and did not return to her family's home. As a *single parent at that time, SU supported her children with savings, both in the form of money and private land that she had previously owned* (Informant SU, 2024).

The next single parent is MAR (43 years old), a woman born in Sumatra who currently works as a small food vendor. MAR had worked as a factory worker before separating from her husband. However, it turned out that it was not only due to the family's economic situation, but also the constant quarrels that eventually led to MAR's marriage ending in divorce. MAR is currently raising her three sons, one of whom is in college, while her husband has returned to his hometown in Sumatra. (Informant MAR: 2024).

Next is MTS (50 years old). MTS is a single parent who chose to divorce due to the absence of her husband as a breadwinner. MTS works as a factory worker and supports her only child, who is in high school, while also paying for the medical treatment of her mother, who has long suffered from a stroke and complications from her illness. MTS has not yet decided to marry. (MTS informant: 2024).

Of the informants mentioned above, all of the single women referred to were divorced, not single parents, due to the death of their husbands. They all stated that being a single parent is a difficult situation they face, both in terms of managing household needs (domestic activities), raising and educating children, and ultimately being the breadwinner. This is further compounded by the stress they experience at work and the negative societal stigma associated with their status as widows.

D. CONCLUSION

A *single parent*, often referred to as a divorced woman, lives her daily life adapting to and surviving with her status. A single parent is expected to be a housewife capable of taking care of all household needs, a good mother to her children, and also the head of the family who provides for her family members, including her children and, in some

cases, her parents. *Single* parents must work hard to meet their family's needs. *Single parents*, in this case, the divorced woman, are also expected to play roles in the domestic and public sectors, and the stigma within society forces *single parents* to undergo a process and be more resilient to their environment. External (societal) and internal (family) conditions often become the main burden that makes *single parents* vulnerable to stress. Some *single parents* must undergo special therapy so that they can develop better in the process of becoming mothers who educate their children and support their families. Many people are unaware of the challenges faced by single parents in their daily lives, particularly in managing their households and caring for their children. Hopefully, in the future, there will be more outreach, socialization, and counseling related to self-development for single-parent women.

Whereas, based on KHI Article 149, it is stated that as a result of the dissolution of a marriage due to divorce, the husband is obliged to: a. Give appropriate *mut'ah* to his ex-wife, whether in the form of money or objects, unless the ex-wife is *Qabla ad dukhul*. b. Providing living, *maskan* (residence), and *kiswah* (clothing) to the ex-wife during the *iddah* period, unless the ex-wife has been given a *divorce* or *nusyuz* and is not pregnant. c. Pay off the dowry that is still owed in full, or half if *qabla ad dukhu*, and provide *hadhanah* costs for children who have not reached the age of 21 years.

Article 41 of Law Number 1 of 1974 contains provisions that: a. Both the mother and father are obliged to care for and educate the children, solely based on the interests of the child; if there is a dispute regarding control of the children, the court will make its decision. b. The father is responsible for all costs of care and education required by the child; if the father, in reality, cannot fulfill these obligations, the court can determine that the mother bears these costs. c. The court can require the ex-husband to provide living expenses and/or determine an obligation for the ex-wife.

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