

LEGAL ANALYSIS OF THE PALEMBANG RELIGIOUS COURT'S DECISION NUMBER: 39/PDT.P/2024/PA.PLG IN LIFE INSURANCE CLAIMS

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Abstract

This study examines the legal implications of Palembang Religious Court Decision Number 39/Pdt.P/2024/PA.PLG on the legal standing of guardians of minors in submitting life insurance claims to PT Prudential Life Assurance. The research focuses on the role of religious court decisions in providing legal certainty for guardians acting on behalf of underage beneficiaries in insurance claim procedures. Using a normative juridical approach with a case-based analysis, this study analyzes statutory regulations, principles of Islamic family law, and judicial reasoning applied in the court's decision. The findings indicate that the court's ruling affirms the applicant's status as the lawful guardian, thereby granting clear legal authority to represent the minor both in and outside judicial proceedings, including the submission of life insurance claims. This decision plays a significant role in bridging the gap between family law and insurance practice by ensuring legal certainty, protecting the rights of minors, and preventing administrative barriers in claim settlement processes. The study highlights the importance of judicial intervention by religious courts in resolving legal ambiguities related to guardianship and insurance claims, and underscores the broader contribution of such decisions to the development of legal certainty and justice in Islamic family law and life insurance practices in Indonesia.

Keywords: legal analysis; religious court decision; guardianship of minors; life insurance claims.

I. INTRODUCTION

Marriage is one of the basic human needs. As a contract, marriage allows for a relationship between a man and a woman based on human instincts, and creates a reciprocal relationship between the rights and obligations of both parties. In addition to uniting two individuals, marriage also unites

the families of both parties and forms a legal bond between them.¹

Every activity certainly has a purpose, as well as marriage which has a noble purpose, namely to fulfill human sexual instincts, multiply offspring, create a family that is *sakinah, mawaddah, wa rahmah*, and keep someone from committing adultery. Therefore, marriage is a good way to prevent various bad

¹ Santoso, 'The Nature of Marriage According to the Marriage Law', YUDISIA Journal, 7.2 (2016), pp. 412-34

<<https://journal.iainkudus.ac.id/index.php/Yudisia/article/download/2162/1790>>.

things that can happen to those who are ready to get married.²

In obtaining offspring after marriage, there are two aspects of interest, namely personal interests and public interests. Personally, children become helpers for parents both in worldly life and the hereafter. While in general, these children act as legitimate and regular successors to a person's descendants.³ This is also important to avoid mixing offspring, so that human lineage and genealogy can be maintained clearly and legally. Thus, through marriage, regulations regarding legitimate offspring can be realized.⁴

After marriage, legal consequences arise that include the rights and obligations between husband and wife in the family. The joint rights of husband and wife include the permissibility of sexual relations, the right to inherit from each other, the obligation to behave well, and children born to be legitimate descendants of the husband.⁵ The obligations of husband and wife, according to the Compilation of Islamic Law (KHI), are to maintain a household that is *sakinah*,

mawaddah, *wa rahmah*, loving each other, respecting each other, and providing support both physically and mentally. In addition, they are also obliged to care for and maintain their children, maintain the honor of the family, and if there is negligence in this obligation, they can file a lawsuit in the Religious Court. Husband and wife are also required to have a permanent residence that has been mutually agreed upon.⁶

Although the purpose of marriage is to last forever, sometimes in the course of a household, there are certain factors that force the marriage to not be able to continue. Some reasons that cause the dissolution of a marriage include death.⁷ When one of the spouses dies, the marriage automatically ends due to the death. However, there is also a divorce, which is a separation or end of a husband and wife relationship caused by unhappiness between the two. This divorce is legally recognized, and as a result, issues related to the status of the child will determine who is entitled to be the guardian of the child.⁸

² Mohammad Fauzan Ni'ami, 'Contextual Interpretation of the Purpose of Marriage in Surah Ar-Rum: 21', *Nizham*, 9.1 (2022), pp. 11–23.

³ Wahyu Adhi Kusuma, Khalisah Hayatuddin, and Abdul Latif Mahfuz, 'Legal Protection for Child Criminals When Tried and Already Over 18 Years Old Based on the Juvenile Criminal Justice System Law', *Jurnal Tana Mana*, 3.2 (2023), pp. 85–98, doi:10.33648/jtm.v3i2.241.

⁴ Saipuddin Zahri and Abdul Latif Mahfuz, 'Enforcement of Criminal Laws Against Coal Mining Without a Permit in the Muara Enim Police Area', *Journal of Law, Politics and Humanities*, 4.6 (2024), pp. 2326–31.

⁵ Fikry Maulana Maghribi, 'Children's Obligation to Provide for Parents from the Perspective of Islamic Law and Positive Law Thesis', 2018.

⁶ Fathullah, 'Dilemma of Marriage Dispensation Regulation in Indonesia (Islamic Law Analysis of Law Number 16 of 2019 and PERMA NO 5 of 2019)' (State Islamic Institute of Bengkulu, 2021).

⁷ Muhammad Iqbal, Holijah, and Khalisah Hayatuddin, 'the Role Of Judges In Preventing Child Marriage And Protecting The Best Interests Of Children Related To The Filing Of Marriage Dispensation Cases At The Pangkalan Balai Religious Court', *Jurnal Hukum Doctrinal*, 8.1 (2023), pp. 60–81.

⁸ Jamaluddin, Nanda Amalia, and Faisal, 'The Urgency of the Presence of Family Law in Aceh', *Mimbar Hukum*, 29.No. 2 (2017), pp. 248–62.

In the event of the death of one of the partners in a marriage, the inheritance process will occur. If the husband dies, the wife has the right to inherit her husband's property, and vice versa. Children born in the marriage are also entitled to receive inheritance based on their bloodline or family relationship. Heirs, who are people who have bloodline relationships with the deceased, have the right to receive inheritance in the form of movable objects such as jewelry, vehicles, savings, and insurance, as well as immovable objects such as land and buildings.⁹

Minors are prohibited from taking legal action. Therefore, they need a guardian who will take care of and handle their various legal affairs, including the inheritance they receive. Guardianship of children's assets, including parental inheritance, is carried out by their parents when the children are still small and do not understand about managing assets. However, if the child is old enough and understands about assets, then all matters related to assets become their responsibility, although the rules on guardianship still apply, in accordance with the positive law applied in the Religious Court.¹⁰

Guardianship is regulated in the Compilation of Islamic Law (KHI) and Law of the Republic of Indonesia Number 1 of 1974

concerning Marriage. Article 107 of the KHI explains that guardianship only applies to children who are under 18 years of age and unmarried. Meanwhile, Article 330 of the Civil Code explains that a person is considered a minor if he has not reached the age of 21 and is not married. Guardianship includes the management of the child's self and property. If the appointed guardian is unable to carry out his duties properly, the Religious Court can appoint a close relative or other person who meets the requirements to become a guardian, or even a legal entity. Article 50 of Law Number 1 of 1974 concerning Marriage states that children who have not reached the age of 18 or 16 who are not married, and are not under the authority of their parents, will be under the authority of a guardian.¹¹

Guardianship covers the personal aspects of children and the management of their property. Based on this article, children who are still minors and unmarried require a guardian to take care of themselves and their property, with guardianship automatically falling on the parents. This is emphasized in Article 47 of Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage, which states that children who are not yet 18 years old or unmarried are under the authority of their parents, unless that authority is revoked.

⁹ Meiske Tineke Febrianti, 'Transfer of Liability for Debt Settlement to Heirs Due to the Death of the Heir According to the Civil Code.', *Lex Privatum*, 10.2 (2021), p. 120,

¹⁰ Khalisa Hayatuddin and Muhamad Sadi Is, 'restorative Justice In Indonesia Legal Implications Of The Constitutional Court Decision On The Application

Of Restorative Justice ', *Jurnal Hukum Dan Peradilan*, 11.2 (2022), pp. 281–312.

¹¹ Abd Jalil, 'Nusyuz: Family Conflict Resolution in Islamic Law (Theory and Practice in Indonesia)', *JURISY: Jurnal Ilmiah Syariah*, 1.2 (2021), pp. 15–32, doi:10.37348/jurisy.v1i2.135.

Parents are responsible for representing their children in all legal actions, both in and out of court. In addition, Article 345 of the Civil Code stipulates that if one of the parents dies, guardianship of the minor child automatically transfers to the surviving parent, as long as the parent is not released or dismissed from his authority.¹²

Guardianship applications in Religious Courts are an interesting topic to discuss, especially related to children's rights and guardian rights. There are various reasons that encourage guardianship applications, which generally aim to manage children's assets, both movable and immovable.¹³

Everyone faces risks, which are potential losses that can occur due to an unexpected or unwanted event, such as an accident. If the loss is small and can be covered by savings, then the burden is not too heavy. However, if the loss is large enough, this can be a serious problem. Therefore, it is important for every individual to have protection that can anticipate these risks.¹⁴

One way to protect yourself from risk is to join an insurance program. Insurance is a financial service product that is increasingly

growing in Indonesia. Insurance functions to provide protection for customers by making an agreement, where customers bind themselves to the party providing the insurance service. Customers will pay a certain amount of money as a premium which will later be used to replace the risks that occur.¹⁵

In Indonesia, there are many companies engaged in the insurance sector, these companies compete to provide the best service for customers who use insurance services, one of these insurance companies is PT. Prudential Life Assurance which always tries to provide the best products and services for its customers and prospective customers.¹⁶

The writing is motivated by the Decision of the Palembang Religious Court Number:39/PDT.P/2024/PA.PLG the facts of the case are as follows: That during his lifetime the late AH (initials) had married a woman named KW (initials), based on the Marriage Certificate Extract issued by the Marriage Registrar of the Ilir Timur District Religious Affairs Office, Palembang City, number: 64/64/I/2006, dated June 26, 2021, then between AH and KW there was a divorce based on the Decision of the Class IA

¹² Muthahhar Asqalani Datau, 'Legal Analysis Of Child Guardianship In The Perspective Of Marriage Law Case Study Of Gala Sky', Jurnal Unmas Mataram, 3.2 (2024), pp. 1946–51.

¹³ Inda Ariani, Muhammad Yahya Selma, and Sri Suatmiati, 'Law Enforcement Against Perpetrators of Criminal Acts of Embezzlement of Marital Property After Divorce (Case Study No. 2230k / Pdt / 2019 at the Bangka Belitung High Court)', Doctrinal Law Journal, Vol 7.1 (2022), pp. 73–94.

¹⁴ Edy Lisdiyono and Sri Suatmiati, 'Socio-Political and Economic Aspects in Legal Context',

European Research Studies Journal, 20.4 (2017), pp. 149–57, doi:10.35808/ersj/881.

¹⁵ Yulita Dwi Pratiwi, 'Harmonization of Protection of Children's Wealth in Guardianship Through Strengthening the Role of Supervisory Guardians', Suara Hukum Journal, 2.5 (2020), pp. 61–90.

¹⁶ Fidya Rahma Insani and others, 'The Verstek Law Implementation In Religious Courts In South Sumatera', Jurnal Kajian Syari'ah Dan Masyarakat, 3.2 (2021), pp. 37–50, doi:10.19109/nurani.v.

Religious Court of Palembang, South Sumatra Province Case Number: 1816/Pdt.G/2021/PA.PLG, with Divorce Certificate number: 2310/AC/2021/PA.PLG Dated November 30, 2021, from the marriage of the late AH with KW, they have three children named:

1. NKR (initials), NIK: 1671054101070002, Female, born in Palembang on January 1, 2007, Age: 17 years, address: Jl. Ariodillah PU Complex No.2056 RT.32 RW.11, Kelurahan. 20 Ilir III, Ilir Timur I District, Palembang City;
2. SDW (initials), NIK: 1671055101100002, Female, born in Palembang on January 11, 2010 August 2011, Age: 13 years, address: Jl. Ariodillah PU Complex No.2056, RT.32 RW.11, Kelurahan. 20 Ilir III, Ilir Timur I District, Palembang City;
3. ARR (initials), NIK: 1671051709110003, Male, born in Palembang on August 17, 2011, Age: 12 years, address: Jl. Ariodillah PU Complex No.2056, RT.32 RW.11, Kelurahan. 20 Ilir III, Ilir Timur I District, Palembang City;

The three children lived and lived with their biological mother, thenThe late AH died on Sunday, September 3, 2023, due to illness, and was buried at the Cambodian TPU, while the biological mother of the three children named KW is still alive. During his life when he was married to his sister KW, the late AH had an inheritance in the form of insurance at PT. Prudential Life Assurance with policy number 11985XXX, but when the insurance

was to be taken care of and disbursed by the late AH's biological sibling named NS (initials) in this case the Applicant of this case, the insurance party could not disburse the money if there was no ruling from the Religious Court stating that Sister NS was the guardian of the three children, then on January 30, 2024, Sister NS filed a Child Guardianship Application registered with case number: 39/PDT.P/2024/PA.PLG.

On February 12, 2024, the first hearing with the agenda of reading the petition was held. In the hearing, the panel of judges suggested that the biological mother of the children be present because the judge was of the opinion that the biological mother should be the guardian of the three children. However, in the next hearing, which only presented two witnesses, namely SM (the deceased AH's stepmother) and KE (the deceased AH's friend), the biological mother of the children was not present.

However, the panel of judges then decided to grant the request of NS (the party who filed the request) to become the guardian of the three children. This decision was based on Articles 50, 51, and 53 of the Republic of Indonesia Law Number 1 of 1974 in conjunction with Articles 107 and 109 of the Compilation of Islamic Law (KHI).

This decision raises questions about the legal consequences of the decision taken by the panel of judges. How could the judge decide to grant the request of NS as the guardian who has the right to manage the life insurance claim of

the deceased father of the three children, even though the biological mother was not present at the trial?

Legally, the absence of the biological mother in a trial related to child guardianship raises questions regarding the guardianship authority that should be held by the biological mother. Articles 50, 51, and 53 of Law Number 1 of 1974 and provisions in the Compilation of Islamic Law (KHI) provide space for other parties to become guardians under certain conditions. However, in this case, without the presence of the biological mother, questions arise regarding the legal basis used by the judge in making the decision and whether legitimate procedures were followed in making the decision even though the biological mother was not present.

II. RESEARCH METHODS

This study employs a combination of normative (doctrinal) and empirical (non-doctrinal) legal research approaches, commonly referred to as a socio-legal approach. As argued by Soerjono Soekanto, normative and empirical legal research may be conducted separately or in an integrated manner, depending on the objectives and scope of the study. In this research, both approaches are harmonized to provide a comprehensive understanding of the legal issues under examination.

The normative legal approach is used to analyze statutory regulations, legal principles, and court decisions relevant to the research topic, with particular emphasis on judicial reasoning and the applicable legal framework. Meanwhile, the empirical legal approach is utilized to examine how these legal norms operate in practice, based on factual conditions and legal realities related to the implementation of the law.

The analytical framework of this study is based on three key benchmarks, namely: the approach adopted, the objectives of the research, and the types of data used. By integrating normative and empirical perspectives, this methodology enables the study to bridge the gap between law in the books and law in action, thereby providing a more contextual and comprehensive legal analysis.¹⁷

III. RESEARCH RESULTS AND DISCUSSION

Religious Courts have a very important role in resolving cases related to Islamic law. To ensure optimal performance, the organizational structure of the Religious Courts plays a key role. This organizational structure includes various elements that make the religious courts a credible and professional institution. This organization refers to the way or system of compiling tasks and responsibilities in the Religious Court

¹⁷ Muhaimin, *Legal Research Methods*, Mataram University, 2016, vi.

institution, which involves various parties, including judges, clerks, and other administrative parts. This structure aims to ensure that the judge's decisions are made fairly and in accordance with applicable law.

The organizational structure of the Religious Court consists of a number of positions with different duties and responsibilities, such as the Head of the Religious Court, Judges, Clerks, and administrative staff. Each individual in this structure has a specific role and responsibility in carrying out duties in the Religious Court. Based on Article 49 of Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts, the Religious Court has authority in the fields of marriage, polygamy permits, guardianship of minors, inheritance, grants, waqf, zakat, infaq, sharia economics, and family law for Muslims.

From a jurisdictional perspective, the determination of guardianship in this case falls within the authority of the Religious Court as regulated under Article 49 of Law Number 3 of 2006, particularly in matters related to family law for Muslims. Although the immediate legal consequence of the guardianship determination concerns the administration of a life insurance claim, the core legal issue remains the status of guardianship over minors, which is inseparable from Islamic family law. This confirms that the Religious Court is competent to issue such determinations, even when their legal effects

extend to civil and commercial relations with third parties, such as insurance companies.

In practice, legal determination in the Religious Court is often very necessary, one of which is related to the determination of child guardianship for legal purposes, such as in the process of disbursing insurance claims. This research is motivated by the Decision of the Palembang Religious Court Number: 39/Pdt.P/2024/PA.PLG. The late AH (initials) during his lifetime was married to a woman named KW (initials). Based on the Marriage Certificate Extract issued by the Marriage Registrar of the Religious Affairs Office of Ilir Timur District, Palembang City, dated June 26, 2021, the marriage ended in divorce which was decided through the Decision of the Class IA Palembang Religious Court Case Number: 1816/Pdt.G/2021/PA.PLG, with Divorce Certificate number: 2310/AC/2021/PA.PLG dated November 30, 2021. From this marriage, the late AH and KW have three children who live with their biological mother, KW. The late AH died on September 3, 2023 due to illness and was buried at the Cambodian TPU, while the biological mother of the three children, KW, is still alive.

During their marriage, the late AH and KW had assets in the form of insurance at PT. Prudential Life Assurance with policy number 1198XXXX. However, when the insurance was about to be cashed in by the late AH's sibling, NS (initials) as the Applicant in this case, the insurance party could not process the disbursement because NS was not an heir

registered as a beneficiary. The insurance party requested that the Palembang Religious Court determine the guardianship of the children to appoint a legal guardian, namely NS, to be able to manage the insurance claim. On January 30, 2024, NS filed a child guardianship application registered with case number: 39/PDT.P/2024/PA.PLG.

The first hearing was held on February 12, 2024 with the agenda of reading the petition. In the hearing, the Panel of Judges suggested that the biological mother of the children be present because the judge was of the opinion that the biological mother should be the guardian, considering that the mother was still alive and her authority had not been revoked. In the next hearing, with the agenda of reading evidence and witnesses, the applicant presented two witnesses, namely SM (the late AH's stepmother) and KE (the late AH's friend), who stated that after the divorce between the late AH and KW, the three children lived with their biological mother.

The late AH passed away and NS, as the aunt of the three children, intended to take care of their rights at PT. Prudential Life Assurance. Because the three children were still minors and not legally competent, they needed a guardian to act on their behalf. Therefore, NS filed an application to become a guardian in managing insurance claims.

The guardianship granted by the Panel of Judges in this case may be categorized as a limited guardianship, as it is specifically intended to enable the guardian to manage and

represent the interests of the minors in the process of submitting life insurance claims. This limitation is crucial to prevent the misinterpretation that the guardian holds absolute authority over all aspects of the children's legal and personal affairs. Such an approach reflects judicial prudence in balancing legal certainty, child protection, and respect for the surviving parent's rights.

The judge's consideration in this case is very important to create a fair decision, containing legal certainty, and providing benefits to the parties to the case. The legal consideration must be thorough and precise, because if not, the decision can be overturned by the High Court or the Supreme Court. According to Article 184 paragraphs 1 and 2 HIR, Article 195 paragraphs 1 and 2 RBG, and Article 50 of Law Number 48 of 2009 concerning Judicial Power, the legal consideration in the decision must contain clear legal reasons and refer to applicable legal provisions.

Mr. Muhammad Iqbal, Judge of the Palembang Religious Court, explained that in addition to Articles 50, 51, and 53 of Law Number 1 of 1974 concerning Marriage, the judge also referred to Article 47 of Law Number 1 of 1974 which was amended to Law Number 16 of 2009. This article stipulates that children who are not yet 18 years old or are not yet married are under the authority of their parents as long as the authority is not revoked. However, in cases of divorce and the absence of the biological mother, guardianship can be

given to the closest family, provided that the guardian meets the legal requirements.

In this case, even though the biological mother of the children is still alive, the Panel of Judges granted NS's request to become the guardian of the children in the management of the insurance claim, taking into account the best interests of the children. This determination provides legal certainty for NS to act on behalf of the children in legal matters, including the disbursement of insurance claims.

Notwithstanding its contribution to legal certainty, the decision also raises critical legal questions, particularly regarding the position of the biological mother who remains alive and whose parental authority has not been revoked. From a doctrinal perspective, the appointment of a guardian other than the biological parent may be viewed as an exceptional measure that must be strictly justified by the best interests of the child. In this regard, the court's reliance on the living law and practical considerations underscores a progressive judicial approach, yet it also necessitates clear limitations to avoid potential conflicts of rights in the future.

The Panel of Judges took into account the law that is developing in society (the living law), which emphasizes the interests of children in this case, although the law that applies formally may not state explicitly who should be the guardian. After the determination of guardianship, the insurance party must acknowledge and agree to the disbursement of the claim, because it is in

accordance with the provisions of applicable law.

This decision has significant implications for insurance practice, as it establishes a clear legal basis for insurance companies to process claims submitted by guardians appointed through a Religious Court determination. By providing legal certainty regarding the guardian's authority, the decision reduces administrative uncertainty and minimizes the risk of disputes between insurers and beneficiaries, particularly in cases involving minors.

However, other issues may arise in the future, such as whether the biological mother of the children is entitled to claim the insurance, considering that the insurance was made during the marriage and is considered joint property. As stipulated in family law, property acquired during marriage is joint property, unless another division is agreed upon.

Mr. Muhammad Iqbal also emphasized that the insurance in this case is joint property, because it was registered during the marriage before the divorce. Although the biological mother of the children did not have a problem with this, the Panel of Judges considered that this insurance claim was solely for the benefit of the children.

Thus, the result of the Palembang Religious Court's decision Number: 39/Pdt.P/2024/PA.PLG regarding this guardianship application is to provide legal certainty that NS is legally the guardian of the

children, and can act to manage their life insurance claims at PT. Prudential Life Assurance.

IV. KESIMPULAN

The Palembang Religious Court Decision Number 39/Pdt.P/2024/PA.PLG has significant legal consequences for the submission of life insurance claims by guardians of minors at PT. Prudential Life Assurance. The decision provides legal certainty regarding the status of the Applicant (NS) as the lawful guardian of the three minor children of the late AH, thereby granting clear legal authority to represent the children in legal matters related to the management of their rights, particularly the submission of life insurance claims.

This judicial determination establishes a lawful basis for PT. Prudential Life Assurance to process the insurance claims on behalf of the minors, as the appointed guardian is formally recognized by the court. In this context, the guardianship granted by the court may be understood as a **limited and functional guardianship**, specifically aimed at safeguarding the children's interests in the insurance claim process, rather than conferring absolute authority over all aspects of the children's legal affairs.

Furthermore, the decision plays an important role in strengthening the protection of children's rights by ensuring that minors, who lack legal capacity, are not deprived of their lawful entitlements due to procedural or

administrative barriers. By bridging family law principles and insurance practice, this ruling contributes to legal certainty, child protection, and fairness in the settlement of life insurance claims involving underage beneficiaries.

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