

Implementation of *Hadanah* by Single Parents as A Result of Divorce in Indonesia Perspective of *Maqashid Syariah* and *Qira'ah Mubadalah*

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Abstract: The rising divorce rate in Indonesia has had a significant impact on family dynamics, particularly in the implementation of child custody (*hadanah*) by single mothers. This study aims to explore and analyze the implementation of *hadanah* by single mothers after divorce using the theoretical approaches of *Maqashid Syariah* and *Qira'ah Mubadalah* (as formulated by Faqihuddin Abul Kodir). Employing a qualitative method through a literature review approach, this research is designed to uncover a deep, normative, and contextual understanding of *hadanah* practices in Indonesia. The study is based on data sourced from journal articles, books, and relevant statistical reports (including BPS data on divorce). The findings indicate that the implementation of child custody often faces systemic issues, such as the lack of equitable financial responsibility from fathers, ultimately placing a disproportionate burden on mothers. These conditions do not fully meet the five dimensions of *Maqashid Syariah* (*hifz ad-din*, *hifz an-nafs*, *hifz al-'aql*, *hifz an-nasl*, *hifz al-mal*), nor do they reflect the ethical principles of *Qira'ah Mubadalah* such as *taradhin*, *tashawur*, and *mu'asyarah bil ma'ruf*. Therefore, this research contributes to the discourse on gender-just custody practices within Islamic legal thought and Indonesian family law.

Keywords: *Hadanah*, Single-Parent Mothers, Divorce, *Maqashid Syariah*, *Qira'ah Mubadalah*.

Abstrak: Meningkatnya angka perceraian di Indonesia telah membawa dampak signifikan terhadap dinamika keluarga, khususnya dalam pelaksanaan hak asuh anak (*hadanah*) oleh ibu tunggal. Penelitian ini bertujuan untuk mengeksplorasi dan menganalisis pelaksanaan *hadanah* oleh ibu tunggal pasca perceraian dengan menggunakan pendekatan teori *Maqashid Syariah* dan *Qira'ah Mubadalah* (sebagaimana dirumuskan oleh Faqihuddin Abul Kodir). Dengan metode kualitatif melalui pendekatan studi pustaka, penelitian ini dirancang untuk mengungkap pemahaman yang mendalam, normatif, dan kontekstual terkait praktik *hadanah* di Indonesia. Penelitian ini didasarkan pada data yang bersumber dari artikel jurnal, buku, dan laporan statistik yang relevan (termasuk data BPS tentang perceraian). Temuan menunjukkan bahwa pelaksanaan hak asuh seringkali menghadapi persoalan sistemik seperti tidak adanya tanggung jawab finansial yang adil dari pihak ayah, yang pada akhirnya menimbulkan beban yang tidak proporsional pada ibu. Kondisi ini belum sepenuhnya memenuhi lima dimensi *Maqashid Syariah* (*hifz ad-din*, *hifz an-nafs*, *hifz al-'aql*, *hifz an-nasl*, *hifz al-mal*), serta belum mencerminkan prinsip etis *Qira'ah Mubadalah* seperti *taradhin*, *tashawur*, dan *mu'asyarah bil ma'ruf*. Oleh karena itu, penelitian ini memberikan kontribusi terhadap wacana praktik hak asuh yang berkeadilan gender dalam pemikiran hukum Islam dan hukum keluarga di Indonesia.

Kata Kunci: *Hadanah*, Ibu Tunggal, Perceraian, *Maqashid Syariah*, *Qira'ah Mubadalah*.

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Introduction

Marriage in Islamic law is established to create a harmonious, happy, and prosperous family, where each member attains peace and happiness ([Mazaya et al., 2024](#)). The main goal of marriage is to build a strong and stable family foundation, as part of a broader social framework ([Karimullah, 2021](#)). In this regard, marriage is not merely a personal bond between two individuals, however also a commitment to creating mutual welfare based on the principle of the One Almighty God ([Amin et al., 2024](#)). However, the reality shows that not all couples are able to maintain the integrity of their household, and various challenges often disrupt the achievement of that ideal goal ([Mawardi, 2017](#)).

The phenomenon of divorce becomes a reflection of the failure of marital relationships in achieving these goals. Data from the Central Bureau of Statistics (BPS) in 2023 indicates that divorce occurs due to various factors, including adultery with 780 cases, alcohol consumption with 1,752 cases, drug abuse with 384 cases, and gambling with 1,572 cases (Badan Pusat Statistik, 2024). This phenomenon illustrates that although marriage is expected to be the foundation of a harmonious life, many couples face a harsh reality.

In addition to the factors mentioned above, a dominant phenomenon in divorce is the abandonment of one party, which caused 34,322 divorce cases in 2023 (Badan Pusat Statistik, 2024). This figure reflects the significant impact of the absence of one party in a household, both physically and emotionally. According to Muhammad Syarif in his research, he explains that this absence not only leads to the destruction of the relationship between husband and wife, however also affects the well-being of the children involved ([Syarif, 2022](#)). As a result of divorce, mothers are often the ones who bear the responsibility of *hadanah* or child custody, leading to an increasing phenomenon of single mothers in society ([Hasanah, 2017](#)). *Hadanah* refers to the responsibility of child custody and care, which is typically entrusted to one party, especially the mother ([Suryantoro, 2024](#)). In Islamic law, the primary priority in *hadanah* is the well-being of the child, which must be protected by granting the rights to the party most capable of providing love and proper care ([Sagita & Suherman, 2024](#)).

According to Fauzan and Hamzah in their research, the purpose of *hadanah* in Islamic law is to protect the welfare of the child, in line with the principles of *Maqashid Syariah*, which emphasize the protection of religion, life, intellect, lineage, and property ([Fauzan & Hamzah, 2024](#)). In this regard, child custody not only covers physical needs however also spiritual and moral aspects, where the child must be raised in an environment that supports the development of their religion and morality. Therefore, child rearing after divorce remains the responsibility of both parents, although technically the custody rights are granted to one party, typically the mother ([Putri et al., 2024](#)).

Whereas, *Qira'ah Mubadalah* is a hermeneutic approach that seeks to interpret religious texts from a perspective of gender equality and justice for all parties, including women ([Kashvi, 2024](#); [Kodir, 2019](#)). In the context of *hadanah*, *Qira'ah Mubadalah* encourages viewing child custody not as a responsibility imposed solely on one party, such as the mother, however as a shared responsibility between both the mother and the father ([Wahyuni & Ma'rifah, 2022](#)). Although mothers are often the primary custodians, this approach emphasizes that fathers should also be actively involved in supporting child rearing, both emotionally and financially ([Hardiningrum et al., 2024](#)).

Although various normative regulations, such as Law No. 1 of 1974 on Marriage, the Compilation of Islamic Law (KHI), and the Child Protection Law (Law No. 23 of 2002), have governed child custody after divorce, in practice, there is nevertheless a gap between the idealism of Islamic law and social reality. Many single mothers bear the full burden of child custody without the involvement of the father, both emotionally and financially (Majid, 2024). This phenomenon indicates that the implementation of *Maqashid Syariah* regarding child protection has not been fully realized. On the other hand, the *Mubadalah* approach has not

been widely applied in the practical resolution of custody issues, especially in religious court institutions or in family decision-making. Therefore, it is important to examine the implementation of child custody by single mothers post-divorce using the *Maqashid Syariah* approach and *Qira'ah Mubadalah* as two conceptual instruments that can offer a new paradigm in understanding and implementing child custody in a moreover just and gender-equitable manner. This research is not only important from an academic perspective however also from a social and public policy perspective, as it has the potential to contribute to building a moreover inclusive and humane post-divorce custody system.

This research includes several previous studies, the first being by Indar Wahyuni and Nurul Ma'rifah, which discusses child rearing from the *Mubadalah* perspective. The study explains that child custody in the *Mubadalah* perspective emphasizes the importance of cooperation and collaboration between the father and mother in raising a child. Parenting is a shared responsibility, without any imbalance in roles between the parents. Both male and female children have equal rights to receive protection, care, and proper education. Family harmony, which applies the principle of gender equality, will positively impact the child's personality development ([Wahyuni & Ma'rifah, 2022](#)). The second study is by Husnatul Mahmudah, Juhriati, and Zuhrah, which discusses Child Custody After Divorce (A Comparative Study of Islamic Law and Positive Law). This research explains that in Islamic law, *Hadanah* emphasizes the best interests of the child. This is outlined in the primary sources of Islamic law (the Qur'an and Hadith), which state that children retain inherent rights to their parents, although after divorce. This principle is also aligned with positive law in Indonesia. Parental authority over children after divorce, according to both Islamic law and Indonesian positive law, is closely related to the concepts of marriage and divorce as regulated in the Compilation of Islamic Law (KHI) and the Marriage Law ([Mahmudah et al., 2018](#)). The third study is by Khufazo Ilman Putra et al., which discusses Child Custody After Divorce from the Perspective of Fiqh and Islamic Law. This research explains that, according to the fiqh perspective, *hadanah* is the responsibility of child custody, which is the obligation of both parents until the child reaches the age of mumayyiz (the ability to distinguish right from wrong) or can become independent. Although the mother and her lineage have the primary right to raise the child until the child reaches the age of mumayyiz, which is around 7 years old, the Compilation of Islamic Law (KHI) Article 105 letter (a) stipulates that if a divorce occurs, the custody of a child who has not yet reached the age of mumayyiz or 12 years old belongs to the mother ([Putra et al., 2024](#)).

Based on these three literatures, it is evident that no research has yet examined the study of *Maqashid Syariah* and *Qira'ah Mubadalah* in the implementation of *hadanah* by single mothers due to divorce. This study not only discusses *hadanah* (child custody) from the perspective of Islamic law however also connects it to two contemporary concepts: *Maqashid Syariah* and *Qira'ah Mubadalah*. Therefore, this study poses three main questions: How is the implementation of *hadanah* by single mothers due to divorce in Indonesia? What is the perspective of *Maqashid Syariah* in the implementation of *hadanah* by single mothers due to divorce? What is the perspective of *Qira'ah Mubadalah* in the implementation of *hadanah* by single mothers due to divorce?

Methods

This study uses a qualitative method with a library research approach. This approach was chosen because the research focuses on exploring secondary data in the form of texts and normative thoughts from scholars, academics, and relevant legal documents. The main focus of the study is the analysis of the implementation of child custody (*hadanah*) by single mothers after divorce from the perspectives of *Maqashid Syariah* and *Qira'ah Mubadalah*, as developed by Faqihuddin Abdul Kodir. The data sources consist of secondary legal materials

such as classical texts, scholarly books, journal articles, previous research findings, and regulations related to child custody (*hadanah*), including the Compilation of Islamic Law (KHI) and the Marriage Law in Indonesia. The data collection technique was conducted through documentation methods, which involved identifying, classifying, and recording literature relevant to the focus of the study.

After the data was collected, content analysis was carried out to interpret the texts under study and find their meaning and implications on the implementation of *hadanah* by single mothers. The analysis stages include: 1) Data reduction, which involves selecting data relevant to the theories of *Maqashid Syariah* and *Qira'ah Mubadalah*; 2) Presentation of data in a narrative-qualitative form; and 3) Drawing conclusions. This analysis aims to examine how the principles of *hifz ad-din* (preservation of religion), *hifz an-nafs* (preservation of life), *hifz al-'aql* (preservation of intellect), *hifz an-nasl* (preservation of lineage), and *hifz al-mal* (preservation of wealth) can be applied in the context of child custody by single mothers. Furthermore, a comparative analysis is conducted between the principles of *Maqashid Syariah* and the *Qira'ah Mubadalah* approach to identify the relationship and synthesis between the two theoretical frameworks. Therefore, the results of this research are expected to provide a deeper understanding of the implementation of *hadanah* by single mothers in Indonesia and offer a holistic perspective of justice for children post-divorce.

Results

Single Parents Concept

According to the literature review, being a single parent is usually not a choice however the result of unavoidable circumstances. In Indonesia, this status generally arises due to the death of a spouse or divorce ([Sari et al., 2019](#); [Sundari, 2023](#); [Utami & Hanani, 2018](#)). According to Duval and Miller, as cited in Titin Suprihatin, a single parent is an individual who raises their children without the support or presence of a life partner (Suprihatin, 2018). Santrock divides single parents into two categories. First, single fathers, who not only serve as the head of the family however also take on the role of a mother in child-rearing and caregiving. Second, single mothers, who replace the role of the father in all aspects of family life, including decision-making, earning a living, and managing the household and children ([Santrock, 2003](#)).

Research shows that single mothers often exhibit greater resilience and capability in fulfilling the role of a single parent compared to single fathers ([Noviandari & Rini, 2023](#); [Sugiarto & Fida, 2022](#); [Yuniar, 2023](#)). Mothers tend to be moreover mature in educating and caring for their children. This may explain why many mothers choose not to remarry after divorce, as their primary focus is on nurturing and raising their children ([Rahayu, 2017](#); [Sebriyani, 2023](#)). This phenomenon highlights the various challenges faced by single parents, particularly in managing the dual responsibilities of being both a provider and a caregiver. Although not a choice, the role of a single parent requires exceptional resilience, skills, and commitment to support the development of their children.

The Concept of *Hadanah* in the Perspective of *Fiqh* and the Compilation of Islamic Law

According to Putra et al. in their research, they explain that *hadanah* in the perspective of *fiqh* comes from the word "*al-hidhn*," which etymologically means the area from under the armpit to the hip ([Putra et al., 2024](#)). This term is used to describe a position of nurturing and protection, similar to how a bird shields its eggs under its wings. In the context of child custody, *hadanah* refers to the responsibility of an adult to care for and educate a child who has not yet reached the age of discernment (*mumayyiz*) or full intelligence and independence. According to Muhajir in his research, he explains that in terminology, *hadanah* means to serve and educate a young child at a certain age when they are unable to take care of themselves

([Muhajir, 2017](#)). This custody aims to ensure that the child receives adequate attention and appropriate education, protects them from harm, and prepares them for independence in life ([Puspitasari et al., 2024](#)).

According to Khufazo Ilman Putra in his research, he explains that in the view of *fiqh* scholars, there are varying opinions about who is entitled to custody and until what age, namely:

1. Imam Abu Hanifah argued that the mother has moreover right to custody of the child until the child reaches an age where they are considered capable of meeting daily needs independently, such as eating and performing ablution. After that, custody may transfer to the father. For daughters, the mother has the right to custody until the child reaches adulthood ([Putra et al., 2024](#)).
2. Imam Malik, on the other hand, argued that the mother has the right to care for the child until adulthood, both for sons and daughters, with this right continuing to the mother's relatives ([Putra et al., 2024](#)).
3. Imam Hambali holds two views: the first states that the mother has the right to care for a son until the age of seven (7) years, and for a daughter until adulthood, while the second view is similar to that of Imam Hanafi ([Putra et al., 2024](#)).
4. Imam Shafi'i established that the mother's right to custody lasts until the child reaches the age of seven, after which the child can choose between the father and the mother ([Putra et al., 2024](#)).

According to Mohammad Hifni and Asnawi, they explain that the regulation regarding custody in the Compilation of Islamic Law (KHI) is outlined in Article 105 letter (a), which states that in the case of divorce, the custody of children who are not yet of discerning age (*mumayyiz*) or under 12 years old belongs to the mother ([Hifni & Asnawi, 2021](#)). The Compilation of Islamic Law (KHI) sets the age limit of 12 years as the age of discernment (*mumayyiz*), reflecting common practices in Indonesian society. In this regard, the mother is given the primary right to custody until that age, after which the child has the right to choose between the father or the mother. This regulation aims to protect the child's rights by ensuring they are in the mother's care until an age deemed sufficient to make decisions independently.

Thus, the difference between *fiqh* and the Compilation of Islamic Law (KHI) in terms of *hadanah* lies in the determination of the age of discernment (*mumayyiz*). *Fiqh* generally sets the age of discernment at 7 years, while KHI sets it at 12 years. This difference reflects an adaptation to the social context and the needs of Indonesian society. In addition, KHI provides a longer age limit to offer extra protection for the child, while *fiqh* focuses moreover on the principle of custody based on the individual needs and development of the child.

Maqashid Sharia Concept

According to Dede Al Mustaqim in his research, he explains that Maqashid Syariah refers to the main goals and objectives that are to be achieved through the application of Islamic law (sharia) ([Al Mustaqim, 2022](#)). The term is derived from the Arabic words "maqashid," meaning purpose, and "syariah," meaning Islamic law. *Maqashid Syariah* includes basic principles designed to protect and fulfill human needs and achieve sustainable social welfare. The main goal of *Maqashid Syariah* is to ensure that Islamic law is not merely applied textually, however also internalized within a broader social and moral context. There are five basic principles of *Maqashid Syariah*, often referred to as "*Maqashid al-Khamsah*," which are:

1. Protecting Religion (*Hifz ad-Din*): Protecting and preserving Islam, including religious freedom and the practice of Islamic teachings in daily life.
2. Protecting Life (*Hifz an-Nafs*): Protecting and safeguarding human life from all forms of harm and threat, as well as ensuring physical and mental health.

3. Protecting Intellect (*hifz al-'aql*): Protecting and respecting human intellect, including through education, preventing ignorance, and preserving rational thought.
4. Protecting Lineage (*hifz an-nasl*): Protecting and preserving lineage or future generations, including the rights of children and families.
5. Protecting Property (*hifz al-mal*): Protecting and ensuring the right to personal wealth and property, as well as regulating ownership and the use of wealth fairly.

By applying the principles of *Maqashid Syariah* in child custody, it is hoped that the policies and decisions made will be moreover just, comprehensive, and reflect Islamic values that protect and promote the welfare of children. *Maqashid Syariah* provides a framework that allows policymakers, courts, and other relevant parties to make decisions that are not only in accordance with Islamic law however also consider the needs and best interests of the child in practice.

Based on the explanation above, it shows that the *Maqashid Syariah* theory works by prioritizing five basic principles aimed at protecting and fulfilling the basic needs of humans, as well as achieving sustainable social welfare. These principles include the protection of religion, life, intellect, lineage, and property. In its application, *Maqashid Syariah* does not merely rely on the texts of Islamic law, however also ensures that Islamic law is applied in a broader context, taking into account the social and moral needs of society. This theory works by providing a framework that helps policymakers, courts, and relevant parties to make decisions that not only comply with Islamic law however also consider the interests and well-being of the individuals or groups involved.

In the context of this research, the *Maqashid Syariah* theory is used as an analytical tool to assess whether child custody policies after divorce reflect the values contained in *Maqashid Syariah*. This theory is useful for evaluating whether the decisions made, such as child custody rights, take into account the protection of lineage (*Hifz an-Nasl*) and ensure the well-being of the child in terms of mental and physical health (*Hifz an-Nafs*). By applying *Maqashid Syariah*, the analysis can show the extent to which the policy not only favors positive law however also reflects deeper moral and social principles, in line with Islam's goal of creating justice and welfare for all parties, especially children, who are the main focus in post-divorce custody issues.

The Concept of *Qira'ah Mubadalah* by Faqihuddin Abdul Kodir

Qira'ah Mubadalah is a concept in Islamic studies developed by Faqihuddin Abdul Qadir from UIN SIBER Syekh Nurjati Cirebon. This concept emphasizes reciprocity between husband and wife in fulfilling roles and responsibilities within the family. The term "*Mubadalah*," derived from Arabic, means exchange, both physically and non-physically, and in this context, it refers to the mutuality and equality between men and women, ensuring that no party is disadvantaged. This concept serves as an understanding and resistance against discriminatory behavior, hegemonic values, and oppression, as well as an effort to renew norms and perspectives on gender relations towards mutuality, cooperation, and equality ([Al Mustaqim, 2022](#)). *Qira'ah Mubadalah* etymologically means a perspective of reciprocity and is defined terminologically as an Islamic principle that regulates the relationship between men and women in both domestic and public spheres based on equality, justice, and the common good ([Kodir, 2019](#); [Rofi'i et al., 2024](#)).

According to Faqihuddin Abdul Kodir in his book, he explains that in the context of *Qira'ah Mubadalah*, there are several key principles relevant to the relationship between men and women, particularly in the roles of husband and wife, which can also be applied to the implementation of *hadanah* by single mothers due to divorce ([Kodir, 2019](#)):

1. Principle of Reciprocity

This principle emphasizes that the husband and wife must respect and support each other. In the context of the implementation of *hadanah*, this principle can be applied by

ensuring that the single mother and the ex-husband respect each other's roles in child-rearing. This reciprocity is crucial to ensure that the child feels emotionally and psychologically supported and protected, although if the parents are no longer together ([Kodir, 2019](#)):

2. Principle of *Mu'asyarah Bil Ma'ruf*

Based on this principle, the husband and wife are expected to treat each other with kindness and support in daily life. For a single mother, this principle means maintaining a good relationship with the ex-husband in terms of communication and coordination regarding the child's needs. This includes positive actions to create a harmonious and stable environment for the child ([Kodir, 2019](#)).

3. Principle of *Taradhin*

This principle teaches mutual consent and understanding each other's needs and feelings. In the context of *hadanah*, the single mother and the ex-husband must understand and appreciate the child's needs, as well as cooperate in making decisions that affect the child's well-being. This attitude will help create a fair and understanding environment for the child ([Kodir, 2019](#)).

4. Principle of *Tashawurin*

This principle emphasizes the importance of sharing opinions and discussions. In the implementation of *hadanah*, this principle means that the single mother and the ex-husband must share opinions and discuss important decisions regarding the child. Collaboration in decision-making can help ensure that the child receives appropriate care and attention ([Kodir, 2019](#)).

Thus, the principles of *Qira'ah Mubadalah* support equality and justice in relationships, ensuring that no party dominates or is harmed. In the case of the implementation of *hadanah* by single mothers, this principle means that the roles and responsibilities of child-rearing must be shared fairly and equally, both between the mother and the ex-husband and in their interactions with the child, to create balance and justice in the child's life.

The concept of *Qira'ah Mubadalah*, developed by Faqihuddin Abdul Qadir, offers a framework that highlights the reciprocal and equal relationship between men and women, particularly within the context of marriage and family dynamics. In the context of *hadanah* (child custody) for single mothers after divorce, *Qira'ah Mubadalah* serves as a useful tool for understanding how equality and mutual respect should govern the interactions between the parents, especially when the family is no longer intact. The theory works by advocating for a balanced approach, where both parties the mother and the ex-husband share responsibilities in child-rearing. This concept emphasizes that the roles of husband and wife are not fixed or hierarchical, however rather collaborative, ensuring that neither party is disadvantaged or oppressed.

Qira'ah Mubadalah application is particularly beneficial in the context of single mothers who are managing child custody post-divorce. By focusing on principles such as reciprocity, mutual understanding, kindness, consent, and shared decision-making, the theory encourages both parents to engage in a cooperative relationship, which is crucial for the emotional and psychological well-being of the child. This theoretical framework resists any form of discriminatory behavior, advocating for gender equality and fairness. In this way, *Qira'ah Mubadalah* works not only as a lens for analyzing family dynamics post-divorce however also as a means to transform societal views on gender roles and responsibilities within family structures, fostering an environment of cooperation and justice. Thus, this theory becomes an essential tool for promoting fairness and support in child-rearing, ensuring that both parents contribute equitably to the child's upbringing despite the breakdown of their marital relationship.

The Implementation of *Hadhanah* by Single Mothers Due to Divorce in Indonesia

Based on the research conducted by Asparidon, Elimartati, and Farida Arianti in their journal, it is explained that the implementation of *hadhanah* by single mothers due to divorce in Indonesia is often characterized by the absence of agreement between the ex-husband and wife regarding child support. Post-divorce, there is often confusion regarding the financial responsibilities that need to be fulfilled for the children's needs. This results in the mother, who has custody, being the one to bear the full responsibility for the children's basic needs without help from the ex-husband. The lack of agreement ultimately creates a significant economic burden for the single mother in meeting the children's needs, such as food, education, and health.

In addition to the lack of agreement, ex-husbands often directly refuse to provide child support for children raised by the ex-wife. Some argue that they do not like their ex-wives or believe that child support will only be given if the child is raised by them. This attitude shows that many ex-husbands associate child support with full custody of the child by them. This indicates that the provision of child support is nevertheless viewed as part of the personal relationship between the ex-couple, rather than a financial responsibility toward the child.

This situation exacerbates the economic condition of the single mother, as she is faced with significant financial needs without support from the ex-husband. A mother raising children on her own has to meet various daily needs, including food and education costs. Without financial support from the ex-husband, single mothers often have to work harder or although seek additional jobs to cover these needs. This challenge results in many single mothers experiencing significant economic pressure, especially in meeting their children's basic needs.

Furthermore, there is also a dynamic where ex-husbands use personal reasons to refuse child support. Some ex-husbands believe that their ex-wives do not deserve child support, thus rejecting the financial responsibility. This view shows that the provision of *hadhanah* support is often influenced by personal feelings toward the ex-wife. In many cases, such personal reasons harm the children, as they do not receive the financial support they should be getting from their father.

This situation also affects the psychological well-being of the children raised by single mothers. When children grow up without financial support from one parent, they not only experience economic limitations however also emotional conflicts arising from instability in meeting their needs. Children may feel neglected by the parent who does not provide child support, which ultimately impacts their emotional and psychological well-being. These psychological impacts are one of the important consequences to consider in the implementation of *hadhanah* ([Asparidon et al., 2022](#)).

Based on the explanation above, it shows that the implementation of *hadanah* by single mothers due to divorce in Indonesia is often hindered by disagreements between former husbands and wives regarding child support. Many mothers have to bear the full responsibility for their children's basic needs without assistance from the ex-husband. Some ex-husbands although refuse to provide child support for personal reasons, such as dislike for the ex-wife or the belief that child support should only be given if the child is raised by them. This adds to the economic burden on single mothers, who have to work harder to meet their children's needs, which in turn affects the physical and psychological well-being of the children. Children who grow up without financial support from one parent not only face economic difficulties however also emotional impacts due to the instability in meeting their needs.

In the author's view, addressing the issue of inequality in the implementation of child custody (*hadhanah*) by single mothers due to divorce in Indonesia, the solutions that need to be implemented are crucial to ensure a fair and equitable distribution of children's rights. One

of the steps that should be taken is the establishment of moreover decisive policies regarding the obligation to provide child support after divorce. The government must ensure that every child, whether raised by a single mother or father, receives financial support that meets their basic needs, such as food, education, and healthcare. This needs to be clearly regulated in binding legislation that cannot be avoided by either party. Law Number 1 of 1974 on Marriage, which governs parental obligations toward their children after divorce, should be strengthened with moreover detailed provisions regarding child support obligations to reduce uncertainty and injustice in the distribution of children's rights after divorce.

In addition, to strengthen the implementation of child support obligations, regulations are needed to require both parents to agree on the division of child support through a clear mechanism, such as through the courts or relevant state institutions. One possible step is to introduce a child support registration system integrated into the legal system, which allows for transparent monitoring and reporting. In this regard, the Child Protection Law (Law No. 23 of 2002) provides a strong legal foundation for protecting children's rights, including the right to financial support. Article 8 of this law states that children have the right to receive a decent standard of living from their parents. The government could also introduce regulations requiring the court to automatically issue a ruling on child support obligations as part of the divorce process.

Furthermore, it is important for the government to strengthen the monitoring and enforcement mechanisms for the fulfillment of child support obligations to ensure children's rights are not neglected. This could be done by utilizing technology to simplify the reporting and monitoring process of the support provided by parents. In addition, policies should be introduced to impose strict sanctions on parties who fail to meet child support obligations. Therefore, strengthening the regulations governing child support obligations under the Child Protection Law and utilizing moreover effective mediation mechanisms could be concrete steps to ensure children's rights are met properly. With clearer and stricter regulations in place, it is hoped that inequality in the distribution of children's rights after divorce can be minimized, and children can receive their rights fairly.

Discussion

A Review of *Maqashid Syariah* in the Implementation of *Hadhanah* by Single Mothers Due to Divorce

In the context of *hadanah* by a single mother due to divorce, *Maqashid Syariah* can be used as a reference to assess whether the care and education provided to the children meet the objectives of *Sharia*, which protect five key aspects: religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-ʿaql*), lineage (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-māl*). Every good *hadhanah* effort should ensure that these five elements are preserved in order to achieve *maslahah* (goodness) for the children being cared for. Below is the analysis based on the perspective of *Maqashid Syariah*:

1. Preserving Religion (*Hifz ad-Din*)

Hifz ad-Din encompasses the protection of religious freedom and the application of Islamic teachings in daily life. In the context of *hadhanah*, preserving religion means that both parents, the mother and the ex-husband, need to ensure that the child's spiritual and religious education needs are met. According to Asparidon's research, the ex-husband's absence in providing financial support for the child can burden the single mother economically, which in turn can disrupt the balance between economic obligations and the responsibility to fulfill the child's religious needs ([Asparidon et al., 2022](#)). Therefore, the lack of support from the ex-husband in this case can be seen as something that does not fully support the principle of *hifz ad-din*, as there are difficulties in ensuring that the child can grow up with proper religious teachings if the mother's financial situation is unstable.

2. Preserving Life (*hifz an-nafs*)

Hifz an-nafs aims to protect an individual's physical and mental health. In the context of *hadhanah*, this means ensuring that a child raised by a single mother receives full support to meet physical needs such as food, shelter, and safety. However, Asparidon's research shows that single mothers often bear a heavy economic burden without assistance from the ex-husband, resulting in significant financial pressure. This burden not only affects the child's physical well-being however also causes stress for the mother, ultimately impacting their mental health ([Asparidon et al., 2022](#)). Thus, the absence of financial support from the ex-husband is inconsistent with the principle of *hifz an-nafs*, as both the children and the mother are in a vulnerable condition regarding physical and mental issues due to economic difficulties.

3. Preserving the Intellect (*hifz al-'aql*)

Hifz al-'aql aims to protect and develop the intellectual abilities of children, including through education and access to knowledge. In the case of *hadhanah* by single mothers, the child's educational needs are one of the key aspects that must be met. However, if the mother has to bear the entire financial responsibility without support from the ex-husband, as shown in Asparidon's research, there is a risk that the child's education may be hindered ([Asparidon et al., 2022](#)). In this situation, the mother may struggle to provide for school fees, books, and other educational needs. This lack of financial support indicates that the principle of *hifz al-'aql* is not fully met, as the child's right to receive adequate education and knowledge may be disrupted.

4. Preserving Lineage (*hifz an-nasl*)

Hifz an-nasl focuses on the protection of children's rights as the future generation, including meeting their basic needs required for healthy growth. Asparidon's research shows that many ex-husbands refuse to provide financial support for their children due to personal reasons, which can potentially harm the child's physical, emotional, and social development ([Asparidon et al., 2022](#)). The principle of preserving lineage requires both parents, although after separation, to ensure that the child's needs are met for a better future. Without support from the ex-husband, the single mother faces a significant burden in meeting the child's needs on her own. This is inconsistent with *hifz an-nasl*, as the lack of assistance from the ex-husband can lead to limitations in fulfilling essential needs for the child's development, which is crucial for the future generation.

5. Protecting Wealth (*hifz al-mal*)

Hifz al-mal emphasizes the importance of protecting property rights and the fair distribution of wealth. In this context, a father who does not provide financial support for a child under the custody of a single mother could be seen as neglecting the principle of *hifz al-mal*, as the resources that should be used to support the child's needs are not being provided. The absence of financial support from the ex-husband creates financial injustice for the mother, who must bear all the child's needs on her own. This is inconsistent with the principle of *hifz al-mal*, which calls for the fair distribution of wealth to meet the child's needs, especially post-divorce.

The implementation of *hadhanah* by single mothers due to divorce in Indonesia, as revealed in Asparidon's research, has not fully aligned with *Maqashid Syariah*. Many ex-husbands are reluctant to provide financial support for their children due to personal conflicts with their ex-wives, which ultimately harms the children's well-being. The inability of single mothers to meet all the children's needs without the support of their ex-husbands can hinder the fulfillment of *Maqashid Syariah* principles in *hadhanah*, such as preserving mental and physical health (*hifz an-nafs*), education (*hifz al-'aql*), and economic well-being (*hifz al-mal*) for their children.

To achieve the goals of *Maqashid Syariah*, especially in the context of post-divorce *hadhanah*, a shared responsibility between ex-husbands and ex-wives is necessary to meet the

children's needs without associating it with personal conflicts. Financial, emotional, and social support from both parents is essential to ensure that the child grows in a supportive environment, in terms of religion, health, intellect, lineage, and economy.

Overview of *Qira'ah Mubadalah* in the Implementation of *Hadanah* by Single Mothers Due to Divorce

The implementation of *hadanah* by single mothers due to divorce in Indonesia, using the *Qira'ah Mubadalah* theory by Faqihuddin Abdul Kodir, highlights the importance of applying the principles of equality and justice in the relationship between ex-husbands and ex-wives for the well-being of their children. The principle of reciprocity emphasizes that although though the couple has divorced, they must nevertheless respect each other's role in child-rearing. Below is an overview of the implementation of *hadhanah* based on the principles of *Qira'ah Mubadalah*:

1. Principle of Mutuality

The principle of reciprocity requires that ex-husbands and ex-wives continue to respect and support each other in parenting, although after their marriage has ended. In the context of *hadhanah* for single mothers, this means that both parents need to recognize the important role each plays in meeting their children's needs. According to research by Asparidon et al., most ex-husbands are reluctant to provide financial support for their children due to personal reasons related to their ex-wives, such as dislike or the desire to have full custody if they are required to provide support ([Asparidon et al., 2022](#)). This attitude shows that the principle of reciprocity has not been fully met, as the ex-husband nevertheless associates the child's needs with his personal relationship with the child's mother. The principle of reciprocity should encourage both parties to focus on the child's interests, rather than their personal conflicts.

2. *Mu'asyarah Bil Ma'ruf* Principle

This principle emphasizes the importance of mutual kindness, including maintaining a harmonious relationship in parenting. This means that single mothers and their ex-husbands need to establish good communication to ensure the child's needs are met. However, research by Asparidon et al. indicates that communication between ex-spouses is often hindered by the personal feelings of ex-husbands who do not support their ex-wives ([Asparidon et al., 2022](#)). As a result, single mothers not only struggle to obtain financial support however also face challenges in maintaining a stable and positive environment for their children. The lack of healthy communication contradicts *Mu'asyarah Bil Ma'ruf*, which should support the creation of a positive atmosphere for the child, although the parents have separated.

3. *Taradhin* Principle

Taradhin is a principle that emphasizes mutual consent, including understanding each other's needs and feelings, especially in parenting. In the implementation of *hadhanah* (custody) by single mothers, *Taradhin* requires both former husband and wife to understand the child's needs and provide fair support in parenting, without associating this obligation with personal conflicts. According to existing research, many ex-husbands refuse to provide financial support due to personal dissatisfaction with their ex-wives or the desire for the child to be raised by them if support is given ([Asparidon et al., 2022](#)). This indicates that the principle of *Taradhin* has not been fully achieved, as ex-husbands do not directly prioritize the child's well-being. In the perspective of *Qira'ah Mubadalah*, *Taradhin* requires both parents to set aside personal conflicts for the sake of the child's needs and welfare.

4. *Tashawurin* Principle

Tashawurin emphasizes the importance of discussing and sharing opinions regarding matters related to children. This means that important decisions related to child-rearing

should be made through open communication between ex-husbands and ex-wives. According to research by Asparidon et al., many ex-husbands not only refuse to provide financial support however also refuse to engage in discussions about the children's needs, such as health, education, and other basic necessities ([Asparidon et al., 2022](#)). The unwillingness to collaborate in child-rearing contradicts the value of *Tashawurin*, as the lack of proper discussion makes child-rearing decisions one-sided, where the single mother has to handle all the children's needs on her own.

Based on the explanation above, it shows that the implementation of *hadanah* by single mothers due to divorce has not fully aligned with the values of *Qira'ah Mubadalah*. Many ex-husbands do not show mutual support or respect for the role of the ex-wife as the primary caregiver. Personal feelings nevertheless dominate decisions regarding the provision of child support, hindering the principles of mutuality and kindness (*Mu'asyarah Bil Ma'ruf*). Furthermore, the lack of willingness to support the children's needs (*Taradhin*) and the unwillingness to engage in healthy discussions regarding child-rearing (*Tashawurin*) indicate that many ex-husbands have not fulfilled their responsibilities according to the principles of *Mubadalah*.

Conclusion

Based on the explanation above, this study can be concluded that the implementation of *hadanah* by single mothers due to divorce in Indonesia faces serious challenges, particularly related to the lack of agreement on child support responsibilities between ex-husbands and wives. This ambiguity often forces single mothers to bear all of the children's needs without financial support, creating a heavy economic burden and compelling them to work harder or seek additional jobs. The ex-husband's refusal to provide child support, citing personal reasons, not only harms the mother however also negatively impacts the psychological well-being of the children, who may experience emotional conflicts and limitations in meeting their basic needs. In this context, it is crucial to enforce the rights and responsibilities of both parents in child rearing post-divorce to ensure that children grow in a stable and prosperous environment. Furthermore, the implementation of *hadanah* by single mothers due to divorce in Indonesia does not fully align with the principles of *Maqashid Syariah*, which aims to protect five fundamental aspects: religion, life, intellect, lineage, and wealth. Many ex-husbands are reluctant to provide child support, often for personal reasons, which negatively affects the well-being of both the children and the mother. Without financial support from the ex-husband, single mothers struggle to meet their children's basic needs, hindering the fulfillment of the principles of *hifz an-nafs*, *hifz al-aql*, and *hifz al-mal*. Therefore, to achieve the goals of *Maqashid Syariah*, shared responsibility between both parents is needed to meet the children's needs without personal conflict, ensuring that the child grows up in a healthy and supportive environment. From the perspective of *Qira'ah Mubadalah*, the implementation of *hadanah* by single mothers due to divorce in Indonesia shows that the principles of equality and justice in the relationship between ex-husbands and wives have not been optimally applied. First, the principle of reciprocity requires the ex-husband and wife to continue respecting and supporting each other in raising the children. However, many ex-husbands are unwilling to provide child support due to personal conflicts, causing the children's interests to be neglected. Second, the principle of *mu'asyarah bil ma'ruf* emphasizes the importance of maintaining harmonious relations, however poor communication between the ex-spouses makes it difficult to meet the children's needs. Third, the principles of *taradhin* and *tashawurin* have not been achieved, as the ex-husband does not show a willingness to support the children's needs and refuses to engage in open discussions about child rearing. Thus, the implementation of *hadanah* by single mothers shows shortcomings in the application of *Qira'ah Mubadalah* values, which should guarantee the welfare of the children through fair collaboration and mutual respect between both parents.

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