

Children's Justice in Indonesian Islamic Law through Contemporary *Hadanah* Judicial Practice

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Abstract

This study examines the implementation of the principle of the child's best interests in *hadanah* (child custody) decisions in the Indonesian religious courts, focusing on case studies in the Lolak Religious Court. Through a juridical-sociological approach and exploratory qualitative methods, this study analyzes two court decisions and the results of in-depth interviews with judges. The results show that the child's best interests principle has become the primary consideration in making decisions. However, its application is still varied and casuistic due to the absence of explicit judicial guidelines. There is also a diversity of interpretive approaches among judges, which are classified into four orientations: legalistic, sociological, progressive, and utilitarian. This study proposes the importance of special regulations from the Supreme Court in the form of Supreme Court Regulations or Supreme Court Circular Letters as an effort to standardize the implementation of the principle of the best interests of children in *hadanah* cases. The results of this study contribute to strengthening child protection in the Indonesian Islamic family law system fairly and contextually.

Penelitian ini bertujuan untuk mengkaji implementasi prinsip kepentingan terbaik anak dalam putusan hadanah (hak asuh anak) di pengadilan agama Indonesia, dengan fokus pada studi kasus di Pengadilan Agama Lolak. Melalui pendekatan yuridis-sosiologis dan metode kualitatif eksplorasi, penelitian ini menganalisis dua putusan pengadilan serta hasil wawancara mendalam dengan hakim. Hasil penelitian menunjukkan bahwa prinsip kepentingan terbaik anak telah menjadi prinsip pertimbangan utama dalam praktik keputusan, namun penerapannya masih bervariasi dan kasuistik karena tidak adanya pedoman peradilan yang eksplisit. Ada juga keragaman pendekatan interpretatif di antara para hakim, yang diklasifikasikan menjadi empat orientasi: legalistik, sosiologis, progresif, dan utilitarian. Penelitian ini mengusulkan pentingnya peraturan khusus dari Mahkamah Agung berupa Peraturan Mahkamah Agung atau Surat Edaran Mahkamah Agung sebagai upaya standarisasi implementasi prinsip kepentingan terbaik anak dalam kasus hadanah. Hasil penelitian ini berkontribusi dalam penguatan perlindungan anak dalam sistem hukum keluarga Islam Indonesia yang adil dan kontekstual.

INTRODUCTION

The issue of post-divorce child custody (*hadanah*) is one of the most complex and sensitive aspects in the realm of contemporary Islamic family law. This problem not only concerns the normative regulation of parental obligations to children, but also reflects the dynamics of power in gender relations (Falah et al., 2024; Yudhantara Syahputra & Zuhdi, 2024), the tension between national and Sharia (Wardani et al., 2024), and social expectations for the role of judicial institutions as guardians of substantive justice (Sunu & Adly, 2023). In the Indonesian context, the Compilation of Islamic Law (KHI) as a source of positive law explicitly stipulates that children who are not *mumayyiz* have the right to be cared for by their mothers, while children who are *mumayyiz* are given the right to choose (Bilalu et al., 2022; Idris et al., 2024). This normative formulation is a representation of a legalistic approach that emphasizes legal certainty, but in practice often leaves gaps when faced with the social and psychological reality of children (Campbell, 2004; Huntington & Scott, 2020). Actual parenting experience, emotional stability, the economic condition of the caregiver, and the child's relationship with the extended family are important factors that are not always covered in written norms, but are very decisive in ensuring the child's growth and development as a whole (Brighouse & Swift, 2014; Sanders & Turner, 2018). Therefore, the case of *hadanah* requires an understanding of Islamic norms and sensitivity to the complexity of the social relations surrounding it.

In the global context, the recognition of the principle of the best interests of the child has become a normative standard that is universal and morally and legally binding, as stated in the Convention on the Rights of the Child (CRC), which Indonesia has ratified through Presidential Decree Number 36 of 1990 (Kristin & Trie Isana Dewi, 2021; Rizky et al., 2022). This principle requires that every decision concerning a child must ensure optimal protection of all aspects of their life, including physical, emotional, spiritual, social, and intellectual well-being (Hart & Glaser, 2011; Unicef, 1989). Therefore, in the modern legal system, it is not enough for the court to refer only to the biological relationship or age of the child in determining custody, but rather a comprehensive assessment of who is best able to provide a safe, stable, and supportive environment for the child's development (Mesrati, 2022). Unfortunately, in the practice of religious justice in Indonesia, this principle has not been uniformly implemented. Although many judges have made the principle of the best interests of the child a primary consideration, there is no judicial regulation that expressly provides operational guidance on how this principle should be applied methodologically and consistently in each case (Imran et al., 2024; Rohmawati & Rofiq, 2021).

The absence of these guidelines directly impacts the disparity in verdicts, especially in *hadanah* cases that are substantially similar. This raises critical questions about how religious courts in Indonesia can balance text-based Islamic legal norms with demands for protecting children's rights that are more contextual and future-oriented (Firmanto, 2024; Hamzah & Fathorrozi, 2025). Furthermore, the variability of approaches among judges indicates differences in epistemological orientations that have not been integrated into the training system or judicial regulatory framework (Aljanni & Muhammad, 2025; Nazah & Muslimin, 2024). Some judges still tend to maintain a literal-positiveistic legalistic-positivistic approach to

KHI, while others develop a progressive or sociological approach that is more responsive to the needs of the child (Falah et al., 2024; Idris et al., 2024). It is in this space that the importance of this research is present to identify how the principle of the best interests of the child is applied factually in *hadanah* decisions, as well as to analyze the factors that influence the approach of judges in interpreting and applying these principles in the context of religious justice in Indonesia.

Departing from these issues, this article aims to describe and analyze the application of the principle of children's best interests in *hadanah* cases in the Lolak Religious Court, North Sulawesi. Using a qualitative approach and case studies, this study traces the deliberative practices of judges through the analysis of two purposively selected *hadanah* decisions and in-depth interviews with the judges involved. This approach is enriched by the theoretical framework of sociological law (Eugen Ehrlich), progressive law (Satjipto Rahardjo), and legal positivism (John Austin), and combined with *maqāṣid al-syarī'ah* as an Islamic normative framework that places the welfare of children as a top priority. Thus, this research contributes to the literature on Islamic family law and provides important implications for judicial policy reform, particularly in formulating technical guidelines that can integrate Islamic normative approaches with international standard child protection principles.

METHODS

This research uses a qualitative approach with an exploratory case study design (Yin, 2018), which aims to uncover in depth how the principle of children's best interests is applied in religious justice, especially in *hadanah* cases. This approach assumes that legal phenomena cannot be understood only through normative texts, but must be traced in the social, cultural, and institutional context in which the law is implemented. This approach allows researchers to comprehensively explore the dynamics of judges' interpretations, deliberative practices in the courtroom, and the background of the considerations underlying *hadanah* decisions at the local level. The exploratory case study design was chosen because it is relevant to understanding the complexity of the judiciary, which is not standardized and often casuistic, especially in issues related to children's rights, morality, and post-divorce gender relations.

Primary data in this study was obtained through two main sources. First, a juridical analysis of the two *hadanah* decisions issued by the Lolak Religious Court, namely Case Number 261/Pdt.G/2020/PA. Llk and Number 409/Pdt.G/2021/PA.Llk. Second, in-depth interviews were conducted with four judges directly or indirectly involved in handling the case, including the Chief and Deputy Chief Justice of the Court. The informant selection technique was carried out purposively based on the criteria of judicial experience, involvement in *hadanah* cases, and reflective ability regarding the principles of child protection and Islamic law. The interview approach used is semi-structured (Moleong, 2021) to allow flexibility in information mining, while maintaining a focus on key issues such as the interpretation of Article 105 of the Criminal Code, understanding the principle of the child's best interests, and views on regulatory needs in the religious justice environment.

Secondary data were obtained through literature studies that included formal legal sources (Compilation of Islamic Law, Religious Justice Law, Child Protection Law), international conventions (especially CRC 1989), classical and contemporary jurisprudence literature, as well as relevant legal theories such as progressive, sociological, and *maqāsid al-shari'ah*. All data were analyzed using descriptive-analytical and interpretive methods, emphasizing critical reading of the legal narrative, argumentative structure of the verdict, and moral and theological justifications that emerged in the interview (Ranjbarzade et al., 2022). To strengthen the validity of the results, this study applied the triangulation technique of sources and methods, namely by comparing the content of the verdict, the judge's statement, and the theoretical framework used (Sugiono, 2017).

In epistemology, researchers take an interpretive-critical position, which believes that law is a non-neutral social construct and that judges have a central role as actors who apply the law and transform the values of justice. Therefore, in analyzing the data, the researcher not only examines the coherence between norms and judgments but also traces how judges' considerations reflect, negotiate, or even correct the tension between Islamic legal norms and universal child protection principles (Creutzfeldt et al., 2019). With this approach, the research results in factual mapping of judicial practices. It opens up space for normative reflection and reformulation of Islamic family law policies that are more responsive and fair.

RESULT AND DISCUSSION

Variations in Judicial Practice in the Determination of Hadanah

In *hadanah* cases, the principle of the best interests of the child has been generally recognized as the main principle in decision-making by religious court judges (Nazah & Muslimin, 2024). However, such recognition is not always directly proportional to the consistency of implementation at the practice level. Variations in approaches, methods of interpretation, and assessment of evidence in child custody cases indicate significant judicial disparities, rooted in the absence of national normative standards that explicitly govern how the principle should be applied. In other words, although the judges claim to accept the principle as the main foothold, they interpret it through different epistemological frameworks, resulting in sometimes contradictory rulings in almost identical cases.

This variation in practice is evident in two decisions that are the focus of the case study, namely Case Number 261/Pdt.G/2020/PA.Llk and Case Number 409/Pdt.G/2021/PA.Llk (PA Lolak, 2020, 2021). In the first case, the panel of judges of first instance gave custody to the father because the environmental conditions of the mother's residence were not physically and morally feasible. This assessment is based on evidence in the form of photographs and testimonies that show the alleged involvement of children in a social environment that is considered harmful. However, when the case was appealed, the Manado High Court of Religion overturned the decision. It returned custody to the mother, considering that the evidence presented was insufficient to prove negligence in parenting and that the child had shown comfort and intense emotional closeness to his mother.

Meanwhile, Number 409/Pdt.G/2021/PA is the second case. Llk, the panel of judges of the Lolak Religious Court immediately assigned custody to the mother of a

two-year-old girl. In this case, the father objected by stating that the mother had a bad moral reputation, based on digital evidence in the form of screenshots of conversations and photos from social media. However, the judge rejected the evidence because the formal requirements and forensic validity were unmet. In addition, the judge assessed that in the early age phase, the child is highly dependent on the mother emotionally and biologically, and no evidence of neglect or violence in parenting by the mother was found. This decision reflects judicial prudence in assessing the evidence and recognizing the importance of stability in children's affections (Scaife, 2024).

These two decisions reflect a different spectrum of judicial approaches: the first shows a shift from a legalistic to a contextual approach, while the second shows the direct application of the best interests principle without intervention at the appellate level. From these two cases, it can be seen that the judges' approach in assessing the "best interests of the child" is greatly influenced by their interpretation of the concept of "childcare", which in many cases is interpreted through the lens of morality, the stability of the home environment, and the emotional relationship between the child and the caregiver (Rabadán Sánchez-Lafuente, 2023). However, due to the absence of standard evaluative parameters, these considerations are often subjective and depend on the judge's value preferences.

Furthermore, the results of interviews with the judges show no single model for assessing who is most worthy of custody. Some judges admitted that they were still very bound by the text of Article 105 of the KHI, which gives custody to mothers for children who are not *mumayyiz* and gives voting rights to children who are already *mumayyiz* (Interview, Judge in PA Lolak, 2023). In this approach, norms are considered an absolute reference and can only be abandoned if there is strong evidence of parenting incompetence. This kind of approach emphasizes the importance of legal certainty, but at the same time risks ignoring the child's psychosocial conditions that normative provisions may not accommodate (Breen, 2021; Sanders & Turner, 2018; Wardani et al., 2024).

On the other hand, some judges apply a more sociological and psychological approach. They emphasized the importance of direct observation of the child's condition, listening to the child's voice, and considering the dynamics of the extended family and social environment. In their view, Islamic law must be interpreted contextually in order to provide substantive justice, not just procedural justice (Sodiqin, 2021). In practice, this approach encourages judges to consider the child's preferences, ongoing parenting experience, and the emotional comfort the child feels in the current parenting. This approach often provides more space for fulfilling children's rights.

In addition, a few judges showed a progressive-transformative mindset, which considered children's comfort and questioned the validity of legal norms considered non-adaptive to developing children's needs and community dynamics. Judges in this category dare to make creative interpretations of the provisions of Article 105 of the KHI by using the *maqāṣid al-syarī'ah* approach to justify decisions that prioritize the protection of the soul (*hifz al-nafs*), reason (*hifz al-'aql*), and heredity (*hifz al-nasl*) (Yusuf & Harun, 2024). In this approach, Islamic norms are not a set of frozen rules,

but instruments that must be dynamically reinterpreted to answer contemporary problems.

On the other hand, judges are also found to think utilitarianly by calculating all factors that can affect children's welfare rationally and comprehensively. In this approach, consideration is given not only to affection and emotional comfort, but also to the economic capacity of the caregiver, access to education, the sustainability of relationships with extended families, as well as possible future conflicts (Cahn et al., 2022; Otis-Green & Juarez, 2012). Utilitarian approaches tend to be flexible and highly results-oriented, but risk ignoring the spiritual dimensions and emotional affection that are an important part of childcare from an Islamic legal perspective.

The variation in practice reflects the absence of judicial regulations that can unite various interpretations in one methodological and transparent framework. Today, religious justice judges rely entirely on professional intuition and personal reading of the text and context. This dependency puts judges in a decisive position, but they are also vulnerable to value bias that is not always realized. In an ideal legal system, judges' discretion should be guided by a regulatory apparatus that regulates not only the substance of the law but also the method of its assessment.

Thus, although the principle of the child's best interests has been accepted, the reality on the ground shows that the methodological orientation of the judge largely determines its implementation. This raises important questions about how to build an Islamic family law system that combines flexibility of interpretation with fair and consistent evaluation standards. This is where the urgency of drafting technical guidelines from the Supreme Court becomes very relevant, so that differences in judges' approaches do not cause disparities in justice that can harm children as the most vulnerable legal subjects in *hadanah* cases.

Epistemological Asymmetry and Judge's Discretionary Authority

In the context of religious justice in Indonesia, the discretion of judges is the most strategic and vulnerable space in determining the direction and content of justice in *hadanah* cases (Suriani et al., 2024). This discretion exists not only as a space of normative freedom provided by the legal system, but also as an epistemological expression of the way judges understand, interpret, and practice Islamic law within the institutional framework of the state (Falah et al., 2024; Scaife, 2024). This study found that the variation in applying the principle of children's best interests is not solely due to the diversity of case conditions, but also to the existence of fundamental differences in the paradigm of thinking of the judges themselves. In other words, legal practice in *hadanah* cases is not a neutral technical action, but an interpretive process that is highly determined by the scientific construction, normative orientation, and social sensitivity of each judge (Nazah & Muslimin, 2024).

This epistemological asymmetry can be seen from the tendency of judges to adhere to certain schools of law in deciding cases. Some judges have shown loyalty to the legalistic-positivistic approach, placing Article 105 of the Compilation of Islamic Law as the highest source of legitimacy. They tend to see the wording of the article as a fairly authoritative norm and do not need to be reinterpreted contextually, unless there is strong evidence of the caretaker's incompetence (Nabeel, 2023; Nazah & Muslimin, 2024; Suriani et al., 2024). In this view, judges are not social interpreters,

but technical implementers of the law whose job is maintaining the stability and certainty of norms. While this approach provides a sense of security in legal attachment, it also risks ignoring the complexity of emotional relationships and the psychological needs of children that are not accommodated in the normative article (Hamzah & Fathorrozi, 2025).

On the other hand, some judges show a more open and sociological epistemological tendency. They consider that the norms in KHI must be read in the context of the lives of children and their families (Marpaung & Turnip, 2025). It is not enough to be enforced procedurally, but it must carry a substantive meaning that can be felt by the subject of the law, especially children. Judges in this category tend to make a broader assessment of children's social, environmental, and emotional conditions, and do not hesitate to reinterpret the wording of the article based on the concrete facts they encounter in the field. They see the principle of the child's best interests as a bridge between positive laws and the reality of life, which demands flexibility and social sensitivity.

Furthermore, the progressive-transformative approach is an expression of criticism of the stagnation of Islamic law that is too normative and less adaptive. Judges who take this approach dare to move away from literal interpretations and use *maqāṣid al-syarī'ah* as a normative foundation to establish a more contextual justice, in favor of the protection of children's rights (Yusuf & Harun, 2024). In this approach, norms are positioned as instruments, not goals; and substantive justice, which includes the protection of the child's soul, intellect, progeny, and dignity, is considered a key principle to be achieved in any verdict (Emelonye, 2018). These progressive judges did not hesitate to reject ethically invalid evidence, such as the use of digital evidence that was speculative, or pressure from extended families that was contrary to the child's psychological stability.

However, not all judges are able or willing to take a transformative approach. Some of them stated in interviews that despite understanding the importance of psychological and social approaches, they still feel limited by the absence of technical regulations that can be used as an official handle. When there are no guidelines from the Supreme Court or fixed jurisprudence, judges are in a dilemma: between following their social justice intuition or submitting to institutionally safer normative texts. In this context, discretion becomes an interesting war between professional responsibility, institutional loyalty, and moral courage. This shows that discretion is not only a space of freedom, but also a political and ethical space that greatly determines the quality of child protection (Cahn et al., 2022; Sodiqin, 2021).

This epistemological asymmetry becomes increasingly problematic when no training system or regulatory framework can bridge the differences in approaches between judges. Religious courts, although they have ethical standards and general guidelines, do not have specific guidelines on how to assess the "best interests of the child" (Mesrati, 2022). As a result, judges with a background in pure Sharia education tend to maintain traditional interpretations. In contrast, those with a contemporary family law background or who follow human rights-based training are more open to multidisciplinary approaches. This situation creates an inconsistent judicial ecosystem, ultimately putting children in a legally uncertain position, especially in appeal and cassation cases.

In addition to epistemological differences, judges' discretionary authority is highly determined by their ability to read the dynamics of the case thoroughly. The judges interviewed revealed that in many *hadanah* cases, the information that goes into the case file is often limited, and the description of the child's condition is incomplete (Bilalu et al., 2022; Wardani et al., 2024). In situations like this, judges rely heavily on trial strategies that they develop themselves: from information extraction techniques, direct observation of children, to initiatives to ask questions to extended families. However, since not all judges have psychosocial training, this practice relies heavily on the individual's experience and intuition. This creates an over-reliance on subjectivity, which has the potential to cause legal uncertainty and inequality in the protection of children's rights.

From the point of view of legal theory, this epistemological variation reflects the character of "legal pluralism" in the religious justice system in Indonesia (Tamanaha, 2021). This pluralism not only encompasses the dimension between state law and Islamic law, but also intra-legal pluralism, which is the different interpretations of the sources of Islamic law by the same actors in the same institution (Mukaddam, 2024). Within the framework of sociological jurisprudence theory, this can be interpreted as a consequence of living law in judicial practice, where decisions are not solely determined by text but also by social values, cultural contexts, and institutional structures. However, if not systematically regulated, this pluralism can undermine the integrity of the legal system and undermine the judiciary's legitimacy in the public's eyes.

Therefore, a more systematic and continuous learning-based institutional approach is needed to strengthen the quality of judges' discretion in *hadanah* cases. Training for judges needs to be designed to develop interdisciplinary competencies, including in child psychology, family mediation, and international children's law. On the other hand, the Supreme Court needs to develop judicial guidelines that explain legal norms and methods and indicators of assessment that can be referred to uniformly. This kind of regulation will help reduce epistemological asymmetry and provide a more objective standard in the use of discretion, so that the principle of the best interests of the child is not only legal jargon, but is applied consistently in every line of religious justice (Breen, 2021).

Policy Implications and Judicial Reform

The findings of this study expressly show that although the principle of the child's best interests has been declared accepted by judges in religious courts, there is no established policy framework to ensure that the principle is applied uniformly, measurably, and judicially accountable. This irregularity creates inequalities in protecting children's rights, even among cases with similar substantial characteristics. In the absence of official guidelines from the Supreme Court, each judge is forced to use individual considerations and a personal approach in setting the criteria of "best interests", which ultimately makes the quality of child protection highly dependent on the individual sensitivity, courage, and capacity of the judge (Rabadán Sánchez-Lafuente, 2023). This condition creates a gap between principles and practices. It poses a risk of disparity in decisions that not only harm children as the most vulnerable parties, but also undermine the consistency and integrity of the religious justice system itself.

In this context, a regulatory breakthrough that is operational and not just normative is needed. Religious courts need regulations equivalent to Supreme Court Regulation (Perma) Number 5 of 2019 concerning marriage dispensation, which has become an important reference for judges in handling cases involving minors (Lahilote et al., 2022). The Perma emphasizes the principle of child protection and provides technical guidance, such as presenting a psychologist, conducting a social assessment, and systematically recording the psychosocial impact of the decisions. Similar principles and mechanisms should be developed in the context of *hadanah* cases. Thus, the principle of the best interests of children is not only a normative spirit, but can be translated into practical indicators that judges can use in every stage of the trial and the preparation of judgments (Marpaung & Turnip, 2025).

The proposed regulation does not have to change the basic structure of the Compilation of Islamic Law, but can be in the form of a Circular Letter of the Supreme Court (SEMA) or a new Perma that outlines evaluative variables to assess the best interests of the child (Mulawarman, 2015). These variables can include the child's age and maturity level, parenting history, emotional and economic stability of the prospective caregiver, preferences of children who have been *mumayyiz*, potential conflicts between parents, and the influence of the social environment on child development (Yusuf & Harun, 2024). With these indicators, judges have an adequate framework to assess the situation without losing normative direction. In addition, the existence of such guidelines will also strengthen the social legitimacy of judges' decisions, as the public will see that decisions are based on objective parameters and not mere personal interpretations.

Beyond the regulatory aspect, judicial reform must also touch the institutional aspect, especially in terms of strengthening the capacity of judges. Training for religious court judges has so far focused too much on mastering legal texts and judicial procedures, while psychological, sociological, and pedagogical aspects related to children's rights are often ignored. Therefore, it is necessary to design specialized, ongoing, interdisciplinary training that involves child psychologists, family sociologists, and international child law experts. Thus, judges will have theoretical guidance and practical skills in handling *hadanah* cases holistically and fairly.

In addition, religious courts must expand their partnerships with non-judicial institutions competent in child protection. Institutions such as the Child Protection Office, the Witness and Victim Protection Agency (LPSK), or the Family Welfare Consultation Institute can be important partners in assessing children's conditions and making non-litigation recommendations that can support the judge's decision. In some jurisdictions in other countries, such as Malaysia and Egypt, these consultative bodies are even required to attend custody hearings to provide impartial expert input (Yudhantara Syahputra & Zuhdi, 2024). This kind of collaborative approach can be an example of the religious justice system in Indonesia developing a child protection model based on cross-sectoral partnerships.

The next implication is the need for reform in the documentation and publication of *hadanah* case decisions. Many decisions are not well documented, or if they are, do not explicitly state the arguments that judges use to consider the child's best interests. Transparent and complete documentation is essential to build progressive jurisprudence and become training material for other judges (Sunu & Adly, 2023;

Yudhantara Syahputra & Zuhdi, 2024). The Supreme Court needs to encourage the court of first instance to be more active in compiling the juridical summary of each *hadanah* decision, including recording the judge's deliberations and social assessments underlying the decision. In the long run, this will create a more accountable and learning-oriented decision-making culture among judges.

Finally, judicial reform will be meaningless if it is not followed by strengthening the position of children as legal subjects in *hadanah* cases. Today, children are often positioned as objects of dispute between parents, and the child's voice is only considered a complement, not a significant component in consideration. In fact, in the principle of *the child's best interests*, the opinion of children who have reached a certain level of maturity must be seriously considered. Therefore, the court should begin to establish child-friendly procedures, including the provision of safe interview rooms, the presence of a psychologist when the child gives statements, and training for judges on communication techniques with children. Thus, children's participation in legal proceedings will be honest and substantial, not just symbolic.

These implications confirm that Indonesia's Islamic family law system is at a critical juncture between the continuation of normative traditions and the need for substantial transformation. The case of *hadanah* can no longer be resolved by procedural logic alone. However, it must be treated as a humanitarian protection field that demands the presence of the state through the courts as the last protector of children's rights. In this regard, the principle of children's best interests must not stop at the level of discourse. However, it must be materialized into regulatory systems, judicial practices, and institutional structures integrated in an ethical, inclusive, and transformative vision of Islamic justice.

CONCLUSION

This research found that the principle of children's best interests has become widely recognized by judges in *hadanah* cases in the Indonesian religious justice environment. However, consistent and standardized judicial practice has not fully reflected this normative recognition. A case study of two *hadanah* decisions at the Lolak Religious Court shows that the judge's approach varies greatly regarding judicial considerations, evidence assessment, and theoretical orientation used. These variations are empirically classified into four schools of thought: legalistic-positivistic, sociological-contextual, progressive-transformative, and utilitarian-pragmatic. This difference in approach reflects the absence of explicit national judicial guidelines and shows how judges' discretion plays a significant role in shaping the direction of post-divorce child protection.

Based on these findings, it is recommended that the Supreme Court prepare a technical regulation in the form of a Supreme Court Regulation (Perma) or a Supreme Court Circular Letter (SEMA) which explicitly contains parameters for the implementation of the principle of the best interests of children in *hadanah* cases. The regulation must be able to bridge Islamic norms in the Compilation of Islamic Law with the principle of universal child protection and provide evaluative guidance for judges in assessing evidence, listening to children's voices, and considering parenting conditions. In addition, interdisciplinary-based judicial training needs to be developed on an ongoing basis to strengthen the capacity of judges to integrate

Islamic legal approaches with the principles of child justice. Implementing this recommendation will strengthen the religious courts' function as law enforcers and as active protectors of children's rights in the Islamic family law system.

As a study with a qualitative approach based on local case studies, this study has limitations regarding generalizing findings to all religious courts in Indonesia. Nevertheless, the depth of exploration and integration between the analysis of the verdict and the judge's interview has contributed significantly to the discourse of Islamic family law, especially in formulating a child-friendly approach based on *maqāṣid al-syarī'ah*. This research also provides a conceptual and practical foundation for the agenda of institutional reform of the religious justice system and the development of judicial models that are adaptive to children's rights amid legal pluralism and socio-religious dynamics of the Indonesian Muslim community.

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