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Legal protection and gender justice in post-divorce child custody in Aceh

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ABSTRACT

The paper discusses the legal protection and gender justice in the case of child custody after divorce in Aceh, Indonesia. In this study, a qualitative socio-legal approach was employed to explore the causes and consequences of custody disputes, legal protection practices, judicial considerations, gender dynamics and institutional responses. The data were collected using in-depth interviews and document analysis. The participants were 12 people in Banda Aceh, Aceh Besar and Pidie, consisting of divorced parents, judges, lawyers, mediators and advocates of child protection. The data were analyzed by thematic analysis. Findings revealed that economic hardship, domestic conflict and breakdown of communication were the major reasons for divorce and subsequent custody problems. The long-term parental conflict was found to be detrimental to the psychological and emotional health of children resulting in emotional insecurity, behavioral instability and loyalty conflicts between parents. Courts often took into account the best interest of the child, but post-divorce parenting arrangements often fell prey to patriarchal norms, with mothers usually regarded as the primary caregivers and fathers as the financial providers. Enforcement of child support obligations and other legal protection mechanisms remained inconsistent, particularly regarding meeting children's educational, health and psychosocial needs. The focus was on mediation, institutional co-operation and reducing parental conflict and strengthening child-centred protection. This study concludes that the post-divorce situation in Aceh in terms of child protection and gender justice needs gender-sensitive legal

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approaches, better implementation of parental responsibilities, available psychosocial support, and coordinated institutional collaboration.

Keywords: Child Custody; Legal Protection; Gender Justice; Socio-Legal Approach; Aceh.

ABSTRAK

Artikel ini membahas perlindungan hukum dan keadilan gender dalam kasus hak asuh anak setelah perceraian di Aceh, Indonesia. Dalam penelitian ini, pendekatan sosio-legal kualitatif digunakan untuk mengeksplorasi penyebab dan konsekuensi sengketa hak asuh anak, praktik perlindungan hukum, pertimbangan peradilan, dinamika gender, serta respons kelembagaan. Data dikumpulkan melalui wawancara mendalam dan analisis dokumen. Partisipan penelitian berjumlah 12 orang yang berasal dari Banda Aceh, Aceh Besar, dan Pidie, yang terdiri atas orang tua yang telah bercerai, hakim, pengacara, mediator, dan pegiat perlindungan anak. Data dianalisis menggunakan analisis tematik. Hasil penelitian menunjukkan bahwa kesulitan ekonomi, konflik dalam rumah tangga, dan terputusnya komunikasi merupakan faktor utama yang menyebabkan perceraian dan selanjutnya memicu permasalahan hak asuh anak. Konflik berkepanjangan antara orang tua ditemukan berdampak buruk terhadap kesehatan psikologis dan emosional anak, yang mengakibatkan ketidakamanan emosional, ketidakstabilan perilaku, dan konflik loyalitas antara kedua orang tua. Pengadilan sering kali mempertimbangkan kepentingan terbaik bagi anak, tetapi pengaturan pengasuhan setelah perceraian sering kali masih dipengaruhi oleh norma patriarkal, dengan ibu umumnya dipandang sebagai pengasuh utama dan ayah sebagai penyedia kebutuhan finansial. Penegakan kewajiban nafkah anak dan mekanisme perlindungan hukum lainnya masih belum konsisten, khususnya dalam memenuhi kebutuhan pendidikan, kesehatan, dan psikososial anak. Fokus utama diarahkan pada mediasi, kerja sama antarlembaga, pengurangan konflik antara orang tua, serta penguatan perlindungan yang berpusat pada kepentingan anak. Penelitian ini menyimpulkan bahwa kondisi pascaperceraian di Aceh, khususnya dalam aspek perlindungan anak dan keadilan gender, memerlukan pendekatan hukum yang sensitif gender, pelaksanaan tanggung jawab orang tua yang lebih baik, dukungan psikososial yang tersedia, serta kolaborasi kelembagaan yang terkoordinasi.

Kata Kunci: Hak Asuh Anak; Perlindungan Hukum; Keadilan Gender; Pendekatan Sosio-Legal; Aceh.

1. INTRODUCTION

Divorce has become a major social and legal issue affecting family structures, children's well-being, and the responsibilities of parents globally (Ottakkam Thodukayil et al., 2026). Divorce typically ends a marriage, but can also involve complex fights about child custody, parenting time, financial support, and the mental health of the kids (Nurhaida, 2025). Children are usually the most vulnerable parties in post-divorce conflicts, as prolonged parental disputes, unstable caregiving arrangements, and inconsistent fulfilment of their legal and psychosocial rights may compromise their well-being (Ildırım & Gülüm, 2025). Previous research has shown

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that ongoing parental conflict after divorce can negatively impact children's psychological health, emotional wellness, social development, and long-term adjustment. The consequences outlined above demonstrate that post-divorce child custody should be considered not only as a dispute concerning parental rights but also as a child protection issue that needs continuous legal and psychosocial interventions (Dilla & Wado, 2024).

Child custody disputes are not simply legal battles between parents, but also reflect broader socio-cultural, economic, and gender dynamics in society (Izzati, 2025). Many developing countries, including Indonesia, continue to be characterized by patriarchal values and traditional gender roles in post-divorce parenting practices. Mothers are more likely to be viewed as the main caregivers responsible for children's daily and emotional needs, whereas fathers are more likely to be linked with financial provision and economic responsibility (Kayati et al., 2025). Such gender expectations may influence views on parental fitness and responsibility after divorce. Despite custody decisions and child-protection practices being formally constructed upon the best interests of the child, socio-cultural assumptions about gender and parental roles may also play a part in shaping them. Therefore, an examination of gender justice in child custody must consider both formal legal principles and the social norms through which parental responsibilities are interpreted and enforced (Butt, 2024).

The legal protection of children after divorce in Indonesia is regulated by the Marriage Law, child-protection law, and provisions for child custody and parental responsibilities of the parent in court (Kayati et al., 2025), enforcement and implementation of these legal protections are still challenging. Research to date has documented inconsistent child-support provision, limited psychosocial support for children, poor enforcement of court decisions, and ongoing conflict between divorced parents over custody arrangements (Suriyani et al., 2025). This suggests a possible gap between the formal recognition of children's rights and their effective realization within the framework of post-divorce family life. Therefore, legal protection should not only be evaluated by the existence of legal provisions, but also by their implementation and their capacity to respond to the educational, health, emotional, and psychosocial needs of children.

Aceh offers a particularly important socio-legal context for examining these issues because child custody and post-divorce parental responsibilities are shaped by the interaction of legal norms, Islamic family values, local traditions and community-based social structures (Zainuddin et al., 2022). Religious views, patriarchal cultures, and the role of extended family members in family decision-making often influence parental roles post-divorce. These overlapping influences may have an impact not only on parental practices but also on the processes of mediation, institutional responses, and the social perceptions of mothers' and fathers' responsibilities after divorce (Wan et al., 2025). Despite child custody disputes being a relevant family law and child protection issue in Aceh, empirical studies exploring the workings of legal protection and gender justice in such interrelated legal and socio-cultural contexts are still scarce.

Previous studies have focused primarily on child custody from the perspective of normative legal analysis, custody law, court decisions, and the wider problems of child protection (Nasution et al., 2022). While these studies are useful in shedding light on formal legal norms and judicial reasoning, their focus is less on the lived experience and implementation of custody arrangements and mechanisms of child protection by the people and

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institutions directly involved. In particular, the views of divorced parents, legal practitioners, mediators, and child-protection actors in the specific socio-cultural context of Aceh have not yet been sufficiently addressed. In addition, the intersection of gender relations, patriarchal norms, child well-being, legal implementation, parental conflict, mediation, and institutional cooperation has not been considered in one empirical socio-legal framework. The present study is an attempt to fill this major research gap.

This study's novelty is its qualitative socio-legal approach, combining the lived experiences of divorced parents with legal and institutional perspectives to explore the interaction between formal child-protection principles and gendered parental expectations, patriarchal norms, and institutional practices in Aceh. Specifically, it looks at the causes and dynamics of child custody disputes, judicial considerations, psychological and socio-economic impacts on children, barriers to effective legal protection and gender justice, and the roles of mediation and institutional collaboration. The study connects formal legal principles and implementation to post-divorce family arrangements and makes an empirically grounded contribution to the establishment of more child-centred and gender-responsive family-law and child-protection practices in Aceh, Indonesia.

2. LITERATURE REVIEW

2.1. Child Custody and Legal Protection After Divorce

Among the most difficult are disputes over child custody in the cases of family law after divorce, as they involve the rights of children, parental responsibilities, psychological well-being, and social protection. The basic criterion for deciding custody in many legal systems is the best interests of the child. This prioritizes the welfare, mental health, and developmental needs of the child above competing parental interests. But the existence of such a principle does not guarantee its correct application (Adriel & Hadiati, 2025). Inconsistent visitation, poor enforcement of child support obligations, and chronic parental conflict may create barriers to legal protections and may increase children's vulnerability to emotional distress, behavioral problems, and social instability. This is a fundamental difference between the formal legal recognition of children's rights and their substantive protection in the everyday post-divorce family arrangements (Sotska et al., 2024).

This distinction is especially relevant in the Indonesian context, as child custody involves not only statutory child-protection principles but also Islamic family-law considerations of parental responsibility and ḥaḍānah (Chandra & Alias, 2026). These frameworks are consistent with the protection of children's welfare, but how they are implemented can be influenced by judicial interpretation, family circumstances, and socio-cultural expectations. The key question is not just which parent gets custody but how custodial arrangements can best satisfy children's continuing legal, developmental, and psychosocial needs (Hendra & Hakim, 2026). This implementation gap provides an important basis for investigating how legal protection works in practice in Aceh.

2.2. Gender Justice and Parenting Roles in Post-Divorce Families

The division of parental responsibility after divorce can be gendered, and so family law is a site of gender justice. Traditionally, women are linked with caregiving and men with economic provision (Mousmouti, 2022). While traditional family law approaches promote

shared parental responsibility and gender equality, the socio-legal literature indicates that patriarchal values still influence custody decisions and that women are more likely to assume the primary childcare responsibility (Wiwin et al., 2025). The question then becomes not who should be the mother or father in a custody decision, but how to divide parental responsibilities according to the needs of the children and their real ability to provide care, and not according to traditional gender stereotypes (Šimáčková, 2026).

From a gender-justice perspective, therefore, the best interests of the child and gender-responsive legal analysis should be regarded as complementary rather than competing principles. Custody decisions should be based on the ability to care, emotional attachment, parental responsibility, economic support, and the welfare of the children rather than stereotypical assumptions about parents' roles (Adriel & Hadiati, 2025). This is especially true in socio-cultural settings where patriarchal notions continue to prevail, since gender-neutral legal rules can produce unequal outcomes when applied to gendered arrangements of the family. A study of gender justice must, therefore, analyze the interplay of legal principles with social expectations and institutional practices in constituting post-divorce parental responsibilities (Kobko-Odarii et al., 2025).

2.3. Psychological and Social Impacts of Child Custody Disputes

Parental conflict following divorce can have a major impact on children's psychological, emotional, and social well-being. Children of high-conflict parents may experience anxiety, emotional instability, withdrawal, academic problems, and loyalty conflicts between the parents (Adriana, 2024). Economic insecurity and changing child support can increase vulnerability by limiting access to education, health care and emotional support (Azhar et al., 2025). The results indicate that the implications of custody conflicts are related not only to the legal aspect of the child's place of residence or the person entitled to take care of the child but also to other aspects of the child's welfare and social protection.

Previous research also indicates that parental cooperation, effective communication, and mediation may aid children's adjustment to post-divorce family arrangements and promote their mental health. There is growing advocacy of cooperative parenting and child-focused mediation as means of reducing the adverse effects of parental conflict (Layyina et al., 2025). However, these approaches rely on parents' willingness and ability to cooperate and on the availability of effective institutional and psychosocial support. This creates an important analytical link between children's mental health, parental responsibility, judicial protection and institutional intervention. Therefore, the assessment of the effectiveness of post-divorce child protection cannot be limited to the custody decisions themselves (Bonds et al., 2004), but must also consider whether the legal and institutional arrangements can sustain the psychological, educational, health and social needs of the children after the decisions are made.

2.4. Mediation and Institutional Collaboration in Child Protection

Mediation is widely acknowledged as an important tool for reducing parental conflict and facilitating child-centred resolutions in post-divorce custody disputes. Prior studies have shown that mediation can enhance communication between divorced parents, ease emotional tension, and foster more cooperative parenting arrangements (Negrini, 2020). But it should not be treated as a stand-alone solution. Its effectiveness depends on cooperation of parents,

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institutional capacity and the degree to which agreements focus on children's rights and welfare instead of just resolving disputes between adults.

Effective child protection after divorce thus requires cooperation between courts, child protection agencies, legal practitioners, psychologists and community institutions. Such cooperation can offer: complementary legal assistance, psychosocial support, family education and monitoring of parental responsibilities after divorce. In social and cultural settings where the influence of family and community networks persists, the role of religious leaders and extended families in conflict resolution and in the adjustment of children to parental separation can be significant (Ngazizah et al., 2025). These institutional and community dimensions are especially relevant in Aceh, where formal legal processes are embedded in Islamic family values, local traditions and extended-family structures. However, there is little empirical explanation in the existing literature of how these actors interact in practice to promote gender-responsive and child-centred protection after divorce (Hajad et al., 2026). This limitation alludes to the need for a socio-legal analysis of mediation and institutional collaboration under the broader umbrella of child protection.

2.5. Conceptual and Theoretical Framework

Based on the reviewed literature, this study utilizes gender justice, best interests of the child, Islamic family law (ḥaḍānah), and a socio-legal perspective as an analytical framework for the analysis of post-divorce child custody in Aceh (Figure 1). The framework guides the analysis of interview and documentary data regarding judicial considerations, parental roles, legal implementation, and institutional practices toward gender-responsive child protection.

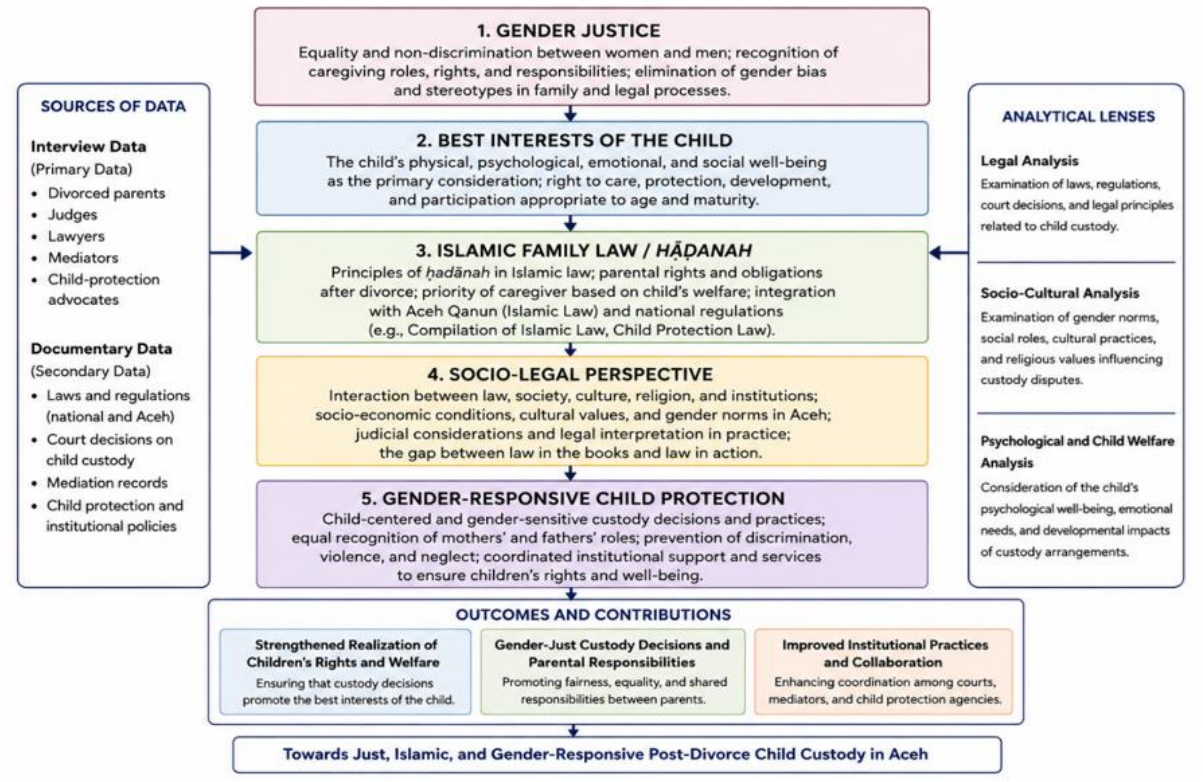


Figure 1. Conceptual and theoretical framework for post-divorce child custody and gender justice in Aceh.

3. METHOD

3.1. Study Design

This research is a socio-legal study that uses a qualitative approach to analyze the legal protection and gender justice in the settlement of post-divorce child custody disputes in Aceh, Indonesia. The reason for the socio-legal design is that cases of child custody are not only affected by legal issues, but also by socio-cultural conditions, emotional experiences, psychological factors, and gender roles in the family. The study aimed to combine field data with legal and institutional perspectives to give a broader picture of child custody arrangements and child protection practices after divorce.

3.2. Study Setting and Participants

The study was conducted in Banda Aceh, Aceh Besar, and Pidie, Aceh Province, Indonesia, in January–April 2026. The sites were purposively selected to provide different socio-cultural and institutional contexts related to post-divorce child custody, legal protection, and gender justice. Participants were selected purposively (n = 12) based on their personal experience or professional involvement in post-divorce child custody and child protection (Table 1). The contributors were divorced parents, judges, lawyers, mediators, and child protection advocates, bringing both lived experience and legal-institutional perspectives. Participants who did not agree to participate or were unable to provide information relevant to the study objectives were excluded.

3.3. Data Collection

Data were collected through semi-structured in-depth interviews and document analysis The face-to-face interviews, which lasted around 45–90 minutes and were conducted in Bahasa Indonesia, covered post-divorce custody disputes, judicial considerations, gender and parental roles, child protection, socio-economic and psychological impacts, mediation, and institutional collaboration. Interviews were recorded and transcribed with the permission of the participants. The document analysis comprised relevant legal documents, child custody decisions, mediation records, and Indonesian regulations on child protection and post-divorce parental responsibilities. Interview and documentary data were analyzed in parallel to compare lived and professional experience to formal legal and institutional frameworks, identify convergence, divergence, and implementation gaps, and improve data triangulation within the socio-legal analysis.

3.4. Data Analysis

Data were analyzed using the thematic analysis approach of Braun and Clarke (2006). The analysis consisted of six stages: becoming familiar with the data; generating initial codes; searching for themes; reviewing themes; defining and naming themes; and producing the report (Braun & Clarke, 2006). The interview transcripts and related documents were read several times to get familiar with the data and then systematically coded for information relevant to the research questions. Related codes were clustered into candidate themes concerning child custody disputes, legal protection, gender justice, child well-being, and institutional roles. Then the themes were reviewed, refined, and clearly defined to ensure they were coherent with the dataset and study objectives. Finally, the themes were interpreted through the interrelations

between the legal, socio-cultural, psychological, economic, and gender dimensions. Anonymized quotes of participants were used to support the interpretation and the main findings.

3.5. Trustworthiness of the Study

To ensure the credibility and consistency of the findings, data triangulation, member checking, and peer discussion were applied. Data triangulation was conducted by comparing interview findings with relevant legal documents, child custody decisions, mediation records, and regulations to identify convergence and divergence across data sources. Member checking was performed by confirming participants' accounts and the researchers' interpretations with the participants to minimize misinterpretation. Peer discussion was conducted within the research team to review the coding process, emerging themes, and interpretation of the findings. In addition, coding and thematic interpretations were iteratively reviewed to ensure that the final themes remained consistent, credible, and grounded in the data.

3.6. Ethical Consideration

The study received ethical approval from the Research Ethics Committee of the Faculty of Teacher Training and Education, Universitas Syiah Kuala, Banda Aceh, Indonesia (Approval No. 243/ETIK-FKIP/USK/2026). Written informed consent was obtained from all participants, and confidentiality and anonymity were maintained using participant codes (P1–P12).

4. FINDINGS AND DISCUSSION

4.1. Participant Characteristics and Trustworthiness of the Findings

The study included 12 participants from five stakeholder groups (Table 1). The groups included divorced parents (n = 4), judges (n = 2), lawyers (n = 2), mediators (n = 2), and child-protection advocates (n = 2). This multi-stakeholder composition brought additional perspectives from parents' lived experiences to judicial decision-making, legal implementation, mediation, and institutional child protection. The integration of different stakeholder perspectives is particularly pertinent in socio-legal research, as post-divorce child custody is an area in which formal legal norms, family practices, gender relations, and institutional practices intersect. Recent Indonesian studies also show that the determination of child custody cannot be separated from gender justice, child welfare, and the practical implementation of Islamic family law (Seff et al., 2025).

Results revealed convergence and divergence of stakeholder views. Divorced parents pointed to parental duties, child support, and children's psychological health. Legal professionals pointed to judicial issues, legal protection, and implementation of custody decisions. While the mediators were about conflict resolution and pragmatic post-divorce arrangements, the child protection advocates were concerned with psychosocial needs and institutional support. These opinions are consistent with evidence that decisions regarding child custody in Indonesia are increasingly based on emotional stability, continuity of care, socio-economic circumstances, and the best interest of the child, although gendered parental stereotypes still play a role (Adriel & Hadiati, 2025). The credibility of these findings was further improved by triangulation of interview data and documentary data (including relevant legal documents, custody decisions, mediation records and child-protection regulations) and

member checking and peer discussion. Therefore, the inclusion of multiple stakeholder perspectives and documentary sources gave a more comprehensive socio-legal understanding of the relationship of formal legal principles with their practical implementation in post-divorce child custody and gender justice in Aceh (Baihaki & Handayani, 2026).

Table 1.
Characteristics of Study Participants.

Participant Category	Participant Code	n	Primary Perspective Represented
Divorced parents	P1–P4	4	Lived experiences of custody disputes, parental responsibilities, child support, and child well-being
Judges	P5–P6	2	Judicial considerations, custody determination, and the best interests of the child
Lawyers	P7–P8	2	Legal representation, legal protection, and implementation of custody decisions
Mediators	P9–P10	2	Mediation, parental conflict resolution, and post-divorce agreements
Child-protection advocates	P11–P12	2	Child protection, psychosocial needs, advocacy, and institutional support
Total	P1–P12	12	Multi-stakeholder perspectives on post-divorce child custody and protection

4.2. Overview of Child Custody Disputes and Forms of Legal Protection for Children

Table 2 presents four interrelated themes: causes of divorce and custody dispute, child support and protection of children's rights, court decision enforcement and mediation, and child protection and gender justice. These themes are working not in isolation but are an interrelated socio-legal process as shown in Figure 2. Economic hardship and domestic conflict can lead to marital breakdown, and the consequences of these can continue after divorce through custody battles, financial insecurity and difficulties in fulfilling parental responsibilities (Muhammad et al., 2025). Economic hardship was an important link between marital conflict and child protection post-divorce. Economic stress can exacerbate conflict in the home prior to divorce and can then constrain the custodial parent's ability to provide for children's education, health care, and day-to-day needs. When child support payments are late, sporadic or non-existent, the financial burden falls on the custodial parent, creating a gap between legal obligation and reality. Economic hardship is thus not only a contributing factor to divorce, but also a post-divorce vulnerability on realization of children's rights (Laya et al., 2025).

Divorce does not end the conflicts that can arise from a marital breakup, but only changes the focus of the conflicts to custody, visitation, child support and decision-making for the child. Children's emotional security, continuity of care and parent-child relationship may be at risk in such long-term conflict (D'Onofrio & Emery, 2019). The dynamics are also influenced by the interaction of Islamic family law (ḥaḍānah), economic conditions, family relations and socio-cultural practices in Aceh (Fauzi et al., 2024). More importantly, formal custody or maintenance decisions do not necessarily translate into effective child protection, as their implementation is conditional on parental compliance, meeting child-support obligations,

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access to education and health care, and adequate institutional enforcement (Zumbach et al., 2022). This is a socio-legal divide between law in books and law in action. Gender norms make this difficult, especially when assumptions define mothers as caregivers first and fathers as income providers (Ngazizah et al., 2025). Therefore, gender justice and the best interests of the child should be complementary principles, providing for custody and parental responsibilities on the basis of real caregiving ability, parental responsibility and child welfare, rather than gender stereotypes (Adriel & Hadiati, 2025)**.**

Table 2.
Major Themes of Post-Divorce Child Custody Disputes and Legal Protection for Children in Aceh.

Major Themes	Representative Findings	Supporting Quotations
Causes of Divorce and Custody Conflict	The main reasons for divorce were economic problems, domestic conflicts, and adultery. Emotional turmoil was a frequent source of conflict in child custody disputes, particularly in families with young children.	Economic problems became the main trigger of conflict in our family, especially when household expenses could no longer be fulfilled properly (P1). My child became quieter and emotionally unstable after the custody conflict continued for months" (P5).
Child Support and Protection of Children's Rights	Child support obligations were not always met, and many custodial parents had difficulty providing for their children's educational and health care needs after divorce.	The child support payments were often delayed, and sometimes there was no financial assistance at all (P3). I had to manage school and healthcare expenses alone after the divorce" (P8).
Implementation of Court Decisions and Mediation	Participants still had difficulty implementing custody arrangements and visitation rights even after court decisions. Overall, mediation was perceived as helpful in reducing parental conflict and in facilitating child-focused solutions.	Although the court had issued a custody decision, its implementation was not always respected by both parties" (P9). Mediation helped both parents communicate more calmly regarding the child's future" (P11).
Child Protection and Gender Justice	Legal protection of children after divorce was still limited and largely dependent on the socio-economic and emotional status of custodial parents. The most damaging aspect for children was ongoing parental conflict.	Children are often the most affected parties because parental conflict continues even after divorce (P12).

Figure 2 shows that the effectiveness of post-divorce child protection is a product of the interaction between legal-institutional, socio-economic, and gender–socio-cultural factors. Ongoing conflict may hinder cooperation and compliance with child support; economic hardship may worsen conflict; insufficient financial support may restrict access to basic needs; and poor enforcement may weaken the protective effect of judicial decisions. In contrast, mediation, effective enforcement, institutional collaboration and gender responsive parenting

arrangements may interrupt this pathway and enhance child well-being (Berger & Font, 2015). Effective legal protection should therefore be understood not only as the existence of custody and child-support rules but also the ability to translate those rules into fulfilled parental responsibilities, reduced conflict, continuity of care and protection of the child's best interests.

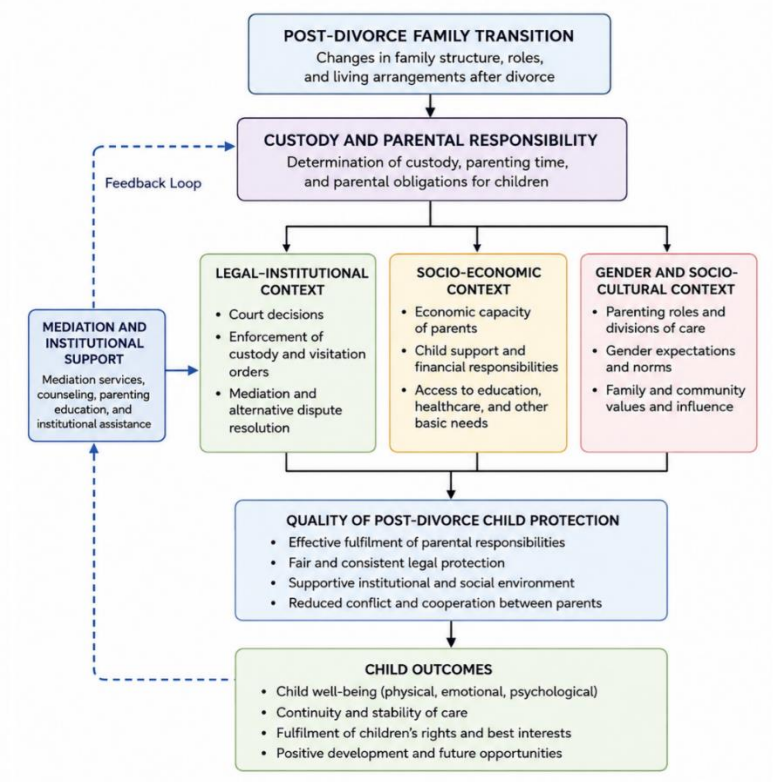


Figure 2. Socio-Legal Pathway of Post-Divorce Child Custody and Child Protection in Aceh.

4.3. Judicial Considerations and Gender Justice Perspectives

Table 3 shows that the interaction between child's age, emotional attachment, psychological condition, caregiving ability, and economic responsibility of the parents determined the child custody decisions after the divorce in Aceh. These were viewed in the light of the best interests of the child, rather than acting in isolation. Younger children more often were associated with maternal custody, especially when mothers had provided continuous daily care and were more strongly bonded emotionally with the child. The finding is consistent with evidence that emotional bonding and stability of caregiving are important factors in custody determinations and children's adjustment after divorce (Howard et al., 2011).

But the findings also show a strong tension between the evidence of caregiving and gender stereotypes. Maternal custody may reflect both the real child attachment, continuity of care and psychological need for stability. But the assumption that mothers are naturally better caregivers may also reflect traditional gender expectations. In a similar vein, economic responsibility was associated with fathers and emotional and daily caregiving with mothers. Such gendered expectations can influence how parental capacity is interpreted, moving the evaluation of custody from an individual assessment of parenting competence to one based on traditional maternal and paternal roles (Xiu & Sun, 2025).

Economic capacity is a major factor in providing for children's education, healthcare and daily needs but financial provision is not the sole determinant of parental appropriateness,

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emotional attachment, psychological stability, continuity of care and the capacity for actual caregiving are equally important dimensions of child welfare (Hill et al., 2013). Therefore, the best interests of the child and gender justice should be complementary principles, requiring custody decisions to be based on an assessment of each parent's actual capacity and responsibilities, not on assumptions that fathers are primarily financial providers and mothers are inherently caregivers (Adriel & Hadiati, 2025). Thus, the central socio-legal concern is not whether custody is given to the mother or the father, but whether judicial considerations are able to distinguish between children's genuine welfare needs and socio-cultural expectations of motherhood and fatherhood. Such an approach is important in Aceh to enhance child-centred custody decisions, equitable parental responsibilities, and reduction of gender stereotypes in post-divorce family arrangements (Laili, 2025).

Table 3.
Judicial Considerations and Gender Justice Perspectives in Post-Divorce Child Custody Decisions in Aceh.

Major Themes	Representative Findings	Supporting Quotations
Judicial Considerations in Child Custody Decisions	Age of the child, emotional attachment, psychological stability and ability to provide care were the main issues of judges in custody determinations. Younger children were more often given to the care of their mother.	Children who are still very young generally need closer emotional and daily care from their mothers" (P10).
Emotional Attachment and Child Wellbeing	The emotional tie of children to custodial parents was viewed as an important consideration in custody decisions, and in the psychological well-being of children following divorce.	My child felt more secure staying with me because I had been the primary caregiver since birth (P3).
Economic Capacity and Parenting Responsibility	Fathers were often viewed as the breadwinners; post-divorce mothers were expected to take on the main care giving duties.	The father is usually expected to provide financial support, while the mother takes care of the child directly (P9).
Gender Roles and Patriarchal Culture	Traditional gender roles and patriarchal values continued to shape parenting roles and legal views of child custody arrangements.	In society, mothers are still considered the most appropriate figures to raise children after divorce (P11).
Gender Justice in Custody Determination	Judges attempted to consider the best interests of the child, but gender stereotypes and socio-cultural expectations continued to impact custody practices and legal processes.	The legal process should prioritize the child's welfare, but cultural expectations regarding mothers and fathers remain very strong (P12).

4.4. Impacts of Child Custody Disputes and Barriers to Child Protection

Table 4 shows that children affected by post-divorce custody conflicts experienced consequences at interconnected psychological, behavioral, economic, legal and socio-cultural levels. Anxiety, emotional instability, withdrawal, less social interaction, behavioral changes

and loyalty conflicts were reported by participants. These findings suggest that children's vulnerability is related not only to divorce as a legal event but also to continued exposure to unresolved parental conflict both before and after separation. Similarly, prior evidence shows that interparental conflict is strongly associated with children's emotional and behavioral adjustment and that conflict after divorce can change an acute time of family disruption into more enduring stress (Cao et al., 2022).

The impact of long-term parental conflict on child vulnerability can be understood in terms of interference with emotional security, divided loyalties and the loss of a stable relationship with both parents. This is particularly the case when children are subjected to persistent hostility or asked to take sides. Such experiences may contribute to internalizing and externalizing difficulties, and quality of post-divorce parenting may influence children's subsequent adjustment (Brock & Kochanska, 2016). Economic insecurity can exacerbate this psychological vulnerability, as irregular child support can impede access to education, health care and other daily needs, turning parental conflict into material disadvantage for children (Hill et al., 2013). Income, interparental conflict, parenting quality and parental well-being are therefore interrelated variables which influence post-divorce child adjustment. Therefore, child support should be seen not only as a financial obligation between ex-spouses but as a core element of safeguarding children's rights, well-being, and continuity of care (Sandler et al., 2013).

A major concern was the difference between formal legal protection and their actual implementation since custody, visitation, and child-support obligations were not always honored despite the existence of court orders (Situngkir & Nurbaiti, 2025). Poor compliance may increase children's risk as their material, emotional and relational needs are unmet (Wood, 2020). This problem is compounded by gender norms that view mothers as primarily caregivers and fathers as financial providers, which may serve to reinforce both economic vulnerability and unequal parental responsibilities (Mutumba et al., 2025). Therefore, effective child protection post-divorce needs enforceable parental responsibilities, adequate economic support, gender-responsive parenting arrangements, and coordinated institutional mechanisms that convert legal rights into meaningful protection and child well-being (Hesti et al., 2025).

Table 4.
Impacts of Child Custody Disputes and Barriers to Child Protection After Divorce in Aceh.

No	Major Themes	Representative Findings	Supporting Quotations
1	Psychological and Emotional Impacts on Children	Extended parental conflict had a negative impact on children's psychological well-being, including anxiety, emotional lability, withdrawal, and less social interaction.	My child became more withdrawn and often avoided interacting with other people after the divorce conflict continued (P5).
2	Behavioral Changes and Loyalty Conflict	Children often felt emotional confusion and pressure from loyalty conflicts between parents after divorce.	The child often felt confused because both parents wanted the child to take sides during the conflict (P3).
3	Economic Barriers and Fulfillment of	Children's access to education, healthcare, and daily needs was limited by financial instability and	After the divorce, it became difficult to fully provide educational and healthcare

	Children's Rights	irregular child support after divorce.	needs because financial support was irregular (P8).
4	Weak Legal Awareness and Non-Compliance with Court Decisions	Low legal awareness and non-compliance with custody arrangements and child support obligations post court decisions were reported by participants.	Although the court decision already existed, not all obligations related to child support and visitation were fulfilled properly (P9).
5	Socio-Cultural Barriers and Gender Justice	Patriarchal social values and traditional perceptions of gender continued to affect parenting roles and impede gender-equitable child protection practices.	Society still tends to place mothers as the sole caregivers, while fathers are viewed mainly as financial providers (P11).

4.5. Institutional Roles and Strengthening Gender-Responsive Child Protection

Table 5 reports that the results indicate that child custody after divorce in Aceh is a socio-legal process with multiple dimensions, which are influenced by economic, emotional, socio-cultural, institutional, and gender factors. Inconsistent child-support compliance, implementation of custody, and persistent gender stereotypes limited effective protection, but the best interests of the child were the guiding principle for judicial considerations. Hence, coordinated mediation and collaboration among legal institutions, families, religious leaders and communities are essential to promote stable caregiving, shared parental responsibility and gender responsive, child-centred protection, warranting further evaluation across broader socio-legal contexts (Sugiono et al., 2023).

Table 5.
Institutional Roles and Strengthening Efforts for Gender-Responsive Child Protection.

Major Themes	Representative Findings	Supporting Quotations
Role of Courts and Mediation	Judicial and mediation bodies were effective in reducing parental conflict and in supporting child-oriented custody arrangements after divorce.	Mediation helped both parties communicate more peacefully and focus on the child's future rather than personal conflict (P11).
Role of Child Protection Institutions and Family Support	Child protection institutions, extended families, and religious leaders offered emotional support and conflict resolution after divorce.	Family members and community leaders often became intermediaries when conflicts between parents escalated" (P12).
Family Legal Education and Psychosocial Support	The need for legal education and psychosocial support for the awareness of children's rights and mental health post-divorce was pointed out by participants.	Many parents still do not fully understand that children's emotional wellbeing is equally important as economic support (P8).
Strengthening Gender-Responsive Legal Protection	Participants stressed the importance of gender-sensitive legal protection, child-friendly approaches, and improved enforcement of regulations on child custody and protection.	Legal protection should not only focus on custody status, but also ensure fairness and psychological protection for children (P10).

Inter-Institutional Collaboration	Courts, mediators, child protection agencies, religious leaders, and families working together were considered crucial to protecting children's rights after divorce.	Child protection cannot rely on one institution alone; cooperation between legal and social institutions is very important (P9).

Courts, mediators, child protection institutions, religious leaders, extended family and community networks all have complementary roles in making formal legal rights work for post-divorce child protection. Courts make decisions regarding custody and parental responsibilities, mediators assist in conflict resolution, and child protection agencies address the psychosocial and developmental needs of children (Mendes & Ormerod, 2024). In the Acehnese context, religious leaders, extended families, and community networks offer further culturally relevant emotional and practical support, especially concerning ḥaḍānah and parental responsibilities (Abubakar et al., 2023). These actors are interconnected in an integrated institutional protection network (as shown in Figure 3) rather than acting independently, linking legal protection with psychosocial, family and community support. Their joint involvement is key to translating judicial decisions into stable caregiving, financial security, shared parental responsibility, psychosocial well-being and meaningful protection in the everyday lives of children (Radbord & Birnbaum, 2023). From a gender-justice perspective, the integrated model further emphasizes that parental responsibilities should be determined according to actual caregiving capacity and the best interests of the child instead of predefined gender roles, thus reinforcing gender-responsive and child-centred protection after divorce (Adriel & Hadiati, 2025).

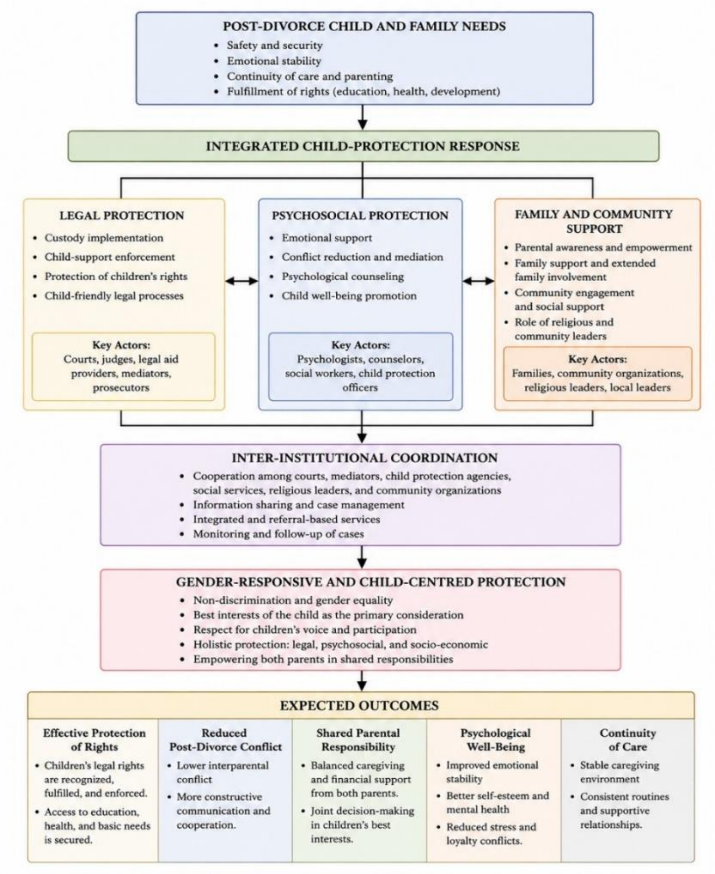


Figure 3. Integrated Institutional Model for Strengthening Gender-Responsive And Child-Centred Protection After Divorce in Aceh.

The findings together demonstrate that post-divorce child custody in Aceh is a multi-dimensional socio-legal process influenced by economic vulnerability, emotional relationships, socio-cultural norms, institutional practices and gender expectations. Judicial considerations were guided by the best interests of the child. However, the effective protection was limited by inconsistent child-support compliance, difficulties in implementing custody arrangements, and persistent gender stereotypes. Thus, mediation and concerted action by courts, child-protection agencies, families, religious leaders and communities are crucial to transform formal legal rights into stable caregiving, psychosocial well-being and shared parental responsibility. The findings support an integrated gender-responsive child-centred protection framework, but wider comparative and longitudinal studies are needed to assess its applicability in different socio-legal contexts.

5. CONCLUSION

The study concludes that post-divorce child custody in Aceh is a multi-dimensional socio-legal issue which is influenced by legal, economic, emotional, socio-cultural and gender factors. Inconsistent enforcement of child support and custody arrangements, and persistent gender norms continue to impede effective child protection, although judicial decisions are generally made in the best interests of the child. An integrated, gender-responsive and child-centred approach is therefore needed to improve protection, combining effective legal enforcement, shared parental responsibility, psychosocial support and coordination among the courts, mediators, the institutions responsible for child protection, families, religious leaders and communities. Future research with wider populations and comparative or longitudinal designs is required to further evaluate this approach in different socio-legal contexts.

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