

# Protection of the Rights of Women and Children in The Divorce Process through Psychologists' Role in the Religious Court in Indonesia

Z. H. A. Syahr<sup>1,\*</sup>, M. Z. Albana<sup>2</sup>, T. P. D. Hutapea<sup>2</sup>, M. Mirza<sup>2</sup>, C. N. M. Tobing<sup>3</sup>, N. U. Sally<sup>4</sup>, D. H. Syaifullah<sup>1</sup>, Buyamin<sup>1</sup>, and Z. Abidin<sup>1</sup>

<sup>1</sup>Research Center for Public Policy, National Research and Innovation Agency, Jakarta, Indonesia

<sup>2</sup>Supreme Court of Republic of Indonesia, Jakarta, Indonesia

<sup>3</sup>Faculty of Law, Pelita Harapan University, Medan, Indonesia

<sup>4</sup>Faculty of Da'wah and Islamic Communication, Kudus Islamic State Institute, Kudus, Indonesia.

Received: 28 Jun. 2023, Revised: 22 Oct. 2023, Accepted: 27 Oct. 2023

Published online: 1 Nov. 2023

**Abstract:** Women and children are part of a social community that guarantees their human security when dealing with the law, especially as victims of divorce. Several policies that the Supreme Court has issued as a form of human security for the rights of women and children in the religious court include Supreme Court Regulation (Perma) Number 3 of 2017 concerning Guidelines for Prosecuting Women's Cases Dealing with the Law and Perma Number 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensations. The problem of this study is how these two policies can provide security for psychologically fulfilling legal rights for women and children. Therefore, implementing these two policies must be supported by the psychologists' role especially in religious courts. The aim to be achieved is to provide psychological support for women and children dealing with the law in the religious court. Thus, the method used to obtain data is a literature study with normative approach. The data were analyzed descriptively, and the results showed that the role of psychologists was indispensable in the religious court. The reason is that the psychological condition of women and children in legal proceedings is vulnerable to experiencing fear, insecurity, and slumping.

**Keywords:** Children, Legal Rights, Psychology, Religious Court, Women.

## 1 Introduction

Women and children, as part of society, are seen as weaker people when compared to men. Even in the law of war, women and children along with elderly are considered as non-combatant[1]. The soft factors seen in women and children are physical and psychological conditions, especially when facing things that can drain emotions, energy, and thoughts. Women and children, for example, must attend in court when they face legal issues. It occurs because the public perceives the judicial system to be overly complicated and convoluted, and courtrooms to be frightening places best avoided[2]. As an institution tasked with providing justice through judges' decisions, the court has made many efforts to create a friendly, accountable, and open court image for the public. However, there are still many people who are afraid when dealing with matters concerning the courts. It is also felt by women and children who face the law. The more subtle and gentle psychological condition of women and children is easily mastered by fear of legal matters in judicial proceedings. According to the current study, even after controlling for other divorce-related characteristics, higher levels of divorce conflict are associated with worse mental health at the time of or near to legal divorce[3]. The protection of women's and children's rights will be discussed in this paper when dealing with the law in judicial proceedings in religious courts.

In religious courts, women who face the law are generally related to divorce cases. A condition of divorce in which the husband and wife must separate religiously for specific reasons that the judge has considered. The petitioner, who came from her husband, is called Talak divorce in this divorce proceeding. If the applicant is a wife, it is called sue for divorce. In the condition of talak divorce or sue for divorce, many wives do not understand the existence of a living cost that arises due to divorce, which legally falls upon the husband's responsibility. This alimony after divorce became a form of protection of the rights of religious courts to women as wives. The settlement cost that arises as a result of the divorce includes[4]: 1) *iddah* alimony (3 months after divorce); 2) *mut'ah* alimony (alimony as a memento or a sign of the husband's gratitude for devotion during his time as a wife); 3) *Madliyah* alimony (past allowance or unfulfilled obligations during marriage); and 4) *Hadhanah* alimony (expenses for childcare). Table 1 below shows data on divorce cases that went to religious courts of the first instance from 2016 to 2021.

\*Corresponding author e-mail: [qvia.alfisyahr@gmail.com](mailto:qvia.alfisyahr@gmail.com)

**Table 1:** Divorce Case Data for 2016-2021

Types of Divorce	2016	2017	2018	2019	2020	2021
Divorce Talak	113,968	113,987	118,853	113,231	130,844	130,034
Sue for Divorce	289,102	301,861	325,505	330,824	378,090	387,110

Source: Supreme Court Republic of Indonesia Annual Report 2016-2021

Table 1 above shows that the divorce cases filed by the wife are almost three times more than those filed by the husband. It shows that women with softer and more delicate psychological conditions then ventured into the form of actions to file for divorce from their husbands. In addition, in the divorce process, women often experience loss of the right to an alimony, separation from children because of guardianship rights, and negative stigma from society with the title of widow they carry[4]. Moreover, often executions for the fulfillment of alimony rights are more difficult to carry out compared to the execution of joint property judgments[5]. Therefore, it is in this position that there needs to be assistance from psychologists to women as wives to know and understand the mental conditions that are being experienced to undergo a series of processes in religious courts. Through the role of this psychologist, it is hoped that it can also assist women in the trial later. But the participation of psychologists in the court has not been facilitated to date.

Then, the effect of divorce is related to child custody if there is a child in the marriage. Here religious courts must take a role in protecting the rights of children victims of divorce. The request that inevitably arises in the custody of this child is the existence of *Hadhanah* (child support). In addition, religious courts must also protect the psychological condition of children who are victims of divorce. Table 2 below shows the number of cases of child complaints due to problems in the family.

**Table 2:** Child Complaint Case Data

No	Child Protection Cases	Year				
		2016	2017	2018	2019	2020
	<b>Family and Alternative Parenting</b>	<b>716</b>	<b>556</b>	<b>562</b>	<b>339</b>	<b>880</b>
1.	Child Victims of Custody Struggles	260	196	189	209	228
2.	Child Victims Banned from Access to Meet Parents	273	213	210	196	413
3.	Child Victims of Economic Neglect (Right for child support)	183	147	163	182	239

Source: Indonesian Child Protection Commission Data 2015-2020[6]

Table 2 above shows that in child protection cases, most are in the cluster of children who are victims of the ban on access to meet parents. Then followed by the case of the child victim of the custody struggles and, finally, the case of the child victim of economic neglect (right for child support). Of course, this is quite interesting because there are more activities at home during the implementation of health protocols and restrictions on various social activities. Still, cases of child protection against family problems are higher. From year to year, complaint cases tend to fall but rise relatively high in 2020, which is known as the beginning of the Covid-19 pandemic around the world.

It is essential to have a psychologist in a religious court to assist children who face the law due to divorce from their parents. The assistance of this psychologist is expected to help to maintain the child's psychological condition to remain stable when children who are old enough are given the opportunity to choose who to take care of. In addition, this psychologist is also expected to assist divorced parents. The goal is that parents do not argue and blame each other in front of their children and can control their emotions to keep thinking clearly about the promising future of the child.

In addition, field facts in religious courts show that the execution of a child is a difficult thing to do. It is because the object to be executed is not an object but a human being with feelings in the age category of children with psychic conditions that differ from adults. Often on the ground, the bailiff, as executor of the execution, has to argue long and then has to experience attempts to thwart the execution of the party who feels aggrieved by the court's decision. Therefore, the presence of a psychologist is significant in solving cases of children who experience family problems, especially for children who are still very young[7]. The role of the psychologist during the trial process before the verdict and execution order can be optimized by thoroughly analyzing the child's psychic condition. The goal is to produce a verdict that can provide justice and accommodate the interests of the child so that when it comes to the execution stage, it can be carried out smoothly. The courts must also protect the rights of women and children in religious courts. The form of protection of the rights of women and children is in the form of expert assistance to provide a sense of security in resolving cases from entry cases and trials to verdicts. Then the guarantee provides for the rights of livelihood for women and children that arise as a result of divorce through the judge's authority as the case's decider.

## 2 Methodologies

This paper used qualitative method, with a normative approach. A normative approach is taken to analyze the legal materials of both laws and regulations. The legal materials used for analysis are: 1) Law Number 7 of 1984 concerning

ratification of the Convention on the Elimination of All Forms of Discrimination against Women; 2) Supreme Court Regulation (Perma) Number 3 of 2017 concerning Guidelines for Adjudicating Women's Cases Facing the Law; 3) Supreme Court Regulation (Perma) No. 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation.

Then the results of the analysis of these legal materials are associated with the study of documents in the form of data reports on divorce cases concerning women and children in religious courts. The combination of data from the analysis of legal materials and case data reports obtained is then analyzed descriptively thoroughly. The aim is to get a complete description of the problems studied, namely the importance of the presence and role of psychologists in accompanying women and children in religious courts.

### 3 Results

Some of the legal foundations underlying the need for further legal policy arrangements to guarantee the rights of women and children include the following:

- a. Law Number 7 of 1984 concerning ratification of *the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*

There are 3 (three) main principles of *CEDAW*[8]: First, the principle of substantive equality. This idea is known as the corrective approach, which is an approach that encompasses equality in the *de jure* sense of the actual or real impact of the law as well as equality before the law. Second, in this Convention, the principle of non-discrimination is defined as any distinction, exclusion, or restriction based on gender that has the effect or purpose of reducing or abolishing women's recognition, enjoyment, or use of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or other spheres. Furthermore, violence against women was incorporated based on UN recommendations. Third, the notion of state obligations encompasses, among other things, ensuring women's rights through laws and policies, as well as the outcomes of those laws and policies. The state's responsibility does not only guarantee but also actualize women's rights both via *de-jure* and *de-facto*. On the other hand, the state must not only take responsibility and regulate them in the public sector but also carry them out against the actions of people and institutions in the the private sector and even in the family scope. The existence of *CEDAW* shows that the world community is very concerned about the weak position of women when dealing with laws that often experience discrimination, so they need to be protected by their human rights.

- b. Supreme Court Regulation (Perma) Number 3 of 2017 concerning Guidelines for Adjudicating Women's Cases Facing the Law

After being passed through Law Number 7 of 1984, the *CEDAW* principles above were transformed even more in the form of Perma Number 3 of 2017 concerning Guidelines for Adjudicating Women's Cases Facing the Law. Article 1 number 1 of Perma Number 3 of 2017 provides an understanding that women who face the law are women who conflict with the law, women as victims, women as witnesses, or women as parties. The judge adjudicates the case of women facing the law based on the principles of: a. respect for human's honor and dignity; b. non-discriminatory; c. gender equality; d. equality before the law; e. fairness; f. expediency; and g. legal certainty. Then Article 4 of Perma Number 3 of 2017 confirms that in the examination of cases, judges should consider gender equality and non-discrimination by identifying the facts of the trial in terms of 1) inequality in the status of the litigants, 2) inequality of legal protections that impact access to justice; 3) discrimination; 4) the psychic impact experienced by the victim; 5) the physical and psychic helplessness of the victim; 6) power relations that result in helpless victims/witnesses; and 7) the violent relationship of the perpetrator to the victim/witness.

If the woman facing the law experiences physical or psychic obstacles that require assistance, then what can be done is: 1) The judge can advise the woman facing the law to present a Companion; and 2) The judge may grant the request of women facing the law to present a companion. A companion, according to Article 1 number 10 of Perma Number 3 of 2017, is a person or group or organization that is trusted and has the skills and knowledge to accompany women facing the law to make women feel safe and comfortable in providing information during the judicial process). The principle regulated in this Perma shows the fact in the judicial process that there are gender inequalities and discrimination that affect women's physical and psychic when dealing with the law in the judicial process, so legal protection is essential through Perma Number 3 of 2017.

- c. Supreme Court Regulation (Perma) Number 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation

Marriage Dispensation is the granting of marriage permits by the court to prospective husbands/wives who are not yet 19 years old to carry out marriages. In this case, future husbands/wives are classified as children. This Perma was issued based on several laws, including 1) Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002

concerning Child Protection; 2) Law Number 7 of 1984 concerning ratification of the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*; 3) Presidential Decree No. 37 of 1990 concerning ratification of the *Convention on the Rights of the Child*, 4) Supreme Court Regulation 3 of 2017 concerning Guidelines for Adjudicating Women's Cases Facing the Law. In addition, another reason is the rampant early marriage, *free sex*, and rape of girls that occurs in society is also the background of the importance of regulations to protect the interests of children. The child's best interests are all measures that must be considered to ensure the child's protection, upbringing, well-being, survival, and growth. This Perma also shows the importance of security for children who will enter into underage marriages for various reasons. The rights of the child must be seriously considered to be granted his dispensation, especially in the process of applying in court. It will certainly significantly affect the child's psyche.

## 4 Discussions

### The Role of Psychologists on Women and Children Facing the Law in Religious Courts

The role of psychologists is critical to be involved in court proceedings, especially those concerning women and children. Divorce was such an issue that it spawned many more social, economic, and cultural restraints that compelled divorced women to live a terrible life on behalf of society's perspective[9]. Children are also deprived of parental affection as a result of divorce. That has a negative impact on their socialization process. As discussed above, a child as a divorce victim will indirectly impact his/her psychological state. In addition, the woman who undergoes the divorce process must also be accompanied to prepare her mentality to bear the status of a widow. This widow status is still a negative stigma in society, so with the role of psychologists, it is hoped that it can strengthen women's mental and emotional strength after divorce to live their lives in society. The role of psychologists in the court is expected to be able to assist in providing counseling so that women who become widows can strengthen their sense of acceptance of their status after divorce and be able to rise and live their new phase of life better.

Parental divorce can be a trauma for the child resulting in changes in the child's psychiatric condition. Divorce can leave children feeling emotionally drained and sensitive. Furthermore, children may feel the effects of divorce through the way they process their emotions. They may become confused as they try to digest their emotions and require someone to talk to and listen to their issues[10]. Psychologists must appropriately handle the possibility of trauma in a child as experts. It is because when a child experiences trauma, it can cause adverse effects that last a lifetime, impacting how the child lives his daily life[11]. Therefore, in court proceedings involving children, officials and judicial officials must understand mental health[11]. The goal is for officials and judicial officials interacting with the child to take appropriate approaches to avoid *post-traumatic syndrome*. It has begun to apply to judges who handle cases involving designated children who must have interest, attention, dedication, and be able to understand the child's problems and have attended training in juvenile justice[12]. The next step the court can take to make this happen is to include psychologists in cases involving children. The policy that can be made to involve psychologists in these specific matters is to establish cooperation with professional institutions of psychologists.

The practice of including psychologist in the court is not a new matter. The expertise of a psychologist is often sought to help the judge in deciding substance pertaining some mental issues. In around the world, some cases such as sexual abuses, domestic violence and child negligence often need assistance of psychologist. In such cases the help of psychologist is needed to overcome the posttraumatic stress and prepare the defendants or victims in the court. Aside from those cases, psychologist role in the court also appeared in different cases such as to testify of a case which include malpractice suit[13]. The role of a psychologist became pivotal in that case to deliver his result of examination of the victim's condition. While in the past cases, the role of psychologist focuses more on giving testimony on victim's condition, in recent cases the role of the psychologist should be prolonged not only assisting before the verdict was given but also the aftermath. The psychologist must prepare the mentality of the women and children upon hearing the verdict.

The participation of experts in court proceedings helps ascertain or assess relevant facts by the knowledge professionally possessed so that they can be used as a basis for consideration[7]. The role of psychologists in court can be seen from three points of view: 1) psychologists who can testify as expert witnesses; 2) psychologists who can testify for specific cases; and 3) psychologists who are seen as professionals in their profession[14]. Therefore, the function of psychologists in courts can be viewed as experts in their profession whose role in the court is manifested in the form of reports of medical analysis results that can be used as scientific data for consideration by judges in deciding cases[15]. The role of psychologist as expert witness has become a common practice in the world. Newman has suggested some distinctions for psychologist to be expert witness. The first one, the expert shall not only give expert opinion, but should be based on observation and analysis of condition. The second one, the knowledge of psychology for expert witness is not enough, therefore it also requires experiment and expertness. The third one, to be the expert witness, there might be cases that indifferent to nosological and theoretical accuracy. So, it needs compassionate approach[16]. The results of the medical analysis from the psychologist contain a picture of the child's mental state and parents in family conflict. The medical



results report contains a record of the child's heart about what he felt, what he wanted after his parents divorced, and whom he wanted to be taken care of. In addition, it also shows the psychic condition of divorced parents. The mental state of parents is related to the readiness to take care of children later, both physically and spiritually. The results of the psychological medical analysis of the parent and child will significantly assist the judge in making legal considerations in his ruling. The goal is to realize a fair judge's decision in fulfilling the rights of children and divorced parents.

The court stakeholders cooperated with other government agencies in charge of empowering and protecting women and children under the coordination of local governments. Examples are the Social Service Office and the Integrated Service Center for Women and Children Empowerment, where both institutions provide guidance, legal assistance, and advocacy for women and children facing the law[17]. The Integrated Service Center for Women and Children Empowerment can facilitate community services through information, referrals, consultations, counseling, and skills training[18]. Given the agency's function, good coordination and cooperation between law enforcement agencies such as courts and local governments will improve the efficiency of handling cases[19]. Cooperation between government agencies will also not burden parties with the addition of cases because they can be allocated in each institution's budgets or consortia between agencies. Although, for example, later in its implementation will be reclassified anyone who can use the services of a psychologist free of charge. Analogous to the Legal Aid Post (Posbakum) service, which is carried out following the Supreme Court Circular Letter (SEMA) Number 10 of 2010 article 27. It states that people who receive Posbakum services cannot pay for the services of advocates, especially women and children, as well as people with disabilities who are carried out under applicable regulations and laws[20].

### **The Proposed Procedures of Psychologist Assistance for Women and Children Facing the Law in Religious Courts**

The social readjustment rating scale is the first modern stress measurement scales, had put divorce as a second rank of the stimulus of a life event that provokes stress reaction and the need to cope, after the death of a spouse[21]. It also identifies that divorce is considered to be the extent to which major life events affect morale, social functioning, and health by disrupting and changing the daily grind of stress, adding new demands and frustrations[21]. Moreover, it has consequences for daily hassles and requires new adaptations and coping processes. Divorce resulting from the death of a spouse and desertion of divorce have quite different psychological effects. Besides, divorce often leaves significant psychological effects, such as anger, anxiety, depression, loneliness, emotional pain, anxiety, depression, compunction, hating the self, as well as the feeling of deprivation, injustice, persecution, stress, pessimism, and defeatism[22].

Divorce also results in specific psychological problems for divorced women. For some women, divorce is considered a traumatic and stressful event. The most dangerous results of divorce are the problematic economic problems that may affect the lives of children, studies, and behaviors, so they need to work to fulfill daily life for themselves and their children. Although divorced women face shame and have low self-esteem, they are less adaptive than married women. Women are more capable than men of regulating the pressures that arise as a result of divorce, notwithstanding the circumstances, unemployment, and shame associated with divorce. The exploratory study of divorced women's problems discovered that the problems of divorced women in the first place were at the same level in the social and economic domains but varied in the psychological and health fields.

In Indonesia, the impacts of divorce on women are exacerbated by how societies negatively look on widows. Patriarchy in Indonesian culture, which is quite robust, sees that staying together with husbands is the best option for women. This negative stigma on this issue causes divorced women to experience destructive impacts. So that, Indonesian divorced women's subjective well-being tends to decrease. It is followed by increasing sadness, anger, shame, and anxiety, then accompanied by increasing depressive symptoms.

To ensure that the assistance of psychologist in the court is effective and efficient, there must be a set of guidelines to follow. Foremost, there are sets of requirements for the psychologist to be able to give professional assistance in the court. According to the American Psychological Association (APA) guidelines, the psychologist needs to gain specialized competency in the matter that they assist in the court. The academic certification will not be sufficient if the psychologist must give assistance in the court. The psychologist must possess some experiences in handling such cases to confirm their expertise. This experience may include clinical and general forensic work that can be obtained through seminar, internship, course, supervision, or any other kind of training. Aside from those qualifications, the psychologist handling cases in religious court must adhere to the legal framework and keep the confidential issues of the assisted women and children.

There are some sets of guidelines provided by The APA for psychologist dealing with women. The guidelines serve as recommendation for psychologist instead of mandatory procedures. The provided guidelines give general understanding of practices for the psychologist. In the guidelines it is also stated that the guidelines ideally must be revised every 10 years to accommodate newer issues. Understanding the psyche of the women and the uniqueness of their nature, will help the psychologist to be compassionate towards them when assisting them during the religious court. The psychologists are hoped to be able to help the women to speak out their mind in the court and stand for themselves against any threat or

traumatic feeling of domestic violence that might occurred during the court. The assistance of psychologist may help women to ensure getting the justice they deserve. Sets of guidelines also exist for psychologist assisting child custody evaluation. These guidelines can also become consideration to establish assistance for child post-divorce of the parents in religious court. The guidelines range from orienting, general guideline to the procedural guidelines.

The guidelines can become reference when the psychologist must assist the need of the child in the religious court. According to the guidelines, there can be some sets of procedure to be done by psychologist to assess the need of the child in the religious court. The procedure may include[23]: each parent's psychosocial history and clinical interview; document review; clinical interview with each child custody report; parent interview for psychosocial history of child(ren); observation of parent-child interactions in the workplace or playground; psychological testing of parents; contact with therapists on the side; clinical interview with spouse; communication with teacher on the side; questionnaire or rating scale for parents and children; Examine each parent's mental state; Psychological evaluation of the child(ren). This practice can be done thoroughly or partially according to the mentality of the assisted child. Knowing the psychological history of the assisted child, will help the psychologist to be able to decide the right treatment to console the child in the religious court.

## 5 Conclusions

Based on the discussion above, it can be concluded that psychologists have a strategic role in assisting women and children who face the law. Particularly in this case, women and children are confined to religious courts. Women undergoing divorce and children as victims of parental separation need mental and psychic assistance from an expert to avoid *post-traumatic syndrome*. The expert is a psychologist seen as competent in mental health management for women and children undergoing family problem-solving through religious courts. The psychologist must not only possess academic qualification in the psychology but also several experiences in dealing with cases involving women and children. Various procedures can be followed for the psychologist in order to assist women and children in the religious courts. Religious courts can carry out the involvement of psychologists by collaborating with government agencies, namely the Social Service Office and the Integrated Service Center for the Protection of Women and Children in the local government in charge of empowering and protecting women and children. The suggested cooperation is with the two government agencies to avoid burdening the parties again with the additional cost of the case for the rental of psychologist services. Therefore, the form of cooperation with the social service is as a mentoring partner. The court may request that the local social service assign a psychologist to accompany women and children in religious courts. The results of the assistance are in the form of medical records of psychic and mental conditions from parents and children. The judge can then use these medical records to consider cases, for example, determining child custody.

### Conflicts of Interest Statement

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

### Ethics Statement

This research did not require ethical approval. Data sharing is not applicable to this article as no new data were created or analyzed in this study.

### Acknowledgement

Authors would like to thank Supreme Court of the Republic of Indonesia, National Research and Innovation Agency, Pelita Harapan University and IAIN Kudus for providing opportunities for collaboration. As well as to Izarre Hanania Pratama who has provided support in completing this article.

## References

- [1] R. C. Carpenter, “‘Women, children and other vulnerable groups’: Gender, strategic frames and the protection of civilians as a transnational issue,” *Int. Stud. Q.*, vol. 49, no. 2, pp. 295–334, 2005, doi: 10.1111/j.0020-8833.2005.00346.x.
- [2] M. Wijayati, I. Abdullah, S. White, A. Rosadi, A. Yamin, and Y. G. Larasati, “Justice brokers : Women ’ s experiences with injustice and dependence in the divorce process,” *Cogent Soc. Sci.*, vol. 7, no. 1, pp. 1–6, 2021.
- [3] S. Sander, J. M. Strizzi, C. S. Øverup, A. Cipric, and G. M. Hald, “When Love Hurts – Mental and Physical Health Among Recently Divorced Danes,” *Front. Psychol.*, vol. 11, November, pp. 1–11, 2020, doi: 10.3389/fpsyg.2020.578083.
- [4] A. Marwing, “Perlindungan Hak-Hak Perempuan Pasca Perceraian (Studi Terhadap Putusan Pengadilan Agama

- Palopo),” *Palita J. Soc. Res.*, vol. 1, no. 1, pp. 45–62, 2018, doi: 10.24256/pal.v1i1.60.
- [5] E. Susylawati, M. M. Abadi, and H. M. L. Mahmud, “Pelaksanaan Putusan Nafkah Istri Pasca Cerai Talak Di Pengadilan Agama Pamekasan,” *J. Al-Ihkam*, vol. 8, no. 2, pp. 374–393, 2013.
- [6] KPAI, “Data Kasus Pengaduan Anak 2016 – 2020,” 2020. <https://bankdata.kpai.go.id/tabulasi-data/data-kasus-pengaduan-anak-2016-2020> (accessed Nov. 16, 2021).
- [7] E. Maloku, O. Jasarevic, and A. Maloku, “Assistance of the psychologist expert in the justice bodies to protect minors in Kosovo,” *EUREKA Soc. Humanit.*, no. 2, pp. 52–60, 2021, doi: 10.21303/2504-5571.2021.001649.
- [8] Rini Maryam, “Menerjemahkan Konvensi Penghapusan Segala Bentuk Diskriminasi Terhadap Perempuan,” *Jurnal Indones. Legis.*, vol. 9, no. 1, pp. 100–101, 2012.
- [9] P. Rathi and J. P. Pachauri, “Problems faced by divorced women in their pre and post-divorce period: A sociological study with reference to District Meerut,” *J. Pharmacogn. Phytochem.*, vol. 7, no. 1, pp. 207–212, 2018.
- [10] N. Krasniqi, “The psychological effects of parental divorce on the behavior of preschool children,” *J. Soc. Stud. Educ. Res.*, vol. 14, no. 2, pp. 51–74, 2023.
- [11] C. Evans and K. Graves, “Trauma among children and legal implications,” *Cogent Soc. Sci.*, vol. 4, no. 1, pp. 1–9, 2018, doi: 10.1080/23311886.2018.1546791.
- [12] Analiyansyah and S. Rahmatillah, “Perlindungan Terhadap Anak Yang Berhadapan Dengan Hukum (Studi Terhadap Undang-undang Peradilan Anak Indonesia dan Peradilan Adat Aceh),” *Gend. Equal. Int. J. Child Gen. Stud.*, vol. 1, no. 1, pp. 51–68, 2015.
- [13] J. L. McCary, “The psychologist as an expert witness in court.,” *Am. Psychol.*, vol. 11, no. 1, pp. 8–13, 1956, doi: 10.1037/h0042083.
- [14] M. L. Perlin, “The Legal Status of The Psychologist in The Courtroom,” *J. Psychiatry Law*, vol. 5, no. 1, pp. 41–54, 1977, doi: 10.1177/009318537700500103.
- [15] Z. H. A. Syahr, “Implementasi Perlindungan Hak Perempuan dan Anak Dalam Putusan Pengadilan Agama,” in *Perlindungan Hak Perempuan dan Anak Melalui Putusan Pengadilan Agama*, Prenada Media Group, 2019, pp. 17–31.
- [16] J. R. G. Furnell, “A Psychologist in Court,” *Adopt. Foster.*, vol. 11, no. 3, pp. 20–25, 1987, doi: 10.1177/030857598701100308.
- [17] D. Mutiara, “Peran Pusat Pelayanan Terpadu Perlindungan Perempuan Dan Anak (P2TP2A) ‘Odah Etam’ Provinsi Kalimantan Timur Dalam Pembinaan Terhadap Anak Yang Berhadapan Dengan Hukum Di Kota Samarinda,” *Ejournal Ilmu Pemerintah.*, vol. 7, no. 4, pp. 1781–1794, 2019.
- [18] D. Fitriani and D. Rakhmawati, “Peranan Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak ( P2TP2A ) dalam Memberikan Perlindungan Hukum Terhadap Perempuan dan Anak Korban KDRT,” *PAMPAS J. Crim.*, vol. 2, no. 2, pp. 104–122, 2021.
- [19] I. Kasuma, I. A. Hermawan, and M. Setyawati, “Problematisasi Pelaksanaan Diversi Bagi Anak Berhadapan Dengan Hukum Di Kota Layak Anak (Studi Pada Aparat Hukum, Pemerintah Kota dan Masyarakat Di Depok Dan Surakarta),” *J. IUS Kaji. Huk. dan Keadilan*, vol. 8, no. 2, pp. 350–371, 2020, [Online]. Available: <http://dx.doi.org/10.29303/ius.v8i2.787>.
- [20] O. S. Prabasini, “Legal Protection For Children In Conflict With The Law: Process And Problems,” *Indones. J. Int. Clin. Leg. Educ.*, vol. 3, no. 3, pp. 381–398, 2021, doi: <https://doi.org/10.15294/ijicle.v3i3.48264>.
- [21] R. S. Lazarus, *Stress and emotion: A new synthesis*. New York: Springer Publishing, 2006.
- [22] A. Clarke-Stewart and B. C., *Divorce: Causes and consequences*. Yale University Press, 2006.
- [23] J. N. Bow and F. A. Quinnell, “Psychologists’ current practices and procedures in child custody evaluations: Five years after American Psychological Association guidelines.,” *Prof. Psychol. Res. Pract.*, vol. 32, no. 3, pp. 261–268, 2001, doi: 10.1037//0735-7028.32.3.261.