

Socio-Yudiris Analysis of the Application of Children's Right to a Living (Palopo City Case Study)

Hary Zulficar
Universitas Andi Djemma

Abstract

In our lives, if we look at the workings of matter, we realize that the whole planet and the forces of nature are bound by definite laws and that guarantee the creation of matter. But we also cannot deny that the family has many tests as Imam Ali Khamenei said that the test passed by the husband and wife in the household is the first five years and the husband must give in to his wife. Islam in this case is the cosmology of Islam, that the place governs all the tendencies of human nature is indeed in the bonds of marriage or household so as not to cause a crisis and shock of life that is so long. Considering the little reality we face in this life that various kinds of inequalities occur and it seems that the law is not able to solve these problems. The animal world is also linked by such laws, although animals are motivated only by their innate, earthly and physical instincts but they also contribute to the balance and harmony of the planet. On the other hand we cannot afford to then do so because of a system that I also do not know, but there may be structural powers that impoverish. Therefore of course this phenomenon will give birth to legal consequences both mother, father and child and one of the biggest problems is the problem of living in support. Basically if we look at the events of man, both men, women, apostles, prophets, scholars, fuqaha, sufis, philosophers, students, thugs, proletarians, and the bourgeoisie both have something inherent in themselves. Like for example want to marry a woman or a widow because he and his child desperately need an inner living and born, but on the other hand, the wife is unable to then accept the phenomenon. This means that the effectiveness of the application of laws or rules on the issue of living has not been implemented properly. Because the data that the author obtained shows that many divorced parents then do not support or are not responsible for their children.

Date of Submission: 06-02-2022

Date of Acceptance: 20-02-2022

I. Background

In our lives, if we look at the workings of matter, we realize that the whole planet and the forces of nature are bound by definite laws and that guarantee the creation of matter. The animal world is also linked by such laws, although animals are motivated only by their innate, earthly and physical instincts but they also contribute to the balance and harmony of the planet. However, the human world is a common exception to this obsession. Reflections on the workings and methods of people in the world show that they are not at all harmonious with the balance of nature around them. Instead, these reflections show that they are almost trying hard to disrupt and threaten this balance.

Religious-minded people, because it is not surprising if God gives an orderly system, in that way their lives can correspond to the institutions and balances of other beings, especially when it is thought again that now and in the future the balance of all other beings depends on the balance in human life. That is, if humans do not quickly adopt in it there is a way to make their lives organized. In life it seems like an inevitability if we look at it in terms of cosmic facts. That is, nature as a fact that we cannot then deny that there is indeed a difference and this difference is Grace, why? No one needs each other if everything is the same. Basically if we look at the events of man, both men, women, apostles, prophets, scholars, fuqaha, sufis, philosophers, students, thugs, proletarians, and the bourgeoisie both have something inherent in themselves (fitrah). But what distinguishes it is the prints or education.

Related to the tendency or metaphor in the language of philosophy, that in humans there are several metaphors of tendency including metaphors of science (knowledge), beauty (aesthetics), power (politic), economics and sexuality. All metaphors, it entrusts itself to be able to come into contact with nature through our bodies. Without this metaphor, material life, industrial economy and human civilization would not exist and be organized. In the study of Islamic philosophy in this case is islamic cosmology, that the place governs all the tendencies of human nature is indeed in the bonds of marriage or household so as not to cause a crisis and shock of life that is so long. Thus we know that marriage is a birth and inner relationship between a man and a

woman. This is also very clearly regulated in Law No. 1 of 1974 on marriage in Chapter 1 article 1 which reads marriage is an inner birth bond between a man and a woman as a husband and wife with the aim of forming a happy and eternal family or household based on the Supreme Divinity. But we also cannot deny that the family has many tests as Imam Ali Khamenei said that the test passed by the husband and wife in the household is the first five years and the husband must give in to his wife. This is where married couples feel very overwhelmed in solving problems in their household, not least the issue of living, divorce and others. Therefore, when in the household there is no mutual appreciation and insulting couples, then that is the beginning of the destruction of the household. To be unjust, to discriminate and to be insulted whatever the circumstances, is wrong. This is what Ayatollah Sayyed Ali Khamenei said in his sermon on marriage.

Speaking of the law, we are talking about justice as Ayatollah Sayid Muthahhari said that justice is one of the foundations of religion. Thus, the whole premises of the law must be built on the basis of justice.

Considering the little reality we face in this life that various kinds of inequalities occur and it seems that the law is not able to solve these problems. Especially in the family, that there is the first mold or education, that is where the beginning of the establishment of social reality and indeed the smallest society is the family. As Ustadz Andi Muhammad Safwan caretaker of Pondok Pesantren Murtadha Muthahhari Yogyakarta said that the cosmology of Islam axis is family, if the problems in the family are not able to be resolved then damaged this global social order. It is also said by one of the greatest leaders of the People's Republic of Iran (Rahbar) in his sermon on marriage that just as the human body is composed of cells and destruction, its damage and pain both forcibly and naturally means body pain and if the disease spreads it will harm the entire human body, people's lives are also composed of cells called households. Every household is the cell of people's lives. When these households are healthy, when their behavior is correct then the body or life of the community will also be healthy. So that the need for a law that really pays attention to family issues and regulates them as well as possible so that then create justice that we want together.

Perhaps we have understood that in the study of philosophy of value (axiology) the problem is a question of relationships or relationships. Often we want to do good actions but often good actions are damaging relationships with others. Like for example want to marry a woman or a widow because he and his child desperately need an inner living and born, but on the other hand, the wife is unable to then accept the phenomenon. We want to make the family happy by providing and meeting its needs materially. But. On the other hand we are unable to then do so because of a system (social condition) that I also do not know, but there may be structural power that impoverishes. In the household there are often problems including divorce problems, for children born, divorce of parents is something that will shake his life and will be bad for his growth and development, so usually children are the ones who suffer the most with divorce in both parents. Therefore of course this phenomenon will give birth to legal consequences both mother, father and child and one of the biggest problems is the problem of living in support.

Nafka is one of the obligations for parents to then be given to their children as in the laws and regulations explained by law number 1 of 1974 concerning marriage article 45 paragraph (1) and (2) namely:

Verse (1) is that both parents are obliged to care for and educate their children as well as possible.

Paragraph (2) the obligations of the parents referred to in paragraph (1) of this article apply until the child is married or on his own, which obligations occur continuously even though the marriage between the two parents is broken. Thus, there are obligations and responsibilities and there is certainly a relationship of rights, so regulated the right of children to their maintenance as in law number 4 of 1979 on the welfare of children in article 2 paragraphs (1) and (2) namely:

- Paragraph (1) the child is entitled to welfare, care, care and guidance based on compassion, both in his family and in special care to grow and develop reasonably.
- Paragraph (2) children are entitled to service to develop their ability and social life, in accordance with culture and nation, to become good and useful citizens.

However, the visible phenomenon that the author witnessed is the abandonment of children, the number of divorces is likely one of the factors that cause this. Therefore, the author wants to immerse themselves a little in this complex reality, at least minimize the complex social problems, so the author wants to try and try to take a little role of philosophers and fuqaha by submitting the title of the thesis that is "Socio juridical analysis of the application of children's right to a living (Palopo City Case Study)"

II. Review Literature

The understanding of children in general understood by society is the second offspring after father and mother. Even from the results of unauthorized relationships according to the legal glasses of child injections contain many meanings, let alone the word child followed by other words such as children, noble children, small children, children of the nation and so forth. Children are the sons and daughters of life, the future of the nation and the country. Therefore, children need coaching so that their mental and spiritual can develop to the maximum. The definition of a child in civil law is not explicitly regulated. The understanding of children is

always associated with maturity, while maturity there is no uniformity in various Indonesian laws and regulations. While the definition of a child according to the law that applies in Indonesia is very varied according to the point of view of the law itself. Among them are: Law in Indonesia. In the civil law (BW) article 330 paragraph 1 states that children are those who have not reached even age 21 years and do not first marry (marriage). While in Law No. 39 of 1999 on Human Rights (HAM) article (1) number 5 states that the child is every human being under the age of 18 (eighteen) years, and unmarried, including children who are still in the womb if it is in his interests. Meanwhile, according to Law No. 23 of 2002 on child protection article (1) number 1 mentions that the child is someone who is not yet 18 (eighteen) years old, including a child who is still in the womb. Law No. 1 of 1974 does not straightforwardly regulate when a person is classified as a child. As implied in article 6 paragraph (2) states that the terms of marriage for a person who is not yet 21 years old must get permission from his parents, and article 7 paragraph (1) states that at least the age of the child can marry a man of 19 years and a woman 16 years.

On the other hand, article 47 paragraph (1) of Law Number 1 of 1974 states that children who have not reached 18 years of age or have not performed marriage are under the power of their parents as long as they do not revoke the power of their parents. While in Presidential Decree No. 1 of 1991 on Compilation of Islamic Law (KHI) regarding the adult age limit stipulated in article 98 paragraph (1) stated that the adult is 21 years old as long as the child is not physically and mentally disabled or has never married.

Jurisprudence of the Supreme Court in the jurisprudence of the Supreme Court of the Republic of Indonesia. There is no uniformity regarding the limits of maturity, as the picture in the Supreme Court decision No. 53 K / SIP / 152 dated June 1, 1955 stated that 15 years are considered to have matured for cases that occurred in Bali. In the Supreme Court decision Number: 601 K / SIP / 1976, it was stated that on November 18, 1976 the age of 20 years was considered to have matured for cases that occurred in the Jakarta area. In terms of language, the word bread has a lot of understanding. Etymologically, bread comes from Arabic derived from the syllable *anfaqa-yunfiqu-inafaqan*, meaning by spending. In the Indonesian, it is interpreted by expenditure. Other opinions state that bread comes from the form of basic words or nouns and verbs *nafaqa* which is often equated with the verbs *dzahaba*, *kharaja*, *nafada* and *madha*.

These words have something in common in terms of understanding, which is to show the intelligence of one thing to another. The words *Madha* which means pass or pass and *Dzahaba* which means to go, and *Kharaja* which means out, both refer to the notion of moving from one place to another. The word *nafida*, which means exhausted, also denotes the displacement and change of one from what originally existed to none. Thus, etymologically, *nafaqa* means the act of moving and transferring things. In addition, the word *nafkah* can also be taken from the word *infak* which means expenditure, consumptive and *infak* is not used except for the good.

According to the term bread is the expenditure that a person uses for people who are dependents in meeting the needs of life. Or in other words everything that is needed by humans in the form of clothing (*kiswah*), food (*tha'am*) and board (*maskan*). Thus, living as a basic word / noun, will mean something that is moved / transferred and issued for a certain thing and purpose either in the form of clothing, food, or board. The word *nafaqah* or *infaq* is only used for positive understanding. In addition, in some books *fiqh* discussion about bread is always associated with discussion about marriage, because living is a consequence of the occurrence of marriage agreements. *Al-Syarkawi* mentioned that the certain size of food given (dependents) of the husband against his wife, maid, parents, children, slaves and livestock according to his needs. Thus the meaning of living and anyone who must be blessed in the opinion of *Al-Syarkawi* is very broad, because not only the bread for wives and children and relatives.

According to Islamic provisions, a valid marriage contract gives rise to reciprocal rights and obligations between husband and wife. Among them, the wife is entitled to earn a living from the husband who married her. On the shoulders of the husband lies the obligation to provide for his wife and children. In *Surah Al-Baqarah* verse 233 is explained which means as follows: mothers should breastfeed their children for 2 full years, that is, for those who want to perfect breastfeeding. And it is the duty of the father to feed and clothe the mothers in a *ma'ruf* manner. A person is not burdened except according to his ability. Let not a mother suffer misery because of her child and a father because of her child, and the inheritance is obliged to do so. If both want to wean (before two years) with their willingness and consultativeness, then there is no sin against either. And if you want your child to be brought to be made by others, then there is no sin for you when you pay accordingly. Fear Allah and know that Allah is all-seeing what you do. The basis of the law of living can be traced in the *Qur'an* and the *Hadith* of the Prophet *Al-Mustafa Muhammad*, among which is contained in *Surah Al-Thalaq* verses 6 and 7 which means as follows: (6) Place them (wives) where you live according to your ability and do not bother them to narrow (heart) them. And if they are pregnant, give them their livelihood until they give birth, and if they feed them for you, give them their reward, and pray among you well; And if you encounter difficulties then another woman may breastfeed her. 7 Let those who are able to give a living according to their ability. And he who is sustenanced should make a living from the wealth that God has given him. God does not carry a burden on a person except what God gives him. God will give you forgiveness after the narrowness.

Ahmad Musthafa Al-Maragi in the Book of Tafsir Al-Maragi suggests that a mother who conceived for the sake of a father (husband) and breastfed the baby also for the sake of a father, causing it mandatory for a husband to provide enough bread to his wife in the form of clothing and food, so that he can carry out his obligations in caring for and caring for his baby. Let the living given be measured according to the circumstances of his wife and in accordance with the level of living needs in the place where he lives. Never give a living that is not in accordance with the needs or felt heavily by his wife in carrying out his obligations, because it is not enough.

Based on the basic provisions of the above law it can be understood that supporting the wife and those who are in the dependents of a husband or man is mandatory. But the source of Islamic law above does not mention in detail the level or amount of living that must be spent. Because the Qur'anic verse only explains that the living according to my husband's ability is certainly flexible. According to the sociological perspective, the birth of a husband's living obligation to the wife or a father to the child, inseparable from his status and role. Status and role are elements in social structures that have significance for social systems. Thus, the husband's responsibility to his wife must be fulfilled perfectly in accordance with the level of his ability.

In a family, the husband is the head of the family. As the head of the family, of course, the husband has a role that is expected by other parties (wife and family members). The husband's main role is as the breadwinner, fully responsible for the needs of food and board for family members.

But in the life of today's society, along with the development of the times and the progress of increasingly modern mindsets and circumstances that provide more wiggle room for wives (women) to emancipation. So no doubt if the wife can also work for a living. This is one form of social system change that occurs in today's society that must be followed by how to see and observe it all with a capacity that is in accordance with the current circumstances. Related to the above phenomenon, the review of Islamic Law can sociologically be seen in the influence of Islamic law on the change of Muslim society, or vice versa the influence of Muslim communities on the development of Islamic law. Thus the change in the social system of society also brings the influence of changes in breadwinner patterns. Role changes due to access to education have been open to women, but the norms that accompany such changes are less adaptive and need to be formulated. Economic factors are a very decisive problem in the survival of the household. Because economic limitations can lead to even bigger problems, such as divorce suicide, and others. Most families that live in deprivation start from the laziness of the individual (especially the head of the family) and all members of the family, in principle this can be overcome with the awareness of all family members at least the head of the family to be able to make more effort in making a living for a more decent life.

In addition, there are also those that start from physical and mental limitations that used to be the focus of the family. Problems like this can usually be overcome with awareness from other family members to change social strata. If the head of the family who experienced limitations earlier, maybe the wife can change the position of the husband in the context of making a living. A balanced relationship between husband and wife can create mutual love, respect, dependence, respect and commitment in carrying out family functions to realize the well-being of the born and inner family. Bread in a Psychological Perspective Bread is one of the many factors that become the foundation booster of the family. The fulfillment of a living in a household both born and inward, will lead to the birth and growth of affection between husband and wife and other family members. Not a few households are destroyed due to the phenomenon of insufficient living. Divorce will have an impact on other family members especially on children born from a marriage. This can be seen in the high number of divorces that occur in Indonesia due to living problems, or divorce lawsuits due to poor living.

According to the views of psychologists, the loss of the destruction of the household not only affects husband and wife and children, but also affects society and future generations. Thus the husband and wife partnership in managing family resources both family finances and in decision making and cooperation in family life planning is very influential for the continuity of marriage.

Man naturally views his descendants as a part of himself, and the life of his descendants as the preserve of his life in this world. Thus man is willing to make every effort and endure all the difficulties of pleasing his children, for if their children fail or are sick this is the same as those who fail or are sick. Indeed, they do only what the rules of creation have dictated, which is that the human species must be preserved. Therefore, it is the duty of the mother and father to carry out lawsuits and claims of awareness regarding their children.

III. Methodology

According to Soerdjono Soekanto, research is a scientific activity related to analysis and construction that is done methodologically, systematically and consistently. Methodological means that in accordance with a particular method or way, systematic is based on a system, while consistent means the absence of contradictory things within a particular framework. Thus, several research methods will be prepared among them. The type of research approach or type of research that the author will use is the method of approach that is normative (legal research) and empirical method (sociological). The research site will be conducted in the city of Palopo and the Palopo City Religious Court. In this study, researchers will take 15 (fifteen) household samples whose

children do not earn a living from fathers post-divorce. The data source used by the type of qualitative data that consists of primary data is data obtained or collected directly in the field. Primary data consists of records of interview results, field observations, and data about informants. The next stage is to determine the research object from which the data will be collected. Ideally the data is collected from all the objects in question. However, this will require too much style, effort and time, so it is therefore inefficient. Therefore, in a study in general only uses a portion of the overall research object which is then called a sample. The data collection techniques used in this study are. Observation is a technique of collecting data by making direct observations on the object of study. According to Hasan, observation is the selection, alteration, recording, and coding of a series of behaviors and atmospheres related to the organization, in accordance with empirical objectives. The observations referred to in data collection techniques are pre-research observational, when research and post-research are used as auxiliary methods According to Martono, literature studies are conducted to enrich knowledge about various concepts that will be used as a basis or guideline in the research process. Researchers also use library studies in data collection techniques. Literature studies in this data collection technique is a type of secondary data used to help the research process, namely by collecting information contained in newspaper articles, books, and scientific work in previous research. The purpose of this library study is to find facts and find out

Uniformity of data units

IV. Discussion

The implementation of The Provision of Bread for Children in the City of Palopo Indonesia is a State of Law as mentioned in article 1 paragraph (3) of the 1945 Law. Be it on the social, economic, political and no exception household in this case is marriage. Or we may also be brief with private (civil) law and public law. Baby specifically again in civil law regulated various existing interests (individuals) such as the division of inheritance, trade, engagement, living in support and others. Therefore in accordance with the title of the thesis that the Author raised, let us look at some laws and regulations on marriage and the ins and outs of the household related to the rules about living in general. Law No. 1 of 1974 concerning Marriage Article 30.

Husband and wife assume a noble obligation to uphold the household that is the basic joint of the makeup of society. It is also the same as one of the greatest leaders of the people's republic of Iran (Rahbar) said in his sermon on marriage that just as the human body is composed of cells and destruction, its damage and pain both forcibly and naturally means bodily pain and if this disease spreads it will endanger the entire human body, people's lives are also composed of cells called households. Every household is the cell of people's lives. When these households are healthy, when their behavior is correct then the body or life of the community will also be healthy. The author's analysis of the sound of this article is how the government is really serious in regulating household problems, because the household is the basis of the main social reality or the point of why the author thinks so, because the print of education is first and exists in the household. Article 34

1. The husband is obliged to protect his wife and provide all the necessities of household life in accordance with his ability.

2. The wife is obliged to manage the affairs of the household as well as possible.

3. if the husband or wife neglects their respective obligations, they can file a lawsuit with the court.

This means that if the husband does not provide a living for the purposes of his household life, the wife can sue to the district court or religious court (depending on the religion embraced by the married couple). This article justifies that the position of the husband as the head of the household or the leader is responsible for providing a living for his family, meaning that he is responsible for providing guarantees to the needs of those who are entitled to earn a living, namely his wife and children, both for domestic purposes, child maintenance and education for children in accordance with their abilities. In the law of marriage, it is not set the amount of living that must be given, only said according to the ability of the husband. Article 41

1. Whether the mother or father remains obliged to care for and educate their children, solely based on the interests of the child, if there is a dispute regarding the mastery of children, the court gave a decision.

2. The court can require the ex-husband to provide the cost of livelihood.

When there is a divorce and the iddah period is over, the woman used to be a wife, now changed status to ex-wife. The marriage rope has broken, so it is no longer said husband and wife so that the ex-husband is no longer obliged to provide for his ex-wife. But the right to a living for the child is not interrupted so that the father is still obliged to bear all the needs of the child, even if the child lives with his ex-wife. Imam Ibn Mundzir said that a man is obliged to bear the living of his children who do not have property. Since a person's child is his flesh and blood, he is part of his parents. He is obliged to make a living for himself and his family. According to the author that this opinion is also in line with the civil law code in article 298 paragraph 2. Parents are obliged to care for and educate their children. Losing parental power or guardian power does not absolve them of the obligation to provide benefits in their opinion to finance the upkeep and education of their children. Law

No. 4 of 1979 on Child Welfare Article 9 Parents are first responsible for the realization of child welfare both physical and social spiritual. Article 10

1. Parents who are proven to shirk their responsibilities as included in article 9, resulting in obstacles in the growth and development of children, can be revoked as parents to their children. In that case it is appointed person or body as a guardian.

2. The revocation of foster power in paragraph (1) does not eliminate the obligation of the parent concerned to finance, in accordance with his or her ability, livelihood, maintenance and education for his child. Article 9 above has shown that one of the responsibilities of parents is to realize the welfare of children containing the obligation to maintain, educate and meet all their needs, so that children can grow and develop into intelligent people with noble ethics and ability to continue the ideals of the Indonesian nation. Furthermore, in article (10) of Law No. 4 of 1979 is quite clear, mentioning that if parents who are unable to carry out their responsibilities in accordance with those stipulated in article (9) then their foster power can be revoked and given to parents who are considered able to develop the child.

Therefore, although the power of parental care is given to others but it does not eliminate the obligation as a parent in this case is to provide a living to the child. Compilation of Islamic Law (KHI) Article 77 (3) Husband and wife have an obligation to nurture and care for their children, both regarding physical, spiritual growth and intelligence and religious education. (5) If the husband or wife neglects his obligations, each may file a lawsuit with the religious court. Article 80 (2) The husband is obliged to protect his wife and provide all the necessities of domestic life in accordance with his ability. (4) in accordance with his income, the husband bears: Nafkah, kiswah (sandang) and residence for the wife Household expenses, care costs and medical expenses for the wife and child. The cost of education for children. Article 156 d. All the costs and livelihood of the child become the dependents of the father according to his ability, at least until the child is an adult and can take care of himself. e. When there is a dispute about the hadhanah and the child's livelihood, the religious court grants its messenger. According to the Author that the laws and regulations governing the living of parents to their children have been very good and related at one point, although then the parents are already in divorce status and have no more power over their children but the livelihood for him (the child) continues as said by Imam Ibn Munzir. However, unlike the Compilation of Islamic Law, the Marriage Law and the Civil Law Code do not regulate in more detail about what must be borne by the husband. Compilation of Islamic Law (KHI) describes in article 80 paragraph (4) that is in accordance with his income, the husband bears: living, kiswah (sandang) and residence for the wife, household expenses, care costs and medical expenses for the wife and child. While in the civil law, Law No. 1 of 1974 on marriage and Law No. 4 of 1979 on child welfare are not explicitly explained.

But in fact the application of living to children based on the results of research in the form of interviews in this case is a sociological analysis, there are still many who are then hampered in the problem of the recipient of a child's livelihood. That is due to several factors as stated in the results of the study at the next point on the constraints in the realization of livelihoods to children. Some time ago, the author took the data at the Palopo Religious Court (PA). Based on observations, the authors show that the number of divorce cases that occurred in the city of Palopo reached the number 391 (three hundred and ninety-one) cases of divorce and 215 (two and five) cases of divorce talaq. But the author does not take all the data right because the author's thesis does not discuss this problem much. The focal point is on the issue of living for children when parents are divorced. Therefore, many cases that occur, namely parents neglect their obligation to provide for their children in accordance with existing rules.

It is clear in Law No. 1 of 1974 on marriage in article 34 paragraph (3) that if the husband or wife neglects his obligations, each can file a lawsuit with the court. But based on sociological research that many or existing ex-wives do not want to file a lawsuit against the ex-husband to then give a living to their child because they do not want such a long way, they do not have the ability to legal matters, and there are feelings or egos present when they want to file a lawsuit about the living, There are some who say (I am lazy and don't want to see him anymore). It seems like the author has to say that the heartache that befell this mother was extraordinary.

But they do not have a lawsuit for the unrealized of a living for their children, so how does the government or legal officials respond to this? Or do not let the religious court only intense in dealing with the issue of divorce, after the divorce and the verdict has been determined then the court no longer has responsibility for it. In fact, many are not entitled. The author saw that after the divorce and various Amar verdicts set by the court, it was then in fact there are still many facts that prove that the ex-husband does not give a living to his biological child. The author not only wants legal certainty and court rulings but how this law is worth justice and expediency. The author does not simulate this problem but according to the author, there must be a more serious effort which is then built by the government in this case is a legal official against the phenomenon.

On January 19, the author took the time to discuss a little to one of the Lecturers of the Faculty of Law of The University Andi Djemma Palopo as well as an advocate who handles many divorce cases, namely Mr.

Abbas Johan, SH., MH said that: If the wife or family does not report or sue to the court for the absence of children, then there is no problem and this is not the responsibility of the Religious Court because the Religious Court only arrives at the verdict. To provide a solution to this problem is that there are two legal efforts that can be done, namely: By making a claim back (civil) as stipulated in Law No. 1 of 1974 on marriage in article 34 paragraph (3) which reads if the husband or wife neglects his obligations, each can file a lawsuit with the court. Reported as a criminal act of child neglect, because in article 1 number 7 of Law No. 4 of 1979 it is explained that abandoned children are children who for some reason cannot be met their needs, both spiritually, physically and socially. According to Mr. Abbas djohan SH MH that if the mother or ex-wife is not quick in acting, namely reporting the matter to the authorities then indirectly, the mother participates in abandoning her child. There is no denying that the child is a form of relationship between a man and a woman in a household bond. But there are also those who do not pay attention to them including the father who is then given the obligation to provide for his family (son). For that, based on the results of this study, the author will slightly explain what are the obstacles that then affect it. But before explaining further

These are some of the obstacle factors that then inhibit the realization of livelihoods to children. So if more or still there are those who are restless with the problem of living for children especially based on the sample above, namely the majority of people are still young, is the law governing this problem to blame? Of course it is not so, why because it may be human society whose basic nature is the tendency of the wind of pleasure, does not want to be bothered with such things. But should we justify the law that governs this bread problem or not? According to the author, the laws do not specifically regulate the issue of living for long-term application after divorce occurs so that the livelihood for children as an obligation for parents is not well controlled.

Thus based on the framework of thought that the author made then juridically, the laws and regulations regarding living have been very good, but in the area of the application of bread for children in the household is not realized. This is evidenced by the author's analysis of several examples in the household as in the results of interviews to several families and also strengthened by various obstacles that cause the unrealized of livelihoods or children also means that the control of families (husband and wife) who have undergone divorce by legal or government officials is not effective and this is also proven from the many living rights of children not realized.

V. Conclusion

The implementation of the provision of a living to children in the city of Palopo in this case based on the author's research, does not provide satisfaction, it is correct that the law has regulated as well as described in the compilation of Islamic law (KHI) in article 80 paragraph (4) that is in accordance with his income, the husband bears: living, kiswah (sandang) and residence for the wife, household costs, care costs and medical expenses for the wife and child. This means that the effectiveness of the application of laws or rules on the issue of living has not been implemented properly. Because the data that the author obtained shows that many divorced parents (fathers) then do not support or are not responsible for their children.

Factors or constraints that inhibit and unrealize the living of children are because the economic conditions in this case do not have a job, some have a job but have a new family so that they are no longer able and no longer pay attention to the biological child of his ex-wife, and also the third factor according to the author is that the ex-husband has a job but does not have a new family, However, the income from his work is not enough to then be used in supporting his biological child and also the last factor is that there are those who have jobs but ex-husbands remarry but the new family (wife) does not pay attention if the husband gives a living and visits the place of the biological child of his ex-wife.

Reference

- [1]. Ash-Sadr Muhammad Baqir, 2012. Summary iqtisaduna / Our Economy Yogyakarta: Rausyanfikir Institute.
- [2]. Ash-Sadr Muhammad Baqir, 2014. Falsafutana, Rausyanfikir: Yogyakarta.
- [3]. Ayatollah Sayed Khamenei Ali, 2014, When Love Anchored, Guidance For Young Brides, Yogyakarta: Rausyanfikir Institute,
- [4]. Aziz Aminah, 1998. Aspects of Child Protection Law, Medan : USU Press
- [5]. Darwan Prints In Imam Jauhari, 2003. Children's Rights in Islamic Law, Jakarta : Pustaka Bangsa Press
- [6]. Dellyana Shanty, 1999. Women and Children in the Eyes of law, Yogyakarta: Liberty
- [7]. Diknas, 2002. Indonesian Great Dictionary, Jakarta: Balai Pustaka.
- [8]. Husein Abdul Rozak, 1992. Children's Rights in Islam, Jakarta: Fikahati Aneka.
- [9]. H. Sulaiman Rasjid, 2011. Islamic Fiqh (Complete Fiqh Law). Bandung: Sinar Baru Algensindo.
- [10]. Farari Iman, 2001. Legal Protection of Children in Polygamous Families, Medan: USU Press

- [11]. Jawad Haifa A, 2002. Otensitas Women's Rights-Islamic Perspectives on Gender Equality, Language Transfer Amin Hidayat Noor Dkk, Fajar Pustaka, Yogyakarta
- [12]. Kusuma Hilman Hadi, 1992. Indonesian Legal Language, Bandung: Grafika.
- [13]. Muthahhari, Murtadha, Sexual Ethics Between Iskam and West, Yogyakarta: Rausyanfikir Institute.
- [14]. Muthahhari Murtadha, 1997. Divine Justice, The Foundation of the Islamic WorldView. Bandung : Mizan
- [15]. Muthahhari Murtadha, 2012. Ushul Fiqh Dan Fiqhf, Yogyakarta: Rusyanfikir Institute.
- [16]. Shadra Mulla, 2010. Journal of Islamic Philosophy and Mysticism, Volume 1 Number 3. Yogyakarta: Rausyanfikir.
- [17]. Soemitro Irma Setyowat, 1990. Aspects of Child Protection Law, Bandung: Graphics.
- [18]. Soepomo, 2003. Children's Rights and Obligations, Bandung: Graphics.
- [19]. Sunggono Bambang, 2010. Legal Research Methodology, Rajawali Pers, Jakarta.
- [20]. Sudarsono, National Marriage Law.
- [21]. Tebba Sudirman, 2003. Sociology of Islamic Law, UII Press Indonesia, Yogyakarta.
- [22]. Thaba'thaba'I Allamah Sayyid Muhammad Husain, 1996. This is Islam, Bandung: Pustaka Hidayah.
- [23]. Talib Yusuf, 1984. Children's Rights Arrangements in Hukum Positif, Jakarta: BPHN.
- [24]. Waluyo Bambang, 2002. Legal Research in Practice, Jakarta: Sinar Grafika
- [25]. Wijjayanti Rina, 2010. Children's Rights, Jakarta: Sinar Pustaka.
- [26]. INTERNER
- [27]. Abu Bakr Muhammad Shatha, I'annah Al Talibin.
- [28]. Al-Maragi Ahmad Mustafa, 1992. Translated Tafsir Al-Maragi, Juice 1 Second Print, CV. Toha Putra Semarang.
- [29]. Al munjid fi al lughat wa al l'lam, 1986 beirut: al-shirkiyah.
- [30]. Al-mughni, internet
- [31]. Al Syarkawi, Al Syarkawi 'Ala Al Tahrir, Al Thaba'ah Al Nasyr Wa Al Tauzi
- [32]. Compilation of Islamic Law (Khi), Presidential Instruction of the Republic of Indonesia Number 1 of 1991 10 June 1991
- [33]. Jaziry, Al Figh 'Ala Al-Madzahib Al-Arba'ah, (Beirut: Dar Al-Fikr), Volume IV
- [34]. Munawir Ahmad Warson, 1984. Al Munawwir Dictionary, Yogyakarta: Pondok Pesantren Al Munawir
- [35]. Law of the Republic of Indonesia of 1974 on Marriage
- [36]. [Http://anggun fsualangi.blogspot.com/2011](http://anggun fsualangi.blogspot.com/2011) internet. Downloaded december 22, 2016

Hary Zulficar. "Socio-Yudiris Analysis of the Application of Children's Right to a Living (Palopo City Case Study)." *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 27(02), 2022, pp. 34-41.