

## ABSTRACT

Nuriel Amiriyah. 11210002.2015. *Post-Divorce Child's "Nafkah Madliyah" in Indonesian Supreme Court Verdict Number 608/K/AG/2003 According to Islamic and Law Number 23 of 2002 on Children's Protection*. Thesis. Al-Ahwal Al-Syakhshiyah Departement. Sharia Faculty. The State Islamic University of Maulana Malik Ibrahim of Malang. Advisor: Dra. Jundiani, SH., M.Hum.

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*Nafkah madliyah* or living past is the duty of a husband to a wife who has been neglected. The wife living can become debt since become a liability and the husband refused to implement it. The status can be powerful debt except by paid or by the willingness of the wife. But if the father neglect his duty to the child, whether a living child can be considered as a debt to the father. The supreme court verdict number 608/K/AG/2003 stated that *nafkah madliyah* of a child cannot be sued, but Islamic law gives a different explanation of a father's obligation who had been neglecting his child's living.

The focus of this research is to find out Islamic legal review the obligation of a father who had neglected a child's living in Indonesian supreme court verdict number 608/K/AG/2003 and a post-divorce child's *nafkah madliyah* is reviewed in the aspects of the children's protection rights in law number 23 of 2002 on children's protection.

This type of research is the normative legal research conducted by researching library materials, at law approach and conceptual approach. The approach aims to determine children's *nafkah madliyah* under Islamic law and the law number 23 of 2002 on children's protection.

Based on the previous description, it can be concluded that according to the Islamic law regarding the obligation of a father who had neglected his children's living in Indonesian supreme court's verdict number 608/K/AG/2003 and in the Syafi'iyah scholars' opinion, that the child's living can be a debt to a father, which will be under the court's provision, if he deliberately neglects his obligation. Post-divorce child's *nafkah madliyah* has reviewed in the aspects of child's protection rights in law number 23 of 2002 on child's protection, if the father was deliberately did not provide a living. So, as long as the child has not been given a living by his father which results in the child's suffering in both moral and material, it can be said that it is an act of abandonment.