



The Effectiveness of SEMA Number 3 of 2018 in Strengthening the Legal Protection of Iddah and Mut'ah Alimony Claims for Divorced Widows (Study of Decision Number 238/Pdt.G/2024/PA. Mn)

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ARTICLE INFO	ABSTRACT
Keywords: Iddah Maintenance, Mut'ah, Supreme Court Circular Letter, Wife-Initiated Divorce, Women's Legal Protection	This study examines the role of Supreme Court Circular Letter Number 3 of 2018 in protecting a wife's rights to iddah and mut'ah maintenance in wife-initiated divorce, with particular reference to Decision Number 238/Pdt.G/2024/PA.Mn. This study employed doctrinal legal research using statutory and case approaches. The primary legal materials included Decision Number 238/Pdt.G/2024/PA.Mn, Law Number 1 of 1974 as amended by Law Number 16 of 2019, the Compilation of Islamic Law, Supreme Court Regulation Number 3 of 2017, and Supreme Court Circular Letter Number 3 of 2018. Secondary legal materials consisted of relevant books and scholarly articles. The legal materials were analysed through legal interpretation and content analysis, focusing on the recognition of post-divorce rights, the application of the Circular Letter in judicial reasoning, the proportionality of the awarded maintenance, and the enforceability of the judgment. The findings show that the court explicitly relied on Supreme Court Circular Letter Number 3 of 2018 after finding insufficient evidence that the plaintiff had committed nusyuz. The court awarded IDR 7,500,000 in iddah maintenance and IDR 16,000,000 in mut'ah. These findings demonstrate normative recognition and adjudicative protection of women's post-divorce economic rights. However, enforcement-level effectiveness could not be established because no verified evidence of actual payment or execution was available. Therefore, the Circular Letter functions as an interpretive judicial guideline, although its broader effectiveness cannot be generalised from a single decision.
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INTRODUCTION

Divorce terminates the marital relationship but does not necessarily eliminate all legal obligations between former spouses. Under Indonesian law, divorce must be decided by a court to ensure legal certainty and formal recognition of its civil consequences. For Muslim couples, divorce proceedings fall within the jurisdiction of the Religious Courts. One significant consequence of divorce concerns the economic rights of the former wife, including iddah maintenance and mut'ah. Iddah maintenance provides financial support during the legally prescribed waiting period, whereas mut'ah constitutes an appropriate gift intended to mitigate the economic and emotional consequences of divorce. These rights are particularly important when the former wife was economically dependent during the marriage (Dahwadin et al., 2020; Darmawan et al., 2023; Hesti et al., 2025).

The legal basis for post-divorce maintenance is found in Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019, and the Compilation of Islamic Law. Article 41(c) of the Marriage Law authorises the court to impose maintenance or other obligations on a former husband for the benefit of his former wife. Articles 149, 152, 158, and 160 of the Compilation of

Islamic Law also regulate iddah maintenance and mut'ah. However, these provisions have traditionally been applied more clearly in *cerai talak*, in which the husband initiates the divorce, than in *cerai gugat*, in which the wife files the claim.

The legal position of a wife who initiates divorce remains more complex. In classical Islamic jurisprudence, wife-initiated divorce is often associated with *khulu'*, which may involve compensation paid by the wife to obtain dissolution of the marriage. This interpretation may lead to the assumption that a wife who initiates divorce is not entitled to iddah maintenance or mut'ah. Nevertheless, the act of filing for divorce cannot automatically be equated with *nusyuz*. A wife may initiate divorce because of neglect, prolonged conflict, domestic violence, or the husband's failure to perform marital obligations. Therefore, the determination of *nusyuz* must be based on facts established during judicial proceedings rather than solely on the identity of the party who initiated the divorce (Nasution, 2018; Ramdania, 2020; Wardana & Junoh, 2026).

Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Adjudicating Cases Involving Women in Conflict with the Law requires judges to avoid gender stereotypes, recognise unequal power relations, and guarantee equal treatment before the law. These principles were further operationalised through Supreme Court Circular Letter Number 3 of 2018. The formulation of the Religious Chamber contained in the Circular Letter allows a wife in a *cerai gugat* case to receive iddah maintenance and mut'ah when *nusyuz* has not been established against her. Accordingly, the Circular Letter provides an interpretive basis for strengthening women's post-divorce economic protection.

Nevertheless, the legal position of a Supreme Court Circular Letter requires careful examination. SEMA Number 3 of 2018 is not expressly included in the hierarchy of laws and regulations established by Law Number 12 of 2011 concerning the Formation of Laws and Regulations. Its authority primarily derives from its institutional function as an internal judicial guideline. Although it is not equivalent in status to an Act or government regulation, it may influence judicial interpretation, promote consistency among court decisions, and address regulatory ambiguities in existing family law provisions. Its significance should therefore be assessed through its use in judicial reasoning and its contribution to the recognition of litigants' rights.

Previous studies have examined iddah maintenance, mut'ah, women's rights in wife-initiated divorce, and gender-responsive adjudication in Religious Courts (Abdurahman & Jauhari, 2024; Habibah et al., 2025; Yusuf et al., 2023). However, limited attention has been given to the relationship between the non-statutory legal position of SEMA Number 3 of 2018, its explicit application in judicial reasoning, and the distinction between the recognition of a right and its actual enforcement. A judgment may acknowledge post-divorce maintenance without necessarily demonstrating that the awarded amount has been paid or successfully executed. Consequently, normative, and adjudicative application must be distinguished from enforcement-level effectiveness.

Decision Number 238/Pdt.G/2024/PA.Mn provides a relevant basis for examining this issue. In the decision, the court considered the rights of a wife who initiated divorce and explicitly relied on SEMA Number 3 of 2018. After finding insufficient evidence that the plaintiff had committed *nusyuz*, the court awarded IDR 7,500,000 in iddah maintenance and IDR 16,000,000 in mut'ah. The decision therefore illustrates how the Circular Letter may guide judges in recognising women's post-divorce economic rights.

This study examines two issues: first, the legal role of SEMA Number 3 of 2018 in strengthening the protection of iddah and mut'ah rights in wife-initiated divorce; and second, its application in Decision Number 238/Pdt.G/2024/PA.Mn. The study contributes to the analysis of SEMA as an interpretive judicial instrument and distinguishes between normative recognition, adjudicative application, and actual enforcement. Because the analysis focuses on a single decision, the findings demonstrate the application of the Circular Letter in the examined case and are not intended to represent the practice of all Religious Courts in Indonesia.

METHOD

Research Design

This study employed doctrinal legal research using statutory and case approaches. The statutory approach was used to examine the legal basis and institutional position of Supreme Court Circular Letter Number 3 of 2018 within the Indonesian legal system. The case approach was applied to analyse the interpretation and application of the Circular Letter in Decision Number 238/Pdt.G/2024/PA.Mn. The decision was selected because it explicitly addressed the rights to iddah maintenance and mut'ah in a wife-initiated divorce and considered whether the plaintiff had committed *nusyuz*.

Legal Materials

The study used primary and secondary legal materials. The primary legal materials consisted of Decision Number 238/Pdt.G/2024/PA.Mn, Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019, Law Number 12 of 2011 concerning the Formation of Laws and Regulations, the Compilation of Islamic Law, Supreme Court Regulation Number 3 of 2017, and Supreme Court Circular Letter Number 3 of 2018.

The secondary legal materials included books, journal articles, and scholarly publications discussing Islamic family law, wife-initiated divorce, *nusyuz*, iddah maintenance, mut'ah, women's legal protection, judicial interpretation, and the enforcement of post-divorce financial obligations.

Collection of Legal Materials

The legal materials were collected through a documentary review. The researchers first identified and classified the statutory provisions governing divorce and post-divorce maintenance. The researchers then examined Decision Number 238/Pdt.G/2024/PA.Mn by reviewing the parties' claims, established facts, legal considerations, references to applicable legal instruments, and the operative part of the judgment. Secondary legal materials were used to explain relevant legal concepts and situate the decision within the relevant scholarly literature.

Legal Analysis

The legal materials were analysed qualitatively through legal interpretation and content analysis. Statutory interpretation was used to examine the relationship between the Marriage Law, the Compilation of Islamic Law, Supreme Court Regulation Number 3 of 2017, and Supreme Court Circular Letter Number 3 of 2018. Systematic interpretation was applied to determine the function of the Circular Letter as an internal judicial guideline within the broader framework of women's legal protection.

The analysis of Decision Number 238/Pdt.G/2024/PA.Mn focused on five aspects: (1) the court's recognition of the former wife's rights to iddah maintenance and mut'ah; (2) the court's determination that *nusyuz* had not been established against the plaintiff; (3) the explicit use of Supreme Court Circular Letter Number 3 of 2018 in the judges' legal reasoning; (4) the proportionality of the amounts awarded in relation to the circumstances considered by the court; and (5) the legal mechanism provided to support compliance with the judgment.

The study distinguished three levels of effectiveness. Normative effectiveness refers to the legal recognition of the former wife's rights under the applicable legal framework. Adjudicative effectiveness refers to the judges' application of Supreme Court Circular Letter Number 3 of 2018 and the translation of that application into specific maintenance awards. Enforcement-level effectiveness refers to actual payment, execution, or receipt of the awarded maintenance. The final level could not be conclusively assessed because verified post-judgment evidence of payment or execution was unavailable.

Scope and Limitation

The analysis was limited to one court decision and the legal materials relevant to that decision. Consequently, the findings explain how Supreme Court Circular Letter Number 3 of 2018 was interpreted and applied in Decision Number 238/Pdt.G/2024/PA.Mn but do not establish uniform application across all Religious Courts in Indonesia. The study evaluates normative and

adjudicative effectiveness, while enforcement-level effectiveness remains outside the evidentiary scope of the available legal materials.

RESULTS AND DISCUSSION

Results

The analysis of Decision Number 238/Pdt.G/2024/PA.Mn produced four principal findings concerning the characteristics of the case, the application of Supreme Court Circular Letter Number 3 of 2018, the determination of iddah maintenance and mut'ah, and the evidentiary limits relating to the enforcement of the judgment.

Characteristics of the Case

Decision Number 238/Pdt.G/2024/PA.Mn concerned a wife-initiated divorce examined by the Madiun Religious Court. The defendant did not attend the proceedings despite having been properly summoned. The case was therefore decided in the defendant's absence based on the plaintiff's claims, the evidence presented during the proceedings, and the applicable legal provisions.

In addition to requesting the dissolution of the marriage, the plaintiff claimed IDR 24,000,000 in iddah maintenance and IDR 200,000,000 in mut'ah. The court was consequently required to determine whether a wife who initiated divorce remained entitled to post-divorce maintenance and whether the amounts claimed were reasonable considering the circumstances of the parties.

Application of Supreme Court Circular Letter Number 3 of 2018

In its legal reasoning, the panel referred to Article 41(c) of Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019; Articles 149, 152, 158, and 160 of the Compilation of Islamic Law; Supreme Court Regulation Number 3 of 2017; and Supreme Court Circular Letter Number 3 of 2018.

The court examined whether the plaintiff had committed *nusyuz* and found insufficient evidence to establish such conduct. The fact that the plaintiff initiated the divorce was not treated as automatic proof of *nusyuz*. On that basis, the court applied the formulation contained in Supreme Court Circular Letter Number 3 of 2018, which permits the awarding of iddah maintenance and mut'ah to a wife in a wife-initiated divorce when *nusyuz* has not been established against her.

The Circular Letter therefore formed an explicit part of the legal basis used by the panel to recognise the plaintiff's post-divorce economic rights.

Determination of Iddah Maintenance and Mut'ah

The court did not grant the plaintiff's claims in full. For iddah maintenance, the court awarded IDR 7,500,000, calculated at IDR 2,500,000 per month for three months. This amount was lower than the IDR 24,000,000 requested by the plaintiff.

For mut'ah, the court awarded IDR 16,000,000 rather than the IDR 200,000,000 claimed. In determining the amounts, the court considered the former husband's occupation and financial capacity, the duration of the marriage, the plaintiff's contribution during the marriage, and the fact that the parties had two children.

These findings demonstrate that the court did not automatically accept the amounts requested by the plaintiff. Instead, the panel adjusted the awards in accordance with the principle of proportionality and the circumstances established in the case.

Normative and Adjudicative Outcomes

The decision produced two identifiable legal outcomes. First, at the normative level, it recognised that a wife who initiated divorce did not automatically lose her rights to iddah maintenance and mut'ah. Second, at the adjudicative level, the court translated that recognition into specific financial obligations imposed on the former husband.

The judgment also linked the delivery of the divorce certificate to the former husband's fulfilment of the iddah maintenance and mut'ah obligations ordered by the court. By making the delivery of the divorce certificate conditional upon fulfilment of these financial obligations, the court provided a procedural mechanism intended to encourage compliance and strengthen the formal enforceability of the decision. Nevertheless, the legal materials examined in this study did not contain verified post-judgment evidence demonstrating whether the former husband

voluntarily paid the awarded amounts, whether enforcement proceedings were initiated, or whether the former wife received the maintenance.

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Accordingly, the available findings establish the normative recognition and adjudicative application of Supreme Court Circular Letter Number 3 of 2018 in the examined decision. They do not establish effectiveness at the enforcement level.

Discussion

Legal Role of Supreme Court Circular Letter Number 3 of 2018

Decision Number 238/Pdt.G/2024/PA.Mn demonstrates that Supreme Court Circular Letter Number 3 of 2018 may perform an important interpretive function in wife-initiated divorce cases. The Circular Letter does not occupy the same position as legislation within the hierarchy established by Law Number 12 of 2011 concerning the Formation of Laws and Regulations. Its authority primarily derives from its institutional function as a judicial guideline issued by the Supreme Court. Therefore, its legal significance lies not in creating an independent statutory right but in guiding judges' interpretation and application of existing legal provisions.

Article 41(c) of Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019, authorises courts to impose maintenance or other obligations on a former husband for the benefit of his former wife. The Compilation of Islamic Law also regulates iddah maintenance and mut'ah through Articles 149, 152, 158, and 160. However, the application of these provisions has traditionally been clearer in husband-initiated divorce than in wife-initiated divorce. This regulatory and interpretive issue has also been identified in studies examining the relationship between classical Islamic family law, contemporary legal reform, and judicial protection of women in divorce proceedings (Hussain & Akhtar, 2025; Lestari, 2024; Muhasim et al., 2026; Rohman et al., 2025).

Supreme Court Circular Letter Number 3 of 2018 helps address this interpretive uncertainty by confirming that a wife who files for divorce may receive iddah maintenance and mut'ah when she is not proven to have committed *nusyuz*. In the examined decision, the panel did not rely on the Circular Letter in isolation. It connected the Circular Letter with the Marriage Law, the Compilation of Islamic Law, and Supreme Court Regulation Number 3 of 2017. This systematic use of legal instruments indicates that the Circular Letter functioned as a supplementary interpretive guideline within the existing legal framework.

The decision therefore illustrates how an internal judicial instrument may contribute to the development of a more consistent interpretation of family law without replacing statutory provisions. Its function is particularly important when the applicable legislation does not expressly and comprehensively regulate the economic rights of wives in wife-initiated divorce cases. Similar legal developments demonstrate that judicial interpretation may become an important means of protecting women when formal family law provisions contain ambiguity or do not adequately respond to contemporary social conditions (Abbasi, 2016; Kobko-Odarii et al., 2025; Warnis et al., 2026).

Gender-Responsive Interpretation of Nusyuz

A central aspect of Decision Number 238/Pdt.G/2024/PA.Mn was the court's refusal to equate the plaintiff's initiation of divorce with *nusyuz*. The panel examined whether *nusyuz* had been established through the evidence presented during the proceedings. Because no sufficient evidence proved that the plaintiff had committed *nusyuz*, the court maintained her eligibility for iddah maintenance and mut'ah.

This reasoning is consistent with the gender-responsive principles contained in Supreme Court Regulation Number 3 of 2017. Judges are required to avoid gender stereotypes, recognise unequal power relations, and consider the conditions that may place women in a vulnerable position during legal proceedings. Automatically categorising a wife as disobedient merely because she files for divorce would create an assumption unrelated to the evidence and could restrict her access to post-divorce economic protection.

The identity of the party initiating divorce should not be used as the sole basis for determining post-divorce rights. A wife may initiate divorce because of neglect, prolonged conflict, violence, economic abandonment, or the husband's failure to perform marital obligations. Consequently, *nusyuz* must be assessed based on proven conduct rather than presumed from the wife's procedural position as the plaintiff. This contextual and reciprocal interpretation has also been emphasised in studies concerning woman-initiated divorce and feminist Islamic jurisprudence in Indonesia (Wardatun & Smith, 2020).

The examined decision is also consistent with previous research showing that wife-initiated divorce does not automatically eliminate a woman's entitlement to post-divorce maintenance. The decisive factor is whether the wife has been legally proven to have committed *nusyuz* and whether the circumstances of the marriage justify the granting of economic protection (Abdurahman & Jauhari, 2024; Habibah et al., 2025; Wahidullah & Wahid, 2026). Such an interpretation positions divorce law not merely as a mechanism for terminating marriage, but also as an instrument for determining and protecting the continuing civil and economic rights of former spouses (Darmawan et al., 2023; Ismail et al., 2024).

Nevertheless, the default nature of the proceedings must be considered. The defendant did not attend the hearings despite having been properly summoned. Therefore, the evidentiary assessment concerning *nusyuz* and the circumstances of the marriage was conducted without his direct participation. This circumstance does not invalidate the court's decision, but it limits the extent to which the case may represent judicial reasoning in fully contested proceedings where both parties submit evidence and legal arguments.

Proportionality in Determining Iddah Maintenance and Mut'ah

Decision Number 238/Pdt.G/2024/PA.Mn also demonstrates the application of proportionality in determining the amounts of iddah maintenance and mut'ah. The plaintiff requested IDR 24,000,000 in iddah maintenance and IDR 200,000,000 in mut'ah. However, the court awarded IDR 7,500,000 in iddah maintenance and IDR 16,000,000 in mut'ah. The difference between the amounts claimed and awarded indicates that the recognition of a legal right did not result in the automatic acceptance of the plaintiff's financial demands.

The court considered the former husband's occupation and financial capacity, the duration of the marriage, the plaintiff's contribution during the marriage, and the existence of two children. These considerations are consistent with Article 160 of the Compilation of Islamic Law, which requires the determination of mut'ah to be adjusted to propriety and the former husband's financial capacity. The principles of fairness, reasonableness, and financial capacity are also relevant to the determination of iddah maintenance.

This approach seeks to balance the protection of the former wife's economic rights with the former husband's realistic capacity to fulfil the obligation. Post-divorce maintenance should provide meaningful protection, but the amount imposed should not be disconnected from the parties' actual circumstances. Previous studies have similarly shown that iddah maintenance and mut'ah must be determined contextually by considering the duration of the marriage, the parties' economic conditions, and the circumstances that caused the divorce (Ramdania, 2020; Wardana & Junoh, 2026).

The proportionality applied by the court is particularly important because post-divorce economic rights are intended to reduce the vulnerability that women may experience after marital dissolution. Research has shown that divorce may produce continuing economic consequences, especially for women who were financially dependent on their spouses during marriage or who assumed a greater share of unpaid domestic responsibilities (Brüggmann & Kreyenfeld, 2023; Hesti et al., 2025; Mortelmans, 2020; Sabbah-Karkabi & Ben-Ari, 2025).

However, the defendant's absence also affects the assessment of proportionality. Information concerning his occupation and financial capacity was evaluated from the evidence available to the court rather than from a contested examination involving both parties. Therefore, the decision supports the conclusion that the panel applied proportional considerations, but it does not establish a generally applicable formula for calculating iddah maintenance and mut'ah in other divorce cases.

Normative and Adjudicative Effectiveness

The application of Supreme Court Circular Letter Number 3 of 2018 in the examined case demonstrates effectiveness at the normative and adjudicative levels. Normative effectiveness is reflected in the recognition that a wife who initiates divorce may retain her rights to iddah maintenance and mut'ah when *nusyuz* is not proven. Adjudicative effectiveness is demonstrated by the panel's explicit reliance on the Circular Letter and its translation of that legal recognition into specific financial awards.

These two levels of effectiveness should be distinguished. Normative effectiveness concerns whether the applicable legal framework recognises and protects the relevant rights. Adjudicative effectiveness concerns whether judges apply that framework when resolving a concrete dispute. Decision Number 238/Pdt.G/2024/PA.Mn satisfies both indicators because the panel recognised the plaintiff's rights, explicitly referred to Supreme Court Circular Letter Number 3 of 2018 in its legal reasoning, and imposed definite financial obligations on the former husband.

The decision demonstrates that the Circular Letter did not merely provide an abstract statement regarding women's rights. It directly influenced the legal outcome by enabling the plaintiff to obtain iddah maintenance and mut'ah despite having initiated the divorce. This finding is consistent with previous research indicating that judicial decisions may play an important role in extending the practical interpretation of family law and strengthening women's legal position in divorce proceedings (Kobko-Odarii et al., 2025; Warnis et al., 2026).

The distinction between normative and adjudicative effectiveness also develops the findings of previous studies. Earlier research has generally focused on the legal basis for granting iddah maintenance and mut'ah or on the considerations used by judges to determine the awarded amounts. The present analysis demonstrates that the application of a judicial guideline in legal reasoning may be evaluated separately from the ultimate implementation of the resulting financial obligation.

Divorce produces continuing legal, social, and economic consequences that extend beyond the formal termination of the marital relationship. The recognition of post-divorce rights is therefore an essential component of legal protection, particularly when the divorce affects the economic position and social security of the former wife (Betzler, 2024; Ismail et al., 2024; Moore, 2017; Ottakkam Thodukayil et al., 2026).

Formal Enforceability and Enforcement-Level Effectiveness

The judgment linked the delivery of the divorce certificate to the former husband's fulfilment of the financial obligations imposed by the court. This conditional mechanism was intended to encourage payment of the awarded iddah maintenance and mut'ah before the divorce certificate was delivered. It indicates that the panel did not merely recognise the plaintiff's rights abstractly, but also attempted to strengthen the formal enforceability of the maintenance award.

Nevertheless, formal enforceability is not identical to actual enforcement. Formal enforceability refers to the legal and procedural capacity of a judgment to require compliance. Enforcement-level effectiveness requires verified evidence that the former husband paid the awarded amounts, that enforcement proceedings were successfully conducted when voluntary payment did not occur, or that the former wife actually received the iddah maintenance and mut'ah awarded by the court.

The legal materials examined in this study do not contain verified information concerning payment, execution proceedings, or actual receipt of the awarded amounts. Therefore, no definitive conclusion can be drawn regarding enforcement-level effectiveness. The absence of such evidence should not be interpreted as proof that the judgment was not implemented. It merely indicates that implementation falls outside the evidentiary scope of the present study.

This distinction is essential because formal recognition of a right does not necessarily establish that the right has been materially realised. Studies concerning the consequences of divorce have demonstrated that legal termination of marriage may be followed by continuing financial vulnerability and economic dependency, particularly for former wives whose economic position was shaped by the marital division of labour (Brüggmann & Kreyenfeld, 2023; Mortelmans, 2020; Sabbah-Karkabi & Ben-Ari, 2025).

The implementation of post-divorce maintenance must therefore be distinguished analytically from the court's recognition of the entitlement. Decision Number 238/Pdt.G/2024/PA.Mn proves that Supreme Court Circular Letter Number 3 of 2018 influenced judicial reasoning and the formulation of the award. However, it does not prove that all obligations arising from wife-initiated divorce cases are consistently paid or successfully enforced in practice.

Accordingly, the effectiveness identified in this study remains limited to the normative and adjudicative levels. A conclusion concerning enforcement-level effectiveness would require additional documentary evidence, such as proof of payment, records of voluntary compliance, applications for execution, enforcement reports, or confirmation that the former wife received the amounts awarded.

Relationship with Previous Studies

The findings are consistent with studies indicating that iddah maintenance and mut'ah may be awarded in wife-initiated divorce when the wife has not been proven to have committed *nusyuz* (Habibah et al., 2025). They also support the argument that the wife's initiative in filing for divorce should not automatically be interpreted as disobedience or used as a basis for denying her economic rights (Wardatun & Smith, 2020).

The decision further confirms that divorce does not merely terminate the marital relationship but may create continuing legal and economic consequences for the former spouses. This result is consistent with research concerning the ethical, social, and economic consequences of marital dissolution (Betzler, 2024).

However, the present study differs from previous research by making a clear analytical distinction between normative recognition, adjudicative effectiveness, formal enforceability, and enforcement-level effectiveness. The explicit use of Supreme Court Circular Letter Number 3 of 2018 demonstrates that the judicial guideline was normatively and adjudicatively relevant. Nevertheless, this application alone is insufficient to establish that the awarded economic rights were fulfilled.

The study therefore contributes a more cautious framework for evaluating the effectiveness of judicial guidelines. Legal effectiveness should not be inferred solely from the presence of a legal provision or its citation in a judgment. It must also be examined through the relationship between legal recognition, judicial application, procedural enforceability, and actual compliance.

Implications of the Decision

The findings have implications for judicial practice and future legal research. For judicial practice, the decision demonstrates the importance of clearly explaining why a wife who initiates divorce is or is not considered to have committed *nusyuz*. Judicial reasoning should be based on evidence rather than gendered assumptions concerning the wife's procedural position.

Judges should also identify the factual considerations used to determine the amount of iddah maintenance and mut'ah. Considerations relating to financial capacity, duration of marriage, contributions during marriage, and family circumstances should be explained transparently so that the award is reasonable, accountable, and capable of implementation. A gender-responsive interpretation must therefore be accompanied by a proportional and evidence-based determination of financial obligations (Yusuf et al., 2023).

For legal policy, Supreme Court Circular Letter Number 3 of 2018 provides an important interpretive framework for protecting women who initiate divorce. However, the protection offered by the Circular Letter would be strengthened by clearer post-judgment procedures and more systematic documentation of compliance with maintenance orders.

For future research, a broader assessment should involve decisions from several Religious Courts, cases in which both parties participate in the proceedings, and verified post-judgment information concerning payment and execution. Comparative analysis would provide a stronger

basis for evaluating whether Supreme Court Circular Letter Number 3 of 2018 has produced consistent judicial interpretation and effective protection across different court contexts.

Because this study is based on a single default judgment, its findings cannot be generalised to all Religious Courts or all wife-initiated divorce cases. Decision Number 238/Pdt.G/2024/PA.Mn should therefore be understood as a case-specific illustration of how Supreme Court Circular Letter Number 3 of 2018 may guide judicial reasoning and strengthen the normative and adjudicative protection of women's post-divorce economic rights.

CONCLUSIONS

Supreme Court Circular Letter Number 3 of 2018 functioned as an interpretive judicial guideline in Decision Number 238/Pdt.G/2024/PA.Mn. After determining that the plaintiff had not been proven to have committed *nusyuz*, the court recognised her rights in a wife-initiated divorce and awarded IDR 7,500,000 in iddah maintenance and IDR 16,000,000 in mut'ah. These findings demonstrate the normative and adjudicative effectiveness of the Circular Letter in strengthening gender-responsive protection of women's post-divorce economic rights. However, the study cannot establish enforcement-level effectiveness because the available legal materials contain no verified evidence of actual payment, execution proceedings, or receipt of the awarded amounts by the former wife. Since the analysis is limited to a single default judgment, the findings cannot be generalised to all Religious Courts in Indonesia. Broader conclusions require comparative analysis of multiple decisions supported by verified post-judgment records.

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AUTHOR CONTRIBUTION STATEMENT

AW contributed to conceptualisation, methodology, supervision, validation, writing original draft, and writing review and editing. MM contributed to methodology, formal analysis, investigation, resources, and writing review and editing. DI contributed to data curation, investigation, project administration, and writing original draft. All authors reviewed and approved the final manuscript.

AI DISCLOSURE STATEMENT

During the preparation of this manuscript, the authors used ChatGPT (OpenAI) only for limited grammar and language editing. The authors subsequently reviewed and revised all AI-assisted text and take full responsibility for the accuracy, integrity, and content of the published work.

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