



Enforcement of Interdisciplinary Divorce Readiness Assessments to Secure the Best Interests of the Child in Indonesian Jurisprudence

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Abstract

Divorce in Indonesia is adjudicated primarily as a formal legal dispute between spouses, while the psychological, social, and developmental interests of children are often treated as peripheral consequences rather than as central objects of judicial consideration. Although the best interests of the child principle is expressly embedded in Indonesian family law and child protection legislation, judges continue to rely predominantly on adversarial civil evidence, leaving child welfare determinations insufficiently theorized and inconsistently enforced. This article examines how an Interdisciplinary Divorce Readiness Assessment, integrating psychological, sociological, and legal evaluations before and during divorce proceedings, can be constructed as a binding evidentiary mechanism within Indonesian civil procedure. It aims to reconceptualize divorce adjudication from a predominantly adversarial model toward a restorative paradigm and to design a mechanism through which interdisciplinary assessment recommendations can acquire meaningful probative weight before religious and general courts. The novelty of this study lies in adapting court-annexed, multidisciplinary assessment models drawn comparatively from Australian Child Impact Reports and the English Child Impact Assessment Framework into a doctrinally grounded Indonesian evidentiary framework anchored in Progressive Legal Theory and Rawlsian distributive justice. Employing a normative juridical methodology with statutory, conceptual, principle-based, and comparative approaches, the study finds that stronger procedural recognition of expert assessment, combined with a mandatory judicial consideration standard, can transform judicial reasoning into a more child-responsive and trauma-preventive process.

INTRODUCTION

Marriage under Indonesian law is conceived not merely as a private contractual bond between two individuals but as a sacred and lifelong institution intended to establish a peaceful and prosperous family based on belief in the One Supreme God, as codified in Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019. This aspirational vision, however, exists in visible tension with contemporary marital realities. National statistics released by Indonesia's Central Bureau of Statistics recorded 463,654 divorce cases in 2023, a substantial figure despite representing a 10.2% decline from the 516,344 cases registered in the previous year (Lenatia & Wiraguna, 2026). The majority of these dissolutions, approximately 61.67%, were attributed to persistent marital disputes and conflicts, while the remaining cases primarily resulted

from economic hardship, and more than three-quarters were filed by wives seeking judicial dissolution (Amelia et al., 2024). Behind each of these hundreds of thousands of annual case files exists, in a significant proportion of cases, at least one child whose future custodial arrangement, emotional security, and developmental trajectory will be determined through a legal process that was not originally designed with the child's psychological welfare as its primary evidentiary consideration.

From a developmental and clinical perspective, divorce is rarely a single legal event; rather, it is a prolonged family transition process whose consequences for children are shaped less by the separation itself than by the intensity and duration of interparental conflict surrounding it (Bernardi & Mortelmans, 2021). Comparative empirical research demonstrates that children exposed to sustained, high-conflict parental disputes face elevated risks of anxiety, depression, and impaired academic and social functioning that may persist into adulthood. Moreover, a mother's experience of parental divorce during childhood has been statistically associated with poorer mental health outcomes among her subsequent children (Rahman & Hamdani, 2024). These findings position children not as incidental subjects of divorce litigation but as individuals whose long-term well-being is directly influenced by how the legal process is structured and conducted, a reality that Indonesian procedural law has yet to fully incorporate.

Indonesia's positive legal framework is not silent on this concern. The principle of the best interests of the child is embedded across multiple legal instruments, including the amended Child Protection Law, the Compilation of Islamic Law regulating child custody (*hadhanah*) in religious court proceedings, and Indonesia's ratification of the 1989 Convention on the Rights of the Child. However, the procedural mechanisms through which divorce disputes are adjudicated remain substantially rooted in colonial-era evidentiary frameworks under the *Herzien Inlandsch Reglement* (HIR) and the *Rechtsreglement voor de Buitengewesten* (RBg). These instruments establish a closed catalogue of admissible evidence primarily oriented toward resolving disputes between litigating spouses rather than independently determining the child's welfare (Mooren et al., 2023). Consequently, the best interests of the child principle currently functions primarily as an interpretive consideration in judicial reasoning rather than as a procedurally guaranteed entitlement supported by dedicated evidentiary mechanisms.

This structural gap is particularly evident in the treatment of expert testimony. Under Indonesian civil procedural doctrine, expert opinions, including assessments provided by clinical or forensic psychologists regarding a child's condition, do not constitute an independent statutory category of evidence equivalent to documentary evidence, witness testimony, or party testimony. Instead, expert opinions function as persuasive evidence that judges may consider or disregard based on judicial discretion (Alamri, 2017; HSB et al., 2025; Lengkong, 2020; Sihombing & Siregar, 2023). Consequently, even when a psychologist conducts a rigorous clinical assessment of a child's attachment needs or a sociologist evaluates the family's post-divorce support environment, such professional assessments do not possess guaranteed evidentiary weight and may be outweighed by competing factual narratives presented by the litigating parties. As a result, judicial determinations concerning the best interests of the child are often reconstructed primarily

from adversarial evidence submitted by the parties rather than from independent, professionally grounded assessments of the child's actual circumstances.

Mediation, introduced as a mandatory pre-litigation stage for divorce cases under Supreme Court Regulation Number 1 of 2016, was intended partly to redirect divorce disputes away from purely adversarial confrontation toward negotiated and less destructive resolutions. However, empirical evaluations of its implementation in religious courts consistently indicate that mediation often becomes a procedural formality rather than a substantive mechanism for restorative resolution. This limitation has been attributed to factors including the limited availability of certified mediators, inadequate public legal literacy, and a deeply rooted litigation culture that perceives mediation as an administrative requirement rather than a meaningful opportunity for settlement. Therefore, mandatory mediation alone has not been sufficient to transform the underlying adversarial logic of divorce adjudication, nor was it specifically designed to incorporate sustained interdisciplinary assessments of children's welfare required in a genuinely child-centered legal process.

A markedly different institutional model can be observed in jurisdictions that have formalized interdisciplinary, court-annexed assessments as a standard feature of family law proceedings. In Australia, the Federal Circuit and Family Court requires, in a significant proportion of parenting disputes, a Court Child Expert—typically a qualified psychologist or social worker employed within the Court Children's Service—to conduct a structured Child Impact Report assessing each parent individually and, where appropriate, engaging directly with the child. The resulting findings are admissible in court and are used to guide both interim and final parenting determinations (Lenatia & Wiraguna, 2026). England's Children and Family Court Advisory and Support Service (Cafcass) employs an analogous Child Impact Assessment Framework, directing its Family Court Advisers to organize independent professional assessments around the guiding question of “what is happening for this child” before submitting recommendations that inform judicial welfare determinations (Amelia et al., 2024). These comparative models demonstrate that interdisciplinary, professionally staffed assessment mechanisms integrated directly into the evidentiary architecture of family court proceedings are not merely theoretical aspirations but operational institutional designs that remain substantially absent from Indonesia's current divorce adjudication framework (Bernardi & Mortelmans, 2021).

Where such interdisciplinary safeguards are absent, the risk is not limited to a single flawed custody outcome; rather, it may compound throughout the child's life course and potentially across subsequent generations. Clinical literature on intergenerational trauma demonstrates that unresolved parental conflict and unprocessed relational ruptures may be transmitted to children through behavioral, attachment-related, and epigenetic pathways, influencing the parenting capacities and psychological resilience of children who later become parents themselves (Rahman & Hamdani, 2024). Multifamily therapeutic interventions targeting the intergenerational transmission of trauma have shown that early, structured, and relationally attentive interventions can meaningfully interrupt this cycle, highlighting that the critical period for prevention lies precisely during the family rupture represented by divorce proceedings (Mooren et al., 2023).

Viewed through the lens of Progressive Legal Theory developed by Satjipto Rahardjo, which emphasizes that law should serve human welfare and respond to social realities rather than remain confined to rigid textual formalism, and John Rawls's principle that institutional arrangements are just only when they prioritize the position of the least advantaged, the child emerges as the party in divorce litigation whose protection has been least adequately secured under Indonesian procedural law.

Against this backdrop—an aspirational best-interests principle unsupported by binding evidentiary infrastructure, a mediation stage not designed for interdisciplinary child welfare assessment, and comparative evidence demonstrating that structurally integrated, multidisciplinary assessment mechanisms can transform both the process and outcomes of family dispute resolution—this article investigates the juridical enforceability of an Interdisciplinary Divorce Readiness Assessment within Indonesian jurisprudence. This study is directed toward answering two research questions: first, how can the juridical construction of enforcing Interdisciplinary Divorce Readiness Assessments transform divorce dispute resolution in Indonesia from an adversarial model into a restorative model that minimizes intergenerational trauma and guarantees children's holistic developmental rights; and second, how can a mechanism be designed to integrate interdisciplinary assessment recommendations involving psychology, sociology, and law into judicial fact-finding so that resulting decisions are not only legally valid but also responsive and adaptive to post-divorce child-rearing dynamics? Theoretically, this study is expected to contribute to the development of family law doctrine, particularly in the areas of evidence law, child protection, and therapeutic jurisprudence, by offering a juridical framework that bridges adversarial procedure and restorative justice. Practically, the findings are expected to provide input for judges, court administrators, and policymakers in designing child-responsive divorce procedures; for psychologists and social workers in understanding their potential roles as court-appointed assessors; and for families and children in ensuring that the best interests of the child are structurally protected rather than merely declared.

METHOD

This study employed normative juridical legal research using a doctrinal approach to examine legal norms, principles, concepts, and regulatory frameworks related to interdisciplinary divorce assessment and child protection. The analysis focused on legal texts, judicial reasoning, legal doctrine, and comparative family law frameworks.

Four complementary approaches were applied. The statutory approach examined Law Number 1 of 1974 on Marriage as amended by Law Number 16 of 2019, Law Number 35 of 2014 on Child Protection, the Compilation of Islamic Law, Supreme Court Regulation Number 1 of 2016 on Mediation Procedure, Law Number 48 of 2009 on Judicial Power, and the evidentiary provisions of the *Herzien Inlandsch Reglement* and the *Rechtsreglement voor de Buitengewesten*. This approach was used to identify the legal basis for integrating interdisciplinary assessment within the existing Indonesian family law framework.

The conceptual approach was used to analyze the central concepts of this study, including the best interests of the child, restorative justice, therapeutic jurisprudence, and interdisciplinary assessment, based on Indonesian and international legal scholarship. This approach supported the formulation of a coherent juridical framework for the proposed assessment mechanism.

The principle-based approach positioned the analysis within Progressive Legal Theory developed by Satjipto Rahardjo and Rawlsian distributive justice as normative perspectives for evaluating the adequacy of existing divorce adjudication procedures. The comparative approach examined interdisciplinary, court-annexed child assessment mechanisms in Australia and England, including the Child Impact Report administered through the Federal Circuit and Family Court of Australia's Court Children's Service and the Child Impact Assessment Framework administered by England's Children and Family Court Advisory and Support Service (Cafcass). These models were used as comparative references for developing an appropriate Indonesian juridical construct.

The legal materials used in this study consisted of primary, secondary, and tertiary sources. Primary legal materials included relevant statutes, court regulations, and representative religious and general court decisions concerning post-divorce child custody, including cases involving custody determination based on parental conditions and the application of the twelve-year custodial threshold under the Compilation of Islamic Law. Secondary legal materials comprised peer-reviewed journal articles, legal research publications, and international family law and child psychology literature. Tertiary legal materials included legal dictionaries and reference sources used to clarify specialized terminology. The collected materials were analyzed qualitatively through statutory interpretation, conceptual analysis, and comparative doctrinal reasoning to develop a proposed juridical construction and integration mechanism.

RESULTS AND DISCUSSION

The Juridical Construction of Interdisciplinary Divorce Readiness Assessment as a Restorative Paradigm

Indonesian divorce adjudication, as presently structured, retains the essential architecture of an adversarial civil dispute, two opposing parties present competing evidence, a judge weighs that evidence against a closed statutory catalogue of proof, and a decision resolves the marital status of the spouses with the custodial fate of any children determined largely as a derivative consequence of that primary contest (Republik Indonesia, 2009, UU No. 48; Pasal 130 HIR jo. Pasal 154 RBg, as discussed in Causa: Jurnal Hukum dan Kewarganegaraan, 2026). This adversarial architecture is not inherently illegitimate—it serves important due-process functions in ordinary civil disputes—but it is analytically ill suited to a dispute in which the party whose interests are most acutely at stake, the child, is neither a litigant, nor a witness in the ordinary sense, nor a party capable of presenting evidence on their own behalf. The juridical construction sought in this study begins, therefore, from the recognition that transforming the paradigm requires not the abolition of adversarial procedure but the deliberate insertion of a restorative, child-centered evidentiary layer within it.

Restorative justice is not a foreign transplant into Indonesian legal culture, it has already been substantively absorbed into the juvenile criminal justice system, most visibly through the diversion mechanisms of the Juvenile Criminal Justice System Law and, more recently, through the reconciliatory orientation embedded in the new Criminal Code (Chandra, 2023; Muhammadiyah Law Review, 2024). Judicial and academic commentary applying restorative principles specifically to post-divorce family law has likewise begun to emerge, arguing that the reconstruction of children's rights protection after divorce should proceed through dialogue, deliberation, and relational repair rather than through a punitive or purely adjudicative lens. The juridical construction proposed here builds directly on this existing doctrinal foundation, arguing that if restorative logic can be legitimately absorbed into Indonesia's criminal justice architecture for children in conflict with the law, an analogous absorption into civil divorce procedure for children affected by parental separation is neither doctrinally alien nor institutionally implausible.

The first structural step in this construction is statutory anchoring. Rather than requiring wholesale legislative amendment, the Interdisciplinary Divorce Readiness Assessment can be textually anchored as an extension of the mandatory mediation stage already required under Supreme Court Regulation Number 1 of 2016, exercising the latent judicial authority under Article 130 of the *Herzien Inlandsch Reglement* and Article 154 of the *Rechtsreglement voor de Buitengewesten* to seek additional information relevant to a just resolution of the dispute. Framed in this way, the assessment does not create an entirely new procedural stage requiring separate legislation it repurposes and substantively deepens a stage that already exists, converting mediation from a purely conciliatory negotiation between spouses into a structured occasion for independent professional evaluation of the child's welfare.

The second structural step concerns institutional design. A court annexed assessment unit, staffed by certified psychologists, social workers, and family law consultants, would need to be established or expanded within religious and general courts, functioning analogously to Australia's Court Children's Service, which fields Court Child Experts specifically trained to prepare structured, child focused reports for use at both interim and final hearings. Given Indonesia's existing but under resourced network of family counseling bodies attached to religious courts, this institutional step is best understood as an expansion and professionalization of existing infrastructure rather than the creation of an entirely new bureaucratic apparatus, thereby reducing both the fiscal and political barriers to implementation.

Substantively, this transformation from a confrontative to a restorative paradigm is best understood through Progressive Legal Theory's central proposition that law exists for the sake of human beings and human wellbeing, not the reverse, and that legal institutions must be permitted to move beyond rigid textual formalism whenever doing so is necessary to achieve substantive rather than merely procedural justice (Research Gate, 2024b). Applied to divorce adjudication, this principle authorizes—indeed compels—a judiciary that is willing to treat the child's developmental welfare as an independent object of proof, rather than as an incidental byproduct of the spouses' adversarial contest, precisely because a formalistic insistence on the existing closed evidentiary

catalogue would otherwise foreclose meaningful judicial engagement with the child's actual circumstances.

The trauma prevention rationale for this paradigm shift is not speculative but is grounded in a substantial and rapidly growing clinical literature. Children whose parents divorce amid prolonged, unresolved conflict face measurably elevated risks of anxiety, depression, and diminished long term psychological functioning, and these risks do not necessarily terminate with the child's own adulthood a mother's unresolved childhood experience of parental divorce has itself been shown to correlate with diminished mental health outcomes among her own children. Multi-family therapeutic models developed specifically to interrupt this intergenerational transmission of psychological trauma demonstrate that early, structured, relationally attentive intervention at the point of family rupture can meaningfully reduce these long-term risks. A legal system that fails to intervene structurally at precisely this juncture the divorce proceeding itself for goes what may be its single most effective institutional opportunity to interrupt the intergenerational transmission of family trauma.

Anticipated objections to this juridical construction deserve direct engagement. Concerns regarding additional cost, procedural delay, and the risk of over-medicalizing ordinary parental disputes are legitimate and must not be dismissed. Yet Rawlsian distributive justice offers a principled response—where institutional resources are limited, priority in the allocation of procedural protection should be extended to the party occupying the position of greatest vulnerability and least bargaining power within the dispute—here, unmistakably, the child (International Journal of Research and Innovation in Social Science, 2026). Progressive Legal Theory's insistence on responsiveness over rigid formalism further supports a proportionate approach, under which the intensity of interdisciplinary assessment is calibrated to the complexity and conflict level of the individual case rather than applied uniformly and indiscriminately to every divorce petition, thereby containing the marginal cost of implementation.

The restorative-justice precedent already established within Indonesia's juvenile criminal justice reform provides a further jurisprudential resource for this construction. The doctrinal willingness demonstrated by Indonesian lawmakers and courts to displace purely retributive logic with reconciliatory, welfare oriented mechanisms in cases involving children in conflict with the law indicates that Indonesia's legal system possesses both the doctrinal vocabulary and the institutional appetite necessary to absorb an analogous restorative logic into civil divorce procedure. What is required is not a novel jurisprudential philosophy but a deliberate act of doctrinal transposition from the criminal to the civil sphere.

At the same time, the documented implementation failures of mandatory mediation under Supreme Court Regulation Number 1 of 2016 offer an important cautionary lesson that must be built directly into the construction of any new assessment mechanism. Empirical evaluations consistently attribute mediation's underperformance to an insufficient supply of certified mediators, weak institutional support, and a persistent litigation culture that treats procedural requirements as formalities to be satisfied rather than substantive opportunities to be embraced. An Interdisciplinary Divorce Readiness Assessment introduced without a parallel investment in

assessor accreditation, institutional capacity, and cultural reorientation of judicial and legal practice risks replicating precisely the same pattern of formalistic compliance that has undermined mediation, thereby producing a mechanism that exists on paper without altering the substance of judicial practice.

Synthesizing the foregoing, the juridical construction proposed in response to the first research question consists of amending the implementing regulations attached to Supreme Court Regulation Number 1 of 2016, or issuing a dedicated Supreme Court Circular Letter, to introduce a mandatory Interdisciplinary Divorce Readiness Assessment as an additional, substantively deepened stage within the existing mediation framework—one that channels the case toward restorative resolution wherever the child's welfare can be secured through negotiated arrangement, while feeding a structured, professionally authored assessment report into the evidentiary record wherever litigation proceeds to a contested hearing (Indonesian Journal of Intellectual Publication, 2026, pp. 307–309). This construction resolves the first research question by demonstrating that the transformation from an adversarial to a restorative paradigm need not await comprehensive legislative reform, but can be substantially achieved through the doctrinally coherent expansion of an evidentiary and procedural infrastructure that already exists—a foundation upon which the second research question, concerning the binding integration of interdisciplinary recommendations into judicial proof, directly builds.

Integrating Interdisciplinary Assessment Recommendations into Judicial Proof

The second research question turns from the architecture of the assessment mechanism itself to the more technical, and arguably more consequential, question of how the resulting interdisciplinary recommendations should be received within the Indonesian law of evidence. As established in the introduction, the prevailing doctrinal position treats expert opinion as persuasive rather than binding, leaving a judge free to disregard even a rigorously prepared psychological or sociological assessment without being required to articulate a substantive justification for doing so. Any integration mechanism proposed here must therefore confront this doctrinal starting point directly, rather than assuming that the mere existence of a well-prepared interdisciplinary report will, by itself, alter judicial decision-making.

The practical consequences of this doctrinal weakness are visible in decided cases. Custody determinations following divorce, including cases addressing a mother's alleged psychological instability and cases addressing the customary twelve-year age threshold for maternal custody under the Compilation of Islamic Law, reveal considerable variation in how consistently, and how rigorously, psychological or social evidence is actually weighed by different panels of judges. Absent a stable evidentiary standard, the best-interests-of-the-child principle risks being applied inconsistently across similar factual circumstances, undermining both the predictability that litigants are entitled to expect from the judicial process and the substantive protective purpose the principle is meant to serve (Research Gate, 2024c).

A workable comparative mechanism is again supplied by the Australian and English models. Australia's Child Impact Report is explicitly admissible in court and is structured in two distinct parts an individual interview with each parent followed by a child-focused participation and

parenting assessment with the resulting findings directly informing both interim hearings and dispute-resolution processes (Federal Circuit and Family Court of Australia, 2026). England's Child Impact Assessment Framework performs an analogous function, requiring the Family Court Adviser to form an independent professional judgment and to share the reasoning behind that judgment's recommendations with the court. In neither jurisdiction is the assessment treated as absolutely dispositive, but in both it occupies a structurally privileged evidentiary position that Indonesian procedure presently withholds from equivalent expert material.

Building on this comparative foundation, this study proposes that the Interdisciplinary Divorce Readiness Assessment be accorded the status of a special court ordered assessment report under a revised procedural category introduced through Supreme Court Regulation or Circular Letter distinct from, and evidentially superior to, an ordinary party commissioned expert opinion under Article 154 of the *Rechtsreglement voor de Buitengewesten*, precisely because it originates from the court's own appointment rather than from either litigating party. This elevated procedural origin is what justifies attaching to it an evidentiary consequence that ordinary expert testimony does not presently carry.

The evidentiary consequence proposed here is best characterized as a mandatory consideration standard operating under a rebuttable presumption, rather than as an irrebuttable or automatically binding determination. Under this standard, a judge retains the constitutionally and doctrinally protected freedom to evaluate evidence according to conscience and conviction, but is procedurally required to expressly address the interdisciplinary assessment's findings and recommendations in the written legal reasoning of the decision, and must articulate specific, reasoned grounds whenever the ultimate custodial determination departs from those recommendations. This design preserves the core doctrinal principle of free judicial evaluation of evidence while closing the accountability gap that currently allows interdisciplinary findings to be silently disregarded without explanation.

For this elevated evidentiary status to be doctrinally defensible, the competency and credibility of the assessors themselves must be rigorously secured. Recent Indonesian scholarship on the qualification of expert witnesses in matters involving children stresses that recognition as an expert cannot rest on general professional reputation alone, but must be anchored in verifiable professional education, documented experience in child-focused assessment, valid practicing licenses, and membership in a nationally recognized professional association, coupled with an enforceable duty of objectivity, independence, and freedom from conflicts of interest (Dinasti Publisher, 2026). These competency standards, already partially embedded in existing Ministry of Health regulation governing psychologists' clinical practice, provide a ready regulatory foundation upon which formal accreditation criteria for court-appointed interdisciplinary assessors can be built without requiring the creation of an entirely new licensing regime (Prasyudhastyka et al., 2025; Menteri Kesehatan Republik Indonesia, 2017).

The interdisciplinary composition of the assessment team is itself central to the mechanism's integrity. A psychologist contributes a clinical evaluation of the child's developmental stage, attachment patterns, and emotional needs, a sociologist contributes an evaluation of the family's

broader social environment, extended kinship support, and economic and community context and a legal consultant or mediator contributes an assessment of the parties procedural rights and the practical feasibility of proposed custodial or visitation arrangements. Synthesizing these three professional perspectives into a single, judge legible report rather than three disconnected expert opinions submitted separately mirrors the integrated, multi professional insight already recognized in comparative shared-custody scholarship as essential to sound post-divorce parenting arrangements.

Because post-divorce parenting arrangements are inherently dynamic subject to a parent's relocation, remarriage, changed employment circumstances, or the child's own evolving developmental needs as they grow older a single, one-time assessment risks obsolescence within a relatively short period after judgment. Australia's practice of issuing a Child Impact Addendum Report, prepared by the same Court Child Expert within a defined period following the initial report specifically to update findings in light of changed circumstances, offers a directly transferable model (Emera Family Law, 2024). Embedding an equivalent addendum mechanism into Indonesian procedure would allow either party, or the court on its own initiative, to request a supplementary interdisciplinary review where a material change in circumstances is alleged, thereby ensuring that judicial decisions remain responsive over time rather than fixed permanently at the moment of the original decree.

From an institutional-efficiency standpoint, this integration mechanism should be layered onto the existing mandatory mediation infrastructure created under Supreme Court Regulation Number 1 of 2016 rather than established as an entirely separate procedural track. Given that empirical evaluations of that regulation already identify inadequate institutional capacity as its principal weakness, introducing a wholly new, parallel assessment institution would risk compounding rather than resolving the resource constraints already documented. Integrating the assessment as a substantively deepened extension of the mediation stage, administered by the same court annexed personnel wherever feasible, allows the reform to build upon existing budgetary allocations and institutional relationships rather than requiring the creation of a duplicate bureaucratic apparatus.

Theoretically, this proposed integration mechanism operationalizes therapeutic jurisprudence's central insight that legal institutions and procedures can themselves function as either therapeutic or anti-therapeutic agents, depending on how they are designed, and that family courts in particular bear a responsibility to structure their processes so as to actively support, rather than merely adjudicate around, the psychological wellbeing of the families before them (Lux et al., 2024). It simultaneously converts the best interests of the child principle from an interpretive aspiration invoked selectively in judicial reasoning into an enforceable procedural entitlement supported by a defined evidentiary consequence, thereby closing the gap between Indonesia's textual commitment to child welfare and the operative reality of its adjudicative practice (Jurnal Hukum Mimbar Justitia, 2024; Jurnal USM Law Review, 2024).

The proposed mechanism also carries an important corrective potential regarding gendered assumptions embedded in existing custodial doctrine. Given that more than three-quarters of

Indonesian divorce cases are initiated by wives. and that the Compilation of Islamic Law's customary twelve-year threshold for maternal custody operates as a broadly categorical presumption rather than an individualized welfare assessment. a properly designed sociological and psychological assessment component can supply the individualized, evidence-based determination that a categorical age-based rule cannot, thereby supporting the judicial gender-sensitivity that recent commentary from within Indonesia's religious court system has itself identified as a continuing area for improvement in custody adjudication (Muntasir, 2025).

Finally, any such mechanism must be accompanied by clear safeguards against misuse such as, strict confidentiality protections for information disclosed during assessment, an explicit prohibition against using the assessment process to pathologize ordinary parental disagreement as a psychological disorder, and binding professional and ethical codes of conduct for court appointed assessors comparable in rigor to those developed internationally for court involved therapeutic and evaluative professionals (Prasyudhastyka et al., 2025). Taken together, the mandatory consideration evidentiary standard, the tripartite disciplinary composition of the assessment team, the addendum mechanism for changed circumstances, and the accompanying professional and ethical safeguards constitute a coherent answer to the second research question, a mechanism through which interdisciplinary recommendations become genuinely consequential within judicial fact finding, while remaining sufficiently flexible to adapt to the evolving realities of post divorce family life.

CONCLUSION

In response to the first research question, this study concludes that the juridical construction required to transform Indonesia's divorce dispute resolution paradigm from an adversarial model into a restorative model does not require comprehensive legislative reconstruction but rather the deliberate expansion and strengthening of existing procedural infrastructure. By positioning an Interdisciplinary Divorce Readiness Assessment within the mandatory mediation stage established under Supreme Court Regulation Number 1 of 2016, expanding court-annexed institutional capacity based on comparative practices from Australia and England, and grounding this transformation in Progressive Legal Theory's emphasis on substantive rather than merely formal justice and Rawlsian distributive justice's prioritization of the least advantaged party, Indonesian jurisprudence can move toward a divorce adjudication process oriented toward preventing intergenerational trauma and affirmatively protecting children's holistic developmental rights, rather than focusing solely on resolving disputes between spouses.

In response to the second research question, this study concludes that the effective integration of interdisciplinary psychological, sociological, and legal recommendations into judicial fact-finding requires elevating the resulting court-ordered assessment report into a mandatory consideration standard within the evidentiary process. Such a mechanism would preserve judicial discretion in evaluating evidence while requiring judges to substantively consider the assessment findings and provide reasoned justification when departing from them. Combined with rigorous professional accreditation standards for assessors, a tripartite disciplinary

composition reflecting comparative best practices, and an addendum mechanism that allows reassessment as post-divorce family circumstances evolve, this integration framework ensures that judicial decisions remain legally valid while being adaptively responsive to changing child welfare needs. Future research based on empirical fieldwork across Indonesia's religious and general courts is warranted to examine the practical feasibility, institutional costs, and measurable child welfare outcomes of the proposed juridical construction, as well as to refine the implementing regulations required for its operationalization.

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