

THE OBLIGATION OF MAINTENANCE AS AN ALIMONY RIGHT IN CIVIL LAW AND ITS IMPLICATIONS IN INDONESIA

Indah Imelda Pramesti¹, I Dewa Ayu Dwi Mayasari²

Faculty of Law, Udayana University,

E-mail: imeldapramesti07@gmail.com¹ ayu_mayasari@unud.ac.id²

Corresponding Author: Indah Imelda Pramesti

Abstract. Alimentary rights are a form of legal protection aimed at ensuring the fulfillment of living needs for those entitled, such as wives and children, within the context of family relationships. In Indonesian civil law, the obligation to provide support as alimentary rights is grounded in the Indonesian Civil Code (KUHPerdata) and the Marriage Law No. 1 of 1974. This study aims to analyze the concept of support obligations within the framework of alimentary rights and their implications, particularly in divorce cases. Using a normative juridical approach, this research examines legislation and court decisions related to the implementation of alimentary rights. The findings indicate that alimentary rights serve not only to meet material needs but also reflect legal and moral responsibilities to protect the welfare of children and former spouses. However, the implementation of these obligations faces challenges, including weak law enforcement, low public legal awareness, and financial constraints of the obligated party. Necessary solutions include strengthening regulations, increasing legal education for the public, and optimizing mechanisms for monitoring and law enforcement. With these steps, alimentary rights as part of the support obligations can be effectively implemented and offer optimal protection for all entitled parties

Keywords: alimentary rights, support obligation, civil law

INTRODUCTION

Alimony rights constitute one of the fundamental forms of legal protection within the context of family relationships in Indonesia. In Indonesian civil law, the obligation to provide maintenance as a form of alimony rights has a strong legal basis both in the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata/KUHPerdata) and in Marriage Law No. 1 of 1974. This obligation is intended to ensure the fulfillment of basic living needs for entitled parties, such as wives and children, following divorce or in situations where there is economic inequality between separated spouses (Anam, 2019). This right is not merely a financial obligation but also encompasses legal and moral aspects aimed at protecting the welfare of those in need.

Historically, alimony rights have been regulated in the Indonesian Civil Code, where provisions regarding maintenance obligations are stipulated in Articles 39 to 41. The Civil Code provides that a husband is obligated to provide maintenance for his wife and children, including basic necessities such as housing, food, and clothing. Marriage Law No. 1 of 1974 further reinforces this obligation and adds a protective dimension by recognizing maintenance as an inseparable part of family rights affected by divorce. This demonstrates the state's commitment to safeguarding economic and social rights within family relationships.

However, despite the existence of a strong legal foundation, the implementation of maintenance obligations in Indonesia still faces various challenges. One of the primary challenges is the weak enforcement of the law. There are many cases in which former spouses who are obligated to provide maintenance fail to fulfill their responsibilities. A study conducted by Azzahra and