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LEGAL PROTECTION FOR CHILDREN VICTIMS OF FINANCIAL NEGLECT BY THEIR FATHERS: A RECONCEPTUALIZATION OF ECONOMIC NEGLECT FROM THE PERSPECTIVE OF LEGAL CERTAINTY AND THE BEST INTERESTS OF THE CHILD

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Abstract

A father's failure to provide child support for a child who is not yet economically independent remains a legal issue that highlights the gap between normative regulations and the effectiveness of child rights protection in Indonesia. This study aims to analyze the legal certainty regarding the protection of children who are victims of child support neglect by fathers of children who are not yet economically independent, as well as to reconceptualize child support neglect as a form of economic neglect from the perspective of the best interests of the child. This study is a normative legal study employing legislative, conceptual, and case-based approaches. The analysis was conducted using a prescriptive-qualitative method through an examination of legislation, international legal instruments, court decisions, legal doctrine, and developmental psychology literature regarding the impacts of economic neglect. The results of the study indicate that the Indonesian legal system has provided a normative basis regarding a father's obligation to provide child support, but has not yet provided optimal legal certainty due to weak law enforcement mechanisms and the lack of effective instruments to ensure the fulfillment of this obligation. The novelty of this study lies in the reconceptualization of child support neglect as a form of economic neglect, understood as a multidimensional violation of children's rights; thus, legal protection must be directed toward strengthening effective law enforcement mechanisms to ensure the fulfillment of the best interests of the child.

Keywords: Legal Protection, Failure to Provide Child Support, Economic Neglect, Legal Certainty, Children's Rights, Best Interests of the Child

Introduction

Children are legal entities who hold a strategic position as the nation's future generation; therefore, their survival, growth, and development, as well as the protection of their rights, are a shared responsibility among families, society, and the state. From a human rights perspective, children are not merely viewed as objects of care but also as rights holders entitled to protection of their physical, mental, social, and economic needs from birth until they achieve independence. Therefore, meeting children's basic needs—including the right to receive support from their parents—is an integral part of efforts to ensure the best interests of the child, a fundamental principle in Indonesia's child protection system as well as in international legal instruments.

The obligation of parents to provide for their children's basic needs has a strong normative foundation in the Indonesian legal system. Article 28B, paragraph (2) of the 1945 Constitution of the Republic of Indonesia affirms that every child has the right to survival, growth, and development, as

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well as protection from violence and discrimination. This provision was further reinforced by Law No. 35 of 2014 Amending Law No. 23 of 2002 on Child Protection, which requires parents to care for, nurture, educate, and provide for their children's needs in accordance with their capabilities and the children's best interests. In the field of family law, Law No. 1 of 1974 on Marriage, as amended by Law No. 16 of 2019, as well as the Compilation of Islamic Law, also affirm that the father continues to bear the primary responsibility for providing child support, including after a divorce.

Although this normative framework has regulated the obligation to provide child support relatively comprehensively, reality shows that the fulfillment of children's right to child support still faces various obstacles in practice. Many children lose their economic rights because their fathers neglect their obligation to provide child support for years, even until the children reach adolescence or young adulthood without receiving the financial support they are entitled to. This situation highlights a gap between legal norms (das sollen) and the actual implementation of the law in society (das sein). Thus, the main issue no longer lies in the absence of legal provisions regarding child support obligations, but rather in the effectiveness the legal system in ensuring the actual fulfillment of these obligations. From the perspective of legal systems theory, the effectiveness of legal protection is influenced by the substance of the law, the structure of law enforcement, and the legal culture of society—all of which are interrelated in determining the success of a norm's implementation.

Long-term failure to provide child support not only causes economic harm to the child but also has the potential to deprive the child of various fundamental rights. The inability to cover the costs of education, health care, nutrition, housing, and other developmental needs is a direct consequence of the cessation of the financial support that should be provided by the parents. In this context, the child's right to an adequate standard of living, as recognized in Article 27 of the Convention on the Rights of the Child (CRC), becomes difficult to realize if the state is unable to ensure that parents fulfill their child support obligations. Therefore, failure to provide child support cannot be viewed merely as a civil dispute between parents; rather, it has evolved into an issue of child rights protection that requires more effective legal intervention.

In addition to causing economic hardship, ongoing failure to provide child support also has consequences for a child's psychological development. The developmental psychology literature indicates that neglect of basic needs—including economic neglect—is correlated with an increased risk of emotional disturbances, anxiety, low self-esteem, difficulties forming interpersonal relationships, and reduced psychological well-being both during childhood and into adulthood. When a child grows up without receiving financial support from a father for an extended period, this situation not only affects the child's quality of life in material terms but also shapes psychological experiences such as feelings of rejection, the loss of a parental figure, and a diminished sense of security within the family environment. Therefore, legal protection for children who are victims of financial neglect should not be understood solely in the fulfillment of economic rights, but also as a means to prevent prolonged psychological harm.

A father's prolonged failure to provide child support not only results in the deprivation of the child's economic rights but also has the potential to negatively impact the child's psychological development over the long term. In developmental psychology, the fulfillment of basic needs—whether material or emotional—serves as the foundation for the development of a child's sense of security, attachment, and psychological well-being. When these needs are consistently neglected, children are at risk of experiencing emotional developmental disorders characterized by anxiety, low self-esteem, difficulty forming interpersonal relationships, and a reduced ability to adapt to their social environment. These conditions indicate that failure to provide child support not only impacts the family's economic well-being but also affects the child's quality of life in the long term. Findings from various international studies show that child neglect—including economic neglect—is significantly associated with an increased risk of mental health disorders, poor educational

achievement, and reduced social skills as children enter adulthood. Unlike poverty, which is caused by structural factors, economic neglect is a form of parental failure to meet a child's basic needs despite a legal obligation to do so. Therefore, the resulting impacts are not limited to restricted access to education and healthcare but also develop into psychological experiences that can affect a child's identity formation, self-confidence, and emotional well-being.

In the context of Indonesian law, the psychological consequences of child support neglect have not received proportionate attention in discussions regarding the protection of children's rights. Most studies still treat the issue of child support as a civil dispute or as a legal consequence following divorce, without linking it to the psychological impact experienced by children as victims. In fact, If the failure to provide child support continues for an extended period—for example, ten years or more—the harm suffered by the child is no longer limited to the loss of financial support but has evolved into a form of rights violation that simultaneously affects economic, psychological, social, and educational aspects. Thus, legal protection for children should not only be understood as a normative guarantee of the right to child support but also as an instrument capable of preventing multidimensional harm to children.

Studies on parental child support obligations have been extensively conducted in various family law research projects in Indonesia. Most of these studies focus on analyzing legal norms regarding a father's obligation to provide child support based on the Marriage Law, the Compilation of Islamic Law, and religious court rulings. Other studies have placed greater emphasis on the effectiveness of enforcing court decisions regarding child support following divorce, including obstacles to the enforcement of final and binding court decisions. Meanwhile, research in the field of psychology generally examines the impact of divorce, family conflict, or parental neglect on children's emotional development without specifically linking these issues to a father's failure to fulfill his child support obligations.

This situation indicates that previous research has tended to treat legal and psychological analyses as two separate disciplines. To date, research integrating an analysis of legal certainty regarding children's right to child support with the psychological consequences arising from long-term neglect of child support obligations remains relatively limited. As a result, there is currently no comprehensive study that explains the relationship between the effectiveness of legal protection, the fulfillment of children's economic rights, and psychological impacts as an integrated whole within the framework of child protection.

Table 1. State of the art of previous research

NO	AUTHOR	TITLE	RESEARCH	RESEARCH GAP
1.	Howard Dubowitz, Kimberly	A Conceptual Definition of Child Neglect.	Developing the concept of **child neglect** as a failure	No examining the father's obligation to provide financial support in perspective
	Black, Raymond Starr Jr., et al.		Parents meet children's basic needs, including physical, emotional, educational, and health needs.	Familyfamily as well a legal certainty in Indonesia.
2.	Sarah Font & Kathryn Maguire-Jack.	It's Not "Just Poverty":Educational, Social, and Economic Functioning Among Young Adults Exposed to Childhood Neglect, Abuse, and Poverty	Child neglect has an impact on education, social well-being, mental health, and economic functioning into adulthood.	Not yet established the impact to a father's failure to provide child support as a legal obligation.
3.	Nurhadi & Alfian Qodri Azizi.	The Philosophy of the Obligation Child Support in Indonesia's Islamic Law.	Explaining the philosophy of the obligation to provide child support based on Indonesian Islamic law and the legal principle of public interest of the law.	Focusing on the normative aspect, but not yet examining the psychological impact on children resulting from the failure to provide child support.
4.	Andriyani, Qodariah Barkah, & Ifrohati.	Neglect's Child Support by the Father Following Divorce.	Concludes that the intentional failure to provide child support can be classified as child abandonment, which carries criminal consequences under the Child Protection Act.	Has not yet integrated's analysis regarding the psychological impact on children and the concept of economic neglect.
5.	(Author of an article in *Children and Youth Services Review*)	Factors Associated with Child Neglect in Indonesia: Findings from the National Socio-Economic Survey.	This indicates that child neglect in Indonesia is a multidimensional issue influenced by individual and household	It does not address the of the father's legal responsibility to provide child support.
6.	I Putu Gede Fajar Riski Andika, I Nyoman Gede Sugiartha, & Luh Putu Suryani.	A Legal Review of Perpetrators of Child Neglect Based on the Child Protection Act Children.	Examining legal protections and criminal penalties for perpetrators of child neglect according to the Child Protection Act.	Not yet linking linking neglect to long-term failure to provide child support and the psychological impact on the child.

7.	Muhamad Salman Farisi & R. Eriska Ginalita Dwi Putri.	Legal Legal Protection Against Children in Sukabumi Regency.	Discusses mechanisms for legal protection against the economic neglect of children at the local level.	Has not yet examined the legal certainty regarding the father's obligation to provide child support and the psychological implications for the child.
8.	Firman Tri Wahyuono, Syukron Abdul Kadir, Edy Chrisjanto, & Said Munawar.	The Essential Nature of the Enforcement of Criminal of Criminal of Child of from Perspective Best Interest of the Child.	Emphasizing the importance of enforcing laws against child neglect using the *"best interests of the child"* principle.	Has not yet linked a father's failure to provide child support to the concept of *economic neglect* and its psychological impact.

Based on Table 1, previous research reveals three main trends. First, legal studies in Indonesia have largely focused on the father's normative obligation to provide child support, law enforcement mechanisms, and criminal liability for child neglect. Second, international research places greater emphasis on the concept of child neglect and its impact on children's psychological development, education, and social well-being. Third, research on child neglect in Indonesia generally discusses legal protection or the causal factors of neglect separately, without specifically linking them to a father's failure to provide child support as a form of economic neglect.

Research conducted by several Indonesian academics indicates that discussions regarding child support are still dominated by normative aspects, such as the father's legal obligations, judges' considerations in determining the amount of support, and mechanisms for enforcing court decisions. On the other hand, international research more frequently highlights the impact of child neglect on children's development through psychological, public health, and social welfare approaches. Nevertheless, neither of these two research groups has specifically linked a father's failure to provide child support—as a form of economic neglect—to the effectiveness of legal protections for children's rights. Therefore, there remains scope for further research that integrates legal and psychological perspectives to explain the consequences of child support neglect on children.

Unlike previous studies, the novelty of this research lies in the reconceptualization of a father's failure to provide child support for children who are not yet economically independent as a form of economic neglect—one that is understood not only as a violation of parental legal obligations but also as a multidimensional violation of children's rights, encompassing the rights to survival, education, psychological development, social well-being, and legal certainty. This reconceptualization yields an analytical framework that integrates the legal perspective of child protection with developmental psychology to demonstrate that the effectiveness of legal protection cannot be measured solely by the existence of norms governing child support obligations, but also by the legal system's ability to ensure the actual fulfillment of children's rights through effective law enforcement mechanisms oriented toward the principle of the best interests of the child.

Based on the discussion of legal provisions, the development of previous research, and the gaps in the literature that have been outlined, it can be understood that the issue of failure by fathers to provide child support can no longer be viewed solely as a violation of civil obligations within family relationships. Prolonged failure to provide child support indicates a failure to fulfill children's basic rights, which impacts economic, educational, health, social, and psychological development. In this

context, the existence of legal norms governing the obligation to provide child support does not automatically guarantee the fulfillment of children's rights if it is not accompanied by effective law enforcement mechanisms. This situation underscores that legal protection for children must be understood more comprehensively—that is, it must not only focus on the existence of legal rules but also on the effectiveness of implementing these norms to ensure the best interests of the child.9

From the perspective of the theory of legal certainty, the existence of a legal regulation cannot be separated from that norm's ability to provide tangible protection to the public. Legal certainty is not only understood as the availability of provisions governing the rights and obligations of the parties, but also as a guarantee that such norms can be consistently applied through effective law enforcement mechanisms. In the context of child support neglect, the fact that there are still children who have gone without child support for years indicates that legal protection of children's rights has not yet been fully realized as envisioned by the national legal system. Therefore, an analysis is needed that not only examines the normative aspects of a father's obligation to provide child support but also evaluates the extent to which the legal system is capable of providing legal certainty for children as subjects whose rights are protected by the Constitution and legislation.

On the other hand, developments in psychology have shown that a parent's failure to meet a child's economic needs constitutes a form of economic neglect that has the potential to cause long-term effects on a child's development. The sustained failure to meet basic living needs can affect a child's personality development, emotional well-being, social skills, and quality of life as they enter adulthood. Thus, the impact of child support neglect is not limited to Amending Law No. 23 of 2002 on Child Protection. measured based on the extent of the economic loss suffered by the child, but must also be understood as a violation of the child's right to grow and develop optimally, as guaranteed in the Convention on the Rights of the Child and various national legal instruments. The integration of legal and psychological perspectives is crucial so that legal protection for children does not stop at a normative approach but also takes into account the real consequences experienced by children as victims of child support neglect.11

Based on these conditions, this study aims to address the question of to what extent legal certainty within the Indonesian legal system is capable of providing protection for children who are victims of child support neglect by their fathers, as well as how the psychological impacts resulting from such neglect affect the fulfillment of children's rights. An analysis of these two aspects is expected to provide a more comprehensive understanding of the relationship between the effectiveness of legal protection and children's well-being, so that legal protection is not merely understood as a normative recognition of children's rights, but also as an instrument capable of ensuring the actual fulfillment of those rights.

This study aims to analyze the legal certainty regarding the protection of children who are victims of child support neglect by fathers who are not yet economically independent, to examine the long-term psychological impacts resulting from such neglect, and to reconceptualize child support neglect by fathers toward children who are not yet economically independent as a form of economic neglect that constitutes not only a violation of parental legal obligations, but also a multidimensional violation of children's rights. Through this reconceptualization, this study is expected to produce an analytical framework that integrates the perspectives of legal certainty, child protection, and developmental psychology as a basis for formulating more effective legal protection mechanisms oriented toward the principle of the best interests of the child.

Method

This study is a normative legal research project aimed at analyzing legal protection for child victims of financial neglect by the father through an examination of legal norms, legal principles, doctrines, and legal theories related to the fulfillment of children's rights. The study focuses on analyzing legal certainty regarding the fulfillment of a child's right to child support based on statutory provisions, as well as the effectiveness of these regulations in providing legal protection for children who are not yet economically independent. To enrich the analysis, this study employs a limited interdisciplinary approach by utilizing developmental psychology literature as secondary analysis material to explain the long-term psychological impacts of neglecting child support obligations. The research approaches include the statutory approach, the conceptual approach, and the case approach. These approaches were used to examine legal provisions regarding children's rights and parental obligations, the concepts of legal certainty and legal protection, economic neglect, and law enforcement practices through court decisions related to the fulfillment of child support obligations.

The legal sources used in this study consist of primary, secondary, and tertiary sources. Primary sources include the 1945 Constitution of the Republic of Indonesia, Law No. 1 of 1974 on Marriage, as amended by Law No. 16 of 2019, Law No. 35 of 2014 on Child Protection, the Compilation of Islamic Law, the Convention on the Rights of the Child (CRC), and relevant court decisions. Secondary legal sources include books, SINTA-accredited national journals, reputable international journals, research findings, and expert opinions discussing family law, child protection, legal certainty, and the psychological impacts of child neglect and economic neglect. Tertiary legal materials include legal dictionaries, encyclopedias, and other reference sources that support an understanding of the concepts used in the research. All legal materials were obtained through library research and classified according to the research focus.

The analysis of legal materials was conducted qualitatively using a prescriptive-analytical method through the identification, interpretation, and evaluation of legal norms governing child support obligations and the effectiveness of their implementation in providing legal certainty. Furthermore, the results of the normative analysis were integrated with findings from the psychological literature regarding the impact of economic neglect on children's emotional and social development and psychological well-being. This integration aims to demonstrate that child support neglect is not only a violation of parents' legal obligations but also a form of economic neglect that results in multidimensional violations of children's rights. Therefore, this study is expected to provide conceptual recommendations for strengthening legal protections that are more effective, equitable, and oriented toward the best interests of the child.

Results

1. **Legal Certainty Regarding the Protection of Child Victims of Child Support Neglect by Fathers Who Are Not Yet Economically Independent**

Legal protection for children who are victims of child support neglect by fathers who are not yet economically independent is fundamentally rooted in constitutional guarantees that recognize children's rights as part of human rights that must be respected, protected, and fulfilled by the state. This recognition is reflected in Article 28B, paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which affirms that every child has the right to survival, growth, and development, as well as protection from violence and discrimination. This constitutional provision indicates that the fulfillment of children's rights is not limited to protection against physical violence but also encompasses the fulfillment of economic needs as a primary prerequisite for a decent life.12 From the perspective of the rule of law (rechtsstaat), this constitutional guarantee implies that all laws and legal enforcement mechanisms must be directed toward ensuring that children's rights are effectively realized. Thus, when a father neglects his obligation to provide child support for a child who is not yet economically independent, this issue is no longer understood merely as a violation of civil relations within the family, but also as a denial of the child's constitutional rights, which are directly protected by the Constitution.

In addition to gaining constitutional legitimacy, a child's right to receive child support is also regulated in greater detail in Law No. 35 of 2014 Amending Law No. 23 of 2002 on Child Protection.13 This regulation establishes the legal framework that parental responsibility does not end with caregiving but also includes the obligation to ensure the fulfillment of a child's basic needs as a prerequisite for optimal growth and development. Within this framework, the provision of child support serves as a legal instrument to realize a child's right to a decent life, education, health, and well-being. Thus, neglecting the obligation to provide child support cannot be viewed merely as a breach of civil relations within the family, but must be understood as a failure to fulfill the rights of children that are protected under the legal framework for child protection. Nevertheless, the effectiveness of these legal norms still faces implementation challenges. The legal system has established parents' obligations normatively, but has not yet fully provided mechanisms capable of ensuring the consistent fulfillment of these obligations when a father intentionally neglects his responsibilities. As a result, children, as rights holders, remain in a vulnerable position because the protection provided emphasizes normative recognition rather than the actual guarantee of rights fulfillment. This situation indicates that the main problem does not lie in the absence of legal provisions, but rather in the suboptimal effectiveness of law enforcement in realizing protection oriented toward the best interests of the child.

Provisions regarding a father's obligation to provide child support also find their legal basis in Law No. 1 of 1974 on Marriage, as amended by Law No. 16 of 2019, as well as the Compilation of Islamic Law.15 Both of these legal instruments affirm that parental responsibility toward a child does not end due to divorce or changes in the legal relationship between husband and wife.16 The father remains primarily obligated to meet the child's basic needs in accordance with his economic capacity until the child achieves self-sufficiency. This legal framework indicates that the obligation to provide support is a legal consequence inherent in parental status, and thus does not depend on the continuation of the marital bond. Consequently, any form of neglect of this obligation constitutes a violation of the legal responsibility established by Article 105(c). laws and regulations. However, in judicial practice, there are still instances where court decisions regarding child support are not effectively enforced due to low compliance by the obligated party and limited enforcement mechanisms for final and binding decisions. Consequently, the existence of legal norms governing the obligation to provide child support has not yet been fully able to provide legal certainty for children as the beneficiaries of these rights. This situation demonstrates that the success of legal protection is not

determined solely by the comprehensiveness of the substantive provisions of the law, but also depends on the effectiveness of the law enforcement system in ensuring that these obligations are actually fulfilled.

Based on this normative framework, it can be concluded that a father's obligation to provide child support is a mandatory legal obligation, not merely a moral or ethical duty within family relations. Therefore, failure to fulfill this obligation should no longer be viewed as a private matter, but rather as a violation of the child's rights as guaranteed by the national legal system. In this context, the existence of various legal instruments governing the obligation to provide child support indicates that Indonesia does not face a normative vacuum in child protection, but rather faces challenges regarding the effectiveness of implementation. The gap between normative provisions (das sollen) and the reality of implementation (das sein) reveals that existing legal protections remain formalistic, as they have not yet fully ensured the tangible fulfillment of children's rights. Consequently, children remain in a vulnerable position when a father neglects his child support obligations, even though these rights are normatively recognized and protected. Furthermore, this situation indicates that the measure of legal certainty is determined not only by the existence of rules governing child support obligations but also by the effectiveness of law enforcement mechanisms in ensuring the fulfillment of children's rights. Thus, the failure to provide child support not only results in the loss of children's economic rights but also reflects weaknesses in the legal protection system, implying the need for a more progressive approach. This also serves as the basis for reconceptualizing the failure to provide child support as a form of "economic neglect"—that is, the neglect of economic needs that has multidimensional impacts on the fulfillment of children's rights—in line with the principle of the best interests of the child.

Within the framework of international law, the protection of children's right to financial support derives strong normative legitimacy from the Convention on the Rights of the Child, which Indonesia has ratified. The Convention not only recognizes children as rights-holders but also affirms that the state has a positive obligation to ensure a standard of living adequate for the child's overall development. The provisions of Article 27 of the CRC indicate that meeting children's basic needs, including economic needs, is a fundamental prerequisite for the realization of the rights to education, health, and personal development. From this perspective, parental obligations cannot be separated from the state's responsibility to ensure the effective fulfillment of these rights. Therefore, a father's long-term failure to provide child support not only constitutes a violation within the private sphere of the family but also indicates a "state accountability gap"—a situation where the state fails to ensure that children's rights, which have been internationally recognized, are truly realized in practice. Thus, child support neglect cannot be reduced to a purely domestic issue; rather, it has evolved into a human rights protection issue that demands more effective and measurable protection mechanisms.

From a legal theory perspective, legal certainty cannot be understood merely as the existence of written and systematic norms, but also encompasses the legal system's ability to produce "legal certainty in action"—that is, certainty that can be realized in the practice of law enforcement. Hans Kelsen, through his theory of pure law, asserts that the validity of legal norms must exist within a consistent hierarchical system; however, such validity does not automatically guarantee the effectiveness of their implementation in society. Meanwhile, Gustav Radbruch asserts that legal certainty must be balanced with justice and utility, so that laws that are formally valid but fail to provide substantive justice may lose their moral legitimacy. In the context of child support default, legal certainty becomes problematic when norms that have granted rights to children are not accompanied by mechanisms capable of ensuring the effective realization of those rights. This situation indicates a shift from normative certainty toward deficient practical certainty—that is, a state in which the law is normatively clear but lacks sufficient enforceability in its implementation. Thus, legal certainty in child protection cannot be measured solely by the existence of rules but must be

assessed by the extent to which the law is capable of ensuring the factual and sustained fulfillment of children's rights.

Although the national regulatory framework comprehensively addresses parents' obligations regarding child support, the effectiveness of these norms has not yet been fully reflected in law enforcement practices; consequently, the protection of children's rights has not been optimally implemented. This shortcoming stems not only from low compliance among legal subjects but also from the suboptimal enforcement mechanisms available within the judicial system.21 In practice, court decisions that have become final and binding often lack effective enforceability when dealing with parties who are uncooperative or who lack the economic capacity or willingness to fulfill their obligations. This indicates a dysfunction in the structure of law enforcement that prevents children's rights from being concretely realized. From the perspective of Lawrence M. Friedman's legal systems theory, this situation reflects an imbalance between the substance of the law,22 the legal structure, and legal culture, in which the structural aspect is the primary weak point in the protection of children's rights. Consequently, legal protection—which should be protective in nature—has instead become merely declaratory, as it fails to guarantee the actual fulfillment of children's rights in their daily lives.

Based on these normative and empirical analyses, this study offers a conceptual contribution in the form of a reconceptualization of a father's failure to provide financial support to his children who are not yet economically independent as a form of economic neglect. This reconceptualization shifts the analytical paradigm from the conventional approach—which frames the failure to provide child support as a civil matter—toward a more comprehensive approach that views it as a multidimensional violation of children's rights. In this framework, economic neglect not only encompasses the failure to meet economic needs but also reflects structural failures in the protection of children's rights that impact education, health, social welfare, and psychological development. Thus, failure to provide financial support can no longer be understood in isolation but must be positioned as a violation of the principle of the best interests of the child, as stipulated in the Convention on the Rights of the Child. The conceptual implication of this approach is the need for a shift in the orientation of legal protection from mere normative recognition toward the effective fulfillment of rights that can be enforced in practice, so that legal certainty does not stop at the regulatory level but truly functions as a substantive instrument of protection for children.

From the perspective of the rule of law, legal certainty is not only understood as the existence of norms governing parents' obligation to provide child support, but also encompasses the guarantee that these norms can be effectively enforced so that children's rights receive tangible protection. Thus, the existence of provisions regarding the obligation to provide child support in various laws and regulations cannot yet be said to realize legal certainty if their implementation still faces obstacles, such as non-compliance with court decisions, weak enforcement mechanisms, and suboptimal oversight of the fulfillment of these obligations.

According to the author's analysis, legal certainty in cases of child support neglect must be understood as an instrument to ensure the protection of children's rights, not merely to legitimize the existence of legal norms. Children are legal subjects who have the right to survival, growth and development, education, health, and well-being; thus, the state's failure to ensure the fulfillment of maintenance obligations is, in essence, a failure to guarantee the fulfillment of these rights. Therefore, the effectiveness of legal protection cannot be measured solely by the number of regulations governing child support obligations, but must be assessed based on the legal system's ability to provide certainty that children's rights are truly protected and can be restored in cases of neglect Convention on the Rights of the Child, Articles 3, 18, and 27.

Furthermore, the principle of the best interests of the child requires the state to prioritize the child's interests as the primary consideration in every policy, judicial process, and administrative

action concerning children. Consequently, the state is not only obligated to establish norms governing parental obligations but also to provide effective law enforcement mechanisms to ensure that child support orders are actually enforced. If the state fails to guarantee the fulfillment of these obligations, legal protection for children becomes merely formalistic, as it remains at the normative level without providing tangible benefits for the fulfillment of children's rights.

Based on this discussion, this study argues that the relationship between legal certainty, the protection of children's rights, and the state's obligations forms an inseparable unity. Legal certainty is a prerequisite for the effective protection of children's rights, while the protection of children's rights serves as an indicator of the state's success in fulfilling its constitutional and international obligations based on the principle of the best interests of the child. Therefore, cases of child support neglect that are not effectively resolved not only indicate weak law enforcement but also reflect the state's suboptimal fulfillment of its responsibility to ensure comprehensive protection of children's rights.

2. The Impact of Economic Neglect on the Fulfillment of Children's Rights from a Developmental Psychology Perspective

Long-term failure by a father to provide child support can be interpreted as a form of economic neglect that not only involves a failure to meet material needs but also has significant implications for a child's psychological development. From a developmental psychology perspective, this situation contributes to chronic stress exposure, which leads to emotional dysregulation, increased anxiety, and a persistent sense of insecurity within family relationships. This situation demonstrates that meeting economic needs is a fundamental prerequisite for the formation of Amending Law No. 23 of 2002 on Child Protection, Articles 21 and 26. a child's sense of security and psychological stability during the early developmental stages of life.28

Furthermore, various empirical studies indicate that prolonged experiences of economic deprivation are correlated with an increased risk of mental health disorders during adolescence and early adulthood, including a tendency toward depression, low resilience, and poor emotional regulation. Within the framework of attachment theory, the absence of consistent economic support from the father can disrupt the formation of secure attachment—which serves as the foundation for a child's interpersonal relationships—thereby potentially leading to patterns of insecure attachment that result in difficulties in building trust and healthy social relationships.

The continuous failure to provide child support for more than ten years—from the time the child reached school age until he or she achieved economic independence—indicates that the harm suffered by the child is no longer merely temporary deprivation but has evolved into a systematic deprivation of the child's rights. From the perspective of child protection law, the persistence of such neglect results in the obstruction of the fulfillment of various fundamental rights, namely the right to an adequate standard of living, the right to education, the right to health care, the right to grow and develop optimally, and the right to protection in the best interests of the child, as guaranteed in Articles 3, 6, 24, Article 27, and Article 28 of the Convention on the Rights of the Child. Thus, the longer the failure to provide child support persists, the broader the spectrum of children's rights that lose effective protection, so that the resulting harm is no longer limited to economic aspects but encompasses all dimensions of the child's life.

According to the author's analysis, the failure to provide child support for more than ten years differs in nature from short-term delays in providing child support. Such neglect, which persists throughout a child's formative years, results in cumulative harm that continues to grow over time as they grow older. During the school-age phase, these disadvantages manifest as limited access to education, learning resources, and the fulfillment of basic needs. As children enter adolescence, the impact evolves into psychological distress, reduced self-esteem, increased anxiety, and limited

opportunities to build healthy social relationships. Furthermore, upon entering early adulthood, children may face barriers to obtaining higher education, decent employment, and greater social mobility. This chain of disadvantages demonstrates that economic neglect is a process that results in intergenerational disadvantage, as its effects do not end in childhood but continue to influence the quality of a child's life into adulthood.

Based on this framework, this study argues that long-term failure by fathers to provide child support must be reconceptualized as a form of multidimensional rights deprivation—that is, a situation in which the failure to fulfill a single legal obligation results in the simultaneous deprivation of various children's rights. From this perspective, the loss of child support does not merely signify the failure to meet economic needs but also deprives the child of the opportunity to enjoy the rights to education, health, psychological development, social well-being, and a decent standard of living, as guaranteed by both national and international legal instruments. Therefore, the measure of success in legal protection for children can no longer be limited to the existence of court rulings or normative regulations regarding child support obligations; rather, it must be assessed based on the legal system's ability to restore all the rights of children that have been lost due to prolonged economic neglect. This reconceptualization also serves as a conceptual contribution of this research by positioning economic neglect as a multidimensional violation of children's rights that requires comprehensive legal protection grounded in the principle of the best interests of the child.

These impacts also have implications for the development of a child's self-esteem. In developmental psychology, the failure to meet a child's needs Repeated exposure to such conditions can lead to the formation of a negative self-schema—a persistent negative mindset toward oneself. Children who experience economic neglect tend to internalize this situation as a form of rejection or unworthiness, which ultimately results in reduced motivation, self-confidence, and social adaptation skills in both school and community settings.

In addition to individual psychological aspects, economic neglect also has a direct impact on the fulfillment of children's right to education. Parents' inability to provide sustained financial support can hinder access to educational expenses, learning materials, and other necessary resources, which cumulatively affect the continuity of a child's education. This situation not only leads to a decline in academic performance but also increases the risk of school absenteeism and, in the long term, dropping out of school.

Failure to provide child support, which prevents a child from accessing a proper education, not only has psychological and social consequences but also constitutes a violation of the child's right to education—a fundamental right guaranteed by both national and international law. From a human rights perspective, education is a fundamental right that serves to develop a child's personality, intellectual capacity, and social skills so that the child can participate fully in society. Therefore, when a father fails to fulfill his child support obligations, thereby causing a child to lose the opportunity to receive a proper education, what is violated is not merely the parent's obligation but also the child's constitutional right to receive an education free from discrimination and without economic barriers.35

This provision is consistent with Article 28(1) of the Convention on the Rights of the Child, which requires states to recognize every child's right to education and to take the necessary steps to ensure that education is effectively accessible. This obligation is further emphasized in Article 29 of the Convention on the Rights of the Child, which positions education as a means of developing personality, talents, and mental abilities, as well as fostering respect for human rights. In national law, the same guarantee reflected in Article 31(1) of the 1945 Constitution of the Republic of Indonesia, which states that every citizen has the right to education, as well as Article 9(1) of Law No. 35 of 2014 AmendingNo. 23 of 2002 on Child Protection, which affirms that every child has the right to education and instruction in accordance with their interests and talents. Thus, the fulfillment of child

support is closely linked to the realization of the right to education because without adequate economic support, a child's access to education is at risk of being significantly hindered.36

According to the author's analysis, the failure to provide child support—which results in a child's education being hindered or even the loss of the opportunity to receive an education—must be understood as a form of rights deprivation, not merely a consequence of family conflict or economic constraints. Education is a right that is closely linked to other rights, such as the right to development, health, well-being, and the child's future. Therefore, a long-term failure to provide child support will result in a cascading effect, including a decline in the quality of human capital, limited social mobility, and an increased risk of intergenerational poverty. These conditions demonstrate that economic neglect not only hinders a child's learning process in the present but also reduces the child's opportunities to achieve a better life in the future. From a legal protection perspective, this situation indicates that children's right to education has not yet received effective protection as mandated by national and international legal instruments.

From a cognitive perspective, prolonged economic pressure within the family also increases children's cognitive load due to financial stress, which results in reduced concentration, motivation to learn, and overall academic capacity. This indicates that failure to provide for a family's livelihood not only structurally hinders access to education but also affects the learning process psychologically and cognitively, thereby undermining the realization of rights children's right to quality education as guaranteed in the 1945 Constitution, the Child Protection Law, and the CRC. Furthermore, economic neglect also impacts children's well-being in a multidimensional way, encompassing physical, social, and psychological dimensions. Inadequate fulfillment of basic needs—such as food, health care, and a decent living environment—increases the risk of malnutrition, developmental delays, and limited access to health services. From a social perspective, these conditions also increase children's vulnerability to social marginalization and limit their future social mobility.

Based on the above discussion, it can be concluded that failure to provide child support cannot be reduced to a mere breach of civil obligations, but rather constitutes a form of economic neglect that has multidimensional impacts on children's rights. Therefore, it is necessary to redefine the understanding that legal protection for children must encompass not only normative aspects but also psychological, educational, and welfare impacts simultaneously as part of the implementation of the principle of the best interests of the child.

Ongoing failure to provide child support—especially when it occurs for more than ten years, from the time the child is of school age until they become economically independent—indicates that the harm suffered by the child is no longer limited to the loss of financial support alone. From the perspective of child rights protection, this situation constitutes a form of rights deprivation that impacts various fundamental rights of the child guaranteed under the Convention on the Rights of the Child (CRC). The failure to provide child support results in the violation of the child's right to an adequate standard of living as stipulated in Article 27 of the CRC, since the fulfillment of needs for food, clothing, shelter, education, and health care is heavily dependent on parental financial support. At the same time, this situation also hinders the fulfillment of the right to education (Article 28 of the CRC), the right to health (Article 24 of the CRC), the right to life, survival, and optimal development (Article 6 of the CRC), as well as the implementation of the principle of the best interests of the child (the best interests of the child) as affirmed in Article 3 of the CRC. Thus, failure to provide financial support must be understood as a violation that simultaneously and interrelatedly deprives children of various rights, not merely as a breach of parents' civil obligations.

According to the author's analysis, the loss of these various rights indicates that failure to provide child support has a multidimensional character because its impact is not only felt at the time the support is withheld but continues to unfold throughout the child's development, ultimately affecting the quality of the child's life in adulthood. Children who do not receive adequate child

support for years are at risk of losing opportunities to obtain an adequate education, experiencing limited access to health care, facing obstacles in their psychological and social development, and having lower chances of achieving economic well-being in the future. These conditions demonstrate that economic neglect constitutes a form of cumulative rights violation and continuous rights deprivation. Therefore, the effectiveness of legal protection should not be measured solely by the existence of norms governing child support obligations, but rather by the legal system's ability to ensure that all children's rights lost as a result of such neglect can be effectively restored in accordance with the principle of the best interests of the child.

3. Analysis of Legal Certainty in the Protection of Child Victims of Child Support Neglect

An analysis of legal certainty in the protection of child victims of child support neglect reveals that the fundamental problem in the Indonesian legal system does not lie in the absence of legal norms, but rather in the effectiveness and consistency of the implementation of these norms in practice. Normatively, the obligation of parents—particularly fathers—to provide for their children's support needs has a strong and multi-layered legal foundation within the national legal system, beginning with the Constitution of the Republic of Indonesia 1945, Law No. 35 of 2014 on Child Protection, Law No. 1 of 1974 on Marriage, as amended by Law No. 16 of 2019, and the Compilation of Islamic Law, as well as reinforced by the Convention on the Rights of the Child (CRC).43 However, the existence of these norms does not automatically correlate with the fulfillment of children's rights in social reality, resulting in a gap between normative legal certainty and empirical legal certainty.

From a theoretical perspective, this situation can be understood as the law's inability to provide substantive legal certainty—that is, certainty that goes beyond the mere existence of written rules to include a guarantee that recognized rights can be effectively realized. In practice, court decisions that have become final and binding regarding child support obligations often lack effective enforcement power when dealing with parties who are noncompliant or who deliberately disregard their legal obligations. This situation indicates that the law does not yet possess sufficient enforcement power to ensure that children's rights are truly fulfilled as mandated by court rulings.44 Consequently, the law has been reduced in function from a protective instrument to merely a declaratory instrument lacking adequate implementative power.

When analyzed using Lawrence M. Friedman's theory of legal systems, these weaknesses can be explained by a structural imbalance among the three main elements of the legal system: legal substance, legal structure, and legal culture. From the perspective of legal substance, Indonesia actually has relatively comprehensive and progressive regulations guaranteeing children's right to child support. However, regarding legal structure—particularly the mechanisms for enforcing civil judgments related to child support—various limitations still exist, both in terms of procedure and the effectiveness of the implementing agencies. Meanwhile, regarding legal culture, There remains a social construct that views the obligation to provide child support as a private matter within family relations, thereby reducing the normative and social pressure regarding violations of this obligation. The combination of these three factors ultimately creates conditions in which the law does not function optimally in providing effective protection for children as vulnerable legal subjects.

Furthermore, this situation can be categorized as a form of "enforcement gap"—that is, the disparity between the normative recognition of rights and the legal system's ability to ensure their actual implementation. Children, as legal subjects who lack economic independence, find themselves in a position of structural imbalance, as they lack both the access and the capacity to independently enforce their rights. As a result, the fulfillment of children's rights is heavily dependent on the voluntary compliance of the party bearing the legal obligation—in this case, the father. This dependence reveals a fundamental flaw in the design of legal protection, as rights that should be

inherent and enforceable instead become heavily dependent on the subjective awareness of individuals.

From a more theoretical perspective, Gustav Radbruch asserts that the law is not only required to provide certainty but must also be capable of simultaneously realizing justice and utility.47 In the context of child support default, there is a tension between legal certainty in the formal sense and substantive justice in practice. Formally, a child's right to child support is clearly guaranteed by positive law; however, substantively, the absence of effective mechanisms to ensure its implementation actually results in injustice for children as the most vulnerable party. Thus, legal certainty undergoes a degradation of meaning, shifting from what should be a protective function to merely a normative-procedural one without any guarantee of tangible outcomes.

Furthermore, from a human rights-based child protection perspective, this situation can also be understood as a failure by the state to fulfill its positive obligation to ensure the realization of children's right to a decent standard of living, as stipulated in Article 27 of the CRC.48 Although the obligation Although the primary responsibility lies with the parents, the state still has a duty to ensure that these rights are effectively realized through a functioning legal system. When the state is unable to guarantee the effective fulfillment of child support obligations, this can be construed as a form of state protection failure in the context of child protection.

Based on this analysis, it is clear that the problem of legal certainty in the context of child support neglect is not only normative but also structural and institutional. Therefore, a conceptual reconstruction of the meaning of legal certainty in child protection is needed—shifting from the mere existence of norms toward an implementable and result-oriented form of legal certainty. Within this framework, child support neglect can no longer be understood as a mere violation of civil obligations; rather, it must be reconceptualized as a form of economic neglect—that is, the disregard for a child's economic needs, which has multidimensional impacts on the fulfillment of the child's rights, including economic, psychological, educational, and social welfare aspects.

Thus, strengthening legal certainty in child protection requires a paradigm shift from a passive, declaratory legal system toward an active, protective one. This transformation is essential so that the principle of the best interests of the child does not merely remain a declaratory norm in legal instruments but truly becomes an operational principle reflected in the effectiveness of Indonesia's law enforcement system.

To date, the legal framework regarding child support default in the Indonesian legal system has tended to be framed as a breach of a parent's civil obligation, with consequences focused on the fulfillment of the obligation to pay child support to the child. This approach indicates that the object of legal protection remains centered on the legal relationship between the father—as the obligated party—and the child—as the party entitled to receive child support. As a result, child support default is more often understood as a form of contractual breach within the scope of family law, while its implications for the loss of children's fundamental rights have not received adequate attention. This perspective results in a narrow legal framework because it treats child support solely as a financial obligation, rather than as a primary instrument for fulfilling the child's fundamental rights guaranteed by the Constitution, the Child Protection Act, and the Convention on the Rights of the Child.

4. Reconceptualizing Economic Neglect as a Multidimensional Violation of Children's Rights from the Perspectives of Legal Certainty and the Best Interests of the Child

In Indonesian legal practice, failure to provide child support is still primarily understood as a violation of a parent's legal obligation to meet a child's economic needs. Consequently, case resolutions are more often directed toward enforcing the obligation to pay child support or imposing sanctions on the defaulting party, while the dimension of protecting children's rights has not yet become the primary focus. This approach indicates that the evolving legal framework remains

centered on the legal relationship between the father as the obligated party and the child as the recipient of child support, and thus has not yet fully positioned the child as a rights holder entitled to comprehensive protection.

According to the author's analysis, this approach is no longer adequate in light of developments in child protection law and human rights law. Child support is not merely a civil obligation that parents must fulfill, but a primary instrument for ensuring the fulfillment of children's rights to survival, growth and development, education, health, well-being, and protection from all forms of neglect. Therefore, a prolonged failure to provide child support cannot be viewed merely as a breach of contract within a family relationship, but rather as a form of economic neglect that results in the simultaneous deprivation of various children's rights (a multidimensional violation of children's rights). From this perspective, the harm suffered by the child is not only economic in nature but also encompasses interrelated psychological, social, educational, and developmental dimensions.50

This reconceptualization aligns with the principle of the best interests of the child, which prioritizes the child's well-being and development as the primary consideration in any action concerning the child. This principle requires that every policy, court decision, and law enforcement mechanism go beyond merely assessing whether or not parents have violated their obligations, but also evaluate the extent to which the rights Children have been effectively protected and rehabilitated. Consequently, the focus of legal protection has shifted from an approach centered on parental obligations (duty-oriented approach) to one centered on the fulfillment of children's rights (rights-based approach). This paradigm shift is a logical consequence of the recognition that children are rights-holders who must receive maximum protection in accordance with the principle of the best interests of the child.

From the perspective of legal certainty, the effectiveness of protection for child victims of maintenance neglect cannot be measured solely by the existence of norms governing the obligation to provide maintenance, but also by the ability of those norms to guarantee the certainty of the actual enforcement and restoration of children's rights. If court rulings regarding child support cannot be enforced, oversight mechanisms fail to function, and the state does not provide effective instruments to ensure the fulfillment of children's rights, then legal certainty has not been substantively realized. Legal certainty in the context of child protection does not merely mean the existence of clear rules, but also encompasses the guarantee that children's rights are truly protected through an effective, consistent, and enforceable legal system. Therefore, the state's failure to ensure the fulfillment of child support obligations not only reflects weak law enforcement but also indicates that the state has not yet optimally fulfilled its duty to protect children's rights.

The success of legal protection for children who are victims of child support neglect is determined not only by parents' compliance with their legal obligations but also depends on the state's ability to ensure the fulfillment of those obligations through effective legal mechanisms. From a human rights law perspective, it is not enough for the state merely to enact laws regulating maintenance obligations; it also has positive obligations to ensure that every child actually receives the rights guaranteed by law. Therefore, when court rulings regarding maintenance cannot be enforced, enforcement mechanisms do not function effectively, or there are no instruments available capable of ensuring fulfillment of children's rights, this situation indicates the existence of a "state accountability gap" in the implementation of child protection.

According to the author's analysis, the state accountability gap not only reflects weaknesses in law enforcement but also indicates that the state has not yet optimally fulfilled its constitutional obligation to protect children as rights-holders. The state has an obligation to ensure that children's rights do not depend entirely on parents' willingness to fulfill their maintenance obligations, but must be supported by a legal system capable of providing effective protection when those obligations are neglected. Thus, legal protection for children cannot be understood solely as a private relationship

between father and child, but is also a public responsibility that demands the state's involvement in ensuring the tangible fulfillment of children's rights.

Based on this comprehensive analysis, this study proposes a reconceptualization: a father's failure to provide child support for a child who is not yet economically independent constitutes a form of economic neglect—a multidimensional violation of children's rights. This concept integrates three main perspectives: legal certainty, the principle of the best interests of the child, and the theory of economic neglect. Through this approach, the success of legal protection is no longer measured solely by the existence of normative regulations or court rulings but also by the legal system's ability to ensure the fulfillment of all the rights of children affected by the failure to provide child support. Thus, the scholarly contribution of this research lies in expanding the meaning of "economic neglect" from merely a form of economic neglect to a conceptual framework that explains that child support neglect constitutes a multidimensional violation of children's rights requiring comprehensive, effective, and best-interest-oriented legal protection.

According to the author's analysis, failure to provide child support should not be understood merely as a failure to fulfill economic obligations, but rather as a form of economic neglect that simultaneously deprives children of various rights. When child support is not provided over an extended period, children not only lose financial support but also face limitations in accessing education and services health services, the fulfillment of basic needs, psychological development, and opportunities to improve their quality of life in adulthood. Thus, economic neglect constitutes a multidimensional violation of children's rights, as a single form of neglect gives rise to a series of interrelated and cumulative rights violations. This understanding is consistent with the evolving literature that classifies child neglect as a form of child abuse with long-term impacts on a child's physical, psychological, social, and economic development.

5. Restoring Children's Rights as the Focus of Legal Protection

Legal protection for child victims of child support neglect should not stop at establishing legal obligations or imposing sanctions on negligent parents, but must also be directed toward restoring the children's violated rights. From the perspective of a rights-based approach to child protection, the primary goal of law enforcement is to restore the child to a situation where their rights to education, health, well-being, development, and a decent life can be fulfilled. Therefore, the success of the legal system is not only measured by the existence of court rulings but also by the state's ability to ensure that such rulings are effectively enforced so that children's rights are truly restored.

According to the author's analysis, this restoration mechanism requires synergy among the judiciary, the government, and child protection agencies to ensure the fulfillment of child support obligations, the provision of support to the child, and the implementation of social interventions when a child experiences prolonged neglect. Such an approach is more in line with the principle of the best interests of the child because it places the restoration of children's rights as the primary goal of the entire law enforcement process, rather than merely punishing the perpetrators of neglect

6. Reconceptualizing Economic Neglect as a Multidimensional Violation of Children's Rights

To date, the legal framework regarding child support default in the Indonesian legal system has largely been framed as a breach of a parent's civil obligation, resulting in the failure to fulfill the obligation to provide child support. This paradigm frames the issue of child support neglect as a family law dispute centered on the legal relationship between the party obligated to pay support and the party entitled to receive it. Consequently, the measure of the success of legal protection tends to be limited to the mere existence or absence of the obligation to pay child support, without comprehensively examining the impact on the fulfillment of children's basic rights. In fact, in the development of modern child protection law, the fulfillment of child support is not merely understood

as a financial obligation of parents, but is a primary instrument for ensuring the fulfillment of children's rights to survival, growth and development, health, education, and well-being, as guaranteed in various national and international legal instruments.

Given these circumstances, this study proposes a reconceptualization: a father's failure to provide child support to a child who is not yet economically independent should no longer be understood merely as a failure to fulfill the obligation to pay child support (failure to provide child maintenance), but rather as a form of economic neglect that results in a multidimensional violation of children's rights. In this framework, child support is positioned as the primary means of realizing various interrelated children's rights. Therefore, when this obligation is neglected over an extended period, the harm suffered by the child is not limited to the loss of economic support but also includes the loss of opportunities to receive a proper education, access to health care, healthy psychological development, social well-being, and the opportunity to develop optimally in accordance with the principle of the best interests of the child. Thus, failure to provide child support must be understood as a cumulative and progressive form of neglect of children's rights, not merely a violation of parental obligations.

This concept aligns with developments in international human rights law, which treats all children's rights as universal, interrelated, interdependent, and indivisible. Consequently, the failure to fulfill one basic right will directly impact the fulfillment of other rights. When a child loses the right to have their economic needs met due to financial neglect, the child simultaneously risks losing the right to education, health, mental development, social protection, and even the opportunity to achieve a decent quality of life in adulthood. Therefore, economic neglect cannot be narrowly defined as merely an issue of poverty or a family's economic inability; rather, it constitutes a violation of the entire children's rights ecosystem, which demands comprehensive legal intervention.

Furthermore, research on child neglect shows that long-term neglect of economic needs is correlated with an increased risk of psychological disorders, low educational attainment, deteriorating social well-being, and reduced economic capacity in adulthood. Thus, the harm suffered by children due to financial neglect does not end with the loss of economic rights at the time of the neglect, but develops into intergenerational disadvantage that affects the quality of human capital in the long term. From this perspective, years of child support neglect—including cases where children have gone without support for more than ten years—can no longer be viewed merely as a breach of family obligations but rather as a form of economic neglect resulting in the continuous deprivation of children's rights.

Based on this comprehensive analysis, this study proposes a new conceptual framework: a father's failure to provide child support to a child who is not yet economically independent constitutes a multidimensional violation of the child's rights children (multidimensional violation of children's rights). This reconceptualization expands the legal protection paradigm from an approach focused solely on the obligation to pay child support to one oriented toward the restoration of all children's rights lost due to economic neglect. The conceptual implication of this approach is that the effectiveness of legal protection can no longer be measured solely by the existence of legal norms or court rulings; rather, it must be assessed based on the legal system's ability to ensure the actual restoration of children's rights through effective, integrated, and child-centered law enforcement mechanisms. Thus, the concept of economic neglect in this study serves not only as a classification of forms of child neglect but also as a new paradigm for assessing the success of legal protection for children who are victims of economic neglect.

7. Policy and Enforcement Challenges in Protecting Child Victims of Financial Neglect

Although Indonesia's legal system has established relatively comprehensive provisions regarding parents' obligations to provide child support, the problem currently faced no longer lies in the existence of legal norms, but rather in the weak implementation of policies and the ineffectiveness of law enforcement. In other words, the problem of protecting child victims of child support neglect is a matter of "law in action"—that is, the legal system's inability to transform abstract legal norms into tangible protection for children. This situation indicates that legal certainty cannot be understood merely as the existence of laws and regulations, but must be interpreted as the state's ability to ensure that children's rights are truly fulfilled through effective law enforcement mechanisms.

This problem is further complicated by the fact that child protection mechanisms still face weak coordination among institutions with authority to handle child neglect cases. Case handling is still carried out in a sectoral manner among the police, the courts, social services, the technical implementation unit for the protection of women and children (UPTD PPA), and other child protection agencies. As a result, the processes of identifying victims, providing support, determining child support obligations, and enforcing court decisions have not yet been integrated into single system oriented toward the best interests of the child. This institutional fragmentation has led to many cases of child support neglect not being effectively resolved; in fact, quite a few cases end at the reporting stage without adequate follow-up.

According to the author's analysis, these conditions indicate that the main weakness of the child protection system lies not solely in the substance of the law, but rather in the lack of an integrated child protection system capable of linking preventive, punitive, and rehabilitative functions in a sustainable manner. As a result, children's right to child support remains heavily dependent on the initiative of individual institutions, rendering legal protection piecemeal and failing to provide substantive legal certainty. From the perspective of Lawrence M. Friedman's legal systems theory, this situation indicates that the legal structure has not yet been able to implement the legal substance optimally, meaning that the goal of legal protection for children has not been effectively achieved.62

In addition to issues of institutional coordination, the low level of legal awareness among the public is another factor that weakens the effectiveness of child protection. In practice, many families still view the obligation to provide child support as merely a moral issue or a private responsibility, rather than a legal obligation with legal consequences if violated. This perception leads many mothers and children to be reluctant to pursue legal action due to concerns about social stigma, family conflict, or limited financial resources and access to legal aid. Such conditions result in many cases of child support neglect never entering the judicial system, thereby depriving children of the opportunity to receive effective protection.

In the author's view, this phenomenon indicates that there remains a gap between legal awareness and legal protection. Legal protection will not function effectively if the public does not yet understand that the fulfillment of child support is a right guaranteed by the Constitution and various instruments both national and international law. Therefore, strengthening legal certainty is not sufficient through the enactment of regulations alone; it must also be accompanied by improved legal literacy, the provision of easily accessible legal aid services, and the strengthening of reporting mechanisms at the village and sub-district levels as a form of preventive protection for children.

The next obstacle relates to the capacity of law enforcement officials to handle cases of child support neglect. Although various legal provisions have established a basis for enforcing the law against perpetrators of child support neglect, their implementation still varies significantly across different regions. Not all law enforcement officials have an adequate understanding of the nature of child neglect as a violation of children's rights; consequently, such cases are often viewed as family matters best resolved through a family-based approach rather than through legal enforcement mechanisms. As a result, the protection of children is often overshadowed by the interest in preserving

relationships among family members, even though children are the party most vulnerable to harm resulting from such neglect.

In the author's view, such an approach risks obscuring the primary goal of child protection, which is to ensure the optimal fulfillment of children's rights. Resolving cases that are overly focused on family reconciliation without ensuring the fulfillment of child support obligations risks perpetuating recurring patterns of economic neglect. Therefore, law enforcement officials need to shift the paradigm for handling cases from an approach centered on family conflict (the "family dispute approach") toward an approach centered on the protection of children's rights (the "child rights approach"), as mandated by the principle of the best interests of the child.

Another issue of equal importance is the persistent procedural gap between civil and criminal law mechanisms within Indonesia's family law system. A court ruling ordering a father to provide child support does not automatically guarantee that this obligation will be fulfilled voluntarily. In many cases, enforcing the ruling still requires a separate execution process that involves time, costs, and additional procedures. In fact, Once a court decision has become final and binding, the child, as the rights holder, still lacks effective means to enforce the fulfillment of that obligation if the father acts in bad faith. This situation indicates the existence of an "enforcement gap"—that is, a discrepancy between the normative recognition of rights and the actual realization of those rights in practice.65

According to the author's analysis, this situation constitutes a failure of the state to achieve substantive legal certainty, as legal certainty is not measured solely by the existence of legal norms or court decisions, but also by the state's ability to ensure that the rights established by the court are actually enjoyed by the protected parties. Therefore, effective legal protection for child victims of child support neglect requires reform of the child support judgment enforcement mechanism to make it simpler, faster, and more effectively enforceable.

Based on this comprehensive analysis, it can be concluded that weak institutional coordination, low public legal awareness, limited capacity of law enforcement officials, and ineffective mechanisms for enforcing court decisions are the factors preventing the optimal realization of legal certainty regarding child protection. This finding further reinforces the study's main argument that failure to provide child support can no longer be understood merely as a violation of parents' civil obligations, but rather constitutes a form of economic neglect that reflects the legal system's failure to ensure the multidimensional fulfillment of children's rights. Thus, the reconceptualization of economic neglect proposed in this study not only broadens the conceptual understanding of child support neglect but also provides a normative foundation for the development of a more effective, integrated, and child-centered legal protection system.

Conclusion

This study demonstrates that the Indonesian legal system fundamentally possesses a sufficiently comprehensive normative foundation for regulating the obligations of parents—particularly fathers—to provide child support through the 1945 Constitution of the Republic of Indonesia, the Child Protection Act, the Marriage Act, the Compilation of Islamic Law, and the Convention on the Rights of the Child (CRC). However, the existence of these norms has not yet been fully able to provide substantive legal certainty because there remains a gap between normative regulations (das sollen) and their implementation in practice (das sein). Weak law enforcement mechanisms, the ineffective enforcement of child support rulings, and the lack of an integrated child protection system mean that children's right to child support has not yet been effectively guaranteed.

This study also demonstrates that long-term child support neglect by fathers not only results in the loss of children's economic rights but also has multidimensional impacts on the fulfillment of

children's basic rights. These impacts include disrupted access to education, health care, social welfare, psychological development, and children's opportunities to grow and develop optimally. Thus, child support neglect can no longer be viewed merely as a breach of civil obligations within family relationships, but rather as a form of economic neglect that results in the sustained deprivation of children's rights and contradicts the principle of the best interests of the child.

This study proposes a reconceptualization of child support neglect as a form of economic neglect that results in multidimensional violations of children's rights; consequently, the effectiveness of legal protection must be measured based on the legal system's ability to ensure the fulfillment and restoration of children's rights, not merely on the existence of norms regarding child support obligations.

The primary scholarly contribution of this study lies in the reconceptualization of economic neglect from the perspectives of legal certainty and the best interests of the child. This study offers a conceptual framework in which a father's failure to provide child support to a child who is not yet economically independent constitutes a multidimensional violation of children's rights—one that is not limited to economic dimensions but also impacts education, health, psychological development, and social well-being. This reconceptualization expands the legal protection paradigm from a duty-oriented approach—focused on fulfilling parental obligations—toward a rights-based approach centered on fulfilling and restoring children's rights. Therefore, the effectiveness of legal protection can no longer be measured solely by the existence of legal norms; rather, it must be assessed based on the legal system's ability to ensure the actual fulfillment of children's rights through effective, integrated law enforcement mechanisms that are guided by the principle of the best interests of the child.

Based on the overall research findings, it can be asserted that the scientific contribution of this study lies not only in identifying weaknesses in the implementation of maintenance obligations within the Indonesian legal system, but also in developing a conceptual framework that reconceptualizes maintenance neglect as a form of economic neglect resulting in multidimensional violations of children's rights. This reconceptualization integrates the perspectives of legal certainty, the principle of the best interests of the child, and a rights-based approach, thereby producing a more comprehensive analytical framework for assessing the effectiveness of legal protection for children who are victims of maintenance neglect. Thus, the measure of the success of legal protection is no longer based solely on the existence of legal norms and court rulings, but also on the state's ability to effectively and sustainably ensure the restoration of all rights of children affected by child support neglect.

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