

PROTECTING WOMEN AND CHILDREN DURING FAMILY LITIGATION: A COMPARATIVE STUDY OF TEMPORARY ALIMONY IN MIDDLE EASTERN FAMILY LAWS

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ABSTRACT

Temporary alimony has emerged as an important mechanism for protecting women and children from economic hardship during ongoing family litigation. However, Indonesian family law has yet to establish a clear legal framework governing temporary alimony, creating a gap in legal protection before a final court judgment is rendered. This study addresses the question of how temporary alimony mechanisms in selected Middle Eastern jurisdictions can inform the reform of Indonesian family law. Employing a normative legal method, the research uses statutory, conceptual, and comparative approaches, with legal materials analyzed through a descriptive-comparative framework. The findings show that Egypt, Kuwait, Bahrain, Oman, Libya, Syria, and the United Arab Emirates have developed temporary alimony mechanisms through interlocutory decisions that are immediately enforceable and possess direct executorial force. Two principal typologies are identified: temporary alimony limited to maintenance disputes and temporary alimony applicable to broader family law cases. These regulations reflect a shift in contemporary family law from a formalistic dispute-resolution model toward a preventive legal protection framework that safeguards women and children against economic, social, and psychological vulnerability during litigation. In contrast, Indonesian family law continues to treat maintenance primarily as a consequence of a final judgment, leaving a significant protection gap throughout the judicial process. This study argues that adopting a temporary alimony mechanism is essential for strengthening legal protection for women and children in Indonesia and for advancing a more responsive, gender-just, and *maqāṣid al-sharīʿah*-oriented family law system.

Keywords: *temporary alimony, family law, women and children protection, middle eastern countries.*

ABSTRAK

Nafkah sementara (temporary alimony) berkembang sebagai instrumen penting untuk melindungi perempuan dan anak dari kesulitan ekonomi selama proses litigasi keluarga berlangsung. Namun, hukum keluarga Indonesia hingga kini belum memiliki pengaturan yang jelas mengenai mekanisme nafkah sementara, sehingga menimbulkan kesenjangan perlindungan hukum sebelum adanya putusan pengadilan yang berkekuatan hukum tetap. Penelitian ini bertujuan menjawab pertanyaan mengenai bagaimana mekanisme nafkah sementara yang berkembang di sejumlah negara Timur Tengah dapat menjadi rujukan bagi reformasi hukum keluarga di Indonesia. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, dan komparatif yang dianalisis melalui teknik deskriptif-komparatif. Hasil penelitian menunjukkan bahwa Mesir, Kuwait, Bahrain, Oman, Libya, Suriah, dan Uni Emirat Arab telah mengembangkan mekanisme nafkah sementara melalui putusan sela yang dapat dilaksanakan secara langsung dan memiliki kekuatan eksekutorial. Penelitian ini

menemukan dua tipologi utama, yaitu nafkah sementara yang terbatas pada sengketa nafkah dan nafkah sementara yang dapat diterapkan dalam perkara hukum keluarga secara lebih luas. Regulasi tersebut mencerminkan pergeseran hukum keluarga modern dari model penyelesaian sengketa yang formalistik menuju paradigma perlindungan preventif yang melindungi perempuan dan anak dari kerentanan ekonomi, sosial, dan psikologis selama proses persidangan. Sebaliknya, hukum keluarga Indonesia masih menempatkan nafkah sebagai konsekuensi putusan akhir, sehingga menyisakan kesenjangan perlindungan hukum selama proses peradilan. Oleh karena itu, adopsi mekanisme nafkah sementara menjadi kebutuhan mendesak untuk memperkuat perlindungan perempuan dan anak serta mewujudkan sistem hukum keluarga yang lebih responsif, berkeadilan gender, dan selaras dengan prinsip *maqāṣid al-syarīʿah*.

Kata Kunci: *nafkah sementara, timur tengah, hukum keluarga, perempuan.*

INTRODUCTION

Women and children in the household structure occupy sociological and juridical positions that are often in vulnerable conditions (Dahlan et al., 2023). This vulnerability is not solely due to economic factors, but also to power relations within the family that are often unbalanced (Elmali-Karakaya, 2022). In many cases, basic rights such as maintenance, protection, and welfare are neglected in the event of domestic conflicts (Fadil et al., 2024). Modern law is no longer looking at the parties in a neutral sense in the formal sense, but rather leads to a substantive approach oriented towards the protection of the weak (Wirastri & van Huis, 2024). Therefore, women and children should be the main subjects in the design of legal protection (Rahmawati, 2020), especially in the context of family disputes that could potentially deprive them of access to basic rights.

Crucial problems arise not only in the pre- or post-divorce phase, but precisely at the stage of the ongoing trial process. In this phase, legal attention is often focused on proving and resolving disputes (Ramadhan et al., 2024), while the aspect of meeting the basic needs of vulnerable parties tends to be neglected. In a situation of conflict between husband and wife, it is not uncommon for the husband to stop or ignore the obligation to provide alimony as a form of pressure or consequence of a dispute (Susantin et al., 2025). As a result, wives and children are in an economically and socially uncertain situation. In fact, the legal status of marriage is still ongoing, so the maintenance obligation should still be attached and must be fulfilled (Ungel et al., 2020).

The absence of a guarantee of maintenance during the judicial process is a serious problem that has direct implications for the survival of women and children. Alimony is not just a moral obligation, but is a fundamental right guaranteed in the marriage law and has a protective dimension to individual welfare (Karimullah et al., 2024). When maintenance is not met, women

are often forced to bear a double burden, both as parties facing legal proceedings and as the main breadwinners (Arsal et al., 2026). This condition has the potential to cause various forms of further vulnerability, such as poverty, psychological instability, and negative impacts on children's growth and development (Kiernan & Huerta, 2008). Thus, the absence of protection mechanisms during the trial process creates a real space for injustice.

In a comparative context, Middle Eastern countries show a more progressive approach in answering these problems through temporary maintenance mechanisms. Husband in charge of his family (Welchman, 2011) still have to pay attention to his family even in a disputed situation. This system allows the wife to apply to the judge for temporary alimony to be determined during the case. The judge, within his authority, can decide on the provision of alimony quickly and the decision is immediate (can be implemented immediately). This mechanism reflects the legal awareness that the judicial process must not sacrifice the basic rights of vulnerable parties. With temporary maintenance, women and children continue to be guaranteed their living needs even though the legal conflict is still ongoing.

In contrast to this practice, the legal system in Indonesia has not explicitly regulated the mechanism of temporary maintenance that can be decided in the middle of the judicial process. Although there are several legal instruments that regulate maintenance obligations, their implementation often awaits a final court decision (Pradana et al., 2025). This creates a void of legal protection in a period of time that is very crucial for women and children. The absence of this mechanism shows that there is a gap between the principle of legal protection and the reality of judicial practice. As a result, women and children often have to endure conditions without economic certainty during the legal process.

The urgency of this research lies in the need to examine more deeply how temporary maintenance mechanisms in Middle Eastern countries function as effective instruments of legal protection for women and children during ongoing family litigation. This issue is particularly important because several countries in the region, including Egypt, Kuwait, Bahrain, Oman, Libya, Syria, and the United Arab Emirates, have enacted specific legal provisions that authorize courts to grant temporary maintenance through immediately enforceable interlocutory decisions. These developments demonstrate a strong commitment within Middle Eastern family law systems to safeguarding the economic well-being of vulnerable family members before the issuance of a final judgment. Comparative analysis is therefore essential to identify the underlying legal principles, procedural mechanisms, and practical implications of such regulations for the protection of women and children. By examining these experiences, this study seeks to provide

new insights for the development of Indonesian family law, which currently lacks an explicit framework governing temporary maintenance. Furthermore, the study contributes to the broader academic discourse on the transformation of family law toward a more responsive, protective, and gender-sensitive legal system.

This study assesses the relevance of the adoption of temporary maintenance mechanisms in the Indonesian legal system in the framework of modern gender that demands active and persuasive protection for women and children. The absence of a guarantee of maintenance during the judicial process shows the weak legal response to real vulnerability. From a gender perspective, the state is not sufficiently neutral, but must ensure the sustainability of basic rights through concrete interventions (Lwamba et al., 2022). Temporary alimony is an important instrument to prevent economic and social impacts that harm women and children during disputes. Without this mechanism, the legal process actually prolongs injustice. Therefore, strengthening temporary alimony regulations is an urgent need to build a responsive and gender-fair legal system.

Studies on the protection of women and children in family law have developed quite widely, especially related to the fulfillment of alimony, the protection of wife's rights, children's rights, and the impact of divorce on family welfare (Santoso & Sari, 2021). Various studies place alimony as the main instrument of economic protection in family relationships, both when marriage is still ongoing (Nur et al., 2023) or after divorce (Rahmi, 2025). In existing research, academic discussions generally focus on the husband's obligation to provide for himself (Khotim et al., 2025), implementation of post-divorce alimony decisions (Jannah et al., 2025), as well as the effectiveness of legal protection for women and children after a court decision (Astuti & Prastio, 2022). In addition, a number of studies also examined the weak implementation of alimony decisions in the field (Wardana & Junoh, 2026), including low compliance of ex-husbands, difficulties in executing judgments (Saputra et al., 2024), to the inability of women to obtain economic rights effectively even though they have won the case. Thus, the attention of research so far has been more directed to the normative aspects of the decision and the reality of implementation after the case is decided.

However, the protection of women and children during the trial process is still very minimally discussed in family law research. Academic discourse tends to place legal protection in only two main phases, namely when the marriage is still ongoing and after the divorce is decided by the court (Selvy Yuspitasari, 2026). As a result, there is a gap in the study phase of the case, even though at this stage women and children are often in the most vulnerable condition due to

the termination of maintenance during the dispute. The judicial process, which takes a short time, has the potential to create economic and social uncertainty for the weak. Based on these conditions, this study focuses on the urgency of temporary maintenance as an instrument of legal protection for women and children during the family justice process

METHODS

This research is a normative legal research with a comparative approach that focuses on the arrangement of temporary alimony in divorce cases as an instrument for the protection of women and children. The approach used includes a statute approach to examine the provisions of family law in Indonesia and several Middle Eastern countries, as well as a conceptual approach to analyze the principles of legal protection, gender justice, and the fulfillment of the basic rights of vulnerable parties in the family justice process. In addition, this study also uses a comparative approach to identify similarities, differences, and relevance of the temporary maintenance mechanism in the legal system under review.

The legal materials used in this study consist of primary and secondary legal materials. The primary legal materials comprise statutory regulations governing temporary maintenance in selected Middle Eastern countries, namely Egypt, Kuwait, Bahrain, Oman, Libya, Syria, and the United Arab Emirates, as well as Indonesian legislation concerning marriage, divorce, and maintenance obligations. The secondary legal materials consist of scholarly books and journal articles related to Islamic family law, legal protection for women and children, family law reform, gender justice, and *maqāṣid al-sharī'ah*. These legal materials were examined and analyzed to identify regulatory models, compare legal approaches, and assess their relevance to the reform of Indonesian family law.

The technique of collecting legal materials is carried out through literature studies by inventorying, classifying, and analyzing various legal documents and literature related to the focus of the research. The analysis of legal materials was carried out qualitatively using descriptive-analytical and comparative methods. This method is used to systematically examine the mechanisms of temporary maintenance in the family law of Middle Eastern countries, then compare it with the Indonesian legal system in order to find the ideal and relevant form of arrangement to be applied in order to strengthen legal protection for women and children during the divorce process.

RESULT AND DISCUSSION

Temporary Alimony Regulations in Middle Eastern Countries

In Bahrain, Article 50 of Qanun No. 19 of 2017 on *Qānūn al-Usrah* states that the judge is empowered, based on the wife's request, to determine temporary maintenance for her wife and children, and to order the wife's return to the household if she is removed from the home. The judge's decision in both circumstances is effective immediately and can be immediately implemented based on the force of law attached to it.

In the United Arab Emirates, Article 100 of Federal Decree Law Number 41 of 2024 concerning *Qānūn al-Aḥwāl al-Syakhṣiyyah* states that during the process of examining the maintenance case, the court is authorized, based on the wife's request, to determine temporary maintenance for the wife and children charged to the defendant. The decision is effective immediately and can be immediately implemented based on the legal force attached to it.

Temporary maintenance in Oman is regulated in Article 51 of *Qānūn al-Aḥwāl al-Syakhṣiyyah al-'Umānī* published through *al-Marsūm al-Sultānī Raqm 32 li-Sanah 1997*. The article gives the judge the authority to determine temporary alimony at the request of the wife during the case process. The verdict also has *the power of nafaḏ mu'ajjal* (immediate execution) under the law, so that economic protection for the wife can be guaranteed even if the marriage dispute has not received a final verdict.

In Kuwait, Article 79 of *Qānūn al-Aḥwāl al-Syakhṣiyyah* amendment number 66 of 2007 states that during the examination of a maintenance claim, the judge can order the husband to pay temporary maintenance to the wife if the wife requests it. The alimony is given every month until there is a final decision in the case. The decision must be implemented immediately. In addition, the husband has the right to reduce or request back the payment that has been given based on the final court decision.

In Egypt, Article 16 of *Qānūn Tanẓīm Ba'd Awdā' wa Ijrā'āt al-Taqaḏī fī Māsā'il al-Aḥwāl al-Syakhṣiyyah* states that if the cause and conditions of alimony are met, the judge is obliged within two weeks of the filing of the lawsuit to determine temporary maintenance for his wife and children according to their urgent needs through a temporary and mandatory judgment immediately carried out until there is a legal alimony decision. In addition, the husband has the right to make a calculation of compensation for temporary alimony that has been paid with the final decided alimony, provided that the amount received by the wife and children must not be less than their basic needs.

In Syria, Article 82 of Qānūn al-Aḥwāl al-Syakh ṣiyyah Syria Number 59 of 1953 states that during the examination of alimony cases and after the assessment of alimony, the judge may order the husband if necessary to make an advance payment to his wife as part of alimony, in an amount that does not exceed one month's alimony and can be renewed afterwards. The decision has the same executory force as a final court decision.

In Libya, Article 27 of Qānūn al-Zawāj wa al-Ṭ alāq wa Ātsāruhumā Number 10 of 1984 states that the court can order temporary maintenance for a party who is entitled to receive it by sharia on the basis of his application if it is proven from the apparent circumstances or the results of the investigation that there are strong conditions for the right to maintenance and there is negligence on the part of the party who is obliged to provide for it. The order is issued by a court whose jurisdiction includes the residence of the party entitled to receive alimony or the party who is obliged to pay alimony, and the judgment can be immediately enforced. The implementation of the judgment is carried out according to the procedure for the execution of the alimony judgment. Each interested party has the right to file an objection through an ordinary lawsuit in the court that issued the judgment, and the validity of the judgment ends after the final judgment of the court. In addition, applications for temporary alimony, the issuance of judgments, notices, and their implementation are exempt from case costs.

Table 1. Comparative Study of Temporary Maintenance Law in Middle Eastern Countries

State and Legal Basis	Types of Items	Authority of the Judge	Character of the Decision	Special Terms
Bahrain — Article 50 of Qānūn al-Uṣrah No. 19 of 2017	General family matters	To set temporary alimony and order the wife to return home if she is removed	Effective immediately and immediately executable	Contains the protection of the wife's residence
United Arab Emirates — Article 100 of Federal Decree Law No. 41 of 2024 concerning Qānūn al-Aḥwāl al-Syakhṣiyyah	Matters of alimony	Setting temporary alimony during the examination of the case	Effective immediately and immediately executable	Alimony charged to the defendant
Oman — Article 51 of Qānūn al-Aḥwāl al-Syakhṣiyyah al-'Umānī through al-Marsūm al-Sulṭānī	General family matters	Setting temporary alimony during the case process	Possessing the power of nafāz mu'ajjal (immediate execution)	Guarantee the economic protection of the wife during the dispute

No. 32 of 1997				
Kuwait — Article 79 of Qānūn al-Aḥwāl al-Syakhṣiyyah amendment No. 66 of 2007	Matters of alimony	Ordering the husband to pay temporary maintenance during the course of the case	Must be implemented immediately	Paid monthly; The husband can request a reduction or return based on the final judgment
Mesir — Pasal 16 Qānūn Tanẓīm Ba'd Awḍā' wa Ijrā'āt al-Taḳāḍī fī Masā'il al-Aḥwāl al-Syakhṣiyyah	Matters of alimony	Obligatory to set temporary alimony if the alimony conditions are met	It must be implemented immediately until there is a final decision	Must be disconnected for a maximum of two weeks; There is a maintenance compensation mechanism
Syria — Article 82 of Qānūn al-Aḥwāl al-Syakhṣiyyah No. 59 of 1953	Matters of alimony	Order advance payment of alimony	With executorial force such as a final decision	Maximum of one month's alimony and renewable
Libya — Article 27 Qānūn al-Zawāj wa al-Ṭ alāq wa Ātsāruhumā No. 10 of 1984	General family matters	To set temporary alimony based on the application and research results	Can be implemented immediately	Free of charge; objectionable to be filed; valid until the final decision

Typology of Temporary Alimony Arrangements in Middle Eastern Countries

In general, the regulations of countries in the Middle East region have sufficient attention to the issue of women and children in the household (Smail Salhi, 2008), even though in practice there are still many social gaps (Reitmann et al., 2020). The regulations governing temporary alimony in Middle Eastern countries demonstrate varying degrees of legal protection for women and children during family litigation. Broadly speaking, the region can be divided into two groups. The first consists of countries that do not expressly regulate temporary alimony mechanisms, such as Saudi Arabia, Jordan, and Tunisia. In these jurisdictions, maintenance claims are generally resolved only through final court judgments, leaving wives and children without immediate legal protection during the litigation process. Consequently, the economic consequences of prolonged proceedings are often borne by the claimants themselves. The second group comprises countries that explicitly recognize temporary alimony as a legal mechanism for protecting vulnerable family members while judicial proceedings remain ongoing.

The existence of such provisions reflects a legislative acknowledgment that delays in adjudication should not result in the suspension of basic economic rights.

Among countries that regulate temporary alimony, two distinct regulatory typologies can be identified. The first typology, adopted by Egypt, Kuwait, Syria, and the United Arab Emirates, limits temporary alimony to disputes directly concerning maintenance obligations. Under this model, temporary alimony functions primarily as a procedural remedy designed to preserve the economic rights under litigation until a final judgment is rendered. The court's intervention is therefore closely linked to the existence of a maintenance dispute itself, whether concerning the payment, adjustment, or enforcement of maintenance obligations.

The second typology, reflected in the laws of Bahrain, Oman, and Libya, adopts a broader protective approach. In these jurisdictions, temporary alimony is not confined to maintenance disputes but may be granted in any family law proceeding where the economic welfare of a wife or child is threatened. Divorce cases, marital conflicts, spousal separation, and other family disputes may therefore justify interim maintenance orders. Unlike the first model, which treats temporary alimony as an accessory to maintenance litigation, this approach recognizes temporary alimony as an independent instrument of social protection intended to prevent economic hardship throughout the judicial process. The court is thus positioned not merely as a dispute-resolution body but as an institution responsible for safeguarding family welfare during legal proceedings (Muchlis et al., 2025).

A further common characteristic of both typologies is the immediate enforceability of judicial orders. Most regulations authorize judges to issue *nafāḍ mu'ajjal* or interim decisions that possess direct executorial force and can be implemented without awaiting a final judgment (Ardliansyah et al., 2024). This reflects the understanding that maintenance constitutes an urgent and continuing necessity rather than a right that may be postponed until litigation is concluded. The amount awarded is generally determined according to the husband's financial capacity and the essential needs of the wife and children. Accordingly, temporary alimony represents a significant shift in contemporary family law from a purely procedural conception of justice toward a substantive protection model centered on the social and economic welfare of vulnerable family members.

The distinction between these two typologies ultimately reveals different legislative philosophies. The first emphasizes the preservation of disputed maintenance rights, whereas the second prioritizes the broader protection of family welfare irrespective of the specific nature of the dispute. Both approaches, however, share a common objective: preventing economic

deprivation and safeguarding the dignity, security, and well-being of women and children during family litigation. In this respect, temporary alimony has evolved beyond a mere procedural device into a central component of modern family law protection in the Middle East, reflecting an increasingly responsive and socially oriented model of family justice (Kirkbride et al., 2024).

Comparison of Interim Support Decisions with Indonesian Regulations

In Indonesia's national legal system, the regulation of temporary maintenance has not yet obtained a firm and systematic normative basis as found in a number of Middle Eastern countries. The national marriage law basically recognizes the obligation of the husband to provide support for his wife and children, as reflected in Law Number 1 of 1974 concerning Marriage and its amendments and derivative rules. However, the regulation focuses more on affirming alimony obligations as a general norm in the household, rather than on a temporary protection mechanism when these obligations are ignored during the trial process. As a result, the fulfillment of alimony in judicial practice generally only obtains legal certainty after the final court decision, for example in the form of *iddah* alimony, *madhiyah* alimony (owed alimony), or post-divorce child alimony (Fadil et al., 2024). Thus, the national legal system tends to place alimony as the final consequence of the dispute, rather than as an urgent right that must be protected immediately during the case process.

The absence of explicit arrangements on temporary alimony shows that there is a vacuum of legal mechanisms to protect women's economic needs during the litigation process. In national law, there is no provision that expressly gives the wife the right to apply for temporary alimony through an interlocutory judgment (provision) as it is known in various Middle Eastern countries. Even the reason for divorce in national law does not explicitly mention negligence in maintenance as an independent basis for divorce, but can only be included in the category of neglect, persistent disputes, or non-fulfillment of domestic obligations in general (Sa'adah et al., 2024). This situation causes women who are in litigation to have to wait for the trial process to be completed to obtain certainty of their economic rights. In fact, the family case process often takes a long time, requires large costs, and often causes heavy mental and psychological pressure on the wife. This also needs to be brought to a sharp attention as the number of divorces in Indonesia increases. (Utomo & Aditya, 2026)

In contrast to Indonesia, a number of Middle Eastern countries have provided more progressive arrangements through temporary maintenance mechanisms. Countries such as Egypt, Kuwait, the United Arab Emirates, Bahrain, and Oman clearly give judges the authority

to determine temporary alimony during the case process. In the regulation, judges do not have to wait for the final verdict to protect the economic rights of women and children. Instead, the court is given the authority to immediately order the payment of alimony based on the parties' urgent needs and temporary conditions. Juridically, this mechanism shows that family law in these countries adopts a preventive protection approach, which is to prevent economic suffering during the dispute, rather than simply resolving the dispute after the loss has occurred.

The most fundamental difference between Indonesia's national law and the regulation of Middle Eastern countries lies in its legal protection orientation. Indonesia's national system still relies heavily on a procedural-formal approach, which is to wait for the entire series of proof and final verdicts before the right to alimony can be legally enforced. In contrast, certain Middle Eastern countries have developed a more responsive and substantive approach by recognizing that livelihood needs are urgent and cannot be postponed. Therefore, temporary maintenance judgments in these countries are generally immediate, (*nafāḏ mu'ajjal*) and can be executed immediately even if the main case has not been resolved. From a juridical perspective, this shows a paradigm difference: Indonesia emphasizes procedural certainty, while a number of Middle Eastern countries prioritize social protection for vulnerable parties in the household.

This condition shows that the national legal system still leaves a gap in the protection of women and children in family matters (Kusumadara, 2022). When women have to undergo a divorce or domestic dispute without a temporary security of support, they have the potential to experience economic pressure that can have an impact on their physical, mental, and psychological health (Sbarra & Whisman, 2022). In many cases, women are even in a dilemma between maintaining a problematic household for economic reasons or taking the legal route at the risk of losing their source of livelihood during the case process (Dian Nur Latifah & Sheilla Varadhila Peristianto, 2024). Therefore, the temporary alimony arrangement as developed in a number of Middle Eastern countries can be an important reflection for the reform of family law in Indonesia. The presence of this mechanism is not only related to legal administrative issues, but also reflects the state's commitment to ensuring the protection of human rights, gender justice, and the survival of the most vulnerable parties in family institutions.

The Urgency of Temporary Maintenance in the Protection of Women and Children

The urgency of temporary maintenance in the protection of women and children has a strong basis in Islamic teachings as well as in the development of modern family law. In Islam, men are placed as the ones who bear the economic responsibility of the family as affirmed in the

word of Allah: "*Men are leaders for women because Allah has put some of them above others and because they have provided for some of their possessions*" (Q.S. al-Nisā': 34). This verse shows that the responsibility of maintenance is not just a moral obligation, but a shari'a obligation attached to the husband as a consequence of the structure of family responsibility in Islam. Therefore, the concept of temporary maintenance is actually very much in line with the spirit of the Qur'an which emphasizes the importance of sustainability in meeting the needs of women and children (Amrullah & Ibrahim, 2021). When the trial process takes place and the right to maintenance is threatened to be neglected, the existence of temporary maintenance becomes an important instrument to ensure that the sharia obligations continue and are not delayed due to lengthy legal procedures.

In the perspective of Maqashid Sharia, neglect of maintenance of women and children can cause damage to the five main objectives of the sharia (al-ḍarūriyyāt al-khams). First, neglect of alimony can interfere with religious care (ḥifẓ al-dīn), because severe economic pressures often affect the quality of worship, spiritual stability, and tranquility of one's life. Second, it also has an impact on the care of the soul (ḥifẓ al-nafs), because economic stress can trigger physical and psychological health problems, such as stress, anxiety, depression, and even domestic violence (Lavelle & Smock, 2012). Third, neglect of alimony has the potential to undermine the protection of reason (ḥifẓ al-'aql), especially when women and children are experiencing mental distress due to prolonged economic uncertainty. Fourth, unstable economic conditions can also affect the custody of offspring (ḥifẓ al-nasl), because children who grow up in a condition of livelihood neglect are at risk of impaired growth and development, education, and social welfare (Nazari et al., 2025). Fifth, the question is directly related to the custody of property (ḥifẓ al-māl), because the core of the problem starts from the non-fulfillment of economic rights that should be the responsibility of the husband.

Furthermore, the principle of sharia also emphasizes that any harm must be eliminated immediately (Nasrulloh et al., 2026). Rules of fiqh *al-ḍarar yuzāl* (harm should be eliminated) and *dar' al-mafāsīd muqaddam 'alā jalb al-maṣalih* (preventing harm over attracting benefits) shows that the economic suffering of women and children should not be allowed to drag on just by waiting for the judicial process to be completed. In this context, temporary maintenance has both preventive and protective functions at the same time. The preventive function can be seen from its ability to prevent women from falling into poverty, social dependence, or economic exploitation. Meanwhile, the protective function appears in its protection of the basic rights of

women and children while the case is still ongoing. Thus, temporary maintenance is not only an administrative issue of family law, but part of the implementation of basic sharia values that aim to eliminate suffering and protect human welfare.

From a gender perspective, the existence of temporary maintenance is also very important because women in many household situations are in a more vulnerable social and economic position than men. In social reality, not all women have independent economic access, especially when during marriage she focuses on domestic work, childcare, and household management (Syuhadak et al., 2026). When there is a family dispute or divorce, women are often in a weak position because they lose their main source of income but still bear the responsibility of childcare (Nasrulloh, Ermawan, Thoriquddin, et al., 2025). In such conditions, the absence of a temporary maintenance mechanism can deepen gender inequality and force women to persist in unhealthy household relationships for economic reasons. Therefore, temporary alimony arrangements are a form of legal alignment with groups that are socially more vulnerable to losses in the family legal process.

In the context of modern regulations, temporary maintenance also reflects the development of family law that increasingly emphasizes the principles of human rights protection and social justice. The modern legal system no longer views the courts only as a dispute resolution agency, but also as an instrument of social protection for vulnerable citizens (Nasrulloh, Ermawan, Ni'ami, et al., 2025). Countries such as Egypt, Kuwait, Bahrain, and the United Arab Emirates have developed temporary alimony mechanisms in response to the urgent needs of women and children during the trial process. This approach shows that modern family law is moving towards a more responsive paradigm, which is not only resolving disputes formally, but also ensuring that the legal process does not cause new suffering to the weakest parties.

From the perspective of justice and benefits, temporary maintenance has a strategic value in maintaining a balance of rights and obligations in the household. Justice is not only interpreted as granting rights after the final verdict, but also ensuring that these rights can be enjoyed at the right time when they are really needed. Postponing the fulfillment of alimony until there is an inkrah verdict often removes the substance of justice itself, because women and children have already experienced economic, social, and psychological suffering. Meanwhile, from the aspect of benefits, temporary maintenance is able to maintain the stability of family life, prevent child neglect, reduce prolonged conflicts, and maintain women's dignity during the case process. Therefore, the arrangement of temporary alimony is not only relevant from the perspective of

Islamic law, but is also in line with the principles of social justice, the protection of human rights, and the needs of contemporary family law.

Accordingly, Indonesian family law requires the introduction of a specific statutory provision governing temporary alimony to ensure legal protection for women and children during judicial proceedings. The absence of such a mechanism creates a normative gap that weakens access to justice, as maintenance rights are often postponed until a final judgment despite the immediate economic needs of vulnerable family members. From the perspective of justice, rights should not only be formally recognized but also effectively realized when needed. Furthermore, temporary alimony is consistent with the objectives of *maqāṣid al-sharīʿah*, particularly the protection of life (*ḥifẓ al-naḥs*) and property (*ḥifẓ al-māl*) (Nasyi'ah et al., 2026), by preventing economic deprivation and safeguarding the welfare of women and children throughout litigation. It also reflects the principles of legal benefit and social protection by reducing the risks of poverty, dependency, neglect, and prolonged vulnerability. Therefore, incorporating temporary alimony into Indonesian family law should be regarded not merely as procedural reform, but as a substantive legal policy aimed at creating a more responsive, equitable, and gender-sensitive family justice system that prioritizes the interests of those most vulnerable to harm.

CONCLUSION

This study demonstrates that temporary alimony has become an integral component of contemporary family law reform in several Middle Eastern jurisdictions, including Egypt, Kuwait, Bahrain, Oman, Libya, Syria, and the United Arab Emirates. Through immediately enforceable interlocutory orders, these legal systems provide effective protection for women and children during ongoing litigation, thereby preventing economic hardship and ensuring the continuity of maintenance rights before the issuance of a final judgment. The comparative analysis identifies two principal regulatory models: temporary alimony limited to maintenance disputes and temporary alimony applicable across broader family law proceedings. Both models reflect a shift from a purely procedural conception of family justice toward a protection-oriented framework that prioritizes the welfare of vulnerable family members.

The findings further reveal that the absence of a temporary alimony mechanism in Indonesian family law creates a significant gap in legal protection during the judicial process. While Indonesian legislation recognizes maintenance obligations, their enforcement generally depends upon a final court decision, leaving women and children exposed to economic

insecurity during litigation. This condition is inconsistent with the objectives of maqāṣid al-sharī‘ah, particularly the protection of life (ḥifẓ al-nafs) and property (ḥifẓ al-māl), as well as with contemporary principles of access to justice and gender-responsive legal protection.

Accordingly, this study recommends the incorporation of a specific temporary alimony provision into Indonesia’s family law framework, either through amendments to marriage legislation or through procedural regulations governing religious courts. Such reform should authorize judges to issue immediately enforceable interim maintenance orders based on the urgent needs of spouses and children during ongoing proceedings. The adoption of this mechanism would strengthen legal protection, reduce the risk of economic vulnerability, and contribute to the development of a more responsive, equitable, and child-centered family justice system in Indonesia.

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