

Dwangsom: Investigate the Conceptual Basis of Religious Court on Child Custody Rulings

Sudirman L.

Faculty of Sharia, Institut Agama Islam Negeri Parepare, Sulawesi Selatan,
Indonesia, Jl. Amal Bakti No. 8 Soreang, Kota Parepare 91132
E-mail: sudirmanl@iainpare.ac.id

Sunuwati

Faculty of Sharia, Institut Agama Islam Negeri Parepare, Sulawesi Selatan,
Indonesia, Jl. Amal Bakti No. 8 Soreang, Kota Parepare 91132
E-mail: hjsunuwatisunusi@iainpare.ac.id

Muh. Alim Fasieh

Faculty of Sharia, Institut Agama Islam Negeri Parepare, Sulawesi Selatan,
Indonesia, Jl. Amal Bakti No. 8 Soreang, Kota Parepare 91132
E-mail: muh.alimfasieh@iainpare.ac.id

ABSTRACT

This study aims to investigate the philosophical underpinnings of the law regarding the issue of religious court judges' decisions regarding the right to control and care for children. Various Religious Court decisions cannot be obeyed voluntarily by the party controlling the child (the Defendant) because the mother provides the finest care for children under 12. Based on the decision of the party entitled to care for the child (Plaintiff), and according to the survey, several respondents found the decision to be hollow (illusion). It is a normative study with a conceptual approach that is then descriptively and qualitatively analyzed. Initially, the application of Dwangsom in child support cases was psychological pressure on the Defendant to voluntarily carry out the provisions of the decision and psychological protection for the child, according to the results. Despite this, Dwangsom must be provided upon request. Second, a court decision grants a Dwangsom petition, effectively legalizing the practice in cases of religious child-rearing. Thirdly, the Judge's approval of the Plaintiff's request to establish Dwangsom positively affects the renewal of Islamic family law in Indonesia because numerous decisions regarding child support are not made voluntarily.

Keywords: Dwangsom; rights of child control and maintenance; religious justice.

How to Cite: L., S., Sunuwati, S., & Fasieh, M. A. (2023). Dwangsom: Investigate the Conceptual Basis of Religious Court on Child Custody Rulings. *Jurnal Ilmiah Al-Syir'ah*, 21(2), 173–185. <https://doi.org/10.30984/jis.v21i2.2500>
Copyright © 2023, Jurnal Ilmiah Al-Syir'ah

INTRODUCTION

One must do something wrong or defy a rule or order to avoid punishment. Everyone who breaks the law deserves punishment. Punishment Even without a long-term facility, those involved can be contained—insufficient mental and physical health to deter abuse. Acts of criminality include breaking the law, breaking social standards, and violating the rights of others. That is why legislation has matured into a powerful instrument of social regulation. No law should be passed without considering its ethical implications since everyone is responsible to their community.

Dwangsom is money forced onto the Defendant as a kind of punishment for the Defendant that causes injury to the Plaintiff. It occurs when the Defendant does not decide voluntarily, is applied to the Judge's ruling, and given to the Plaintiff as the person who was wronged. Dwangsom, often known as "forced money," is a secondary form of punishment imposed in addition to the primary form. (Elva Imeldatur & Khotimah, 2022).

The primary function of being imposed by Dwangsom in a judge's decision is to put psychological pressure on the Defendant or convict so that the person concerned is forced to carry out the Judge's decision voluntarily when the decision has permanent legal force (Eintracht), so there is no need to carry out forced execution (Basir, 2021). However, many policies are against this policy (Schilder, 2022).

Dwangsom is to intervene in psychology so that individuals are aware of the other mistakes. Dwangsom is required to pay money as a form of punishment for a defendant who caused injury to the Plaintiff, as determined by a judge's ruling and submitted to the Plaintiff as the party who has been harmed. Function main omitted Dwangsom in the Judge's decision to apply pressure (pressure). Psychic to the defendant/convict to be concerned forced must carry out the Judge's decision voluntarily when the decision's strength is determined by law (Eintracht), so forced execution is unnecessary. Dwangsom expected to intervene psychologically for the individual to realize their errors and for Defendants who do not voluntarily operate punishment.

Dwangsom's endeavors as a judge to separate matters to achieve justice, Religious Court is one perpetrator power justice for those who seek Islamic justice regarding cases. Dwangsom was only implemented if a convicted official committed a specific action based on a judge's decision. He did not obey it. Dwangsom is applied (forced) to officials if it is against the Judge's decision (Fareed et al., 2019).

Religious Court Judge in working capacity Principal judges enforce law and justice. Justice must realize this fact thoroughly. In every desired decision a judge imposes after a case, three significant factors must be considered: justice, advantage, and assurance. Third concern: This must receive professional and

impartial consideration even though it will be exceedingly difficult to implement in practice.

The religious Court's Judge's decision, which the authority of the law has upheld, has resulted in many defendants refusing to comply with the Judge's ruling voluntarily, so the Plaintiff's rights are disregarded. To the Defendant who did not operate the decision voluntarily, coercion must be done after the Defendant accepts the warning (unique) of the Court and does not respond. *Dwangsom* (forced money) must be used to drive the Defendant psychically. A deed is whatever the law says it is. The formalities of deeds have always been a matter of law (Shmilovits, 2020).

On the other hand, the burden under penalty is not helpful when immediate action is required. Many violations of administrative regulations are punishable by law. It also makes criminal intervention by the Public Prosecution Service possible. However, they remain formal, separate worlds with independent assessment frameworks (Wetenschappelijk, 2002).

Following the Lilik Mulyadi quote opinion Qudelaar (Mulyadi, 2009), the Defendant must pay the Judge's *Dwangsom* form demand for a specified amount. For the benefit of the opposing party, if the Defendant does not comply with the punishment tree. As has been proven in several cases (Rusdiana et al., 2020).

The existence of a legal state is clearly stated in the Constitution. One of the elements of the rule of law is the functioning of a judicial institution that is the independent and impartial judiciary, and the judiciary is a place to seek truth and justice if there is a dispute or violation, both in framework for settlement of criminal, civil and administrative matters (Pattipaw & Santiago, 2019).

Phenomenon The decisions of numerous religious court judges elicited complaints from the Plaintiff following the issuance of a stay of execution because the Defendant did not implement the decision voluntarily, particularly in cases involving child support. The Judge's verdict is merely broken or illusory (illusory). Declaratory judgments allow courts to declare whether or not a right exists without consequential relief (Malcolm Rowe Justice ; Shnier, 2022).

After reversing his divorce decision, he is now responsible for child support. Lots pose problems. The Judge decided to drop *hadanah* to one litigant, held similarly to the litigants' willingness. The losing side was judged negligent for performance following *amar's* verdict. This is why the decision maintenance child is frequently vacant (illusory). Sentences are considered an act of recognition to advance child inclusion and equality (Leckey, 2019).

Children are born in a state of *fitrah*. Then, they will form following the upbringing, teachings, and guidance of the parents who care for them and will embrace a religion according to the religion of their parents (Mas'ud et al., 2023). For as long as a judge's decision contains a penalty for something other than paying a sum of money, it is possible to determine that for as long as or whenever the

convict does not comply with the sentence, he has to give an amount of money, the amount of which determine in the Judge's decision, and this money is referred to as forced money. It is possible to determine as long as the Judge's decision contains a penalty for something other than paying a sum of money. (Article 606a).

It is important because awareness of long-term disparate and interrelated risks can trigger intergenerational adoption of doctrines outside narrow environmental frameworks (Bertram, 2023). In addition to the settlement of cases in Court, there are other means of settlement besides the Court, one of which is mediation (Kamaruddin et al., 2023).

METHODS

This research is a case study, specifically research on court decisions regarding requests for the right to support children (hadana), which can be found in the decisions of the Religious Courts and the High Religious Courts, Supreme Court Circular Letter (SEMA) Number 7 of 2012 concerning legal formulations resulting from plenary meetings. Specifically, this research focuses on the decisions of the Religious Courts and the High Religious Courts. It Supreme Court Chamber as a guideline for carrying out duties for the Court. as well as Supreme Court Circular Letter (SEMA) Number 3 of 2018 concerning the Enforcement of the Formulation of the Results of the 2018 Supreme Court Chamber Plenary Meeting as a Guideline for the Implementation of Duties for the Court, both of these documents can be found on the Supreme Court website. The data will be analyzed, and the findings will be presented descriptively and qualitatively.

RESULTS AND DISCUSSION

Dwangsom in Case Hadanah

Defendant did not disregard the Court's effort to grant protection rights to Plaintiff; the proceeding was not merely a formality. The law stipulates in Article 4 paragraph (2) of Law Number 48 of 2009 concerning Power Justice: "The Court shall assist the justice-seeker in overcoming all obstacles and impediments for the achievement of a simple, swift, and cost-effective trial." Provision: "Simple" is the investigation and completion of a case with an effective and efficient event, whereas " cost light " refers to low-cost items accessible to the general public.

Understanding more from the fourth article, the Court must assist justice seekers and strive to surmount all possible obstacles the Plaintiff faces, including unrealized rights. The light is straightforward, quick, and inexpensive because Defendant does not operate with a volunteer in the framework.

The Plaintiff attempts to obtain her rights when the Judge's decision does not run with voluntariness (illusion) and the petition is submitted to the concerned Court. Execution verdict is crucial for guaranteeing and fulfilling the rights of those

who seek justice and enforcing court authority. Religious tribunals cannot be convened or postponed for most of the execution case's civil-law-related factors.

In the implementation of the case, there are still family law problems, such as the absence of a mechanism that guarantees payment of child and spouse support by the Defendant. There is no other mechanism a third party (a functioning institutional website application) to guarantee the maintenance of payments by a defendant in default. Of course, no single decision can restore the rights of those seeking justice.

Due to additional causes, the Judge's ruling is not executable. Due to the declaratory and constitutive nature of the *amar* decision, the respondent has the goods to be executed No, following the item specified in the *amar* decision court. On the other hand, it was discovered that the object was involved in obscure matters or that the case had passed into the hands of others. Changes in community culture are also influencing success execution. Respondent no execution _ Want to operate decision court in a manner in which a volunteer will attempt to maintain object dispute in every way. So, efforts to obstruct the execution process occasionally endanger security officers. On the other hand, this factor costs incurred when the application was lodged.

Application Dwangsom as part of civil law is almost universally utilized in District and State Administrative Courts. The objective in the Judge's decision, Dwangsom, is that the Defendant will want to perform because he must pay if he does not do the punishment tree voluntarily. So, is the action reasonable? For seriously compelling the Defendant to comply with and implement the Judge's decision, for *Amar*, the tree case can be conducted in a decent, fair, and humane manner.

Often, the child of a divorced parent is a victim, regardless of the cause. Children cannot sense parental affection in the same way. In contrast, the affection of both parents is essential for the child's mental development. Divorce can lead to neglectful management of children, and it can adversely affect a child's growth and development. Consequently, children are typically the ones who suffer the most from divorce. Hadanah (maintenance child) stipulates in Article 41 of the Law Number 1 of 1974 about Marriage, which states:

Consequently, he selected marriage Because of divorce, namely:

1. A good Mother or father is still obliged to maintain and educate only children based on the child's interests. Any time There is a dispute about the mastery of children, the Court gives a decision;
2. The responsible father answers all costs necessary for the maintenance and education of the child. Whenever the father is not obligated, the Court can determine that the Mother follow carry cost such as;

3. The Court can oblige the used husband to give cost livelihood and determine something obligation for a used wife.

Hadanah (maintenance child) is obligated to either his father or Mother after his parent's divorce. Child support can be the responsibility of the Mother or the father, based on the agreement of both spouses. However, if a dispute over child support arises between parents, the Court will determine who is responsible for the child's care. According to Article 41, letter b of Law No. 1 of 1974, the term "cost" exists. This demonstrates that Hadanah (maintenance) tasks do not fund the child's living expenses. With this stipulation, if a mother is granted the right to care for her son, she is not also immediately liable for the child's well-being; the father is responsible for the child's living expenses and costs unless he is unable to do so in which case the Court may appoint the Mother as the child's guardian.

Dispute right maintenance child and dispute treasures are very distinct from one another. Dispute proper child maintenance (*hadanah*) is the same. No one can deny a connection between the losing side and the disputed child, so no duly dispute maintenance child sharpened when already decided by the Court. In contrast, the dispute treasure judge denies the losing side's right. As a result, even though a child's parents are divorced, he or she can still communicate with them and receive their love. Execution *hadanah* must consider the interest and psychology of the son, as the child will be forcibly diverted from Defendant to Plaintiff if Plaintiff is not the child's parent. If the Plaintiff is not the child's parent, the matter affects the child psychologically and becomes a burden. Interest offspring become the primary consideration for the execution of *hadanah* in a compelled manner.

The fact that occurred, the implementation and execution of the decision *hadanah* that has the force of law, remains (*Eintracht van gewijsde*) as long as This Still faces various constraint techniques and judgments become illusion (empty), among other factors, are: a. Party the Defendant hinder with give threat For do action violence if child taken Plaintiff; b. The parties Defendant hides the child; or c. Own child No Want to Return to Plaintiff.

If the obstacles in the field the made base for still carry out the execution, then the point of entry for the psychological disturbance of a child will be opened because This execution is frequently done with forcible action. It is the force behind must. In addition to No disturbance to the psychological child, there are additional mechanisms for child support decisions. For presenting possible decisions obeyed, *Dwangsom* (forced money) was the answer to how challenging the execution case was regarding the right to maintenance for the surviving child.

Dwangsom (forced money) is an additional form of punishment besides the punishment tree. Where is the form for payment of money when the losing side is late in operating the punishment tree? In law enforcement, it means *Dwangsom* to press the concerned party's psyche so that he performs voluntarily. In the framework of certainty in law enforcement, the importance of a mix of hands in the courtroom

to reach the best possible decision is elevated. It also encourages Indonesian justices to take progressive enforcement measures.

Remember Dwangsom if hadanah's efforts make a law expert has formulated conceivable basis used by judges as a basis for *amar* decision drop Dwangsom. as discussion results column The Religious Court explained: "Essentially, a *hadahah* decision can be executed, but in its implementation, the child's interest and psychology must be considered. In order to avoid difficulties during implementation and execution, the Judge sentences the Defendant to pay Dwangsom.

Regarding the mentioned basis, the Judge of the Religious Court should have specific considerations in mind when deciding a case involving child maintenance accompanied by Dwangsom. First, as a solution for overcoming the problem, the execution of a surviving offspring is constrained by the technical issue. Second, as a result of the Defendant's exerted effort, the Defendant's psyche will be under pressure to achieve since the decision-making power of the law will remain in place. Third, protect the psychological offspring. Therefore, if Dwangsom on child maintenance is not applied, several issues will arise, such as the difficulty of executing a child to no achievement fulfillment by parents.

Momentarily, Dwangsom was found in three cases, but the Judge ruled against the application of Dwangsom in case *hadahah*. Even though there are differing opinions among judges, one of them appears to be dualism regarding the applicability of Dwangsom in case *haddah*. The Judge dismissed Dwangsom's argument that Dwangsom's efforts to be accused of operating content decisions voluntarily rendered the verdict illusion.

However, the following are the opinions of the pertinent Judge regarding the rejection decision for applying Dwangsom:

“With a quantity of refusal determination Dwangsom, some judges believe that with a sound *amar* judgment that is condemnation (punish), there is no need to add Dwangsom; b. Some judges think that Dwangsom should not be included in the case of the Religious Court, so every application for Dwangsom must be denied or stated.”

There is dualism in the Judge's understanding, as illustrated by the fact that lawsuits filed by the same Plaintiff can yield decisions with different outcomes. Like the case verdict of Sengkang Religious Court of South Sulawesi Province in decision case number 51/Pdt.G /2015 PASKg, who refused Dwangsom with consideration law that rearing a child is a joint obligation. Then, at the level of appeal decision, Makassar High Religious Court of South Sulawesi Province in decision Number: 85/ Pdt.G /2015 PTA.Mks disconnected for decline Dwangsom with consideration law for avoiding decision become illusion (blank). Second, the *Judex Facti* Verdict This decision is mutually exclusive because it relates to the same object.

Contribution Dwangsom in Renewal of Islamic Family Law in Indonesia

Essentially, authority The High Religious Court adjudicates civil cases and has the authority to inspect, duplicate, and return items ruled upon by the Religious Court. The examination conducted by the High Religious Court is a comprehensive review of the appealed case. The verdict has been withdrawn. Religious Courts were scrutinized and examined repeatedly from the outset until they were eliminated—the ruling of the Supreme Religious Court.

Similar to the other decisions, which consist of argument law, judgment law, and amar verdict, regarding the content of decisions issued by Religious Courts. The decision imposition of forced money (Dwangsom), as determined by the Makassar Religious High Court, is a form of punishment that must be endured by those who have committed an error due to their actions. Punishment there is no forever-formed confinement or physical punishment, but there can be psychological pressure. In private/civil law, punishment is "forced money" for the Defendant (the person who caused harm to others) as specified in the Judge's Komdemnatoir decision.

The Judge of the Makassar Religious High Court granted it imposed money demands on maintenance for a child who had been rejected by the Sengkang Religious Court, which is the result of excavation no law arranged in provision legislation. The Judge's duty to interpret the law is between public and private. If something has not occurred yet, there is or is not yet an explicit provision of the law in Indonesia, as stated in Article 5 paragraph (1) of Law Number 48 of 2009 on the Power of the Judiciary, which states: "Judges and constitutional judges must explore, follow, and understand the values of the law and a living sense of justice in society." According to Gustave Radbruch, the objective consists of at least three elements: certainty, equity, and expediency. It is for presenting an optimal decision proportional. It must be based on 3 (three) components if a judge is to be appointed in a disconnect case.

Application Dwangsom, in the case of child support, is essentially a Judge's endeavor to give the public broad and divided environmental law enforcement justice. Only by reducing the number of decisions did The Religious Court's illusory decision (blank) end. However, based on the search of environmental decisions made by the Religious Court, the verdict in the case of child maintenance is still relatively minor due to differences in the Judge's interpretation and comprehension of the law. Regarding child support, one example can look at things hadahah, specifically the Sengkang PA, which adjudicates and decide case number: 51/Pdt.G/2015 PA-Skg reject application Dwangsom lodged by the Plaintiff. The Judge considered that the duty of nurturing and educating a child is a sufficient response for the parents, so Dwangsom is not required in this case.

The Defendant, a panel of judges at the Makassar Religious High Court, appealed the Sengkang Religious Court via decision case number 85/Pdt.G/2015 PTA.Mks cancel the decision. Sengkang Religious Court, with other

considerations, stated that the application Dwangsom Plaintiff/ Appeal was accepted as an effort to prevent the decision from becoming an illusion (blank) because Defendant/Appellant was not willing to operate punishment tree in a manner volunteer that delivers a child to Plaintiff /Appeal since court strength law stay.

Based on consideration law, a penalty will be imposed if the defendant/comparator was negligent in operating the law tree, submitting the child to the plaintiff/appeal. Dwangsom form pay Rp. 100,000.00 (one hundred thousand rupiah) if there is a delay in carrying out the principal's decision (child submission) after the decision has been made.

Dwangsom's flora and fauna are an accouterment; therefore, a grant application should be adjudicated. Dwangsom also observed that the plaintiff/appellant filed a lawsuit in which the primary issue was delivering a two-year-old child to the plaintiff/appellant. So that dwangosm in decision the interpreted as punishment must be carried out by the Defendant / Appellant if the decision tree is not held in a fashion similar to willing.

Application Dwangsom, in case the maintenance child is in the framework, gives psychic pressure to the losing party in the matter. The defendant/comparator, in order for him to deliver a child voluntarily, must locked up for the child's safety. Child protection case cost hadahah, rights for obtaining a life, a decent reputation, freedom from violence, and the right to education, content decisions will be made voluntarily. Parental responsibilities are a constructed concept, but the parents will not divorce.

In addition, it is a decision Dwangsom made to avoid further conflict regarding the child's considerable consequence of decision tree maintenance. Suppose the child is not held voluntarily by the Defendant. In that case, another possibility under civil procedural law in Indonesia is application execution, which will psychologically impact the child. Defendant rarely conceals or brings a blurry child to avoid Plaintiff. Such circumstances exacerbate the environment in a primarily psychic manner to children.

In the case before the Sengkang Religious Court, it should be seriously considered. Dwangsom in child support decision number 51/Pdt.G./2015 P.A. Skg with assess Defendant's behavior refusal to allow Plaintiff to meet the child is an obstruction or denial of the Mother's right to meet his son. Thus, this way of obstruction must be used as a basis that Defendant did not have good intentions, and it is feared that Defendant will be reluctant to hand over the child to Plaintiff therefore the request for Dwangsom to the Judge is important to implement.

In the utilization of Dwangsom, there is no innate compulsion in its essence; instead, it is purely volitional. A panel of Judges can grant or deny incoming Dwangsom requests based on their authority. It depends on the Judge's judgment and ijtihad, as it is also a request for petitum extra Dwangsom, even though it is

explicitly regulated by law. However, the Judge of the Sengkang Religious Court realized that justice in society must be considered, as did the Makassar Religious High Court judges in Makassar PTA. Decision Number: 85/ Pdt.G /2015/ PTA.Mks that was Cancelled for Sengkang PA Numbered 51/ Pdt.G./2015/PA. Skg, this decision pertains to the Dwangsom application in the Hadanah case.

Makassar Religious High Court, in regulating Dwangsom uses the provisions of Rv (Wetboek op de Burgerlijke Rechtsvordering), namely the applicable civil and criminal procedural law:

Article 606a Rv states:

"Throughout something judge's decision to contain punishment for something else than pay some money, then can determine that throughout or punished every time no fulfill punishment it, by him, must submit a large amount of money set in judge's decision, and the money called forced money," (Reglement Op de Burgerlijke Rechtsvordering).

Whereas Article 606b Rv beeps as follows:

"When the decision the no fulfilled then party against from condemned authorized for carry out the decision to amount of forced money that has been determined without especially formerly obtain rights new according to law." (Reglement Op de Burgerlijke Rechtsvordering).

Use Rv This to fill in emptiness law solely to realize principle interest in a manner (process Doelmatigheid). The objective of Dwangsom in a decision is to avoid difficulty in the execution of the child so the Judge can punish the Defendant for paying Dwangsom (Formulation of Discussion Results Group Field Religious Courts).

SEMA Number 7 of (2012) Concerning Formulation of Legal Meeting Results Plenary Chamber of the Supreme Court as Guidelines Implementation Task For Court as follow carry on from discussion judiciary group. The Supreme Court produced a formula essential, namely:

1. "Forced money can be requested in a lawsuit, granted, and included in this decision to encourage the government to make implementing regulations as ordered by law immediately."
2. "In order every lawsuit that contains demands condemnation include forced money."

Besides that is SEMA Number 3 of 2018 About Enactment Summary of Meeting Results Plenary of the Supreme Court Chamber of 2018 as Guidelines Implementation Task for Religious Court which states:

"Determination right hadahah throughout No filed in lawsuit or petition, then the Judge cannot determine in a manner ex officio Who nanny child the. Determination hadanah and Dwangsom without demands including ultra petita".

The decision, The Makassar Religious High Court, is an example of a correct verdict because the Panel of Judges decides Dwangsom based on a precise Dwangsom application in petitum Plaintiff. For moral certainty, justice, and practicality, the law. In Indonesia, the presence of Dwangsom must be interpreted as a recommitment to law enforcement. On case maintenance child (hadanah) for which there is frequently no implementation diversion suitable foster and child as object dispute, no can be executed as commodities or thing.

CONCLUSION

PTA Decision No. 85/Pdt annulled it. G /2015 PTA. Mks. Decision No. 51/Pdt.G./2015/P.A. from P.A. regarding the application of Dwangsom in child support matters in Makassar. SKG did not comply with the Dwangsom request because the company wanted to play down the significance of choice to become illusory (empty). It is hoped that the employment of Dwangsom in the decision-making process will lead the defendant/appellant to feel psychological pressure, which will motivate him to want to decide that he is happy with and that he has voluntarily made. The Court's first decision does not matter; what matters is the appellate Court's ruling, even though there may be some disparities between the two. Accurate content is based on judges' objectivity in evaluating and weighing matters that come before them. Dwangsom's contribution to the reform of Islamic family law in Indonesia, which is based on the Rv (Reglement op de burgerlijke Rechvordering) civil procedural law for Europeans and foreigners residing in Indonesia, can only be used as a basis by a judge in a death decision with various considerations in the trial in the Religious Courts, particularly in terms of child custody. As points of contention, children cannot be treated in the same way as products or possessions. The extent to which the decision of the Religious Court regarding the parental rights of a child whom the parties do not willingly entrust must be studied by the Judge, including the Dwangsom, depends on whether or not the parties voluntarily entrusted the kid.

ACKNOWLEDGMENTS

I express gratitude to everyone who contributed their support until the finalization and publication of this article.

REFERENCES

- Basir, C. (2021). Mengkaji Ulang Penerapan Lembaga Dwangsom dalam Praktik Peradilan di Indonesia (Sebuah Otokritik). *Jurnal Pengadilan Agama Tangerang*, 1–16.

Bertram, D. (2023). 'For You Will (Still) Be Here Tomorrow': The Many Lives of Intergenerational Equity. *Transnational Environmental Law*, 12(1), 121–149. <https://doi.org/DOI: 10.1017/S2047102522000395>

Formulation of Discussion Results Group Field Religious Courts.

Elva Imeldatur, R., & Khotimah, K. (2022). Tinjauan Kritis Sosiologi Hukum terhadap Penerapan Dwangsom dalam Perkara Hak Asuh Anak. *International Conference on Sharia and Law*. <https://proceedings.uinsby.ac.id/index.php/ICOSLAW/article/view/970/677>

Fareed, S., Hongdao, Q., Ullah, N., Khaskheli, M. B., & Saleem, H. A. R. (2019). Excessive Use of Death Penalty as Stoppage Tool for Terrorism : Wrongful Death Executions in Pakistan. *Journal of Law, Policy and Globalization*, 81(2), 23–27. <https://doi.org/10.7176/JLPG>

Kamaruddin, Iswandi, Yaqub, A., Mahfiyana, L., & Akbar, M. (2023). *Justice, Mediation, and Kalosara Custom of the Tolaki Community in Southeast Sulawesi from the Perspective of Islamic Law*. 7(2), 1077–1096. <https://doi.org/10.22373/sjhc.v7i2.13183>

Leckey, R. (2019). One Parent, Three Parents: Judges and Ontario's All Families Are Equal Act, 2016. *International Journal of Law, Policy and the Family*, 33(3), 298–315. <https://doi.org/10.1093/lawfam/ebz013>

Malcolm Rowe Justice ; Shnier, D. (2022). The Limits of the Declaratory Judgment. *McGill Law Journal / Revue de Droit de McGill*, 67(3), 295–328. <https://doi.org/https://doi.org/10.7202/1098444ar>

Mas'ud, Suhar, & Harun, H. (2023). *Analisis Putusan Pengadilan Agama tentang Penerapan Dwangsom dan Uitvoerbaar Bij Voorraad dalam Perkara Hadhanah*. 2, 1–20.

Mulyadi, L. (2009). *Kompilasi Hukum Perdata Perspektif Teoritis dan Praktik Peradilan; Hukum Acara Perdata, Hukum Perdata Materil, Peradilan Hubungan Industrial, Peradilan Perkara Perdata*. P.T Alumni.

Pattipaw, D. R., & Santiago, F. (2019). Application of Execution of Forced Money (Dwangsom) on Country Business Justice. *Journal of Law, Policy and Globalization*, 88, 173. <https://heinonline.org/HOL/Page?handle=hein.journals/jawpglob88&id=173&div=&collection=>

Reglement op de Burgerlijke Rechtsvordering.

Rusdiana, E., Ahmad, G. A., Putong, D. D., & Simanjuntak, R. (2020). *Criticism Of The Strategy Of Criminal Law Formulation In The Law Number 22 Year*

2009 *Concerning Traffic And Road Transport*. 226(22), 92–97.
<https://doi.org/10.2991/icss-18.2018.22>

Schilder, J. (2022). Een onwerkbaar onderscheid: Handhaving APV door last onder Dwangsom. *De Gemeentestem*, 347–347.
<http://deeplinking.kluwer.nl/?param=00DB168B&cpid=WKNL-LTR-Nav2>

Shmilovits, L. (2020). The Declaratory Fiction. *King's Law Journal*, 31(1), 59–87.
<https://doi.org/10.1080/09615768.2020.1741160>

Summary of Meeting Results Plenary in Candra's Chamber in SEMA No. 7 of 2012. (2012).

Tumpa, H. A. (2010). *Memahami Eksistensi Uang Paksa (Dwangsom) dan Implementasinya di Indonesia*. Kencana Prenada Media Grup.

Wetenschappelijk, O. (2002). Staat van handhaving. *Ministerie van Justitie*, november.