



The Impact of Parental Divorce on Children's Mental Health Conditions: Family Law Perspective

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ABSTRACT

Divorce is a legal process that ends the marriage bond between husband and wife, caused by conflicts, or differences that cannot be resolved, so that both agree to file for divorce through a court decision. This separation of parents certainly has a significant impact on children, which can disrupt their mental state and have an impact on their mental health. The objectives of this study are to find out the psychological influence experienced by children due to divorce and analyze the legal protection that can be given to children as affected parties. This study uses a qualitative method with a literature study approach, which involves the analysis of literature, laws and regulations, and related secondary data. The results of the study show that parental divorce can cause emotional disturbances, stress, and a decrease in the child's psychological condition. Therefore, the role of family law is needed in ensuring the protection and fulfillment of children's rights after divorce.

INTRODUCTION

Divorce is a social and legal phenomenon that is increasingly prevalent in the life of modern society, both in urban and rural areas. Although legally divorce is a legal right for married couples if there are reasons justified by law, in practice divorce often has serious consequences that go beyond legal and administrative aspects, especially for the children who are part of the family. Children who should grow up in a harmonious and loving family environment, instead have to face the harsh reality of parental separation, which is very possible mengganggu kestabilan emosional, psikologis, serta perkembangan mentalnya secara menyeluruh. (Azani et al., 2024)

In many cases, divorce creates inner stress, feelings of loss, and confusion in the child, especially if the child is in a sensitive developmental age. From the point of view of family law, children are legal subjects who have fundamental rights that must be protected, including the right to upbringing, education, and attention from both parents, regardless of their relationship status. The state through the family law system has an obligation to ensure that children's rights are fulfilled even in the event of divorce, as well as to ensure that children do not suffer physical or mental harm.

Therefore, a study of the psychological impact of divorce on children and its relevance to legal protection is very important to be carried out. This article aims to analyze in depth the impact of parental divorce on children's mental health conditions, as well as examine the extent to which family law in Indonesia is able to provide effective and comprehensive protection for children as the most affected parties in divorce situations. Through this approach, it is hoped that legal and policy awareness will emerge that is more in favor of the best interests of children in every divorce process.

One of the real examples of Indonesian society regarding the disruption of children's psychological conditions due to parental divorce is a case study at SDN Gembong I, Tangerang Regency conducted by Sri Widha Haryanie, Retty Filiani, and Wirda Hanim. This study revealed that children who are victims of divorce experience emotional disorders such as aggressiveness, tendency to fight, being quiet, and having difficulty getting along. This is due to the lack of attention and affection from divorced parents. In this case, it can be ascertained that parental divorce has a significant impact on the child's psychological state, which can affect their emotional, social, and academic development. Therefore, it is important for families, communities, and governments to provide adequate support and protection for children affected by divorce.

LITERATURE REVIEW

Divorce

Divorce is the end of a marital relationship between a husband and wife that is legally legalized through a court decision. In the family law system in Indonesia, divorce can only be carried out after the mediation process in court has not succeeded in reuniting the two parties. This provision is stated in Law Number 1 of 1974 concerning Marriage and Government Regulation Number 9 of 1975. The

reasons for divorce are very diverse, ranging from prolonged conflicts, disharmony, domestic violence, infidelity, to financial problems. (No et al., 2024)

Family Law

Tahir Mahmud defines family law as legal principles that are based on obedience to religious teachings, closely related to aspects of life that are often considered to have religious value. This law covers various things such as regulations regarding family, marriage, divorce, relationships between family members, responsibilities in the household, inheritance, dowry, guardianship, and other aspects. In his presentation, Tahir Mahmud divided family law into two main components, namely the form of the legal rule and the substance of the law. The legal rule consists of written and unwritten family law. Written family law refers to the legal basis derived from laws, agreements, or jurisprudence. Meanwhile, unwritten family law is a principle that grows and develops in the practice of daily social life of the community. Therefore, it can be concluded that family law is a comprehensive legal system, both written and unwritten, that regulates legal relationships born from family ties.

Child Welfare

According to UNICEF, child welfare is a condition for the fulfillment of children's basic rights, such as health, education, protection, and participation, so that children can grow and develop optimally physically, mentally, socially, and emotionally. Child welfare also involves the security and stability of the family environment as well as protection from all forms of violence and exploitation. In addition, children are also seen as individuals who still need special attention, including guidance, to ensure that their physical, mental, and emotional growth takes place in a healthy and optimal manner. This view is based on the fact that children are the most vulnerable group in social life, and do not yet have the ability to protect themselves like adults. (Burhanudin, 2015) Therefore, adults who are in the environment around children have a great responsibility in maintaining their welfare and safety.

METHODOLOGY

This study uses a qualitative method with a normative juridical approach, which is based on an analysis of laws and regulations related to family law and child protection, as well as examining relevant legal theories. Data was obtained through literature studies that include primary, secondary, and tertiary legal materials, such as laws, scientific journals, books, and court decisions. This approach aims to understand how family law regulates and protects children as parties psychologically affected by parental divorce, as well as to evaluate the effectiveness of legal protections available in the Indonesian legal system.

RESEARCH RESULTS AND DISCUSSION

Data on Divorce Cases in Indonesia That Have an Impact on Children's Psychology

Based on various data collected in the last two years, it can be concluded that divorce cases in Indonesia still show a fairly high number and continue to

be a serious problem in the context of child protection. Divorce not only has an impact on the collapse of the relationship between husband and wife, but also has a huge impact on the psychological condition of the child, especially when the divorce process is colored by prolonged conflicts, custody struggles, and failures dalam memberikan lingkungan pengasuhan yang sehat dan stabil pasca-Farewell.(Hermansyah, 2024) Children who are victims of this situation often experience emotional disorders, such as anxiety, fear, stress, and even depression, which can ultimately affect their growth and development and mental health in the long term. This is clearly a form of violation of the basic rights of the child as stipulated in the Convention on the Rights of the Child and the Child Protection Law in Indonesia, namely the right to live, grow, and develop optimally as well as the right to be protected from violence and discrimination. In other words, parental divorce, especially one that is not managed wisely and responsibly, has the great potential to deprive children of the right to live in a safe, peaceful, and loving atmosphere, which should be the primary foundation of their childhood life. The following is data on parental divorce cases that are sure to have an impact on the psychological condition of children after divorce in 2023 - 2024 in Indonesia:

Table 1. Data on parental divorce cases that have an impact on children's psychology in 2023-2024 in Indonesia

No .	Institution/ Source	Year	Case Type	Quantity/ Facts	Psychological Impact on Children	Reference Source
1	Indonesian Child Protection Commission (KPAI)	2023	<i>Child custody dispute due to divorce</i>	120 Official complaint to the Indonesian Child Protection Commission (KPAI)	Children experience stress, anxiety, and emotional pressure due to uncertainty in caregiving.	https://disway.id/read/796707/kasus-rebutan-hak-asuh-anak-dari-perceraian-orangtua-naik-ini-kata-kpai
2	KPAI	2023	Violation of children's rights in family care	1.569 Recorded case	Psychological trauma, emotional instability, and the loss of a complete parental figure.	https://www.antarane.ws.com/berita/3927255/kpai-terima-laporan-3883-kasus-pelanggaran-hak-anak-selama-2023
3	KPAI	2024	Family conflicts such as divorce and	<i>No specific number mentioned</i>	Psychological disorders such as trauma, depression,	https://megapolitan.kompas.com/read/2024/07/04/12471821/

			domestic violence		and aggressive behavior.	kpai-sebut-perceraian-orangtua-dan-kdrt-berpotensi-melanggar-hak-anak
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Based on data collected from the Indonesian Child Protection Commission (KPAI) over the past two years, it can be concluded that parental divorce is still one of the main causes of disturbed psychological conditions of children in Indonesia. In 2023, there were 120 official complaints related to child custody disputes and 1,569 cases of violations of children's rights in care, the majority of which occurred in the context of divorce and family conflicts. In addition, the 2024 report also shows that conflicts within the family, including divorce and domestic violence, have contributed to an increased risk of mental disorders in children, such as stress, trauma, depression, and behavioral problems.

This data shows that divorce is not only a legal event between a husband and wife, but also a social event that has a direct impact on children's rights. Emotional instability, the absence of one parent, and custody conflicts have been proven to create an environment that is not conducive to children's mental and emotional growth and development. Therefore, there needs to be serious attention from all parties, both the government, social institutions, and the family itself, to prioritize the best interests of children in every divorce process.

Psychological Impact on Children Due to Parental Divorce

Parental divorce is a very complex event, which not only breaks the marital relationship legally, but also has profound emotional and psychological consequences for the children involved. Children, especially those who are still in the age of cognitive and emotional development, are particularly vulnerable to changes in the environment and unstable family dynamics. Divorce has significant consequences, one of which is the severing of ties between two families that were once united through marriage. However, the ones most deeply affected are often the children, who become the direct victims of their parents' separation. Children who witness ongoing conflict and arguments between their parents may suffer from serious emotional and mental distress. Prolonged exposure to parental disputes can lead to long-term psychological trauma, which may manifest in the form of aggressive behavior, social withdrawal, or heightened emotional sensitivity. Research has also shown that children from divorced families are at a greater risk of developing mental health issues in adulthood, including anxiety disorders and difficulty forming healthy relationships in their own marriages.(Amato, 2014)

In the framework of maqasid al-shari'ah, protecting the intellect (hifz al-'aql) is a fundamental principle. Thus, psychological stress such as depression, unexplained anger, or immaturity in decision-making must be taken seriously.(Syarif, 2023) On the other hand, some children might exhibit premature maturity, tend to blame their surroundings, or seek out harmful

relationships and behaviors as a result of the emotional damage caused by a broken home.

Children of divorced parents often display behavioral changes, such as becoming unruly, self-centered, and indifferent to their environment. They may feel neglected by their parents, perceiving that their emotional needs are ignored while only their material needs are met. Adolescents, in particular, may internalize the impact of divorce through emotions such as fear, shame, depression, low self-esteem, anxiety, confusion, and feelings of alienation. Others may externalize their distress through problematic behaviors like social difficulties, defiance toward authority, truancy, substance abuse, delinquency, risky sexual behavior, or even drug addiction. (Juliana & Arifin, 2019)

Children fundamentally need love, attention, guidance, and moral as well as character education to develop into individuals who contribute positively to their families, religion, and nation. Therefore, the role of parents is crucial in shaping a child's personality. Divorce inevitably disrupts a child's path toward their future aspirations. As they grow older, children tend to rely on the parental figure who provides the most support – whether it be the father, mother, or even grandparents. Equipping them with knowledge and strong moral values is essential so that they are not easily swayed by the potentially harmful influences of the increasingly complex globalized world. The following are the psychological impacts that are commonly experienced by children of divorce victims: (Sebriyani, 2023)

1. Emotional Trauma

Emotional trauma is the first most frequent impact. Children who are used to living in a complete family environment often feel lost when they have to witness the separation of their parents. Feelings of confusion, insecurity, and not knowing who to side with put them under heavy emotional pressure. They may feel abandoned, unloved, or even blame themselves for the divorce. This trauma can leave a lasting impression into adulthood and affect their future interpersonal relationship patterns.

2. Stress and Anxiety

Divorce is generally accompanied by conflict, changes in residence, and changes in the child's daily routine. Tension between parents, especially if the child is a witness to constant fighting, will create great mental pressure. Children who are in this situation often show anxiety symptoms such as difficulty tidur, sulit berkonsentrasi, gangguan makan, atau menjadi terlalu sensitif. Tingkat kecemasan anak meningkat ketika They feel that they have to adjust to a new situation that they are not ready to understand.

3. Depression

In more severe cases, children can experience depression. Common symptoms that appear are prolonged feelings of sadness, loss of interest in activities that are usually enjoyed, a sense of hopelessness, and the appearance of thoughts of self-harm. Depression in children of divorce victims is often not immediately noticeable because they tend to hide feelings or are unable to express them clearly. If not treated early, this depression can

have a long-term impact on the development of children's emotions and personalities.

4. Behavioral Problems

Divorce can also trigger behavioral disorders in children. Some children show rebelliousness, disobedience, aggressive behavior, or lying as a reaction to an unstable family situation. On the other hand, there are also children who become very introverted, withdraw from society, and experience a decline in academic achievement. This is a form of expression of inner pressure that they are unable to channel in a healthy way.

Family Law Perspective

In the framework of Indonesian family law, divorce has indeed been regulated normatively in Law Number 1 of 1974 concerning Marriage, which was later strengthened by Government Regulation Number 9 of 1975 as its implementation rule. This law emphasizes that divorce is not something that can be done unilaterally, but must go through a legal process in court, with the obligation to try mediation or peaceful efforts first, as stated in Article 39 paragraph (2).

One of the important aspects of the divorce process is the decision regarding child custody (hadhanah). (Alfi Wahyu Zahara, 2018)

The law gives judges the authority to decide who is most suitable to maintain and care for children, with the basic principle that the decision must prioritize the best interests of the child. This is in line with Article 14 of Law No. 23 of 2002 concerning Child Protection (which has been amended into Law No. 35 of 2014), which affirms that every child has the right to be cared for by his or her biological parents, unless there are valid reasons and evidence that such parenting may endanger the child.

However, although the law has normatively regulated the divorce process, the reality shows that children of divorced parents still face serious psychological pressures. According to (Amato, 2014), children from divorced families are more likely to experience anxiety disorders, depression, and difficulties in forming healthy social relationships in the future. When a child has to witness continuous conflicts between their parents, it can result in long-term trauma that affects their emotional development, behavior, and even academic performance.

Many children feel neglected by their parents after a divorce, especially when parental attention is limited to fulfilling material needs without considering emotional support. This condition can trigger feelings of low self-worth, a lack of direction, and mental instability. Therefore, it is essential for all parties – parents, courts, and social institutions – to ensure that the psychological well-being of the child is not overlooked during the divorce process. The role of psychological support and moral guidance after divorce is highly important to ensure that children continue to grow in a stable environment, even if their family structure has been disrupted. In addition, the decision-making process regarding child custody should take into account the emotional readiness of the party given responsibility, in order to minimize negative impacts on the child.

CONCLUSIONS AND RECOMMENDATIONS

Parental divorce in Indonesia is still a fairly high and complex phenomenon, with various causative factors behind it, such as household disharmony, prolonged conflicts, economic problems, and lack of effective communication between couples. This divorce not only resolves the problem between husband and wife, but also has a significant psychological impact on the children who are victims.

Psychological disorders experienced by children after divorce include emotional trauma, stress and anxiety, depression, as well as behavioral problems such as aggression and withdrawal. The main factors that cause the disruption of children's psychological conditions include sudden changes in family structure, prolonged conflicts between parents, protracted custody disputes, and uncertainty in the parenting environment.(Kusaini et al., 2025) All of this interferes with the child's overall sense of security, emotional stability, and mental development.

In terms of family law in Indonesia, divorce is strictly regulated by Law Number 1 of 1974 concerning Marriage, which requires a court process and mediation efforts before divorce can be decided. Child custody is one of the aspects that is considered in this process, with the main principle of prioritizing the best interests of the child. However, practice in the field shows that custody disputes often lead to prolonged conflicts that actually worsen the psychological condition of children.

The suggestions that the author can give to the Indonesian government in the future in dealing with this problem are as follows:

1. **Strengthening Children's Legal Protection After Divorce**
Family Courts and legal institutions need to be more firm and consistent in applying principles that prioritize the best interests of children. Decisions about child custody should be made taking into account the child's psychological condition and needs, not just based on the wishes of the parents.
2. **Increased Family Mediation and Counseling**
Before and after divorce, there needs to be mediation and counseling services professional psychologists to help parents and children understand and cope with change in a healthy way. Psychological assistance for children is very important so that the impact is bad divorce can be minimized.
3. **Legal and Social Education to the Community**
The government and related institutions must be more active in providing information on children's rights and the psychological impact of divorce, so that the community is more aware of the importance of maintaining the emotional condition of children and continue to carry out responsibilities as parents even though they are separated.
4. **Enforcement of Sanctions for Violations of Children's Rights**
If there is a party who violates the rights of the child during or after the divorce, legal institutions must provide strict punishments so that there is an effect deter and children get maximum protection.

With these measures, it is hoped that divorce will no longer be is a factor that damages the future of children, but rather a process that can be passed while

maintaining the rights and psychological well-being of children as a top priority in Indonesian family law.

ADVANCED RESEARCH

Given the limitations of this article, such as the limited scope of data and the focus of more discussion on legal and psychological aspects in general, more in-depth and comprehensive follow-up research is needed. Further research is expected to explore the specific factors that affect children's mental health conditions after divorce, including social, economic, and cultural variables, as well as the effectiveness of legal and psychological interventions in protecting children's rights in more detail.

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