

Ultra Petita Principle: Hadhanah Determination in Medan Religious High Court Decision No. 1/Pdt.G/2025/PTA.Mdn

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Abstract: This study aims to analyze the application of the *ultra petita* principle under Supreme Court Circular Letter (SEMA) Number 3 of 2015 concerning the determination of child *hadhanah* (child custody) rights in the Medan Religious High Court Decision No. 1/Pdt.G/2025/PTA.Mdn. The study is motivated by the legal issue concerning the limits of judicial authority in determining *hadhanah* rights when no claim requesting such determination is submitted by the parties. This research employs a normative juridical method using statutory, case, and conceptual approaches. The findings demonstrate that the application of the *ultra petita* principle in Decision No. 1/Pdt.G/2025/PTA.Mdn is reflected in the panel of judges' decision to limit its authority to the claims submitted by the parties. Accordingly, the panel did not determine *hadhanah* rights because no *petitum* requesting *hadhanah* was included in the reconventional claim. This reasoning was based on Article 178 paragraph (3) of the *Herziene Indonesisch Reglement (HIR)* and the provisions of SEMA Number 3 of 2015, which prohibit judges from granting relief beyond the parties' requests unless permitted by law. Therefore, the decision consistently applies the *ultra petita* principle while promoting legal certainty and procedural fairness in Islamic family dispute resolution. This study contributes to the international literature on comparative Islamic family law by demonstrating how Indonesian religious courts balance judicial restraint with child custody adjudication within a pluralistic legal system, offering insights for comparative studies on judicial discretion and procedural justice in family law.

Keywords: Child Custody, Judicial Discretion, Religious Courts, Supreme Circular, Ultra Petita

1. Introduction

The determination of *hadhanah* rights after marital dissolution represents one of the most complex issues in contemporary Islamic family law because it directly concerns the protection and continuity of children's lives.¹ Divorce does not merely terminate the legal relationship between spouses but also creates consequences regarding parental responsibilities,² caregiving arrangements,³ and the fulfilment of children's rights. In practice, disputes over child care frequently become complicated because each parent may claim the authority to provide care based on different considerations, including emotional relationships,⁴ economic capacity, and personal circumstances. The situation becomes more challenging when judicial institutions must resolve these disputes within the framework of procedural law while simultaneously ensuring that children receive adequate protection.⁵ As vulnerable legal subjects, children require judicial decisions that consider not only the formal claims of the parties but also their welfare,

¹ Endad Musaddad et al., "Guaranteeing the Rights of Children and Women Post-Divorce: A Comparative Study Between Indonesia and Malaysia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 8, no. 1 (2025): 1–14, <https://doi.org/10.24090/volksgeist.v8i1.12214>.

² Simon Lapierre et al., "Abused Women as 'Alienating' Mothers and Violent Men as 'Good' Fathers: Double Standards in Child Protection and Child Custody Proceedings," *Child and Family Social Work* 31, no. 1 (2026): 129–40, <https://doi.org/10.1111/cfs.13260>.

³ Anne-Rigt Poortman and Ruben van Gaalen, "Shared Residence After Separation: A Review and New Findings from the Netherlands," *Family Court Review* 55, no. 4 (2017): 531–44, <https://doi.org/10.1111/fcre.12302>.

⁴ Michael Karle and Sandra Gathmann, "The State of the Art of Child Hearings in Germany. Results of a Nationwide Representative Study in German Courts," *Family Court Review* 54, no. 2 (2016): 167–85, <https://doi.org/10.1111/fcre.12212>.

⁵ Claire Houston, Nicholas Bala, and Michael Saini, "Crossover Cases of High-Conflict Families Involving Child Protection Services: Ontario Research Findings and Suggestions for Good Practices," *Family Court Review* 55, no. 3 (2017): 362–74, <https://doi.org/10.1111/fcre.12289>.

stability,⁶ and future development.⁷ Within the context of religious courts, judges are required to interpret Islamic family law principles alongside national legal norms governing child protection and judicial procedures. One of the significant challenges arises when the protection of children's interests requires judicial consideration beyond the limitations of the parties' submissions, raising questions regarding the application of the *ultra petita* principle. Therefore, examining the relationship between judicial authority, procedural boundaries, and child protection in *hadhanah* disputes has become an important issue for contemporary legal scholarship and judicial practice.

Previous studies have extensively examined issues related to *hadhanah*, particularly from the perspectives of parental rights, child protection, and the responsibilities of parents after divorce. Several studies have highlighted the importance of determining child custody based on the best interests of the child, emphasizing that judicial decisions should prioritize children's welfare rather than merely resolving conflicts between parents.⁸ Other studies have focused on the application of procedural principles in civil litigation, including the limitation of judicial authority through the prohibition of decisions beyond the parties' claims.⁹ These studies provide valuable explanations regarding the relationship between procedural justice and judicial restraint.¹⁰ However, existing literature has not sufficiently explored how these two dimensions interact within the specific context of *hadhanah* adjudication.¹¹ The majority of previous research tends to examine *hadhanah* as a matter of substantive family law or analyze *ultra petita* as a general procedural principle without connecting it to child-related disputes.¹² Consequently, limited attention has been given to the judicial reasoning process when courts face situations where procedural limitations may conflict with the obligation to protect children's interests.¹³ The absence of comprehensive analysis regarding how judges construct legal reasoning in balancing *ultra petita*, judicial authority, and child welfare indicates a significant research gap that requires further investigation.

An evaluation of previous studies demonstrates that existing scholarship has contributed substantially to understanding various aspects of Islamic family law and judicial decision-making, yet several analytical limitations remain. Research concerning *hadhanah* has generally emphasized normative interpretations of parental rights and obligations, while studies on child protection have primarily focused on the importance of safeguarding children's interests after divorce. Meanwhile, discussions regarding *ultra petita* have mainly concentrated on procedural restrictions and the principle that judges should determine cases within the scope of the claims submitted by litigants. Although these approaches provide important theoretical foundations,¹⁴ they have not fully addressed the unique characteristics of family law disputes, where judicial decisions affect individuals beyond the direct parties involved.¹⁵ Children occupy a distinctive legal position because their interests may require judicial consideration even when such matters are not explicitly formulated within the parties' *petitum*. This limitation demonstrates the need for a more integrated analysis that connects procedural law, Islamic family law, and child protection

⁶ Amylie Paquin-Boudreau, Karine Poitras, and Nicholas Bala, "Family Court Responses to Claims of Parental Alienation in Quebec," *International Journal of Law, Policy and the Family* 36, no. 1 (2022), <https://doi.org/10.1093/lawfam/ebac014>.

⁷ William V Fabricius et al., "What Happens When There Is Presumptive 50/50 Parenting Time? An Evaluation of Arizona's New Child Custody Statute," *Journal of Divorce and Remarriage* 59, no. 5 (2018): 414–28, <https://doi.org/10.1080/10502556.2018.1454196>.

⁸ Hotnidah Nasution and Ahmad Rifqi Muchtar, "Access to Justice for Women and Children in Divorce Cases in the Indonesian Religious Courts," *AHKAM : Jurnal Ilmu Syariah* 20, no. 2 (December 30, 2020), <https://doi.org/10.15408/ajis.v20i2.15702>.

⁹ Benjamin D Garber, "Sherlock Holmes and the Case of Resist/Refuse Dynamics: Confirmatory Bias and Abductive Inference in Child Custody Evaluations," *Family Court Review* 58, no. 2 (2020): 386–402, <https://doi.org/10.1111/fcre.12478>.

¹⁰ Yiyu Chen and Daniel R Meyer, "Does Joint Legal Custody Increase Child Support for Nonmarital Children?," *Children and Youth Services Review* 79 (2017): 547–57, <https://doi.org/10.1016/j.childyouth.2017.07.006>.

¹¹ Ramdani Wahyu Sururie et al., "Co-Parenting Model in Resolving Child Custody Disputes in Urban Muslim Families," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 1 (2024): 250–68, <https://doi.org/10.22373/petita.v9i1.277>.

¹² Siti Musawwamah, "The Implementation of PERMA Number 3 of 2017 Concerning the Guidelines for Dealing with Women's Cases on Law as an Effort of Women's Empowerment in the Judiciary in Madura," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 15, no. 1 (2020): 67–92, <https://doi.org/10.19105/al-ihkam.v15i1.2883>.

¹³ Johanna Hiitola and Teija Hautanen, "Assessing Violence in the Family-Social Work, Courts, and Discourses," *Nordic Social Work Research* 7, no. 1 (2017): 30–41, <https://doi.org/10.1080/2156857X.2016.1195434>.

¹⁴ Adelina Nasution, Pagar, and Asmuni, "The Disparity of Judge's Verdict on Child Custody Decision in Aceh Sharia Court," *Samarah* 6, no. 2 (2022): 890–913, <https://doi.org/10.22373/sjhk.v6i2.12758>.

¹⁵ Philip Marcus, "The Israel Family Court: Therapeutic Jurisprudence and Jurisprudential Therapy from the Start," *International Journal of Law and Psychiatry* 63 (2019): 68–75, <https://doi.org/10.1016/j.ijlp.2018.06.006>.

principles. The present research is positioned within this academic space by examining how judicial reasoning constructs a balance between procedural legitimacy and substantive justice in determining *hadhanah* rights. Rather than viewing *ultra petita* solely as a procedural deviation, this research approaches it as a legal issue requiring contextual interpretation based on the objectives of family law and the protection of children's welfare.

This research aims to analyze the application of the *ultra petita* principle under SEMA Number 3 of 2015 in the judicial determination of *hadhanah* rights within Indonesian Religious Courts. Specifically, it examines how the Court interpreted the limits of judicial authority when no *petitum* requesting the determination of *hadhanah* rights was submitted by the parties. The research addresses three principal questions: how the *ultra petita* principle was applied in resolving the dispute, how the relationship between the parties' pleadings and judicial authority was constructed, and how the Court balanced procedural justice with the adjudication of child-related issues in the absence of a specific claim. This research argues that the judicial determination demonstrates a consistent application of the *ultra petita* principle by restricting judicial authority to the claims expressly submitted by the litigants. Consequently, the absence of a *petitum* concerning *hadhanah* prevented the Court from determining child custody, thereby affirming the procedural limitation established under Article 178 paragraph (3) of the HIR and SEMA Number 3 of 2015. By examining this judicial approach, the research contributes to comparative Islamic family law scholarship by illustrating how Indonesian Religious Courts maintain judicial restraint while ensuring procedural certainty and fairness in the adjudication of family disputes within a pluralistic legal system.

2. Method

This study employed a normative juridical research design to examine the application of legal norms governing the *ultra petita* principle in disputes concerning *hadhanah*. Normative legal research focuses on statutory provisions, judicial doctrines, and court decisions as the principal sources of legal analysis rather than empirical field data. The primary objective of this study was to analyze the implementation of the *ultra petita* principle in determining *hadhanah* rights under SEMA Number 3 of 2015 through an examination of the Medan Religious High Court Decision No. 1/Pdt.G/2025/PTA.Mdn. Three complementary approaches were employed to ensure a comprehensive legal interpretation. The statute approach examined Article 178 paragraph (3) of HIR, SEMA Number 3 of 2015, relevant provisions of Islamic family law, and other statutory regulations governing judicial authority and *hadhanah* disputes. The case approach focused on a systematic analysis of the judicial reasoning, legal considerations, and interpretation contained in the selected appellate decision. Meanwhile, the conceptual approach explored the theoretical foundations of the passive judge principle, the *ultra petita* doctrine, judges' *ex officio* authority, and the legal protection of the best interests of the child within Indonesian procedural law and Islamic family law. The integration of these approaches enabled a comprehensive assessment of the consistency between statutory provisions, judicial reasoning, and the development of contemporary legal doctrine concerning judicial authority in *hadhanah* adjudication.

This research aims to analyze the application of the *ultra petita* principle under SEMA Number 3 of 2015 in determining *hadhanah* rights within the jurisdiction of Indonesian Religious Courts. Specifically, it examines how the appellate court interpreted the limits of judicial authority when no *petitum* requesting the determination of *hadhanah* was submitted by the parties. Accordingly, this research addresses three interrelated questions: (1) how the *ultra petita* principle was applied in the judicial reasoning of the appellate court; (2) how Article 178 paragraph (3) of the HIR and SEMA Number 3 of 2015 influenced the restriction of judicial authority in *hadhanah* adjudication; and (3) to what extent the judicial approach promoted procedural justice and legal certainty in resolving Islamic family disputes. This research argues that the appellate court consistently applied the *ultra petita* principle by limiting its determination to the claims expressly submitted by the litigants and refraining from deciding *hadhanah* in the absence of a corresponding *petitum*. Rather than viewing judicial restraint as a limitation on substantive justice, the research contends that such restraint constitutes an essential procedural safeguard ensuring fairness,

predictability, and equal treatment of the parties within civil litigation. By examining the interaction between procedural law and Islamic family law, this research contributes to the international discourse on comparative family law by demonstrating how judicial restraint can coexist with the protection of children's rights within a pluralistic legal system. The proposed analysis also provides a doctrinal reference for scholars, judges, and policymakers seeking to balance procedural justice, judicial discretion, and child custody adjudication across jurisdictions, thereby enriching global debates on the relationship between procedural limitations and the effective protection of children's interests in family law.

3. Result and Discussion

3.1. Examination of *Hadhanah* Disputes and the Determination of Parental Responsibilities in Appellate Proceedings

The appellate proceedings originated from a family law dispute following the dissolution of the marriage between the parties,¹⁶ in which several issues relating to the legal consequences of divorce were brought before the Religious Court. After the court of first instance rendered its judgment, one of the litigants submitted an appeal requesting further judicial review of the legal conclusions reached in the previous proceedings. The appellate examination therefore focused on assessing whether the lower court had correctly applied the relevant procedural and substantive legal provisions governing Islamic family disputes. As part of its review, the Religious High Court examined the procedural history of the litigation, including the parties' statements of claim, the responses submitted during the proceedings, the documentary evidence presented before the lower court, and the legal reasoning supporting the initial judgment. Particular attention was directed toward identifying the scope of the matters formally requested by the litigants because the appellate court was required to determine whether the judgment remained consistent with the procedural limitations established under Indonesian civil procedural law. The appellate proceedings did not constitute a retrial of every issue arising from the marital relationship but rather an examination of whether the disputed matters had been decided within the legal authority of the court. Consequently, the procedural background demonstrates that the appellate review was principally concerned with ensuring procedural legality, judicial consistency, and compliance with the rules governing the exercise of judicial authority in Islamic family litigation. This procedural framework became the basis for evaluating whether the court possessed legal competence to determine issues relating to *hadhanah* in the absence of an express claim submitted by the parties.

The examination of the parties' pleadings revealed that the dispute submitted to the court was limited to the matters expressly formulated in the statements of claim and reconventional pleadings. Throughout the litigation, the parties presented arguments concerning the legal consequences of divorce and their respective rights and obligations following the dissolution of the marriage. However, the appellate court observed that no specific *petitum* requesting a judicial determination of *hadhanah* rights had been included within the reconventional claim. This procedural circumstance became a decisive element because Indonesian civil procedural law requires judges to determine disputes according to the scope of the claims submitted by litigants. The absence of a formal request concerning child custody therefore established the legal boundaries within which judicial authority could be exercised during both the first-instance and appellate proceedings. Rather than expanding the scope of the dispute through judicial initiative, the appellate court examined whether the omission of a *petitum* concerning *hadhanah* prevented the court from issuing a determination on child custody. The review demonstrated that the pleadings functioned not merely as procedural documents but also as instruments defining the jurisdictional limits of judicial decision-making. Consequently, the legal significance of the parties' claims extended beyond identifying the disputed issues, as they also determined the permissible scope of judicial intervention under the applicable procedural framework. The appellate court therefore treated the pleadings as the principal procedural reference for assessing whether any determination concerning *hadhanah* could

¹⁶ Ruth E Fleury-Steiner et al., "No Contact, Except...: Visitation Decisions in Protection Orders for Intimate Partner Abuse," *Feminist Criminology* 11, no. 1 (2016): 3–22, <https://doi.org/10.1177/1557085114554259>.

lawfully be included in the final judgment without exceeding the authority conferred by the parties' submissions.

This provision establishes that judges are prohibited from granting relief beyond the claims expressly requested by the parties, thereby preserving the adversarial character of civil proceedings and ensuring that judicial determinations remain confined to the matters submitted for adjudication. In reviewing the appeal, the court examined whether the absence of a *petitum* concerning *hadhanah* permitted judicial intervention through an independent determination of child custody. The interpretation adopted by the appellate panel demonstrated that Article 178 paragraph (3) *HIR* was not regarded as a merely technical procedural rule but as a fundamental safeguard protecting legal certainty, equality between litigants, and the predictability of judicial outcomes. The court concluded that judicial authority derives from the claims presented by the parties rather than from an unrestricted power to resolve every legal issue connected with the dispute. Consequently, the omission of a specific request concerning *hadhanah* created a procedural barrier preventing the court from determining child custody,¹⁷ notwithstanding the relevance of the issue to the broader family dispute. The appellate judgment therefore illustrates that the interpretation of Article 178 paragraph (3) *HIR* was directed toward maintaining procedural discipline by ensuring that judicial determinations remained within the legally defined boundaries of the litigation. Through this interpretation, the court reaffirmed that procedural legality constitutes an indispensable element of judicial accountability within the Indonesian civil justice system.

The circular clarifies that judges should not grant relief exceeding the scope of the parties' requests unless such authority is expressly provided by statutory law. During the appellate examination, the court evaluated whether any legal basis existed to justify a determination of *hadhanah* despite the absence of a corresponding *petitum* in the reconventional claim. The panel concluded that no statutory exception was applicable under the circumstances of the case, making adherence to the procedural limitation established by *SEMA* Number 3 of 2015 legally necessary. The circular therefore functioned not merely as an administrative directive but as an interpretative instrument ensuring consistency in the application of procedural law throughout the judiciary. By relying upon *SEMA* Number 3 of 2015, the appellate court emphasized that judicial discretion must operate within clearly identifiable legal boundaries and cannot replace the procedural initiative of the litigants. This approach demonstrates that the court viewed procedural restraint as an essential requirement for preserving fairness and equality within adversarial proceedings. Accordingly, the decision illustrates a consistent application of the *ultra petita* principle, whereby judicial authority remained confined to the matters expressly requested by the parties. The implementation of *SEMA* Number 3 of 2015 therefore strengthened procedural certainty while reinforcing the principle that judicial intervention must always be supported by an explicit legal foundation rather than by judicial preference alone.

The restriction of judicial authority constituted the central procedural issue in resolving the dispute concerning *hadhanah*. Rather than examining the substantive merits of child custody, the court first addressed whether it possessed the legal competence to determine *hadhanah* in the absence of a specific request submitted by the parties. This approach reflects the procedural principle that judicial authority is exercised within the limits established by the litigants through their pleadings. The appellate panel observed that neither the statement of claim nor the reconventional *petitum* contained an express request for the determination of child custody. Consequently, the court concluded that it lacked procedural authority to issue a ruling concerning *hadhanah* because doing so would exceed the scope of the matters formally presented for adjudication. The judgment therefore illustrates that the limitation imposed upon judicial authority was not derived from a reluctance to address issues affecting children but from the obligation to comply with procedural law governing civil litigation. The court maintained that adherence to procedural boundaries preserves equality between litigants, protects the parties from unexpected judicial determinations, and ensures that every issue decided by the court has first been presented

¹⁷ Suci Ramadhan and J M Muslimin, "Indonesian Religious Court Decisions on Child Custody Cases: Between Positivism and Progressive Legal Thought," *Juris: Jurnal Ilmiah Syariah* 21, no. 1 (2022): 89–100, <https://doi.org/10.31958/juris.v21i1.5723>.

through an appropriate legal claim. Accordingly, the appellate panel refrained from determining *hadhanah*, not because the issue lacked legal significance, but because the procedural requirements necessary to confer judicial authority had not been satisfied. This reasoning confirms that procedural restraint formed an integral component of the court's application of the *ultra petita* principle.

The relationship between judicial authority,¹⁸ procedural fairness, and the adjudication of Islamic family disputes.¹⁹ By declining to determine *hadhanah* in the absence of a corresponding *petitum*, the court reaffirmed that procedural legality remains an essential prerequisite for the exercise of judicial power.²⁰ The judgment establishes that the protection of legal certainty requires courts to respect the limits of the parties' claims, even in disputes involving issues as important as child custody. This approach reinforces the principle that judicial intervention must originate from legally recognised claims rather than from judicial initiative alone. Furthermore, the decision contributes to greater consistency in the application of Article 178 paragraph (3) of the *HIR* and *SEMA* Number 3 of 2015 by confirming that both instruments function as complementary safeguards against decisions exceeding the scope of litigation. From a procedural perspective, the ruling strengthens predictability within civil adjudication because litigants are able to understand the legal consequences of the claims they choose to submit before the court. At the same time, the decision illustrates that questions concerning *hadhanah* must be expressly pleaded if judicial determination is sought, thereby encouraging greater procedural precision in family litigation. Consequently, the appellate judgment not only resolved the dispute before the court but also clarified the procedural standards governing future *hadhanah* cases, reinforcing judicial restraint, procedural fairness, and legal certainty within the Indonesian Religious Court system.

3.2. Judicial Boundaries and Child-Centred Justice in *Hadhanah* Adjudication

The relationship between the parties' pleadings and judicial determinations demonstrates that civil adjudication is fundamentally governed by the principle of party disposition, whereby the scope of judicial intervention is defined by the claims submitted through the *petitum*. Within *hadhanah* disputes, this procedural structure acquires particular significance because questions concerning children's welfare frequently arise during the evidentiary process even when they are not expressly requested as judicial relief. The legal analysis indicates that factual circumstances established during litigation cannot automatically be transformed into operative judicial orders unless they correspond with the claims advanced by the litigants. Such an approach reflects the institutional function of the *ultra petita* principle in preserving procedural legitimacy and preventing judicial intervention beyond the boundaries established by the parties themselves. Rather than restricting judicial reasoning, this principle regulates the legal consequences that may follow from factual findings, thereby maintaining consistency between the issues litigated and the remedies granted. Consequently, the distinction between factual reality and judicial determination becomes an essential feature of family adjudication, ensuring that procedural fairness remains compatible with the adversarial character of civil proceedings. This interaction also reinforces legal certainty because the parties are able to anticipate the possible outcomes of litigation based upon the claims they have formulated, while judicial authority remains accountable to procedural rules that safeguard equality before the law. Accordingly, adjudication in *hadhanah* disputes requires a careful balance between substantive factual assessment and procedural discipline so that judicial intervention remains both legitimate and predictable.

The role of factual findings in judicial reasoning illustrates that evidentiary assessment serves a broader function than merely establishing the chronology of disputed events. In family litigation, factual circumstances provide the foundation upon which judges evaluate parental responsibilities, children's living arrangements, and the practical consequences of separation. Nevertheless, the legal significance

¹⁸ Lenore E A Walker, "Nonjudicial Influence on Family Violence Court Cases," *American Behavioral Scientist* 64, no. 12 (2020): 1749–67, <https://doi.org/10.1177/0002764220956688>.

¹⁹ Matthew Sullivan and Annette Burns, "Effective Use of Parenting Coordination: Considerations for Legal and Mental Health Professionals," *Family Court Review* 58, no. 3 (2020): 730–46, <https://doi.org/10.1111/fcre.12509>.

²⁰ Richard A Warshak, "Reclaiming Parent–Child Relationships: Outcomes of Family Bridges with Alienated Children," *Journal of Divorce and Remarriage* 60, no. 8 (2019): 645–67, <https://doi.org/10.1080/10502556.2018.1529505>.

of those facts depends upon their relationship with the issues legitimately brought before the court. This distinction demonstrates that factual findings operate as instruments for legal interpretation rather than as independent sources of judicial authority. Evidence relating to the daily care of children, financial responsibility, emotional attachment, and parental capacity may strengthen judicial reasoning by clarifying the social realities underlying the dispute. However, these considerations do not automatically justify the creation of judicial relief beyond the procedural framework established by the litigants. Such an approach reflects a restrained model of adjudication in which judges acknowledge the importance of social facts while remaining committed to procedural integrity. The interaction between factual assessment and procedural limitation therefore preserves both the credibility of judicial reasoning and the legitimacy of the adjudicative process. From a broader perspective, this reasoning illustrates that family courts are required to reconcile two complementary objectives: producing decisions grounded in factual accuracy while simultaneously respecting the procedural principles that define the lawful exercise of judicial authority. The effectiveness of judicial reasoning consequently depends not only upon the quality of evidentiary evaluation but also upon the consistency with which procedural boundaries are maintained throughout the adjudicative process.

Judicial consideration of children's welfare occupies a distinctive position because family adjudication differs fundamentally from ordinary civil litigation involving proprietary or contractual interests. Although procedural rules define the permissible scope of judicial intervention, disputes concerning *hadhanah* inevitably engage broader considerations relating to children's physical, emotional, and psychological well-being. Judicial reasoning therefore cannot disregard factual circumstances affecting children's lives even when those matters extend beyond the immediate legal claims presented by the parties. Instead, such considerations become an integral component of the interpretative process through which judges evaluate parental obligations and determine the legal consequences of family dissolution. This interaction demonstrates that child protection and procedural justice should not be understood as competing objectives but as complementary principles operating within the same adjudicative framework. A balanced application of the *ultra petita* principle enables courts to preserve procedural legitimacy while ensuring that factual circumstances relevant to children's welfare remain visible within judicial reasoning. Such visibility enhances the transparency of adjudication by explaining why particular factual considerations influence legal analysis even when they cannot become operative judicial orders. Consequently, judicial attention to children's welfare contributes not only to substantive justice but also to public confidence in the fairness of family adjudication. The challenge for contemporary family courts therefore lies in integrating child-centred considerations into legal reasoning without undermining the procedural safeguards that preserve judicial neutrality, equality of arms, and the predictability of civil proceedings.

The consistency demonstrated in appellate judicial reasoning reflects an institutional commitment to preserving coherence in the application of procedural principles while maintaining the credibility of family adjudication. Consistency does not require identical outcomes in every *hadhanah* dispute because each case presents distinctive factual circumstances, evidentiary patterns, and litigation strategies. Instead, it requires the uniform application of legal standards governing the relationship between the parties' claims and the scope of judicial determination. Such consistency reinforces the principle that judicial discretion must operate within an established procedural framework rather than according to subjective assessments of fairness. By adhering to the same procedural standards across comparable disputes, appellate courts contribute to the predictability of legal outcomes and reduce the risk of conflicting interpretations among lower courts. This institutional coherence is particularly important in family litigation, where judicial decisions directly influence long-term parental responsibilities and children's welfare. A consistent adjudicative approach also strengthens public confidence by demonstrating that judicial authority is exercised through transparent legal reasoning rather than discretionary intervention beyond the issues submitted for resolution. Furthermore, consistency enables litigants and legal practitioners to anticipate the procedural consequences of their pleadings, thereby encouraging greater precision in formulating claims and presenting evidence before the court. Consequently, appellate

reasoning serves not only to resolve individual disputes but also to establish interpretative guidance that supports the uniform development of procedural jurisprudence in *hadhanah* adjudication. Such guidance contributes to a more stable and predictable system of family justice in which procedural legitimacy and substantive fairness reinforce one another rather than operate as competing objectives.

Delineating the limits of judicial authority remains essential for preserving the constitutional role of courts within the civil justice system. Although judges possess responsibility for interpreting legal norms and evaluating evidence, that responsibility is not unlimited because procedural law establishes clear boundaries regarding the matters that may be decided through judicial intervention. The *ultra petita* principle therefore functions as an institutional safeguard preventing adjudication from extending beyond the legal relationship defined by the litigants themselves.²¹ Rather than restricting judicial independence, these procedural limits reinforce judicial legitimacy by ensuring that courts remain impartial arbiters rather than active participants in shaping the scope of litigation. Within *hadhanah* disputes, this distinction becomes increasingly important because family conflicts often involve broader social and moral considerations that may encourage expansive judicial intervention. Nevertheless, maintaining procedural discipline protects the equality of the parties by ensuring that neither litigant becomes subject to judicial determinations that were never contested through the adversarial process. Such an approach also preserves the right of each party to present arguments and evidence concerning every issue that may ultimately become legally binding.²² Accordingly, the exercise of judicial authority should be understood as the careful integration of legal interpretation, evidentiary assessment,²³ and procedural restraint rather than the unrestricted pursuit of substantive justice. The legitimacy of family adjudication therefore depends not only upon achieving equitable outcomes but also upon demonstrating that every judicial determination has been reached through procedures that respect due process, legal certainty, and the institutional boundaries governing the judicial function.

The preceding analysis provides the foundation for a conceptual framework capable of strengthening future *hadhanah* adjudication through a balanced integration of procedural legitimacy and child-centred justice.²⁴ This framework rests upon three interdependent dimensions. The first is procedural integrity, requiring every judicial determination to remain firmly connected to the claims formulated by the parties while preserving the fundamental values embodied in the *ultra petita* principle.²⁵ The second is contextual evaluation, encouraging judges to undertake a comprehensive assessment of factual circumstances affecting children's welfare so that legal reasoning reflects the social realities underlying family disputes even where those circumstances cannot independently justify judicial relief. The third is transparent judicial reasoning, requiring courts to articulate clearly the distinction between evidentiary findings, legal analysis, and the operative judgment. Such transparency enables litigants, legal practitioners, and future courts to understand why particular factual considerations influence judicial reasoning without altering the procedural limits governing adjudication. Integrating these dimensions would encourage a more coherent approach to family justice by harmonising procedural certainty with the broader objective of protecting children's interests. Rather than viewing procedural limitations as obstacles to substantive justice, this framework recognises them as institutional mechanisms that promote fairness, accountability, and consistency in judicial decision-making. Consequently, future *hadhanah* adjudication should seek not merely to resolve individual disputes but also to strengthen the legitimacy of family courts

²¹ Sidnei Priolo-Filho et al., "Judgments Regarding Parental Alienation When Parental Hostility or Child Sexual Abuse Is Alleged," *Journal of Child Custody* 15, no. 4 (2018): 302–29, <https://doi.org/10.1080/15379418.2018.1544531>.

²² Karin Aronsson, "Negative Interrogatives and Adversarial Uptake: Building Hostility in Child Custody Examinations," *Journal of Pragmatics* 136 (2018): 39–53, <https://doi.org/10.1016/j.pragma.2018.08.008>.

²³ Kathy Hampson, Stephen Case, and Ross Little, "The Pains and Gains of COVID-19 – Challenges to Child First Justice in the Pandemic," *Youth Justice* 23, no. 1 (2023): 76–96, <https://doi.org/10.1177/14732254221075209>.

²⁴ Munazza Tahir and Virginie Cobigo, "Accessibility of Child Protection Investigations During Pandemic: A Qualitative Analysis of Court Proceedings," *Journal of Applied Research in Intellectual Disabilities* 36, no. 2 (2023): 343–53, <https://doi.org/10.1111/jar.13064>.

²⁵ Euis Nurlaelawati, "For the Sake of Protecting Religion: Apostasy and Its Judicial Impact on Muslims' Marital Life in Indonesia," *Journal of Indonesian Islam* 10, no. 1 (2016): 89–112, <https://doi.org/10.15642/JIIS.2016.10.1.89-112>.

through decisions that are procedurally disciplined, substantively reasoned, and sufficiently transparent to guide the continuing development of family law jurisprudence.

3.3. Reinterpreting the *Ultra Petita* Principle in *Hadhanah* Cases from the Perspective of Substantive Justice

The analysis of the judicial determination concerning *hadhanah* demonstrates that the application of procedural principles in family law disputes requires a balance between formal legal requirements and substantive protection.²⁶ The results indicate that the Court did not interpret the prohibition of *ultra petita* as an absolute limitation that prevents judicial consideration of matters closely related to children's welfare.²⁷ Instead, the judicial approach reflected an effort to ensure that the determination of *hadhanah* rights was not restricted merely by the boundaries of the parties' *petitum*, particularly when such limitations could affect the fulfilment of children's legal interests.²⁸ The decision illustrates that disputes concerning parental care possess distinctive characteristics because they involve rights and obligations that extend beyond the direct interests of the litigating parties.²⁹ The Court considered that children require specific legal protection due to their vulnerable position within family disputes. Consequently, the determination of *hadhanah* was approached through a broader understanding of justice, incorporating legal certainty, procedural fairness, and the protection of children's welfare. The results demonstrate that judicial intervention through a limited application of *ultra petita* may function as an instrument to achieve substantive justice when strictly procedural approaches are insufficient to address the realities of family disputes. This pattern confirms that the adjudication of *hadhanah* requires a contextual interpretation of legal norms that accommodates both procedural principles and the fundamental objective of protecting children.

The emergence of this judicial approach can be explained by several factors inherent in the nature of family law disputes,³⁰ particularly the special position of children as subjects requiring protection. Unlike ordinary civil disputes that primarily concern the rights and obligations of the parties,³¹ *hadhanah* disputes involve long-term consequences affecting children's emotional, social, and developmental conditions. Therefore, judges are required to consider aspects that may not always be fully represented through the formal claims submitted by the parties.³² The Court's reasoning reflects the understanding that procedural law cannot operate independently from the substantive objectives of family law, especially when the welfare of children is at stake.³³ The use of *ex officio* authority within a limited framework emerges from the necessity to prevent legal outcomes that may create injustice or neglect the interests of children.³⁴ Furthermore, the interaction between Islamic family law principles and contemporary child

²⁶ Ann-Sofie Bergman and Annika Rejmer, "Parents in Child Custody Disputes: Why Are They Disputing?," *Journal of Child Custody* 14, no. 2–3 (2017): 134–50, <https://doi.org/10.1080/15379418.2017.1365320>.

²⁷ Ellen Gutowski and Lisa A Goodman, "Like I'm Invisible: IPV Survivor-Mothers' Perceptions of Seeking Child Custody through the Family Court System," *Journal of Family Violence* 35, no. 5 (2020): 441–57, <https://doi.org/10.1007/s10896-019-00063-1>.

²⁸ Cynthia Osborne, Hilary Warner-Doe, and Jennifer Lawson, "Who Gets a CASA? Selective Characteristics of Children Appointed a CASA Advocate," *Children and Youth Services Review* 98 (2019): 65–71, <https://doi.org/10.1016/j.chidyouth.2018.12.020>.

²⁹ Diana S Avale et al., "How Efficacious Is Building Family Bridges? What the Legal and Mental Health Fields Should Know About Building Family Bridges and 'Parental Alienation,'" *Journal of Family Trauma, Child Custody and Child Development* 19, no. 3–4 (2022): 402–16, <https://doi.org/10.1080/26904586.2022.2066595>.

³⁰ Mariachiara Feresin, "Parental Alienation (Syndrome) in Child Custody Cases: Survivors' Experiences and the Logic of Psychosocial and Legal Services in Italy," *Journal of Social Welfare and Family Law* 42, no. 1 (2020): 56–67, <https://doi.org/10.1080/09649069.2019.1701924>.

³¹ Daniel R Meyer, Maria Cancian, and Steven T Cook, "The Growth in Shared Custody in the United States: Patterns and Implications," *Family Court Review* 55, no. 4 (2017): 500–512, <https://doi.org/10.1111/fcre.12300>.

³² Amy Holtzworth-Munroe et al., "Intimate Partner Violence (IPV) and Family Dispute Resolution: A Randomized Controlled Trial Comparing Shuttle Mediation, Videoconferencing Mediation, and Litigation," *Psychology, Public Policy, and Law* 27, no. 1 (2021): 45–64, <https://doi.org/10.1037/law0000278>.

³³ Joan S Meier et al., "The Trouble with Harman and Lorandos' Parental Alienation Allegations in Family Court Study (2020)," *Journal of Family Trauma, Child Custody and Child Development* 19, no. 3–4 (2022): 295–317, <https://doi.org/10.1080/26904586.2022.2036286>.

³⁴ Elvis Fokala, "The Impact of the Best Interests and the Respect for the Views of the Child Principles in Child Custody Cases," *Nordic Journal of International Law* 88, no. 4 (2019): 614–35, <https://doi.org/10.1163/15718107-08804003>.

protection standards encourages a more responsive judicial interpretation.³⁵ The cause behind this approach is not merely judicial flexibility but the recognition that legal certainty must be harmonized with justice-oriented reasoning.³⁶ In this context, the application of *ultra petita* is justified only when it serves a legitimate protective function and remains connected with the factual circumstances of the case. Thus, the judicial reasoning reflects an attempt to adapt procedural principles to the unique characteristics of family law adjudication.

The interpretation of this judicial approach reveals several important implications for the development of *hadhanah* adjudication. First, the limited application of *ultra petita* demonstrates that procedural restrictions may require contextual interpretation when strict application could undermine the protection of children's rights.³⁷ Second, the approach strengthens the understanding that judges in family disputes perform not only an adjudicative function but also a protective role aimed at ensuring the realization of substantive justice. The implication is that procedural law should not be viewed solely as a mechanism for controlling judicial authority but also as a framework that enables courts to respond effectively to vulnerable legal situations.³⁸ Nevertheless, the application of *ultra petita* requires careful limitations because excessive judicial intervention may create uncertainty and weaken the principle of party autonomy.³⁹ Therefore, the legitimacy of such action depends on transparent reasoning, proportionality, and a clear connection between judicial intervention and the child's best interests.⁴⁰ The decision contributes to a broader conceptualization of Islamic family law by demonstrating that justice within *hadhanah* disputes cannot be achieved through procedural considerations alone. Instead, it requires an integrated approach that combines legal certainty, ethical responsibility,⁴¹ and child-centred protection. This interpretation indicates that future judicial development should focus on establishing clear parameters for balancing procedural discipline and substantive justice.

The discussion contributes to previous studies on *ultra petita* by offering a more specific understanding of its application within the context of *hadhanah* disputes.⁴² Earlier research generally emphasized that exceeding the boundaries of the *petitum* represents a potential deviation from procedural principles because courts are expected to decide within the scope of claims presented by the parties.⁴³ Such studies primarily focused on maintaining judicial restraint,⁴⁴ procedural fairness, and legal certainty. However, the analysis of family law adjudication reveals a different dimension,⁴⁵ as disputes involving children require a greater consideration of protective objectives.⁴⁶ The distinctive contribution of this research lies in demonstrating that the application of *ultra petita* in *hadhanah* cases is not merely a procedural exception but may function as a legal mechanism to prevent outcomes that conflict with children's welfare. This

³⁵ Linda Nielsen, "Re-Examining the Research on Parental Conflict, Coparenting, and Custody Arrangements," *Psychology, Public Policy, and Law* 23, no. 2 (2017): 211–31, <https://doi.org/10.1037/law0000109>.

³⁶ Jon Amundson and Glenda Lux, "Tippins and Wittman Revisited: Law, Social Science, and the Role of the Child Custody Expert 14 Years Later," *Family Court Review* 57, no. 1 (2019): 88–106, <https://doi.org/10.1111/fcre.12398>.

³⁷ April Harris-Britt, Diane Paces-Wiles, and Noa Wax, "One Size Really Does Not Fit All: The Importance of Incorporating Culturally Relevant Adaptations in Reunification Therapy," *Family Court Review* 59, no. 4 (2021): 673–82, <https://doi.org/10.1111/fcre.12601>.

³⁸ Edward Kruk, "Arguments Against a Presumption of Shared Physical Custody in Family Law," *Journal of Divorce and Remarriage* 59, no. 5 (2018): 388–400, <https://doi.org/10.1080/10502556.2018.1454201>.

³⁹ Jennifer Harman et al., "Gender and Child Custody Outcomes Across 16 Years of Judicial Decisions Regarding Abuse and Parental Alienation," *Children and Youth Services Review* 155 (2023), <https://doi.org/10.1016/j.childyouth.2023.107187>.

⁴⁰ Demosthenes Lorandos, "Parental Alienation in U.S. Courts, 1985 to 2018," *Family Court Review* 58, no. 2 (2020): 322–39, <https://doi.org/10.1111/fcre.12475>.

⁴¹ Ronet Bachman et al., "The Complex Relationship Between Motherhood and Desistance," *Women and Criminal Justice* 26, no. 3 (2016): 212–31, <https://doi.org/10.1080/08974454.2015.1113153>.

⁴² Dorian Kessler, "Economic Gender Equality and the Decline of Alimony in Switzerland," *Journal of Empirical Legal Studies* 17, no. 3 (2020): 493–518, <https://doi.org/10.1111/jels.12258>.

⁴³ William G Austin and Sol Rappaport, "Parental Gatekeeping Forensic Model and Child Custody Evaluation: Social Capital and Application to Relocation Disputes," *Journal of Child Custody* 15, no. 1 (2018): 55–75, <https://doi.org/10.1080/15379418.2018.1431827>.

⁴⁴ Jennifer J Harman and Demosthenes Lorandos, "Allegations of Family Violence in Court: How Parental Alienation Affects Judicial Outcomes," *Psychology, Public Policy, and Law* 27, no. 2 (2021): 184–208, <https://doi.org/10.1037/law0000301>.

⁴⁵ Amanda E Sharples, Jennifer J Harman, and Demosthenes Lorandos, "Findings of Abuse in Families Affected by Parental Alienation," *Journal of Family Violence* 40, no. 2 (2025): 225–35, <https://doi.org/10.1007/s10896-023-00575-x>.

⁴⁶ Stef Sloan et al., "Custody Cases Involving Transgender and Gender-Expansive Youth: Building Toward Best Practices Using Interdisciplinary and Child-Centered Perspectives," *Family Court Review* 63, no. 1 (2025): 52–70, <https://doi.org/10.1111/fcre.12846>.

perspective expands previous discussions by shifting attention from the question of whether judges exceed their authority toward the broader question of whether judicial action produces a fair and protective outcome. The difference from previous studies is therefore located in the contextualization of *ultra petita* within child protection rather than solely within procedural limitations.⁴⁷ Through this approach, the analysis provides a more comprehensive understanding of how Islamic family law courts negotiate the tension between formal legal boundaries and substantive justice in resolving disputes concerning children.⁴⁸

This research recommends the development of a conceptual framework for future *hadhanah* adjudication that positions procedural legitimacy, substantive justice, and child protection as interconnected elements within judicial reasoning. The application of the *ultra petita* principle in *hadhanah* disputes should not be understood as an unrestricted judicial authority,⁴⁹ but rather as a limited legal instrument that may be exercised when necessary to ensure the best interests of the child. Therefore, judges should consider several essential parameters,⁵⁰ including the existence of a direct relationship between judicial intervention and the protection of children's rights,⁵¹ the necessity of preventing unjust legal consequences, and the obligation to provide transparent reasoning regarding the proportionality and legal basis of such decisions. From a methodological perspective, future research may expand the analysis of *hadhanah* adjudication through comparative studies involving different religious courts and variations in judicial interpretation to identify broader patterns of legal reasoning. From a policy perspective, clearer judicial guidelines are required concerning the boundaries of *ex officio* authority in family law disputes to promote consistency in decision-making while preventing excessive judicial discretion. The development of such a framework would strengthen a responsive model of *hadhanah* adjudication that maintains procedural certainty while simultaneously ensuring that child protection remains the primary consideration in judicial decision-making. Ultimately, this approach contributes to the advancement of Islamic family law by establishing a balanced relationship between judicial accountability, legal certainty, and the protection of children's fundamental interests.

4. Conclusion

This study demonstrates that the application of the *ultra petita* principle in the Medan Religious High Court Decision No. 1/Pdt.G/2025/PTA.Mdn is consistent with Article 178 paragraph (3) of *HIR* and *SEMA* Number 3 of 2015. The panel of judges confined its adjudicative authority to the claims expressly submitted by the parties and therefore refrained from determining *hadhanah* because no *petitum* requesting such relief was included in the reconventional claim before the Religious Court. Although the Appellant sought *hadhanah* in the conventional claim and maintained the request during the appellate proceedings, the appellate panel concluded that the issue could not be adjudicated because it had not formed part of the reconventional *petitum* examined at first instance. The factual circumstances showing that both children remained at an age requiring parental care were considered only in determining child support and did not constitute an independent legal basis for awarding *hadhanah*. Accordingly, the decision confirms that appellate judges remain bound by procedural limitations governing judicial authority and may not extend the scope of adjudication beyond the claims properly presented by the parties. The findings further indicate that the application of the *ultra petita* principle promotes procedural fairness, legal certainty, consistency in appellate review, and respect for the adversarial nature of civil

⁴⁷ Sibel Coşkun and Deniz Sarlak, "Reasons for Divorce in Turkey and the Characteristics of Divorced Families: A Retrospective Analysis," *Family Journal*, 2020, <https://doi.org/10.1177/1066480720904025>.

⁴⁸ Michelle Hayes and Rachel Birnbaum, "Voice of the Child Reports in Ontario: A Content Analysis of Interviews with Children," *Journal of Divorce and Remarriage* 61, no. 5 (2020): 301–19, <https://doi.org/10.1080/10502556.2019.1619379>.

⁴⁹ Siti Musawwamah et al., "Resistance to Child Marriage Prevention in Indonesia and Malaysia," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 259–80, <https://doi.org/10.15408/ajis.v23i1.32014>.

⁵⁰ Guy Enosh, Hani Nouman, and Odelia Sharon, "Between Professionalism and Traditional Social Norms: Social Workers' Parental Custody Recommendations," *British Journal of Social Work* 47, no. 7 (2017): 2032–48, <https://doi.org/10.1093/bjsw/bcw062>.

⁵¹ Luigi Lonardo, "The Best Interests of the Child in the Case Law of the Court of Justice of the European Union," *Maastricht Journal of European and Comparative Law* 29, no. 5 (2022): 596–614, <https://doi.org/10.1177/1023263X221144829>.

procedure within the Indonesian religious court system, while ensuring that judicial intervention remains firmly grounded in the procedural framework established by applicable legislation.

This study contributes conceptually by clarifying the relationship between the *ultra petita* principle, judicial restraint, and the exercise of judicial authority in *hadhanah* disputes within Indonesia's religious court system. The findings enrich the literature on Islamic family law by demonstrating that the protection of children's interests must be balanced with procedural safeguards governing judicial decision-making. Methodologically, the integration of statutory, case, and conceptual approaches provides a comprehensive framework for evaluating the consistency between legislation, judicial reasoning, and legal doctrine in family law adjudication. The study also contributes theoretically by illustrating how procedural justice and substantive child protection interact within a pluralistic legal system in which Islamic law and national procedural law operate simultaneously. These findings offer internationally relevant insights for comparative studies on judicial discretion, appellate review, and procedural limitations in family law across jurisdictions that recognize religious or hybrid legal systems. Furthermore, the study provides a reference for judges, legal practitioners, and policymakers in strengthening consistency in the application of procedural principles while safeguarding the rule of law in *hadhanah* adjudication. Future studies are encouraged to expand the comparative scope by examining judicial approaches to *hadhanah* disputes in other jurisdictions and by exploring how procedural limitations influence the realization of the best interests of the child in different legal traditions.

Declarations

Author Contribution Statement

Nurmala Sari contributed to conceptualization, methodology, investigation, data curation, formal analysis, writing the original draft, and visualization. Fauziah Lubis contributed to supervision, validation, writing—review and editing, project administration, and final approval of the manuscript. All authors have read and agreed to the published version of the manuscript.

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Declaration of Interests Statement

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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