

A COMPARATIVE STUDY OF THE VERDICTS OF THE BUKITTINGGI RELIGIOUS COURT AND THE PADANG HIGH RELIGIOUS COURT ON CHILD CUSTODY FROM THE MASHLAHAH PERSPECTIVE**Sidiq Siadio^{1*}, Nofiardi²**¹Universitas Islam Negeri M. Djamil Djambek Bukittinggi²Universitas Islam Negeri M. Djamil Djambek Bukittinggi

*Corresponding Author: sidiqsiadio16@gmail.com

Abstract: Child custody disputes are common in Indonesia, particularly among public figures such as Virgoun and Inara, as well as Larissa Chou and Alvin Faiz. Economic instability, exacerbated by the Covid-19 pandemic, has significantly impacted mothers' ability to care for their children. In Minangkabau, the matrilineal system typically grants custody to the mother, as reflected in the PTA Padang decision, which contrasts with the ruling from PA Bukittinggi. Islamic law generally grants the mother the right to child maintenance after divorce until the child reaches the age of tamyiz. This study examines the child custody decisions of PA Bukittinggi and PTA Padang through the lens of mashlahah, assessing which ruling best serves the child's welfare. Using normative legal research methodology, the study analyzes primary data from PTA Padang Decision No. 62/Pdt.G/2022/PTA.Pdg, PA Bukittinggi Decision No. 621/Pdt.G/2022/PA.Bkt, and interviews with judges. The findings reveal significant differences in the legal reasoning and interpretation of the child's best interests between the two courts.

Keywords: *Child custody disputes, economic instability, matrilineal system***Introduction**

Child custody disputes in Indonesia remain a prevalent issue, as exemplified by the case of Virgoun and Inara. Not only they, but many other celebrities also face similar problems after divorce, such as Larissa Chou and Alvin Faiz, Venna Melinda and Ivan Fadilla, as well as Tsania Marwa and Atalarik Syah. These issues are not only caused by marital conflicts but also by economic instability since the Covid-19 pandemic. Some cases even continue to the cassation level in the Supreme Court, such as the Diana Malayanti case in Malang.

A case in PTA Padang decided that child custody should be granted to the mother, considering the local wisdom of Minangkabau, which adheres to a matrilineal system. This decision contrasts with the ruling of PA Bukittinggi, which had previously awarded custody to the father based on mediation results. The PTA Padang judges considered the mismatch between the mediation outcome and both Islamic law and the Minangkabau local customs, as well as the failure to meet the agreement criteria according to the Civil Code.

In Islam, the responsibility for child custody is a right of both parents, with the priority given to the mother until the child reaches the age of tamyiz. Various Islamic scholars have differing views on child custody, but in general, the child's welfare is considered the primary concern. Law No. 1 of 1974 on Marriage also stipulates that after divorce, both parents are still obligated to care for their children, with the father being responsible for maintenance and education costs.

This study aims to analyze the considerations of the judges in PA Bukittinggi and PTA Padang regarding child custody decisions from the perspective of mashlahah, to determine which ruling is stronger and more aligned with the values of justice.

Method

The research method studies theories and systematic steps in research to answer questions through scientific procedures. This study uses a normative legal method, which focuses on legal analysis and relevant norms to solve legal problems within a specific jurisdiction. The aim of normative legal research is to describe the application of positive law and legal norms through legal analysis, similar to the work of judges in deciding cases.

The data sources for this research consist of primary and secondary data. Primary data is obtained directly from original sources, such as the PTA Padang Decision No. 62/Pdt.G/2022/PTA.Pdg, the PA Bukittinggi Decision No. 621/Pdt.G/2022/PA.Bkt, and the judges who made the decisions in the cases. Secondary data is obtained through literature and document studies, including books, journals, legal documents such as Law No. 1 of 1974 on Marriage, and other relevant documents.

Data collection is carried out using the library study method, which involves reading and reviewing books, journals, documents, and other relevant literature related to the research topic. Data analysis is conducted systematically using a comparative descriptive analytical method, which involves comparing two or more research objects from various aspects to assess and interpret the data obtained.

Results and Discussion

Description of the Bukittinggi Religious Court's Decision

Chronology of the Issue

Case Number 621/Pdt.G/2022/PA Bkt is a lawsuit for divorce and child custody filed at the Bukittinggi Religious Court on September 26, 2022, by the Plaintiff against the Defendant. On November 22, 2003, the Plaintiff and the Defendant were married at the Syuha' Sariak Mosque in Kenagarian Sariak, which was recorded by the Marriage Registrar at the Office of Religious Affairs (KUA) of Sungai Pua Subdistrict, as stated in the Marriage Certificate excerpt No. 43/43/I/2004 dated December 13, 2003.

After the marriage, the Plaintiff and the Defendant lived in Sariak, Jorong Baruah Mudiak, Kenagarian Sariak, Sungai Pua Subdistrict, Agam Regency. Throughout the marriage, they lived together as husband and wife and were blessed with a daughter named Nabila Suryafarma binti Parma Nedi, born on September 25, 2013.

Initially, their household was peaceful and harmonious. However, since the end of 2006, their marital harmony began to falter due to the Defendant's irresponsibility in providing for the Plaintiff and their child, forcing the Plaintiff to work to meet the family's needs.

The peak of their disputes and quarrels occurred in mid-2020. The Plaintiff ordered the Defendant to leave the house because the Defendant remained irresponsible toward the Plaintiff and their child. The Plaintiff had requested the Defendant to work, but the Defendant refused to do so and was unwilling to help. Since mid-2020, the Plaintiff and the Defendant have been living separately, and it has been approximately two years now.

Both families have made efforts to reconcile their marriage, but these attempts were unsuccessful. Currently, their child, Nabila Suryafarma binti Parma Nedi, is in the Defendant's custody. The Plaintiff is concerned as their child is still young and is requesting to be granted custody rights over their child.

Outcome of the Decision The Plaintiff filed the lawsuit based on Article 19 of Government Regulation No. 9 of 1975. Therefore, the Plaintiff requested the Chairperson of the Bukittinggi Religious Court to accept and examine this case. The Plaintiff is willing to pay

any costs arising from this case. The Plaintiff requests the Panel of Judges to issue a decision with the following verdict:

a) Primary:

1. Granting the Plaintiff's lawsuit;
2. Issuing a divorce verdict of one Ba'in Shughra against the Defendant (Parma Nedi bin Mahidin) with respect to the Plaintiff (Suryani alias Suryani Farmila binti Sudirman St Bandaro);
3. Appointing the Plaintiff as the custodian (hadanah) of their daughter, Nabila Suryafarma binti Parma Nedi, born on September 25, 2013, while still granting the Defendant the right to visit the child.

On the scheduled court day, both the Plaintiff and Defendant appeared in person based on a valid summons. The Panel of Judges examined and reviewed the Plaintiff's electronic documents via the Court Information System. Since this case was registered via e-court and the Defendant attended the trial, the Panel of Judges explained the rights and obligations of the parties regarding the electronic trial process. The Defendant expressed willingness and agreed to the electronic trial, having signed the Defendant's Consent for Electronic Court Proceedings. Therefore, the Chairperson of the Panel set the trial schedule electronically for this case.

The Panel of Judges made significant efforts to reconcile the Plaintiff and Defendant at the start of every trial session, but these efforts were unsuccessful. Mediation was also conducted through the Judge Mediator. Based on the Mediator's report dated October 12, 2022, mediation between the Plaintiff and Defendant partially resulted in an agreement regarding child custody.

b) **Peace Agreement** Article 1: That the one child of the Plaintiff and Defendant, named Nabila Suryafarma binti Parma Nedi, female, born on September 25, 2013, is under the custody of the Defendant, with the provision that the Defendant must grant the Plaintiff, as the mother, access to meet and play with the child during school holidays. Article 2: That the parties will not speak ill of each other to the child. Article 3: That the parties agree to request that the Panel of Judges include this Peace Agreement in the considerations and verdict of the decision. Article 4: That the costs of this case be borne by the Plaintiff.

After reading the Plaintiff's petition, which was registered in the Bukittinggi Religious Court's Register Number 621/Pdt.G/2022/PA Bkt on September 27, 2022, the Plaintiff reaffirmed the points stated in the petition. The Defendant submitted their response via e-litigation, essentially denying the accusations that the Defendant was irresponsible. The Defendant explained that although the Defendant did provide daily sustenance, the Defendant could not meet the Plaintiff's request for an allowance of Rp 100,000 (one hundred thousand) per day due to the Defendant's irregular income. The Defendant also denied that the quarrels began in 2021 and stated that the separation occurred around one year ago. Furthermore, the Defendant responded to the claim that there had been no family effort to reconcile the marriage issues.

To support the claims in the petition, the Plaintiff submitted the following evidence:

1. A photocopy of the ID card of Suryani Farmila, NIK 1306126306820001, issued by the Government of Agam Regency, West Sumatra Province, dated August 12, 2021, verified and matched with the original, marked as "P.1" and signed.
2. A photocopy of the Marriage Certificate Excerpt No. 43/43/I/2004, issued by the Office of Religious Affairs of Banuhampu Subdistrict, Agam Regency, West Sumatra Province, dated December 13, 2003, verified and matched with the original, marked as "P.2" and signed.
3. A photocopy of the Certificate No. B.053/Kua.03.6.1/PW.01/02/2020, issued by the Head of the Office of Religious Affairs of Banuhampu Subdistrict, Agam Regency, West Sumatra Province, dated February 10, 2020, verified and matched with the original, marked as "P.3" and signed.

The Panel of Judges presented these three written pieces of evidence to the Defendant. Additionally, the Plaintiff submitted the following witnesses:

1. L binti Jamin, 47 years old, from Jorong Sariak Sungai Pua, testified that the Plaintiff married the Defendant and lived together in the Plaintiff's village in Sariak, Jorong Baruah Mudiak, Kenagarian Sariak, Sungai Pua Subdistrict, Agam Regency until their separation. Initially, their marriage was harmonious, but later disputes led to their separation. The witness heard their arguments three times around two years ago in their shared house. The Plaintiff worked to meet their own and their child's needs while the Defendant occasionally worked as a motorbike salesman or farm worker. The witness knew the Plaintiff worked to meet their needs and those of their child.
2. S binti Abbas, 45 years old, from Jorong Sungai Angek, Kenagarian Sungai Pua, testified that the Plaintiff married the Defendant on November 22, 2003, as per the witness's knowledge and the Plaintiff's statement. The witness knew they lived in the Plaintiff's village and had a daughter named Nabila Suryafarma, aged 9. Initially, their marriage was harmonious, but disputes started around 2020. The witness knew that the Plaintiff worked to provide for herself and her child because the Defendant failed to fulfill his responsibilities. The Defendant sometimes helped the witness work as a farmer, but the income was insufficient for the Plaintiff's daily needs.

c) **Legal Considerations** Based on the trial results and the evidence submitted by both the Plaintiff and Defendant, the Panel of Judges concluded that the Plaintiff's lawsuit met the legal requirements and the grounds for divorce as stipulated in Government Regulation No. 9 of 1975. The main consideration was that the ongoing disputes and quarrels between the Plaintiff and Defendant had caused disharmony and an inability to continue their marriage. The Panel also noted that the Plaintiff and Defendant had been living separately for over two years, indicating they could no longer live together as husband and wife.

Additionally, the Panel considered the peace agreement reached between the Plaintiff and Defendant regarding child custody and decided to incorporate this agreement into the ruling.

d) **Decision**

1. Partially granting the Plaintiff's lawsuit.
2. Issuing a divorce verdict of one Ba'in Shughra against the Defendant (Parma Nedi bin Mahidin) with respect to the Plaintiff (Suryani alias Suryani Farmila binti Sudirman St Bandaro).
3. Appointing the Defendant as the custodian of their daughter, Nabila Suryafarma binti Parma Nedi, born on September 25, 2013, with the provision that the Plaintiff has the right to visit the child.
4. Charging the costs of the case to the Plaintiff in the amount of Rp. 334,000.00 (three hundred thirty-four thousand rupiah).

Analysis of the Child Custody Decision at the Bukittinggi Religious Court (PA Bukittinggi)

The Plaintiff filed a divorce petition accompanied by a request for child custody for a child named Nabila Suryafarma binti Parma Nedi, born on September 25, 2013. During mediation, the Plaintiff and Defendant reached a partial agreement regarding child custody (hadhanah). The Plaintiff has legal standing to file this lawsuit in accordance with Article 285 of the Civil Code (R.Bg.) in conjunction with Article 2, paragraph (1) and (2) of Law No. 1 of 1974. Article 7, paragraph (1) of Presidential Instruction No. 1 of 1991 affirms the competence of the Religious Courts to decide on cases related to marriage, including child custody. Based on Article 49, paragraph (1) letter (a) of Law No. 50 of 2009, the Religious Court has exclusive jurisdiction to handle this matter. The Court Panel attempted reconciliation but was unsuccessful. The Plaintiff and Defendant went through mediation, reaching a partial

agreement on child custody. According to Articles 19-27 of PERMA No. 1 of 2019, the trial was held electronically after receiving the Defendant's consent.

The Plaintiff's arguments include marital disputes and disharmony since the end of 2006, separation of residences since 2020, and the Plaintiff's efforts to meet household needs independently. The Defendant denies most of the Plaintiff's allegations regarding arguments and alimony but acknowledges some of them. The documentary evidence submitted by the Plaintiff meets formal and material requirements, while witnesses from both sides provide relevant testimonies. The Plaintiff works alone to meet household needs, while the Defendant has not lived in the shared home for the past two years. A witness for the Defendant stated that the Defendant resides in the village with the child, while the Plaintiff does not live there. In the mediation agreement, the child, Nabila Suryafarma binti Parma Nedi, is under the Defendant's custody, with the provision that the Plaintiff is allowed to meet and spend time with the child during school holidays. Both parties also agreed not to speak ill of the other parent to the child. Based on the evidence submitted, the Court Panel decided that the child's custody remains with the Defendant, with the provision that the Plaintiff has the right to meet the child during school holidays.

Description of the PTA Padang Decision

1. Chronology of the Issue

Case Number 32/Pdt.G/2023/PTA Pdg is an appeal against the decision of the Bukittinggi Religious Court (PA Bukittinggi) Case Number 621/Pdt.G/2022/PA Bkt, filed by the Defendant, Parma Nedi bin Mahidin, against the Plaintiff, Suryani alias Suryani Farmila binti Sudirman St Bandaro. The Defendant disagreed with the decision of the Bukittinggi Religious Court, specifically regarding the child custody determination granted to the Plaintiff. The Defendant filed the appeal on January 10, 2023. Based on the appeal memorandum, the Appellant (Defendant) appealed for the following reasons:

- a. Does not want to divorce the Respondent: The Appellant stated that he does not want to divorce the Respondent because of the memories and promises they made together. The Appellant feels that love and affection between them still exist.
- b. Happy memories from the past: The Appellant recalls the difficult times they went through together but remained happy. This memory makes the Appellant feel there is still hope to fix their relationship.
- c. Promise of togetherness: The Respondent once promised to be together forever with the Appellant. This promise left a lasting impression on the Appellant's heart and motivated him to attempt to fix their marriage.
- d. It is not true that the marriage has been unhappy since 2006: The Appellant claimed that their marriage was harmonious until a dispute occurred in 2021. The Appellant disagreed with the claim that their marital peace began to deteriorate in 2006.
- e. Still loves and cares for the Respondent: The Appellant still loves and cares for the Respondent as his wife. The Appellant does not want a divorce because he believes they can still improve their relationship.
- f. 18 years of marriage: In 18 years of marriage, they were blessed with a daughter and went through many things together, both bitter and sweet. The Appellant does not want a divorce because of concern for their child's future.
- g. Sacrifices for the family: The Appellant acknowledges his negligence and mistakes in often leaving the family for work. The Appellant wants to correct these mistakes and does not want a third party to ruin their marriage.
- h. Sufficient financial support: The Appellant has always provided sufficient financial support as best as he could while they were together. The Appellant believes that their living needs were always met.

- i. Division of marital property: The Appellant is concerned about the division of property in case of divorce. The Appellant feels that his sacrifices for the family have not been appreciated and does not want to lose the property they built together.
- j. Promise to change: The Appellant promises to change his behavior and negligence if given a chance to save their marriage. Based on the above reasons, the Appellant requested that the Chair of the Padang Religious High Court accept the appeal and provide a fair decision, canceling the Bukittinggi Religious Court's decision Number 621/Pdt.G/2022/PA.Bkt dated October 21, 2022.

PTA Padang's Decision:

The legal consideration in the PTA Padang Decision 62/Pdt.G/2022/PTA.Pdg began by recognizing that the appeal request was submitted in a timely manner, in accordance with the provisions of Article 7, paragraphs (1) and (4) of Law No. 20 of 1947 in conjunction with Article 199, paragraph (1) of R.Bg. The Padang Religious High Court has the authority to hear this case on appeal. The Appellant, as the Defendant in the first instance at the Bukittinggi Religious Court, has legal standing to file an appeal.

The Padang Religious High Court Panel deemed it necessary to review the first-instance decision and reconsider the Appellant's appeal memorandum. After reviewing the appeal memorandum, the Bukittinggi Religious Court's decision, and the existing evidence, the Panel decided that the peace efforts and mediation conducted by the first-instance judge were in accordance with applicable legal provisions.

The facts revealed that the Plaintiff/Respondent and Defendant/Appellant had been living separately for approximately two years, their communication as husband and wife was hindered, and both parties had not fulfilled their duties and obligations as spouses. The Plaintiff/Respondent insisted on divorce. Based on the Supreme Court Circular (SEMA) No. 4 of 2014 and the Supreme Court Jurisprudence No. 273 K/AG/1998, this situation is sufficient grounds for divorce.

The Padang Religious High Court Panel agreed with the first-instance Court's consideration that the Plaintiff/Respondent's divorce petition was legally justified. However, they disagreed with the first-instance decision on child custody. Based on Article 1320 of the Civil Code, the agreement on child custody for children under 12 years old must be with the mother. Additionally, this is in line with the family law in Minangkabau, which follows the matrilineal principle.

The Padang Religious High Court Panel decided to annul the first-instance decision regarding child custody and determined that the child should be in the mother's custody (Plaintiff/Respondent). The Defendant/Appellant was ordered to pay child support of Rp. 750,000 per month until the child reaches adulthood or independence, with a 10% annual increase. The first-instance court costs were borne by the Plaintiff/Respondent, and the appeal costs were borne by the Defendant/Appellant.

This decision was made by the Padang Religious High Court Panel and announced in a public hearing, without the presence of the parties involved.

Analysis of the Child Custody Decision at PTA Padang

In PTA Padang Decision Number 62Pdt.G/2022/PTA.Pdg, PTA Padang annulled the Bukittinggi Religious Court's decision Number 621/Pdt.G/2022/PA.Bkt, which had granted child custody to the Defendant/Appellant based on the mediation agreement. PTA Padang then determined that child custody would be granted to the Plaintiff/Respondent (mother). PTA Padang referred to Article 105 letter (a) of the Compilation of Islamic Law (KHI), which states that children under 12 years old (not yet discerning) must be cared for by their mother. The child in this case, Nabila Suryafarma, was born on September 25, 2013, and at the time of

the decision, was still under 12 years old. Therefore, the custody agreement granting custody to the father was deemed contrary to the applicable law.

PTA Padang also considered Minangkabau family law, which adheres to the matrilineal principle, where children are typically cared for by the mother's family, in accordance with the legal values upheld in the local community as regulated by Article 5, paragraph (1) of Law No. 48 of 2009 and Article 229 KHI. Additionally, PTA Padang took into account Article 14 of Law No. 23 of 2002 on Child Protection, as amended by Law No. 35 of 2014, which emphasizes the importance of prioritizing the child's best interests in determining custody. In its decision, PTA Padang determined that child custody would be granted to the Plaintiff/Respond

Analysis of the Mashlahah Perspective in the Child Custody Decision of the Bukittinggi Religious Court and Padang High Religious Court

In the decision of the Bukittinggi Religious Court (PA) and the Padang High Religious Court (PTA) regarding child custody, there are legal considerations related to mashlahah. These two institutions gave different decisions regarding child custody. The Bukittinggi Religious Court focused on the principles of Islamic law in determining child custody. Based on the analysis of mashlahah, this decision can be assessed from the following aspects:

1. *Al-Maslahah Al-Dharuriyyah (Primary Needs)*

The Bukittinggi Religious Court considered the basic needs of the child, such as the right to receive good care and protection. By evaluating dharuriyyah mashlahah, this decision seeks to ensure that the child receives proper care according to Sharia principles.

This consideration can be seen in the decision of the Bukittinggi Religious Court, which reads:

"Since the end of 2006, the household harmony between the Plaintiff and the Defendant started to deteriorate due to the Defendant's irresponsibility in providing financial support to the Plaintiff and the Plaintiff's child, which led to the Plaintiff working to meet the household needs."

2. *Al-Maslahah Al-Hajiyyah (Secondary Needs)*

In this case, the Bukittinggi Religious Court also considered secondary needs, such as access to education and health services for the child. The decision made reflects efforts to meet the child's daily needs and support their overall welfare. This consideration can be seen in the decision of the Bukittinggi Religious Court, which reads:

"Moreover, the Plaintiff and Defendant have undergone mediation with the mediator Dra. Rasmianti, a Judge Mediator, and reached an agreement on part of the legal demands, including child custody (hadanah), so the provisions of Article 154 paragraph (1) RBg jo. Article 65 of Law No. 7 of 1989 on Religious Courts, as amended by Law No. 50 of 2009, along with Articles 31 paragraph (1) and (2) of Government Regulation No. 9 of 1975 on the Implementation of Law No. 1 of 1974 on Marriage, and Article 17 PERMA Republic of Indonesia No. 1 of 2016 on Mediation Procedures in Court, have been met in this case."

3. *Al-Maslahah Al-Tahsiniyyah (Complementary Needs)*

The Bukittinggi Religious Court's decision also took into account additional aspects that could enhance the child's quality of life, such as emotional and social stability. This consideration shows attention to the child's long-term welfare. This can be seen in the decision of the Bukittinggi Religious Court, which reads:

"Article

The parties agree not to speak ill of the parents to the child."

The Padang High Religious Court considered child custody with reference to the Compilation of Islamic Law (KHI) and the matrilineal principle of Minangkabau. The mashlahah analysis in this decision involves:

1. ***Al-Maslahah Al-Mu'tabarah (Recognized Benefit in Sharia)***

The Padang High Religious Court considered the principles of KHI, which regulate child custody according to Islamic law. This reflects the benefits recognized in Sharia to protect the child's rights within the applicable legal context. This consideration can be seen in the decision of the Bukittinggi Religious Court, which reads:

"Considering in the plaintiff's appeal, the Plaintiff/Counterparty requested that child custody be granted to them, but after mediation, an agreement was reached that child custody would be given to the Defendant/Counterparty. The Appellate Court judges view this agreement as contrary to the applicable legal provisions, as the child is under 12 years old and not yet capable of distinguishing, and therefore should be under the mother's custody, as regulated in Article 105 letter (a) of the Compilation of Islamic Law."

2. ***Al-Maslahah Al-Mursalah (Benefit Not Specifically Mentioned in the Text)***

The use of the matrilineal principle of Minangkabau in the Padang High Religious Court's decision is an example of mashlahah al-mursalah. This principle is not explicitly stated in the text, but it is deemed important to consider the customary norms that apply in Minangkabau society.

This consideration can be seen in the decision of the Bukittinggi Religious Court, which reads:

"Considering that based on the above considerations, the Appellate Court judges believe that the agreement made by the Plaintiff/Counterparty and Defendant/Counterparty regarding child custody is contrary to the applicable rules, namely Article 1320 of the Civil Code and the customary law in Minangkabau society, which follows the matrilineal principle governing kinship through the mother. Therefore, the agreement regarding child custody is null and void by law. Thus, the decision of the First Court on child custody must be annulled."

Conclusion

The child custody decisions made by the Bukittinggi Religious Court (PA) and the Padang High Religious Court (PTA) offer distinct approaches based on the perspective of mashlahah (benefit). Both courts consider the needs of the child, but their decisions reflect different legal frameworks and priorities.

1. **Bukittinggi Religious Court:** This court focused on ensuring the child's basic (dharuriyyah), secondary (hajiyyah), and complementary (tahsiniyyah) needs. It emphasized the importance of providing the child with good care, protection, and stable living conditions, in line with Islamic principles and the child's emotional and social welfare. The court also acknowledged the importance of fulfilling both the primary and secondary needs of the child, including education and health.
2. **Padang High Religious Court:** This court, while also guided by Islamic law (KHI), incorporated the matrilineal tradition of Minangkabau society. The decision reflects a balance between recognized Islamic legal principles (mu'tabarah) and the local customs (mursalah), considering the child's welfare under the cultural norms of the community. The court focused on ensuring that the custody arrangement aligns with both the law and the societal values regarding kinship.

In both cases, the application of mashlahah demonstrates a comprehensive approach to child custody, balancing legal, social, and cultural considerations. Ultimately, both courts sought to prioritize the well-being and future prospects of the child, although their interpretations of how to achieve this goal varied based on their legal and cultural contexts.

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