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From Private Litigation to State Responsibility: Reconceptualising Child Support Enforcement through the Principle of *Parens Patriae*

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Abstract

Indonesia continues to experience a significant increase in divorce cases, resulting in persistent challenges in enforcing children's post-divorce maintenance rights. Although courts routinely order child support obligations, compliance remains low because the existing legal framework treats child maintenance as a private civil dispute, relying primarily on execution proceedings initiated by custodial parents. This private-law paradigm limits the State's capacity to guarantee children's constitutional rights effectively. While previous studies have largely examined child support from family law and civil enforcement perspectives, limited attention has been paid to reconceptualising its enforcement through the doctrine of Parens Patriae within an administrative law framework. This article aims to develop a conceptual framework that repositions child support enforcement from private litigation to proactive state responsibility. Using normative legal research with conceptual, statutory, and comparative approaches, the study critically examines the limitations of the current enforcement model and formulates an alternative administrative law framework. The study argues that the doctrine of Parens Patriae provides a constitutional and administrative basis for transforming child support enforcement into an affirmative obligation of the State through accountable and responsive public governance. This paradigm strengthens legal certainty, improves children's access to justice, and reinforces state responsibility in protecting vulnerable children after divorce. Furthermore, the proposed framework establishes a conceptual foundation for future digital governance reforms through integrated public administration and technology-enabled enforcement mechanisms while preserving child maintenance as a constitutional right rather than merely a private financial obligation.

Keywords: *Administrative Law, Child Protection, Child Support Enforcement, Parens Patriae, Responsible Governance.*

INTRODUCTION

The divorce rate in Indonesia will increase again in 2025. Data from the Central Statistics Agency (BPS) in 2024 shows 394,608 divorce cases in Indonesia And will increase by 10% in 2025 to 438,168 cases. In the 2021–2025 period, there were 2,260,517 divorce cases [1]. If calculated with an average of 1.5 to 2 children per family, it is estimated that there are between 3.39 million and 4.52 million children affected by

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parental divorce. The number of divorces in the last 5 years and affected children can be seen in the following table :

Table 1. Total Divorce Cases in Indonesia and Projection of Affected Children (2021–2025)

Number of Divorces		Estimated number of children affected by divorce	
Year	Case	1.5 Children of Percas	2 Children of Percas
2021	447,743	671,614	671,614
2022	516,344	516,344	516,344
2023	463,654	463,654	463,654
2024	394,608	394,608	394,608
2025	438,168	657,252	876,336
Total	2.260.517	3.390.775	4.521.034

(Source: BPS 2026)

The data shows that thousands of children have the potential to experience changes in family structure and face the risk of reduced economic support from one parent. The termination of a marital relationship often creates new issues regarding the sustainability of meeting the needs of children, especially when parents who do not live with the child do not carry out their maintenance obligations as determined by law or court order [2].

Indonesia's legal framework has basically provided a normative basis for parents' obligations to children after divorce. Marriage law, family law, and child protection law place the interests and welfare of children as aspects that must remain considered, even though the parents' marital relationship has ended [3]. Thus, normatively, there is a clear relationship between children's rights and parental obligations. The problem actually arises when the obligations that have been set are not carried out voluntarily. At this stage, the existence of a court decision is not always synonymous with the fulfilment of children's rights because the realisation of alimony is still greatly influenced by the implementation and execution mechanism after the judgment is rendered [4]. Bappenas data shows that applications for child support rights are only filed in 1% of divorce cases [5].

Research on the execution of child support decisions at the Medan Religious Court, published in 2025, shows that the implementation of child support decisions still faces problems related to the effectiveness of execution and the protection of children's rights [6]. Likewise, research in Lombok in 2024 revealed the alarming fact that 45% of children who are victims of divorce do not receive any support from their fathers, while the remaining 55% receive a living that is far below the standard of living needs [2]. Studies

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on child support neglect have even begun to link parental disobedience to the problem of child neglect and the need to strengthen law enforcement [7]. In fact, recent comparative research on Indonesia, the United States, Singapore, Japan, and China shows that more effective systems tend to be supported by specialised institutions, integrated information systems, and tiered enforcement mechanisms [8]. These findings show an important development: the discourse on child support is beginning to shift from a question of parental obligations to a question of institutional architecture and enforcement mechanisms.

The development of international literature provides a stronger perspective on the importance of state involvement. Research by Meyer, Cancian, and Waring (2020) shows that various enforcement actions may be related to increased alimony payments, while studies on targeted child support enforcement found that proactive and targeted interventions correlated with increased payments and compliance [9]. At the same time, the literature also warns that enforcement that is too punishment-oriented can have unintended consequences. Middlemass and Josephson (2021), for example, show that mechanisms such as wage cuts, certain restrictions, and imprisonment can have different impacts on low-income families and potentially exacerbate economic vulnerability [10]. Therefore, child support enforcement reform is not enough to only strengthen coercion, but must be designed as a child protection governance that is proportionate, responsive, and oriented towards the best interests of the child.

In this context, the principle of Parens Patriae offers a theoretical basis for shifting the perspective on the position of the state. Historically, Parens Patriae developed as a doctrine that gave the state the authority to act as a protector for individuals who were unable to protect their own interests, particularly children. The literature on the doctrine shows that Parens Patriae is closely related to the state's function in protecting the welfare and rights of the child. However, its application must also be limited so as not to turn into paternalism that ignores the autonomy and interests of the child [11]. In modern developments, the doctrine should not be understood solely as the authority of the state to assume the role of parents, but as a basis of legitimacy for the state to intervene when there are the interests of the vulnerable child and private mechanisms are inadequate to guarantee it.

This meaning is relevant to the legal framework in Indonesia. Law Number 35 of 2014 concerning Child Protection explicitly states that the state, government, local government, community, family, and parents or guardians are obliged and responsible for the implementation of child protection. Furthermore, the state is obliged to fulfil, protect, and respect the rights of the child, while the government has the responsibility to formulate and implement child protection policies. The normative framework shows that child protection in Indonesian law is actually not built solely as a private family affair. The state has been placed as one of the stakeholders in ensuring the fulfilment of children's rights.

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The framework is in line with the child's rights-based approach in international law. The Convention on the Rights of the Child places the best interests of the child as the primary consideration in all actions concerning children, including the actions of administrative, judicial, and legislative institutions. General Comment No. 14 emphasises that the principle of the best interests of the child must be consistently integrated in the legislative, administrative, and judicial processes [12]. Meanwhile, General Comment No. 19 emphasises the state's obligation to take the legislative, administrative, and policy steps necessary to realise children's rights [12]. Thus, the state's responsibility to children does not stop at the establishment of norms or the provision of judicial institutions, but also includes the creation of administrative mechanisms that allow children's rights to be realised effectively.

The distinction between administrative law and its implementation is important in understanding the enforcement gap in child support. At the normative level, administrative law provides the legal authority, institutional mandates, procedural requirements, and standards that govern the actions of public institutions. However, the existence of legal and administrative provisions does not necessarily ensure their effective implementation in practice. Empirical studies of child support systems have demonstrated that administrative weaknesses, cumbersome procedures, lengthy processes, and institutional burdens may impede the realization of legally established maintenance obligations [13], [14].The problem, therefore, is not simply the absence of legal rules, but the gap between formal legal requirements and their effective implementationEvidence from child support enforcement programs also indicates that targeted and proactive administrative intervention can improve payment compliance, suggesting that the effectiveness of enforcement depends not merely on the existence of legal powers but on how those powers are institutionally operationalized [15].

This implementation gap provides a normative basis for reconsidering the role of the state through the principle of Parens Patriae. Recent scholarship on public enforcement recognizes that the state may assume an enforcement role in relation to rights that traditionally operate within the sphere of private law, including through the Parens Patriae function [16]. In the context of child support, comparative evidence demonstrates that the effective realization of judicially established obligations may require administrative mechanisms that extend beyond the issuance of judicial orders, particularly where payment monitoring, arrears, and enforcement delays persist [13]. Empirical evidence further indicates that targeted and proactive administrative intervention can improve child support compliance [15]. Accordingly, this study conceptualizes state responsibility not as a transfer of the parents' substantive maintenance obligation to the state, but as an institutional responsibility to establish mechanisms capable of connecting judicial determination with the continuous realization of children's rights.

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The novelty of this research lies in reconceptualizing child support enforcement as a matter of state responsibility for the realization of children's rights, rather than treating it solely as a private, party-initiated process for enforcing judicial orders. First, the study identifies the implementation gap between the legal recognition and judicial determination of child support obligations and their actual realization in practice as a central limitation of the existing enforcement model. Second, it reconceptualizes Parens Patriae as an institutional guarantee principle, under which the state bears responsibility for establishing and maintaining institutional mechanisms that enable legally established parental obligations to be effectively realized, without transferring the parents' substantive maintenance obligations to the state. Third, the study proposes Administrative Child Support Governance as a conceptual bridge between judicial determination and practical rights realization, shifting the paradigm from reactive, party-initiated enforcement toward proactive and coordinated institutional governance. This framework provides a normative foundation for future institutional and technological innovation in child support enforcement.

The central contribution of this study, therefore, is not the creation of another enforcement mechanism, but a reconceptualization of who bears responsibility for ensuring that a legally established child support right is actually realized.

METHOD Research Design and Approach

This study employs normative legal research with a doctrinal and prescriptive orientation to examine the legal and institutional foundations of child support enforcement after divorce [17]. Doctrinal legal research is appropriate because the study focuses on the analysis and synthesis of legal norms, doctrines, principles, and institutional arrangements in order to develop a normative and conceptual framework for legal reform. [18]. The research does not examine individual parents or children as empirical research subjects; rather, its unit of analysis consists of legal norms, judicial enforcement mechanisms, institutional arrangements, and scholarly arguments concerning child support and children's rights.

Three approaches are employed. First, the statutory approach is used to examine the legal recognition of parental maintenance obligations, children's rights, judicial authority, and relevant administrative responsibilities under Indonesian law and applicable international legal instruments. Second, the conceptual approach is used to examine the concepts of Parens Patriae, state responsibility, child rights, judicial enforcement, and administrative governance. Third, the comparative approach is used to examine selected child support enforcement arrangements in other jurisdictions in order to identify institutional practices that may provide analytical insights for the Indonesian context. Comparative legal research enables the evaluation of different legal systems, procedures,

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and institutional arrangements while taking account of the contextual differences between jurisdictions [18].

Legal Materials and Structured Literature Search

The primary legal materials comprise Indonesian legislation, relevant judicial and regulatory instruments, and international legal instruments concerning children's rights and parental maintenance obligations. Secondary legal materials consist of peerreviewed journal articles, academic books and book chapters, and other scholarly publications addressing child support enforcement, child maintenance, children's rights, Parens Patriae, state responsibility, administrative enforcement, and post-divorce obligations.

To strengthen the transparency of the literature identification process, a structured literature search was conducted using the Dimensions database, complemented by relevant scholarly sources identified through other academic databases and reference-list searching. The principal search concepts were combined using Boolean operators, including: “child support” and enforcement; “child maintenance” and enforcement; “post-divorce” and “child support”; “child support” and “administrative enforcement”; “child support” and “state responsibility”; “Parens Patriae” and child; and “Parens Patriae” and “child support.” The primary publication period was 2016–2026, while earlier publications were retained when they provided foundational doctrinal or theoretical contributions that remained necessary for the conceptual analysis.

The search and selection process was reported with reference to the PRISMA 2020 framework [19]. PRISMA 2020 recommends transparent reporting of information sources, search strategies, eligibility criteria, and the process through which records are screened and selected [19]. PRISMA is used in this study as a reporting and transparency framework for the structured literature identification process, rather than as the primary research design or as an indication that the study constitutes a systematic review.

Inclusion, Exclusion, and Screening Criteria

The inclusion criteria were: (1) scholarly publications addressing child support or child maintenance and its enforcement; (2) studies examining children's economic rights, parental maintenance obligations, or post-divorce support; (3) literature concerning Parens Patriae, state responsibility, administrative enforcement, or public institutional responsibility relevant to child protection; (4) peer-reviewed journal articles and scholarly books or book chapters; (5) publications in English or Indonesian; and (6) publications providing substantive legal, institutional, conceptual, comparative, or policy analysis relevant to the research questions.

The exclusion criteria were: (1) publications unrelated substantively to child support or children's economic rights; (2) studies concerning child welfare without a meaningful connection to maintenance or enforcement; (3) duplicate records; (4) nonscholarly

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promotional or opinion materials; and (5) publications whose full text was unavailable or whose substantive content did not contribute to the conceptual and legal analysis. Older publications were excluded from the principal publication-period criterion unless they were retained as foundational sources necessary to explain an established legal doctrine or theoretical concept.

The screening process consisted of four stages: identification, duplicate removal, title and abstract screening, and full-text eligibility assessment. Records that satisfied the eligibility criteria were subsequently included in the doctrinal and conceptual synthesis. The numbers of records identified, duplicates removed, records screened, full texts assessed, exclusions and final inclusions are reported in Figure 1, following the PRISMA 2020 flow-diagram structure [2]. The numerical values in the diagram are based on the actual search and screening results and are therefore not predetermined. PRISMA 2020 specifically provides a flow diagram for reporting records identified, screened, excluded, assessed for eligibility, and ultimately included [19].

Data Analysis and Conceptual Synthesis

The collected legal materials and scholarly literature were analysed through doctrinal legal analysis and qualitative conceptual synthesis. The analysis proceeded by identifying four interconnected dimensions: (1) legal recognition of the child's right to support; (2) judicial determination of parental obligations; (3) limitations in the implementation and enforcement of those obligations; and (4) institutional responsibility for ensuring the realization of children's rights.

The analysis then examined the implementation gap between the existence of legally recognized obligations and their actual realization in practice. Particular attention was given to the distinction between legal determination and post-judgment implementation, including monitoring, coordination, compliance, and enforcement. The comparative and conceptual findings were subsequently synthesized to develop the proposed relationship between Parens Patriae, state responsibility, and Administrative Child Support Governance. The resulting framework positions the child as the rightsholder, the parent as the substantive obligor, and the state as the institutional guarantor. Accordingly, the proposed administrative framework is not intended to replace judicial determination or transfer the parents' substantive maintenance obligations to the state, but to provide an institutional bridge between judicial decisions and the continuous realization of children's rights.

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RESULTS AND DISCUSSION

The Enforcement Gap: From the Recognition of Rights to the Realisation of Children's Rights

The results of the normative analysis show that the main problem of postdivorce child support enforcement lies in the gap between legal recognition, judicial determination, and rights realisation. The legal framework provides a strong enough basis to recognise children as parties who have the right to meet the needs of life and place parents as parties who have obligations to children. The Child Protection Law also affirms that the protection of children's rights is part of the state's responsibility [20]. At the international level, the construction is even more assertive. Article 27 of the Convention on the Rights of the Child (CRC) recognises the right of every child to an adequate standard of living for physical, mental, spiritual, moral, and social development. The Convention also places parents as the main responsible party according to their financial ability and capacity. At the same time, the state is obliged to take appropriate steps to assist in the implementation of these rights and ensure the recovery or collection of maintenance from those who have financial responsibility [12].

Thus, the normative construction has actually shown the existence of dual responsibility: the substantive obligation lies with the parents. At the same time, the state has the obligation to create mechanisms that allow the child's rights to be protected. Problems arise when the obligations that have been determined through a court decision do not continue to be actual and sustainable fulfilment. The findings show that the court's decision is a necessary condition, but not necessarily a sufficient condition for the realisation of children's rights [13]. The judgment establishes who is liable and what must be awarded. Still, the success of the protection of children's rights depends on the mechanism after the judgment: how payments are monitored, how arrears are known, how non-compliance is responded to, and how enforcement mechanisms can be effectively activated.

This problem is also seen in research on the practice of fulfilling child support after divorce in Indonesia. A study at the Tembilahan Religious Court found low awareness of alimony payments by fathers and the existence of payments that were not in accordance with court decisions. The study also found that when obligations are not met, the burden of meeting children's needs can eventually shift to the party that takes care of the child [21].

A similar problem has been identified in the religious justice environment as an issue of execution. Literature published by the Supreme Court shows that applications for the execution of child support can face procedural problems and costs that are not proportional to the value of the stipulated alimony, so that decisions that normatively have given rights to children can lose their practical effectiveness [22].

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The preceding legal and literature-based analysis indicates that the principal enforcement gap occurs at the transition from judicial determination to practical rights realization. Evidence concerning administrative delays, procedural barriers, noncompliance, and caregiver burdens supports the distinction between the existence of a legally established obligation and its continuous implementation[21], [22].

Based on these findings, this study identified *the enforcement gap* as follows:

Table 2. *Enforcement Gap* in Child Support Enforcement

Stages	Normative Conditions	Problems Found	Consequences
Legal recognition	Children are recognised as having rights	Rights are still normative	Not yet guaranteed fulfilment
Judicial determination	Parental obligations can be established	The verdict requires further implementation	Rights have not been automatically accepted
Enforcement initiation	Execution mechanism available	Depends on the actions of stakeholders	*enforcement burden*
Rights realization	The final goal is to meet the needs of children	There is not always post-decision monitoring	A rights-realisation gap occurs

Source: author's analysis.

The table shows that the real problem is not solely the absence of law, but the limitations of law enforcement architecture. The law has established rights and obligations, but the relationship between court decisions and the realisation of children's rights still requires stronger institutional mechanisms.

Thus, the first finding of this study is that the maintenance enforcement model that stops at the determination of judicial obligations has not fully met the demands of protecting children's rights. It is necessary to change the orientation from judgment-based enforcement to rights-based enforcement.

Limitations *of Private Litigation* in the Protection of Children's Rights

The second finding of the analysis concerns the structural limitations of the private litigation paradigm in child support enforcement.. In the private paradigm, legal

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relationships are built mainly between rights holders and obligated parties. The state functions to provide a dispute resolution forum and execution instruments, but the activation of the enforcement process after a verdict essentially still requires action from interested parties [14]. The model can be understood in the logic of civil law. However, the character of child support is different from ordinary civil disputes because the interests to be protected are not solely the economic interests of the litigants, but the interests and rights of children who are in a vulnerable position.

Children do not always have the legal, economic, or administrative capacity to initiate the enforcement process [13]. As a result, when the enforcement system depends on the caregiver, the enforcement burden is transferred to parents who have borne the needs of their children on a daily basis. Under certain circumstances, the caregiver must face additional costs, time, procedures, and evidentiary requirements to obtain something that is legally the right of the child. This problem shows a paradox. This analysis leads to a normative implication: the greater the vulnerability of the rightsholder, the less appropriate it is for the enforcement system to depend predominantly on the individual's capacity to activate protection

From the perspective of child protection administrative law, the situation raises questions about the institutional responsibility of the state. If the state has recognised the rights of the child and the courts have established the obligations of the parents, can the state stop at the granting of judgments and provide for the execution procedure? Or does the state have a further responsibility to ensure that these rights can be realised? This research takes the second position.

His argument is strengthened by the development of thought about the relationship between private law and public law enforcement. The latest literature suggests that the private law enforcement paradigm is not the only model. Under certain conditions, the state can engage in the enforcement of rights that were originally constructed as private rights. Barker, in his 2026 study, shows that private law can have a public enforcement dimension and identifies Parens Patriae as one of the historical bases of state involvement in law enforcement [16]. Building on this doctrinal insight, this study applies the public-enforcement dimension of Parens Patriae to the specific problem of child support enforcement and develops it as an institutional guarantee principle.

Thus, the change from private litigation to state responsibility does not constitute the elimination of the civil character of maintenance obligations. The change concerns who is responsible for ensuring that the obligations that have been set are actually implemented.

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Table 3. Paradigm Shift in Child Support Enforcement

Dimensions	**Paradigma *Private Litigation***	**Paradigma *State Responsibility***
Orientation point	Dispute resolution	Realisation of children's rights
Child position	Indirect protection objects	*Rights-holder*
Parents	Parties to the dispute	*Obligor*
State	*Dispute resolver*	*Institutional guarantor*
Mechanism	Litigation and execution	Enforcement governance
Enforcement character	Reactive	Proactive
Monitoring	Limited/post-application	Sustainable
Administrative Burden	A lot of the babysitters	Divided by institution
Measure of success	The verdict was implemented	Children's rights realised

Source: author's analysis.

The table shows that the paradigm shift does not mean that the state takes over the maintenance obligations of parents. The substantive obligation remains with the parents; institutional responsibility to ensure its enforcement is assigned to the state. This distinction is important to avoid misinterpreting the responsibility of the state. The state is not a substitute obligor, but an institutional guarantee. If parents have an obligation to pay alimony, the state does not automatically replace the payment. States are responsible for establishing mechanisms that allow such obligations to be enforced effectively, proportionately, and sustainably.

Reconceptualizing *Parens Patriae*: From the Doctrine of Protection to *Institutional Guarantee*

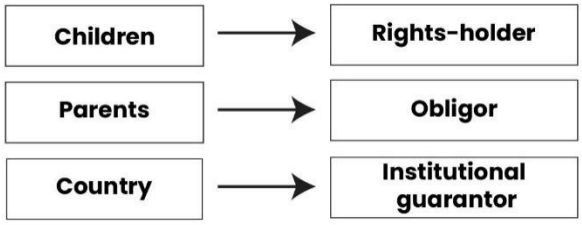
The third finding is the main conceptual contribution of this research, namely that the doctrine of Parens Patriae can be reconceptualised as an institutional guarantee principle in the enforcement of children's economic rights. Traditionally, Parens Patriae has to do with the authority or responsibility of the state to protect those who are unable to protect their own interests. In the development of modern law, the concept should not be understood as the legitimacy of unlimited state intervention against the family. The concept can be read as a normative basis that the state has special responsibilities when the interests of vulnerable groups require institutional protection. Such a reading has gained strong relevance in children's rights law. The Committee on the Rights of the Child

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affirms that the principle of the best interests of the child applies to public and private welfare institutions, courts, administrative authorities, and legislative bodies. This means that the best interests of children are not only a principle for judges when deciding cases, but also a principle that binds administrative actions and state policies. [12]

On this basis, this study constructs three different legal positions:



Such constructions produce important theoretical consequences. If the child is a rights-holder, then the realisation of the child's rights should not be entirely dependent on the ability of other adults to access the enforcement system. If the parents are obligors, then the substantive obligation does not transfer to the state. And if the state is an institutional guarantor, the state has an obligation to provide an institutional architecture that allows these rights to be realised.

From *Judicial Enforcement* to *Administrative Child Support Governance*

The fourth finding suggests that the reconceptualisation of Parens Patriae has consequences for institutional design. If the state is positioned as an institutional guarantor, then the state's function must not stop at the adjudication process. An administrative mechanism is needed that connects court decisions with the realisation of alimony on an ongoing basis.

In this context, this study introduces the concept of Administrative Child Support Governance as a conceptual framework. This concept is not intended as a new institution that must be formed directly, but as an architecture of government functions that can be used to redesign the relationship between the judiciary, administration, and child proterection. The framework has at least five main functions.

First, gistration, which is to ensure that the maintenance obligations that have been determined have an administrative basis that can be followed up on. Second, monitoring, which is to ensure that there is a mechanism to find out whether these obligations have been implemented. Third, early intervention, which is to provide a response before arrears develop into a more serious problem. Fourth, enforcement coordination, which is connecting institutions that have relevant authority in the enforcement process. Fifth, rights realisation, which is making the fulfilment of children's needs the final indicator of the success of the system.

This framework is supported by the experience of countries that have used an administrative approach in child custody enforcement. An evaluation study of targeted

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child support enforcement interventions in Iowa showed that a proactive administrative approach was associated with an increase in alimony payments; monthly payments per case increased by about $25, and the pay-to-amount ratio increased by 6.1 percentage points [15]. The findings cannot be directly transplanted to Indonesia, but provide comparative evidence that proactive and administratively organised enforcement can result in behavioural changes in payments. Thus, administrative mechanisms are not just a procedural alternative, but have paradigm consequences. In the traditional model, the state waits for the caregiver to activate enforcement. In the proposed model, the state has the capacity to monitor and intervene based on the status of obligations that have been determined

Synthesis of Findings : Parens Patriae Model–State Responsibility

If the four findings are synthesised, this study produces the proposition that the effectiveness of child support protection requires a change from a private enforcement model to a shared enforcement model with the state as an institutional guarantor. The model does not mean that the state should take over all enforcement processes. On the other hand, parents remain the main party who has maintenance obligations. The caregiver also still has a legal position to request protection. The changes offered lie in strengthening the state's responsibility to ensure that the enforcement process does not depend entirely on the individual capacity of the caregiver.

Table 4. Model Konseptual Parens Patriae–State Responsibility

Elemen	Model Convensional	Models Offered
Basis of the relationship	Private obligations	Children's rights + parental obligations + state responsibilities
Main actors	Parties	Children, parents, and country
The role of the court	Defining obligations	Defining obligations
Administrative role	Limited	Monitoring and coordination
Enforcement	Application-based	Proactive and responsive
Principle	*Private enforcement*	*Parens Patriae*
Purpose	Implementation of the decision	Realisation of children's rights
Measure of success	*Compliance with judgment*	*Child rights realization*
Orientation	Dispute	Protection and governance

Source: author's analysis.

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The synthesis results in the main proposition of the research: The more vulnerable the child's position as a right-holder, the stronger the normative reason for shifting enforcement from a mechanism that relies entirely on private initiative to a mechanism that contains state institutional responsibility. This perspective is also consistent with recent developments in private law enforcement theory. The 2026 study on *private law and public enforcement* shows that state involvement in enforcing rights derived from private relationships is not a legal anomaly, and *Parens Patriae* can be one of the conceptual bases for such involvement [16]. Thus, the contribution of this article is not just to suggest that the execution of alimony be made "easier". Its contribution is to change the way enforcement objects are viewed. The ultimate object is no longer just a court decision, but the rights of the child that must be realised.

CONCLUSION

This study shows that the main problem of post-divorce child support enforcement in Indonesia does not solely lie in the existence of norms, but in the gap between legal recognition, obligation determination, and rights realisation. Although the law has recognised parental obligations and provided a judicial mechanism to establish them, court decisions have not automatically guaranteed continuous maintenance support. Reliance on the initiative of the caregiver shows the limitations of the private litigation model in ensuring the fulfilment of children's rights. Based on normative, conceptual, and comparative analysis, this study reconceptualises Parens Patriae as the principle of institutional guarantee, by placing children as rights-holders, parents as obligors, and the state as institutional guarantors. The state does not replace the substantive obligations of parents, but is responsible for ensuring the availability of legal and institutional systems that allow such obligations to be effectively enforced.

The reconceptualisation resulted in a paradigm shift from state intervention to state responsibility. The state is no longer solely present when a dispute occurs or when the caregiver makes an application for enforcement, but also has a responsibility to build governance that allows monitoring, coordination, intervention, and enforcement to take place more proactively. In the framework of Administrative Child Support Governance, court decisions are not positioned as an endpoint, but rather as a starting point in the institutional process to ensure that the legally established maintenance rights are truly realised. Thus, this research offers a conceptual basis for the transformation of child support enforcement from a dispute resolution-oriented mechanism to a governance-oriented mechanism towards the realisation of children's rights and welfare.

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Implications and Recommendations

Theoretically, this study expands the application of Parens Patriae from the doctrine of child protection to a principle that explains the institutional responsibility of the state in realising the economic rights of children. This framework brings together the perspectives of family law, administrative law, and child protection law in one conceptual construction. Thus, the effectiveness of child protection is not only measured by the court's ability to produce judgments, but also by the ability of the legal system to ensure that such judgments result in real and sustainable fulfilment of rights.

In policy, this study recommends a shift from a reactive and application-based enforcement model to proactive, integrated, and child-oriented enforcement, through obligation recording, payment monitoring, delinquency identification, interagency coordination, and escalation mechanisms when non-compliance occurs. The court still functions to determine rights and obligations judicially, while the administrative mechanism can support the monitoring and facilitation of post-decision enforcement. The development of the framework must be based on legality, accountability, proportionality, personal data protection, and the best interests of the child, as well as ensuring that the state system reduces, not increases, the administrative burden on the caregiver.

Prospects for Further Research

This study is normative-conceptual, so it has not empirically tested the effectiveness of the Parens Patriae–State Responsibility–Administrative Child Support Governance framework. Building on the limitations identified above, future research should empirically test the proposed relationship between Parens Patriae, state responsibility, and Administrative Child Support Governance within the Indonesian institutional context. Such research may include institutional mapping, interviews with relevant stakeholders, assessment of existing enforcement procedures, analysis of payment and arrears data, and evaluation of the administrative capacity required to support post-judgment monitoring and intervention.

The proposed framework may subsequently serve as a foundation for the development of a Smart Enforcement System that integrates court decisions, child support obligations, payment monitoring, delinquency detection, and institutional coordination. However, digitalisation should remain an implementation instrument rather than the normative foundation of state responsibility. Future system development should therefore be preceded by clarification of institutional authority, data governance, personal data protection, procedural safeguards, accountability, and mechanisms for objection and review. The ultimate direction of future research is consequently not merely to make enforcement technologically more efficient, but to develop institutional mechanisms through which the state can ensure that legally established child support rights are continuously realised.

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DECLARATION OF GENERATIVE AI

During the preparation of this work, the Author used ChatGPT (OpenAI) as a generative AI-assisted tool to support the development of the conceptual framework, organization of arguments, refinement of the manuscript structure, and language editing. Following the use of this tool, the Author critically reviewed, verified, revised, and edited the generated content as appropriate and assumes full responsibility for the content, arguments, analysis, and conclusions of the publication.

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