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husbands' and wife responsibilities in caring for children with disabilities islamic family law perspective

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Abstract

This study discusses three focus problems, namely: 1) the implementation of husband and wife responsibilities in caring for children with disabilities in Kuala Kapuas; 2) the implementation of these responsibilities in the perspective of Islamic Family Law and positive Indonesian law; and 3) factors that affect the implementation of husband and wife responsibilities in caring for children with disabilities. This study uses an empirical legal method with a qualitative approach. Data were obtained through interviews, observations, and documentation of six married couples whose children attend the State Special School (SKH) 1 Kuala Kapuas. The results of the study show that: 1) parenting responsibilities are carried out jointly through cooperation, communication, deliberation, and division of roles according to the conditions and abilities of each couple; 2) the implementation of these responsibilities is in line with the concept of ḥaḍānah in Islamic Family Law as well as the principles of parental responsibility, the best interests of the child, and non-discrimination in positive Indonesian law; and 3) the supporting factors include communication, commitment, cooperation, family support, the existence of SKH, and therapy services, while the inhibiting factors include economic limitations, time due to work, access to services, social stigma, and various needs of children.

Keywords: Spousal Responsibility; Ḥaḍānah; Children with Disabilities; Islamic Family Law; Indonesian Positive Law.

A. Introduction

The family is the first and main environment for children's growth and development because in it children receive affection, education, protection, and support to develop their potential. From the perspective of Islamic Family Law, children are a mandate that must be maintained, educated, protected, and fulfilled by both parents. These responsibilities include fulfilling material and non-material needs, including education, moral development, compassion, and protection for the benefit of children.[1] This principle is in line with Indonesia's positive law, especially Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019, Law Number 35 of 2014 concerning Child Protection, and Law Number 8 of 2016 concerning Persons with Disabilities which places parents as responsible parties in nurturing, educating, protecting, and fulfilling children's rights without

[1] BurHanudin Hamnach, "The Fulfillment of Children's Basic Rights in an Islamic Perspective," *Title: Journal of Law and Humanities* 8 (May 29, 2020): 285–300, https://doi.org/10.15575/adliya.v8i1.8632.

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discrimination.[2] However, these normative provisions do not always work ideally in practice. Families with children with disabilities face more complex parenting needs so that the division of responsibilities between husband and wife can be influenced by work conditions, economy, time, parental abilities, and special needs of children. Thus, there is a problem between das sollen, which is joint responsibility as required by law, and das sein, which is the exercise of responsibilities that in practice can show the division of different roles between husband and wife.

This issue is important because the care of children with disabilities requires more intensive attention and assistance in the aspects of education, health, therapy, protection, and psychological development. UNICEF records around 240 million children with disabilities worldwide, while WHO estimates that around 16% of the world's population lives with various forms of disability.[3] In Indonesia, the need for the fulfillment of the rights and care of children with disabilities is also a concern, including in Central Kalimantan Province which is recorded to have more than 2,000 students with disabilities, while Kapuas Regency has at least 116 students with disabilities by 2026.[4] Kuala Kapuas was chosen as the location of the study because there are families with children with disabilities who attend Special Schools (SKH) 1 State Kuala Kapuas. The existence of SKH Negeri 1 Kuala Kapuas is an important empirical context because it allows researchers to find families that meet the criteria of informants, namely parents who directly carry out the responsibility of caring for children with disabilities. Thus, the selection of Kuala Kapuas is not solely based on the location of the research, but because there are families and educational environments that are relevant to empirically examine how the responsibilities of husband and wife are carried out in caring for children with special needs.

From the perspective of Islamic Family Law, child care is known through the concept *of ḥaḍānah*, which is the obligation to maintain, care for, educate, and protect children until they are able to live independently.5 Studies on the fulfillment of children's rights also show that parental responsibilities are not limited to material aspects, but include the fulfillment of basic rights and protection of children. A number of previous studies have discussed the care of children with special needs from various perspectives. Asfari found that the involvement of fathers makes a positive contribution to the functioning of families and the development of children with special needs, even though this involvement is influenced by social and economic factors.[6] Yunianti, Mulya, and Nanik show that fathers begin to negotiate the role of parenting, but the practice is still influenced by the construction of masculinity that places men as the main breadwinners.[7] Meanwhile, Istiqomah, Laili, and

[2] Indonesia *Law Number 1 of 1974 concerning Marriage*; Indonesia *Law Number 35 of 2014 concerning Child Protection*.

[3] UNICEF, "UNICEF's most comprehensive statistical analysis finds that nearly 240 million children with disabilities worldwide," *UNICEF*, 2021, https://www.unicef.org/press-releases/nearly-240-million-children-disabilities-around-world-unicefs-most-comprehensive.

[4] Ministry of Education and Culture, "Verval Students with Special Needs in the Province," *Ministry of Education and Culture*, 2026, https://referensi.data.kemendikdasmen.go.id/berkebutuhan_khusus/total/wilayah.

[5] Khoirul Muna, Hari Widiyanto, and Najih Abqori, "Parental Responsibility in Child Protection in the Digital Era: Perspectives of Islamic Law and National Law," *KARTIKA: Journal of Islamic Studies* 6, no. 2 (2026): 2045–61, https://doi.org/10.59240/kjsk.v6i2.745.

[6] Hafan Asfari, "The Role of Fathers in Parenting Families with Children with Special Needs in Indonesia," *GUIDENA: Journal of Education, Psychology, Guidance and Counseling* 12, no. 1 (2022): 40–50, https://doi.org/10.24127/gdn.v12i1.4476.

[7] Elvi Yunianti, Teguh Wijaya Mulya, and Nanik Nanik, "Fathers of Children with Autism Negotiating Parenting Roles in Indonesia: (Un)Masking Hegemonic Masculinity?," *Journal of Family Studies,* November 19, 2025, 1–25, https://doi.org/10.1080/13229400.2025.2587857.

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Affandi show that the involvement of fathers in the care of children with special needs also includes mentoring and involvement in the child's life, not just the fulfillment of economic needs.[8] Research on changes in the construction of domestic division of labor also shows a tendency towards more flexible division of roles in modern families.

Ikbal et al.'s research emphasizes the importance of strengthening the role of fathers in the care of children with special needs at an early age.[9] Furthermore, Hoh, Suranata, and Dharmayanti show the importance of strengthening the role of the family in parenting for children with multiple disabilities.[10] Stevanny and Hermien's research also shows that the role of parents and family support affect the success of the education of children with disabilities.[11] The findings of Saputra, Darma, and Hatmono show that parents strive to meet the educational needs of children with special needs by adapting parenting to the child's condition.[12] These studies show the importance of parental involvement, flexibility in role sharing, and family support in parenting children with disabilities.

Although previous research has paid attention to the involvement of fathers, division of roles, family support, education, and parenting of children with disabilities, there are still limitations in examining the implementation of spousal responsibilities as a family law issue in the practice of family life with children with disabilities. Previous research has mostly used the perspective of psychology, education, child development, or family social studies, while studies that link the empirical experience of the family with the principle of parental responsibility in Islamic Family Law and positive Indonesian law are still limited. This gap becomes even more important when children have special needs, because the implementation of parental responsibilities cannot always be equated with childcare patterns in general. Therefore, this study not only looks at whether husbands and wives have carried out their obligations, but also how these responsibilities are adjusted to the needs of the child, parental abilities, and family conditions.

Based on these gaps, this study offers an understanding of adaptive parental responsibilities in the care of children with disabilities. Adaptive responsibility is understood as the implementation of the obligations of husband and wife that do not have to be realized through the division of equal duties, but through joint involvement that is tailored to the special needs of the child, the abilities of each parent, and the circumstances of the family while still prioritizing the best interests of the child. This offer is important for the study of family law because it expands the understanding of parental responsibilities from the mere division of normative obligations to the application of laws that are responsive to the special conditions of children with disabilities. Practically, this research can also be a consideration for families, educational institutions, and policy makers in building support patterns that are more in line with the needs of families with children with

[8] Riska Dwi Istiqomah, Nurfi Laili, and Ghozali Rusyid Affandi, "Father's Involvement in the Parenting of Children with Special Needs: A Case Study," *Paedagogy* 21, no. 1 (2026): 85–96, https://doi.org/10.31603/paedagogie.v21i1.15746.

[9] Muhammad Ikbal et al., "Strengthening the Role of Fathers in Childcare: Preparing the Next Generation Through Quality Parenting," Jendela Akdemika: Journal of Community Service 3, no. 2 (2025): 58–63.

[10] Li Hoh, Kadek Suranata, and Putu Ari Dharmayanti, "Strengthening the Role of Family Guidance in Parenting of Children with Multiple Disabilities," Scientific Journal of Counseling Guidance Undiksha 15, no. 1 (2024): 109–16, https://doi.org/10.23887/jibk.v15i1.82009.

[11] Sisilya M Stevanny and Hermien Laksmiwati, "Overview of Social Support for Parents with Children with Intellectual Disabilities in SLB Bangkalan Regency," Character : Journal of Psychology Research 10, no. 03 (2023): 597–608, https://doi.org/10.26740/cjpp.v10i03.54468.

[12] Dio Saputra, Widia Darma, and Prihadi Dwi Hatmono, "Parents' Perspectives in Supporting the Importance of Education for Children with Special Needs," JUPEIS: Journal of Education and Social Sciences 4, no. 4 (2025), https://doi.org/10.57218/jupeis.Vol4.Iss4.2184.

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disabilities. Thus, this study aims to analyze the implementation of husband and wife responsibilities in caring for children with disabilities based on the perspective of Islamic Family Law and positive Indonesian law and examine how these responsibilities can be carried out adaptively in accordance with the special needs of children.

B. Research Method

This research is an empirical legal research with a qualitative approach that is descriptive-analytical.[13] The research was carried out in Kuala Kapuas Regency, Central Kalimantan, with the subjects of six married couples who have children with disabilities and attend SKH Negeri 1 Kuala Kapuas. Informants were selected using purposive sampling techniques based on direct experience in caring for children with disabilities and willingness to provide information relevant to the research. Data were collected through in-depth interviews, observations, and documentation. The interviews explored the implementation of spousal responsibilities, division of roles, decision-making, as well as supporting and inhibiting factors of parenting. Interviews were conducted on July 8–9, 2026. Observations were used to complete information about parenting practices, while documentation was used as supporting data according to available documents.

Data were analyzed through data reduction, data presentation, and conclusion drawn.[14] Interview data was grouped based on the implementation of parental responsibilities, division of roles, parenting adjustments, and supporting and inhibiting factors. Furthermore, findings were analyzed using the concepts *of ḥaḍānah* and *maṣlaḥah* in Islamic Family Law as well as the provisions of the Marriage Law, Child Protection Law, Law on Persons with Disabilities, and Compilation of Islamic Law. The analysis was carried out by relating parenting practices found in the field with parental obligations and the fulfillment of children's rights. The validity of the data was examined through triangulation techniques by comparing the results of interviews, observations, and documentation. To protect informants, the identities of families and children are disguised. Consent to participation and use of research information is carried out with regard to confidentiality, privacy, and the interests of children with disabilities.

C. Results and Discussion

a. Implementation of Husband and Wife Responsibilities in Caring for Children with Disabilities in Kuala Kapuas

The results of the study show that the implementation of husband and wife responsibilities in caring for children with disabilities in Kuala Kapuas Regency is basically carried out through cooperation between fathers and mothers. All informants view that the care of children with disabilities is a shared responsibility that must be carried out in a complementary manner according to their respective conditions and abilities. Informants RL and SF stated that in caring for their children, they "*cooperate with each other and provide responsibilities with one family*" (Interview RL & SF, Jul 9,

[13] Patrik Aspers and Ugo Corte, "What Is Qualitative in Qualitative Research.," *Qualitative Sociology* 42, no. 2 (2019): 139–60, https://doi.org/10.1007/s11133-019-9413-7.

[14] Lorelli S Nowell et al., "Thematic Analysis: Striving to Meet the Trustworthiness Criteria," *International Journal of Qualitative Methods* 16, no. 1 (2017), https://doi.org/10.1177/160940691773384.

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2026). The same thing was also conveyed by informants R and L who revealed that the division of roles is carried out "*alternately*" because taking care of children is the obligation of both parents (Interview R & L, Jul 8, 2026). Meanwhile, informants HS and F emphasized that *"parenting is a shared responsibility that is one of the keys to domestic harmony"* (Interview HS & F, Jul 9, 2026). The findings show that families with children with disabilities do not view parenting as a burden on one party, but rather as a form of collective responsibility that requires the active involvement of husband and wife.

Although parenting is seen as a shared responsibility, practice in the field shows that there is a division of roles that are adjusted to family conditions. Almost all informants explained that mothers often accompany children in daily activities because they have more time at home, while fathers focus on meeting the family's economic needs. The HS informant said that his wife accompanied the children more because she was on duty outside the city, while the RZ informant explained that *"there are more children with the mother from morning to evening because the father works"* (Interview RZ, Jul 9, 2026). The RN informant also revealed that the wife's educational assistance is more carried out by the wife, while the husband carries out his role as the main breadwinner. Fathers remain involved in making decisions regarding education, therapy, and children's needs as well as providing emotional support to the family. These findings show that the division of roles is influenced by work and the availability of time. However, the dominance of mothers in daily assistance also needs to be seen from the possibility of an unbalanced parenting burden. The involvement of fathers in economic fulfillment and decision-making is an important contribution, but it does not by itself prove that the burden of parenting has been evenly distributed. Therefore, the division of roles needs to be assessed by considering the intensity of mentoring, the time spent, and the needs of the child. The data of these six couples show differences in the form of fathers and mothers' involvement, but it is not enough to conclude comprehensively whether the burden sharing is fair for all families.

In addition to the division of roles, this study also found that open communication is an important factor in the implementation of husband and wife responsibilities. All informants stated that children's needs, education, therapy, and differences of opinion in parenting are always resolved through discussion and deliberation. RL and SF informants said that they always prioritize "*mutual openness and complementarity*" (Interview RL & SF, Jul 9, 2026), while informants R and L admitted to resolving any differences through "*mutual understanding and deliberation*" (Interview R&L, Jul 8, 2026). The informants also acknowledged that there were obstacles, such as time constraints due to work, the need for additional costs for education and therapy, and stigma or discrimination from the surrounding environment. To overcome these conditions, parents strengthen communication, provide mutual support, and work together according to the family's ability. These findings show that communication and commitment help parents face parenting challenges, but do not automatically eliminate structural barriers or ensure that all children's needs are optimally met. Therefore, parenting practices need to be read as an effort to carry out parental responsibilities under certain conditions, not as evidence that all parenting problems have been resolved

The findings of this study are in line with a number of previous studies that show the importance of the involvement of both parents in the care of children with disabilities. Della Novita and Riskha Hanifa Nasution found that the involvement of fathers in parenting is not only realized through the fulfillment of economic needs, but also

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through emotional support and communication with partners.[15] Faizal Amir's research explains that families with children with disabilities tend to implement a more flexible division of roles according to the conditions of each family.[16] In line with that, Delima Sidabutar, Samuel Moiganang Manik and Helena Turnip concluded that good communication, cooperation, and the involvement of both parents are important factors in supporting the growth and development of children with disabilities.[17] Thus, the results of this study reinforce previous findings that the success of raising children with disabilities is greatly influenced by the synergy between husband and wife in carrying out family responsibilities.

b. Implementation of Husband and Wife Responsibilities in the Perspective of Islamic Family Law

The results of the study show that the implementation of husband and wife responsibilities in caring for children with disabilities in Kuala Kapuas Regency is carried out through the division of roles understood by the informants as a form of cooperation. Mothers are more dominant in assisting the children's daily activities, while fathers play a role in meeting economic needs, making important decisions, and providing emotional support to children and families. These findings are in line with the research of Venny Pratisiya et al. which show the importance of fathers and mothers' involvement in the care of children with disabilities.[18] However, such cooperation does not necessarily indicate that all children's needs have been optimally met or that the burden of parenting has been divided in a balanced manner. The limited time of fathers due to work and the greater intensity of mentoring for mothers need to be examined as a possible gap between normative shared responsibilities and daily parenting practices. The data of this study show that there are different forms of contribution, but it is not enough to establish that the distribution is completely balanced.

From the perspective of Islamic Family Law, the practice reflects the implementation of the concept *of ḥaḍānah*. Linguistically, *ḥaḍānah* comes from the word *ḥaḍn* which means to hug or embrace, while terminologically the fuqahā' define it as the obligation to nurture, care, educate, and protect a child who is not yet able to take care of himself.[19] Wahbah az-Zuhaili explained that *ḥaḍānah* includes not only physical maintenance,

[15] Della Novita and Riskha Hanifa Nasution, "Analysis of the Role of Father Involvement in Optimizing Early Childhood Cognitive, Social-Emotional, and Language Development," *Bunayya: Journal of Madrasah Ibtidaiyah Teacher Education* 7, no. 1 (2026): 39–50, https://doi.org/10.61082/bunayya.v7i1.694.

[16] Faizal Amir, "The Values of Religious Moderation in the Application of the Maintenance of Husbands with Disabilities of the Sandwich Generation," *NUKHBATUL 'ULUM: Journal of Islamic Studies* 9, no. 2 (2023): 138–52, https://doi.org/10.36701/nukhbah.v9i2.1110.Faizal.

[17] Dekima Sidabutar, Samuel Moiganang Manik, and Helena Turnip, "Collaboration of Parents and Teachers in Improving the Ability of Children with Disabilities," *Journal of Social Education and Humanities* 2, no. 4 (2023): 12505–10.

[18] Venny Pratisiya et al., "Changes in Social Construction in the Domestic Division of Labor: A Study of the Relationship Between Husband and Wife in the Modern Family," *Yinyang: Jurnal Studies of Islam, Gender and Children* 18, no. 2 (2023): 197–222, https://doi.org/10.24090/yinyang.v18i2.; Sri Wahyuni, Meta Silfia Novembli, and Nisaul Hasanah, "Socialization of the Role of Fathers in Early Childhood Special Needs Children," *Reading Journal: A Journal of Special Education Service* 1, no. 2 (2023): 26–32, https://doi.org/10.31849/jppkhlectura.v1i2.17547; Samuel Wanget et al., "The Role of Parents in the Development of Children with Special Needs (Tuna Daksa): A Pastoral Study of Counseling," *ATOHEMA: Journal of Pathological Theology of Counseling* 1, no. 4 (2024): 1–12.

[19] Rendy Ilhamsyah et al., "The Influence of Parents on the Responsibility of Hadhanah and Child Maintenance: An Analysis of the Perspective of Islamic Law and the Application of Religious Court Decisions,"

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but also education, moral formation, protection from danger, and the fulfillment of needs that support children's growth and development to be able to live independently.[20] In line with that, Sayyid Sabiq in *Fiqh al-Sunnah* emphasized that the purpose of *ḥaḍānah* is to maintain the welfare of children so that every decision in parenting must be oriented towards the best interests of children (*maṣlaḥat al-walad*).[21] Therefore, the care of children with disabilities cannot be understood as limited to meeting economic needs, but also includes educational assistance, therapy, affection, protection, and emotional attention as found in this study.

This principle has a strong normative basis in the Qur'an. Allah SWT. says in QS. At-Taḥrīm verse 6 which commands every believer to protect themselves and their families from the fire of hell. According to the interpretation of Ibn Kathir, the command contains the obligation of parents to educate, guide, and direct their family members to a good life so as to avoid the evils of this world and the hereafter.[22] In addition, QS. Al-Baqarah verse 233 emphasizes that fathers and mothers have a responsibility for the maintenance of children through the principle of deliberation (*tasyāwur*) and help each other according to their respective abilities. This verse shows that parenting is a shared responsibility that is not fully imposed on one of the parties. [23] The findings of the study that show that there is cooperation between husband and wife in meeting the needs of children with disabilities reflect the implementation of the values contained in these two verses.

The implementation of husband and wife responsibilities in this study is also in line with the provisions of fiqh regarding the division of responsibilities in the family. According to Abdul Rahman al-Jaziri, the obligation to provide maintenance lies with the father as the head of the family, while the mother has the main role in providing affection, nurturing, and education to children.[24] The division of functions in the household can help families adjust parenting to their respective conditions, but it does not mean that one party is free from responsibility for the needs of the child. The finding that fathers work more and mothers do daily assistance more often shows that there is a contextual division of functions. However, the division needs to be examined not only based on the agreement of the couple, but also on the burden of time and energy borne by each and its impact on the needs of the child. Therefore, the practices found are not enough to be immediately called completely complementary or balanced; The data only show that the informants described the contribution in different forms.

These findings can be compared with the provisions of the Compilation of Islamic Law. Article 77 affirms the obligation of husbands and wives to maintain the integrity of the household and jointly maintain and educate their children.[25] Furthermore, Article 80 paragraph (4) regulates the obligation of husbands to provide maintenance according to their ability, while Article 83 regulates the wife's obligation to manage household affairs. This provision shows the regulation of functions in the family as well as shared

Journal of Law and Public Administration 4, no. 1 (2026): 1–13, https://doi.org/10.61813/jhap.v4i1.228; Amir Syarifuddin, *Islamic Marriage Law in Indonesia: Between Fiqh Munakahat and Marriage Law* (Kencana, 2006).

[20] Wahbah Az-Zuhaili, *Islamic Fiqh Wa Adillatuhu* (Damascus: Dār al-Fikr, 2011).

[21] Sayyid Sabiq, *Fiqh Al-Sunnah. Kairo: Dār Al-Fath.* (Kairo: Dār al-Fath, 2013).

[22] Mohammad Abd Latif, Samad Samad, and Abd Rasyid, "Analysis of Surah At-Tahrim Verse 6 Perspective of Tafsir Al-Qur ' an Al-Adzim by Ibn Katsir," *Al-Mizan* 1, no. 1 (2024): 68–89.

[23] Ilhamsyah et al., "The Influence of Parents on the Responsibility of Hadhanah and Child Support: An Analysis of Islamic Law Perspectives and the Application of Religious Court Decisions."

[24] Abdul Rahman Al-Jaziri, *Al-Fiqh 'ala Al-Madzāhib Al-Arba'ah* (Beirut: Dār al-Kutub al-'Ilmiyyah., 2003).

[25] Indonesia *Law Number 16 of 2019 concerning Marriage* (Law No. 19 of 2019).

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responsibility for children.[26] However, the conformity of practice with norms cannot be determined only from the recognition of cooperation. The dominance of mothers in daily assistance and the limited time of fathers need to be considered to see whether joint responsibility has been adequately realized in practice. Therefore, these findings suggest an effort to carry out parenting responsibilities, but it is not yet a basis for concluding that the burden sharing has been fully balanced.

When analyzed using *the maqāṣid al-syarī'ah approach*, the implementation of parenting practices found shows the efforts of parents to maintain the welfare of their children through the fulfillment of educational, health, therapy, protection, and affection needs. [27] According to Abu Ishaq al-Syatibi, the main purpose of the Shari'ah is to protect the five main elements of life (*al-ḍarūriyyāt al-khams*), namely religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), heredity (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*).[28] However, the existence of efforts to meet these needs is not the same as proof that all needs have been fully met. Economic constraints, access to therapy, limited time for assistance, and social stigma expressed by informants indicate that there are limits in the implementation of child welfare. Thus, maqāṣid al-syarī'ah can be used to assess the direction of parenting efforts while highlighting aspects that still need to be strengthened, not to state that all protection goals have been achieved comprehensively.

c. Implementation of Husband and Wife Responsibilities in Indonesia's Positive Legal Perspective

The results of the study showed that the families studied tried to carry out parental responsibilities through the division of roles that were adjusted to the conditions of each family. Fathers play the role of the main breadwinners and remain involved in decision-making regarding children's education and needs, while mothers are more involved in daily activities, such as school delivery, study assistance, therapy, and meeting the basic needs of children. Although decisions regarding children are discussed together, the division of roles is not always balanced in terms of time and intensity of assistance. Therefore, these findings show that there are efforts to fulfill parental responsibilities, but cannot be directly interpreted as proof that all children's rights have been fulfilled optimally.

This practice is in line with Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019. Article 31 paragraph (1) emphasizes that the rights and position of husband and wife are balanced in domestic life, while Article 33 requires husband and wife to love, respect, be loyal, and provide physical and mental assistance. In addition, Article 45 stipulates that both parents are obliged to maintain and educate their children until they are able to stand on their own.[29] In this study, the dominance of mothers in daily assistance and the limited time of fathers due to work are things that need to be considered. The available data is not enough to conclude whether the burden sharing has been balanced; what can be stated is that the informants try to carry out their responsibilities according to family conditions.

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[26] Indonesia, *Law No. 16 of 2019 concerning Marriage* (Law No. 19 of 2019)

[27] Nur Afifa Maharani, Kurnianti Kurnianti, and Zulhas'ari Mustafa, "Analysis of Maqāṣid S Yarī'ah on Judges' Considerations in the Decision on Child Support After Divorce in Religious Courts," *QIsthosia: Journal of Shariah & Law* 7, no. 1 (2026): 13–27, https://doi.org/10.46870/j hki.v7i1.2284.

[28] Maharani, Kurnianti Kurnianti, and Mustafa. "Analysis of Maqāṣid s Yarī'ah on the Judge's Considerations in the Decision on Child Support After Divorce in Religious Courts." *QIsthosia: Journal of Shariah & Law* 7, no. 1 (2026): 13–27, https://doi.org/10.46870/j hki.v7i1.2284.

[29] Indonesia *Law Number 16 of 2019 concerning Marriage*.

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Furthermore, the implementation of these responsibilities also reflects the implementation of Law Number 35 of 2014 concerning Child Protection, especially Article 26 paragraph (1), which stipulates that parents are obliged to nurture, maintain, educate, protect, and develop children's potential according to their talents and interests.[30] In this study, the informant explained efforts to send children to Special Schools (SKH), accompany the education and therapy process, and pay attention to the child's psychological condition. These efforts are an indication of the implementation of parental responsibility and orientation to the best interests of the child. However, the existence of efforts does not automatically prove that all needs have been met or that the principle of child protection has been implemented comprehensively, especially when families face limited costs, time, and access to services.

In addition, the results of the study also show the implementation of the provisions of Law Number 8 of 2016 concerning Persons with Disabilities, which affirms that people with disabilities have the right to education, health services, rehabilitation, protection from discrimination, and equal opportunities in community life.[31] The informant explained efforts to provide access to education through Special Schools (SKH), accompany therapy according to children's needs, and provide emotional support. At the same time, some families face limited therapy costs, time constraints due to work, and stigma from some communities. The findings show that the fulfillment of the rights of children with disabilities is a process that still faces obstacles, and cannot be fully imposed on families. The support of the government, educational institutions, health workers, and the community is still needed to make these rights more accessible.

Based on a positive legal perspective, this condition shows the compatibility between *law in books* and *law in action*. Normatively, various laws and regulations have provided comprehensive protection for children's rights and the rights of persons with disabilities.[32] However, at the implementation level, there are still obstacles stemming from economic factors, limited access to services, and social conditions of the community. Thus, the effectiveness of legal protection for children with disabilities is not only measured by the existence of legal norms, but also by the ability of all stakeholders to realize these norms into daily parenting practices. [33] Therefore, the implementation of husband and wife responsibilities in caring for children with disabilities in Kuala Kapuas Regency can be said to have fulfilled the principle *of parental responsibility* as stipulated in Indonesia's positive law, although it is still needed to be strengthened through increasing access to inclusive education services, therapy, social protection, and community education to eliminate stigma against people with disabilities.

d. Factors Affecting the Implementation of Husband and Wife Responsibilities in Caring for Children with Disabilities

The results of the study show that the implementation of husband and wife responsibilities in caring for children with disabilities in Kuala Kapuas Regency is influenced by various internal and external family factors. The most dominant internal

[30] Indonesia. *Law Number 35 of 2014 concerning Child Protection*. Law No. 35 Years, 2014

[31] Indonesia *Law Number 8 of 2016 concerning Persons with Disabilities* (Law No. 8 of 2016).

[32] Mohammad Syafril Rinaldy Hulalata, "Inclusive Education Policy Based on Positive Law and Its Implications for Persons with Disabilities," *DARUSSALAM JOURNAL: Constitutional Law Thought and Comparative Madhhab* 5, no. 2 (2025), https://doi.org/10.59259/jd.v5i2.333.

[33] Amsori Amsori, Sofa Laela, and Meysita Arum Nugroho, *Legal Protection of Children and Women: A Restorative Justice Perspective* (KBM Indonesia, 2026).

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factors are communication, commitment, and cooperation between husband and wife. All informants said that every decision regarding education, therapy, and the daily needs of children is always discussed together so that a division of roles is created that is agreed upon by both parties. This condition makes each couple understand their responsibilities without causing prolonged conflicts. In addition, the existence of mutual support and awareness that children are a shared responsibility is the main capital in carrying out parenting. On the other hand, external factors also have a positive influence, such as the existence of a Special School (SKH) of Kuala Kapuas Regency that helps the child's education process, extended family support in assisting with parenting when parents work, and therapy services that support child development. These findings suggest that parenting success is not only determined by parental abilities, but is also influenced by support from the surrounding environment.

However, this study also found several factors that hinder the implementation of husband and wife responsibilities. The obstacles most expressed by informants are economic limitations that have an impact on meeting the needs of therapy, transportation, education, and health services, work demands that limit the time of some fathers to accompany children; stigma or negative views of society; and different parenting needs for each child. These conditions show that the implementation of responsibilities does not only depend on the commitment and communication of the spouse, but also on resources and access to support services. The limited time of the father can make the mother bear more daily assistance, while economic limitations can limit access to therapy and health services. Therefore, parental cooperation needs to be assessed not only from the agreement on the division of roles, but also from the ability of the division to meet the needs of the child without ignoring the burden borne by each parent.

The findings of this study are in line with the research of Andreas Heri Kurniawan et al., which showed that the success of parenting for children with disabilities is influenced by the involvement of both parents, effective communication, and emotional support within the family.[34] Fiyola Triana Eldiva et al.'s research also explains that the flexibility of the division of roles between husband and wife allows families to more easily adapt to the evolving needs of children with disabilities.[35] In addition, the research of Li Hoh et al., confirms that extended family support, social environment, and educational institutions are important factors in improving the quality of parenting for children with disabilities.[36] On the other hand, economic limitations, lack of access to therapy services, and societal stigma are still challenges that families often face. The results of this study reinforce these findings by showing that the success of parenting children with disabilities does not only depend on the division of roles between husband and wife, but also on social and environmental support that supports child growth and development.

Based on the perspective of Islamic Family Law, the factors that affect the implementation of spousal responsibilities show that the success of parenting does not only depend on the implementation of normative rights and obligations, but also on the

[34] Andreas Heri Kurniawan et al., "Analysis of the Role of Families in Supporting the Academic and Social Success of Children with Disabilities in Inclusive Schools 1," *Social Humanities and Education Chair* 6, no. 1 (2026): 112–27, https://doi.org/10.51903/8r4pm751.

[35] Fiyola Triana Eldiva et al., "The Role of Parents and Family Support in the Educational Success of Children with Disabilities," *JSE Lectura: Journal of Special Education* 3, no. 1 (2025): 26–32, https://doi.org/10.31849/6pmd6t95.

[36] Hoh, Suranata, and Dharmayanti, "Strengthening the Role of Family Guidance in the Parenting of Children with Multiple Disabilities."

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application of the values of *ta'āwun* (help), *musyāwarah*, and *ṣabr* (patience) in family life.[37] These values are the basis for realizing a family that is sakinah, mawaddah, wa raḥmah, while supporting the implementation of the concept *of ḥaḍānah* which is oriented towards the benefit of the child. Meanwhile, in Indonesia's positive legal perspective, the various obstacles found show that the protection of children with disabilities cannot be fully imposed on the family. The principle of parental responsibility as stipulated in Law Number 1 of 1974 concerning Marriage, the best interests of the child in Law Number 35 of 2014 concerning Child Protection, and the principle of non-discrimination in Law Number 8 of 2016 concerning Persons with Disabilities affirm that the state, local governments, educational institutions, health workers, and the community also bear the responsibility in creating an environment that supports the fulfillment of the rights of children with disabilities. Therefore, the effectiveness of the implementation of spousal responsibilities is not only determined by family commitment, but also by the availability of a social protection system that is able to ensure access to education, health services, rehabilitation, and social acceptance for children with disabilities.

D. Conclusion and Recommendations

This study shows that the responsibility of caring for children with disabilities in Kuala Kapuas is carried out through the cooperation of husband and wife with the division of roles according to family conditions. However, mothers are still more dominant in daily care. From the perspective of Islamic Family Law, the practice is related to the principles *of ḥaḍānah* and *maṣlaḥah*, and is in line with the obligations of parents in positive Indonesian law. Its implementation is supported by communication, partner commitment, and family support, but still faces economic constraints, time constraints, access to services, and social stigma. These findings confirm that parenting responsibilities are not enough to judge from cooperation, but also from the fulfillment of children's best needs and interests. Therefore, a more balanced distribution of the burden of care and support from the government and related institutions in providing access to inclusive education, therapy, and services for children with disabilities is needed.

[37] Maharani, Kurnianti Kurnianti, and Mustafa, "An Analysis of Maqāṣid S Yarī'ah on the Judge's Consideration in the Decision on Child Support After Divorce in a Religious Court." *QIsthosia: Journal of Shariah & Law* 7, no. 1 (2026): 13–27, https://doi.org/10.46870/j hki.v7i1.2284.

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