

RECONSTRUCTING SPOUSAL RIGHTS AND OBLIGATIONS IN INDONESIAN MARRIAGE LAW: A QIRA'AH MUBADALAH PERSPECTIVE ON WIVES AS PRIMARY BREADWINNERS

Abd. Hannan¹; Mufidah Ch²; Jamilah³; Muhammad Nasrulloh⁴; Zummy Humairoh⁵

¹²³⁴Universitas Islam Negeri Maulana Malik Ibrahim Malang, Indonesia; ⁵Ma'had Aly Al-Zamahsyari Malang, Indonesia

Email: ¹ahfas1966@gmail.com; ²fidah_cholil@syariah.uin-malang.ac.id; ³jamilah@syariah.uin-malang.ac.id; ⁴muhammadnasrulloh1028@gmail.com; ⁵humairoh3181@gmail.com

ABSTRACT

Women's increasing participation in paid work has produced family arrangements in which wives become primary breadwinners, challenging the gendered allocation of marital rights and obligations in Indonesian marriage law. This study examines how spousal rights and obligations should be reconstructed when wives assume a primary economic role, using *Qira'ah mubadalah* as a normative framework. Employing normative legal research with statutory and conceptual approaches, the study analyzes Law No. 1 of 1974 on Marriage as amended by Law No. 16 of 2019 and the Compilation of Islamic Law, focusing on maintenance, family leadership, and domestic responsibilities. The findings reveal a tension between formal equality and gender-specific role allocation: although spouses are legally equal, husbands remain positioned as heads of households and primary providers, while wives retain primary domestic responsibilities. *Qira'ah mubadalah* reframes this structure through reciprocity, partnership, and substantive justice without removing the husband's legal obligation of maintenance. The study proposes three reforms: equal partnership in family leadership, explicit recognition of wives' economic contributions, and reciprocal sharing of domestic work and childcare based on capacity and mutual agreement. Its novelty lies in operationalizing *Qira'ah mubadalah* as a normative framework for reconstructing statutory spousal rights and obligations amid changing family economic roles.

Keywords: *Qira'ah mubadalah*; Indonesian Marriage Law; Spousal Rights and Obligations; Female Breadwinners; Family Law Reform

ABSTRAK

Peningkatan partisipasi perempuan dalam dunia kerja telah melahirkan konfigurasi keluarga di mana istri menjadi pencari nafkah utama, sehingga menantang pembagian hak dan kewajiban suami-istri yang berbasis gender dalam hukum perkawinan Indonesia. Penelitian ini menganalisis rekonstruksi hak dan kewajiban suami-istri ketika istri menjalankan peran ekonomi utama dalam keluarga dengan menggunakan *Qira'ah mubadalah* sebagai kerangka normatif. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan dan konseptual terhadap Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan sebagaimana diubah dengan Undang-Undang Nomor 16 Tahun 2019 dan Kompilasi Hukum Islam, khususnya terkait nafkah, kepemimpinan keluarga, dan tanggung jawab domestik. Hasil penelitian menunjukkan adanya ketegangan antara prinsip kesetaraan formal dan pembagian peran berbasis gender: meskipun suami dan istri secara hukum memiliki kedudukan yang seimbang, suami tetap ditempatkan sebagai kepala keluarga dan pemberi nafkah utama, sedangkan istri dibebani tanggung jawab domestik. Perspektif *Qira'ah mubadalah* merekonstruksi relasi tersebut melalui prinsip resiprositas, kemitraan, dan keadilan substantif tanpa menghapus kewajiban hukum suami dalam memberikan nafkah. Penelitian ini menawarkan tiga bentuk rekonstruksi: kemitraan setara dalam kepemimpinan keluarga, pengakuan terhadap kontribusi ekonomi istri, serta pembagian tanggung jawab domestik dan pengasuhan secara resiprokal berdasarkan kapasitas dan kesepakatan bersama. Kebaruan penelitian terletak pada operasionalisasi *Qira'ah mubadalah* sebagai kerangka normatif untuk merekonstruksi hak dan kewajiban suami-istri dalam merespons perubahan peran ekonomi keluarga.

Kata kunci: *Qira'ah mubadalah*; Hukum Perkawinan Indonesia; Hak dan Kewajiban Suami Istri; Perempuan Pencari Nafkah; Reformasi Hukum Keluarga

INTRODUCTION

The development of modernization has brought fundamental changes in the social and economic structure of society. The advancement of education, industrialization, the development of information technology, and the opening of access to various sectors of work have created wider opportunities for women to participate in public spaces (Widiastuti et al., 2024). If in the past women were more placed in the domestic realm, then in the modern era they are present as professionals, academics, bureaucrats, entrepreneurs, and company leaders (Galizzi et al., 2024). This transformation allows women to earn income independently and contribute directly to family welfare. This condition shows that women's economic activity is no longer a marginal phenomenon, but has become part of social reality that cannot be separated from the life of contemporary society (Xheneti & Madden, 2025).

The increase in women's participation in the world of work can be seen from national employment data which shows an upward trend from year to year. Data from the Central Statistics Agency (BPS) shows that the Female Labor Force Participation Rate (TPAK) continues to increase, namely by 53.13% in 2020, increasing to 53.34% in 2021, 53.41% in 2022, 54.52% in 2023, 56.42% in 2024, and reaching 56.63% in 2025 (Data, 2026). The data shows that more than half of working-age women in Indonesia are now actively involved in economic activities, both as formal and informal workers. This increase confirms that women have a significant contribution to the world of work and the national economy. Its role is very vital because it is one of the driving forces of the nation's economy (Widyanawati & Aisyah, 2025).

In the midst of these changes, not a few families depend on women as the main breadwinners to meet economic needs (Arsal et al., 2026). Factors such as education, job opportunities, labor migration, economic instability, and a decline in the husband's economic ability are some of the causes of this phenomenon (Junaidy et al., 2025). In some cases, the wife's income is even the main source of family income that determines the sustainability of the primary and secondary needs of the household (Murdiana et al., 2025). This phenomenon shows a change in the pattern of family economic relations that is different from the traditional family construction that has been known in society.

However, in the treasures of classical Islamic jurisprudence, the obligation of maintenance is in principle imposed on men as husbands (Aisyah & Hidayah, 2023). The scholars base this provision on a number of postulates of the Qur'an and hadith that place men as *qawwām* as well as in charge of the family's economic need (Asrori, 2024). Therefore,

the fulfillment of alimony is seen as a legal obligation of the husband, while the economic contribution of the wife is positioned as a form of voluntary assistance (*tabarru'*) that does not remove the husband's obligation to provide for his family (Murdiana et al., 2025). The classical fiqh construction emerged within historical socio-economic contexts characterized by prevailing gender-based role differentiation, where family responsibilities reflected dominant social customs (*'urf*) rather than immutable legal realities.

A similar construction can also be found in Indonesia's national marriage law. Article 31 paragraph (3) of Law Number 1 of 1974 concerning Marriage states that the husband is the head of the family and the wife is the housewife. Meanwhile, Article 34 paragraph (1) emphasizes that the husband is obliged to protect his wife and provide all the needs of domestic life according to his ability. The same provision is reaffirmed in Article 80 of the Compilation of Islamic Law which places the husband as the main person in charge of family maintenance. On the other hand, wives are more positioned as managers of domestic affairs in the household. The normative formulation shows that the national marriage law is still built on the assumption of a family with a single breadwinner pattern, namely the husband as the sole breadwinner and the wife as the household manager (Salim & Wulandari, 2023).

Problems arise when the normative construction is faced with changing social realities. On the one hand, the number of women who work and contribute to the family economy continues to increase, not a few of whom are even the main breadwinners. On the other hand, marriage regulations have not provided adequate arrangements regarding the redistribution of rights and obligations when the economic role of the family shifts. As a result, working women often face a double burden (Ardelia & Pramiyanti, 2025), namely still carrying domestic responsibilities while bearing the economic burden of the family. This condition shows that there is a gap between legal norms and social realities that are developing in society.

The absence of clear arrangements regarding the division of domestic and economic responsibilities for working women has the potential to give birth to exploitation of these women. When women are required to work and generate income, but at the same time are still burdened with full household responsibilities, then family relations become unbalanced (Syuhadak et al., 2026). In fact, the current Marriage Law is more than five decades old since it was promulgated in 1974. In this span of time, there have been very significant social changes, especially the increase in women's education, women's work participation, and women's economic contribution in the family (Azalia, 2024). However, these changes have

not been fully accommodated in the construction of the rights and obligations of husband and wife as stipulated in the national marriage law.

Departing from this problem, this study aims to analyze the phenomenon of wives as the main breadwinner in the family through the perspective of *Qira'ah mubadalah*, as well as examine its implications for the construction of national marriage law. This research seeks to answer three main questions, namely: how to construct national marriage law regarding the division of economic roles of husband and wife; how *Qira'ah mubadalah* views the phenomenon of wives as the main breadwinners; and how the implications of this perspective are for the reformulation of the rights and obligations of husband and wife in national marriage law. The novelty of this research lies in the effort to make *Qira'ah mubadalah* an analytical instrument to reconstruct the provisions of marriage law which have been oriented towards the division of gender-based roles towards a more equitable relationship model, responsive to social changes, and able to realize legal justice and social justice for men and women in family life.

The study of wives as breadwinners has developed in various perspectives of Islamic family law. Some of the research focuses on the normative legitimacy of women's involvement in family economic activities through fiqh (Rizqa, 2025), *maqasid al-syari'ah* (M. Imron & Algifari, 2025) and social (Zunaidi & Maghfiroh, 2021) approaches. The results of the study generally show that women who work and contribute to the fulfillment of family needs do not contradict Islamic principles as long as they aim to realize the benefits and welfare of the household. From the perspective of the *Mubadalah*, women's economic contribution is understood as the implementation of the principle of reciprocity (*mubadalah*) which places husband and wife as partners in building the family. These studies also confirm that family relations based on the principle of *mu'asyarah bi al-ma'ruf* allow for a more flexible division of roles so that family responsibilities are not solely imposed on one party (Fauzi et al., 2025).

On the other hand, a number of studies examined the phenomenon of wives as the main breadwinners through social approaches (Nazar et al., 2025), double movements (Arsal et al., 2026), and empirical data studies (Ferrari et al., 2024). The focus of the study is generally directed at the legal position of working women, the factors that cause wives to become the main breadwinners, their implications for household harmony, and the pattern of domestic division of labor in the family. The results of the study show that the increasing participation of women in the world of work has given birth to changes in the increasingly complex family

structure. However, most studies are still oriented towards descriptive aspects of women's work activities (Primadona & Lenggogeni, 2024), economic contribution to the family, (Seruni et al., 2026) and social impacts (K. Nasution, Ocktoherrinsyah, & Alzaki, 2025). Meanwhile, studies that link the phenomenon of women as the main breadwinners with the construction of the rights and obligations of husband and wife in national marriage law are still relatively limited, especially those analyzed through the perspective of *Qira'ah mubadalah* as an instrument for rereading the relationship of alimony and partnership in contemporary families.

Based on the literature review, three principal research gaps can be identified. First, existing studies have primarily focused on the legal and religious legitimacy of women's participation in economic activities, while limited attention has been given to the normative reconstruction of Indonesian marriage law. Second, research employing the perspective of *Qira'ah mubadalah* has largely examined reciprocal relationships between spouses in social and religious practices, with insufficient analysis of its implications for the normative framework of the Marriage Law and the Compilation of Islamic Law. Third, the existing literature has yet to systematically examine how the growing phenomenon of wives as primary breadwinners necessitates the reconstruction of spousal rights and obligations within Indonesian marriage law. Accordingly, this study positions *Qira'ah mubadalah* as a normative framework for critically evaluating and reconstructing Indonesian marriage law toward a partnership-based legal model that is more responsive to contemporary social transformation and substantive gender justice.

RESEARCH METHOD

This study employs normative legal research because the principal issue concerns the adequacy and coherence of legal norms governing the rights and obligations of spouses in responding to contemporary family transformations, rather than examining empirical legal behavior. Normative legal research is therefore appropriate for critically evaluating existing legal provisions, identifying normative inconsistencies between statutory regulation and contemporary social realities, and formulating a reconstructed legal framework capable of addressing emerging family dynamics. The research is prescriptive in nature, aiming not merely to describe or interpret the law but to formulate normative recommendations for the reconstruction of Indonesian marriage law.

The study applies statutory and conceptual approaches. The statutory approach examines the provisions regulating spousal rights and obligations under Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019, together with the Compilation of Islamic Law. The conceptual approach analyzes the legal doctrines of *nafkah*, *qiwamah*, reciprocity, gender relations, and shared family responsibilities within Islamic jurisprudence and contemporary family law. Primary legal materials consist of statutory regulations, while secondary legal materials include scholarly books, peer-reviewed journal articles, and academic works concerning *Qira'ah mubadalah*, Islamic family law, and gender-responsive legal reform.

Legal materials were collected through library research and analyzed qualitatively using descriptive-analytical and prescriptive methods. The analysis employs systematic interpretation to examine the coherence of statutory provisions within the Indonesian family law system, teleological interpretation to assess whether existing norms continue to realize the objectives of justice and family welfare amid changing socio-economic realities, and doctrinal analysis through the perspective of *Qira'ah mubadalah* to formulate a reconstruction of spousal rights and obligations. The reconstruction proposed in this study emphasizes equal partnership, reciprocal responsibilities, recognition of women's economic contributions, and shared domestic obligations as the normative foundation of contemporary Indonesian marriage law.

FINDINGS AND DISCUSSION

Construction of the Rights and Obligations of Husband and Wife in National Marriage Law

Indonesia's national marriage law is basically built on a paradigm of relatively strict division of roles between men and women in the family. This paradigm can be found in Law Number 1 of 1974 concerning Marriage, which was later amended through Law Number 16 of 2019, Government Regulation Number 9 of 1975 concerning the Implementation of the Marriage Law, and the Compilation of Islamic Law (KHI) as a guideline for Islamic family law for the Indonesian Muslim community. These regulations are prepared in a social context when the family structure is still dominated by the *male breadwinner family* model (Ningrum & Mas'udah, 2021), which is a family that places men as the main breadwinner and women as domestic affairs managers (Usmany et al., 2025). Therefore, the rights and obligations of

husband and wife in various provisions of national law tend to be formulated based on the assumption of the division of roles that are sexual and traditional.

This construction is explicitly seen in Article 31 paragraph (3) of the Marriage Law which states that “the husband is the head of the family and the wife is the housewife.” This provision is not just an affirmation of administrative status, but rather a normative basis for the division of roles in family life. The position of the husband as the head of the family contains the consequence that men are seen as the party responsible for leadership, protection, and the fulfillment of household economic needs. On the other hand, wives are placed as housewives who play a role in managing domestic affairs, such as taking care of the house, educating children, and maintaining family harmony (Ade Jamarudin et al., 2023). The formulation shows that national marriage law adopts a complementary pattern of family relations, where each party has a different area of responsibility based on gender.

In addition to regulating the position of husband and wife in the family, the Marriage Law also regulates in detail the economic obligations of the household. Article 34 paragraph (1) states that the husband is obliged to protect his wife and provide everything necessary for domestic life according to his ability. This provision emphasizes that the responsibility for maintenance lies with the husband as a consequence of his position as the head of the family. On the contrary, Article 34 paragraph (2) stipulates that the wife is obliged to manage household affairs as well as possible. The arrangement shows that national law clearly distinguishes between economic obligations imposed on husbands and domestic obligations imposed on wives (Hidayat & Nurcholis, 2024). Although the law does not prohibit wives from engaging in paid employment or generating income, it does not recognize such economic contribution as a legal obligation or regulate it as a reciprocal responsibility arising from the marital relationship. Instead, a wife’s financial contribution remains legally voluntary and does not extinguish the husband’s statutory duty to provide maintenance, nor does it entail a corresponding redistribution of domestic responsibilities when she becomes the primary breadwinner (Rahmi et al., 2025).

Reinforcement of this construction is also found in the Compilation of Islamic Law. Article 79 paragraph (1) of the KHI states that the husband is the head of the family and the wife is the housewife. Furthermore, Article 80 paragraph (2) emphasizes that the husband is obliged to protect his wife and provide everything for the needs of domestic life according to his ability. In fact, Article 80 paragraph (4) in more detail regulates the husband’s obligation to provide maintenance, *kiswah* (clothing), housing, household expenses, treatment costs,

medical expenses, and children's education costs. On the contrary, Article 83 paragraph (1) of the KHI states that the main obligation of a wife is to be devoted physically and mentally to her husband within the limits justified by Islamic law. Article 83 paragraph (2) emphasizes the wife's obligation to organize and manage daily household needs as well as possible. Thus, the construction of Islamic family law in Indonesia still maintains a division of roles that places men as the economic responsible and women as the domestic responsible (Wahyudani et al., 2023).

However, both the Marriage Law and the Compilation of Islamic Law (KHI) formally recognize the principle of equality between spouses. Article 31(1) of the Marriage Law provides that the rights and legal status of the wife are equal to those of the husband in family and social life, while Article 79(2) of the KHI contains a similar affirmation (Apriana et al., 2022). Nevertheless, this principle is internally inconsistent with Article 31(3) of the Marriage Law, which designates the husband as the head of the family and the wife as the housewife, as well as Article 34, which allocates economic and domestic responsibilities according to gender. Consequently, although the law formally recognizes equal legal status, it simultaneously institutionalizes a gender-based division of roles that limits the practical realization of substantive equality within marriage (Haque et al., 2022). In the context of contemporary society, the construction of the law faces serious challenges due to very significant social changes since the enactment of the Marriage Law in 1974. The increase in women's education, women's involvement in the world of work, and the emergence of families with wives as the main breadwinners show that the basic assumptions underlying the formation of marriage regulations are no longer fully in line with today's social reality (Qothrunnada et al., 2024). However, until more than five decades since the law was enacted, there has been no reformulation that specifically regulates the division of economic and domestic responsibilities in the family involving women as the main breadwinners. As a result, working women are often burdened with domestic obligations as formulated in marriage regulations, while also bearing the economic responsibility of the family (Bukido et al., 2025). This condition shows that the national marriage law still maintains a family model that reflects the social realities of the 1970s, while the dynamics of the Indonesian family have undergone much more complex changes in the modern era.

***Qira'ah mubadalah* and the Reconstruction of Family Maintenance Relations**

Qira'ah mubadalah is an interpretation approach that departs from the principle of *mutuality* in the relationship between men and women (Rahmawati & Heriyanto, 2025). This

approach was developed by Faqihuddin Abdul Kodir as an effort to re-read religious texts to be more in line with the principles of justice, partnership, and humanity which are the main goals of Islamic law. In the perspective of the *Mubadalah*, every teaching addressed to men basically also contains a moral message for women, and vice versa, unless there is a biological or normative reason that expressly distinguishes it (Nur et al., 2023). Thus, the relationship between husband and wife is not understood as a subordinate relationship that places one party higher than the other, but as a partnership relationship built on the basis of cooperation to achieve mutual benefit (Supriyadi et al., 2026).

The principle of reciprocity has important implications for reconstructing the legal relationship between maintenance obligations and family responsibilities. While *Qira'ah mubadalah* does not negate the husband's legal obligation to provide maintenance as recognized in Islamic jurisprudence and Indonesian positive law, it serves as a normative framework for interpreting that obligation within a reciprocal marital partnership. Accordingly, when a wife voluntarily contributes to the family economy, such contribution should receive equal legal and social recognition without transferring the husband's primary maintenance obligation. Instead, reciprocity requires that the wife's economic contribution be accompanied by a proportionate redistribution of domestic responsibilities, thereby ensuring substantive justice through balanced rights, responsibilities, and mutual cooperation between spouses (Nugroho et al., 2026). Thus, alimony is no longer understood solely as a symbol of male authority, but rather as an instrument to realize the collective welfare of the family.

The *Mubadalah* perspective also offers a rereading of the concept of *qiwamah* which has often been used as the basis for the legitimacy of male superiority in the family. In many classical readings, *qiwamah* is understood as the leadership of men over women because men have an obligation to provide for themselves (Nelli et al., 2024). However, *Qira'ah mubadalah* views that *qiwamah* should not be interpreted as a form of domination, but as a responsibility to provide protection, service, and benefits for the family (Saerozi et al., 2025). Therefore, the substance of *qiwamah* lies in responsibility and devotion, not in privilege or power. When reality shows that women also contribute significantly to the family economy, then the interpretation of *qiwamah* needs to shift from a hierarchical paradigm to a partnership paradigm that is more in line with the principles of justice in Islam. Or at least *qiwamah* is not understood as a form of privilege but is limited to the mandate of responsibility towards the family (Ahmad & Rasheed, 2018).

Based on this principle, *Qira'ah mubadalah* views that meeting the needs of the family is a collaborative responsibility. The family is no longer understood as an institution that divides roles rigidly based on gender, but as a space of cooperation that allows husbands and wives to share roles according to their respective conditions and abilities (Nurjannah et al., 2026). In certain contexts, the husband may be the main breadwinner, while in other contexts the wife may take a more dominant role in supporting the family economy (Soeharto et al., 2025). Similarly, domestic work and childcare should not be imposed on only one party, but should be a shared responsibility carried out based on the principles of deliberation, fairness, and agreement (Rahmy & Hamsah, 2023). In this way, family relations will be better able to adapt to social changes without sacrificing the basic principles of sharia.

If this perspective is applied to Indonesian marriage law, several normative issues become apparent. The Marriage Law and the Compilation of Islamic Law continue to designate the husband as the head of the family and primary provider, while assigning the wife primary responsibility for domestic affairs. This formulation reflected the socio-legal context of the 1970s, but contemporary family structures have become considerably more diverse, including dual-earner households and families in which wives are the primary breadwinners. From the perspective of *Qira'ah mubadalah*, these developments call for a reconstruction of family relations without diminishing the husband's legal obligation to provide maintenance. Rather, reciprocity requires legal recognition of the wife's economic contribution and a proportionate redistribution of domestic responsibilities. Such arrangements should arise from free and equal mutual agreement, taking into account potential power imbalances, economic dependency, and social pressure, so that partnership reflects substantive justice rather than merely formal consent (Hafis et al., 2025).

From the perspective of *Qira'ah mubadalah*, the principal weakness of Indonesian marriage law does not lie in preserving the husband's legal obligation to provide maintenance, but in its failure to accommodate changing family roles while maintaining a gender-based allocation of rights and responsibilities. The designation of the husband as the head of the family is frequently interpreted as legitimizing male authority, despite the increasing number of families in which wives make substantial or primary economic contributions. Although such contributions do not transfer the husband's legal maintenance obligation, they warrant corresponding legal recognition and a proportionate redistribution of domestic responsibilities (Nasyi'ah et al., 2026). This redistribution should be based on free and equitable mutual agreement, taking into account potential power imbalances, economic

dependency, and social pressure, so that reciprocal family relations promote substantive rather than merely formal equality. These shortcomings demonstrate that the existing legal framework remains insufficiently responsive to contemporary family realities (Rahmawati et al., 2025).

Therefore, *Qira'ah mubadalah* offers a moderate reading to meet the need to reconstruct the relationship of rights and obligations of husband and wife in national marriage law (Ni'ami et al., 2023). The reconstruction is not intended to remove the husband's maintenance obligations that have become a fundamental principle in Islamic law, but rather to establish arrangements that are more responsive to women's economic contributions and changes in the modern family structure. The recognition of women as subjects of the family economy must be followed by the recognition of the principle of sharing domestic responsibilities and childcare. Thus, the marriage law no longer only reflects the social realities of the past, but is able to become an instrument of justice that provides equal protection for men and women. Within this framework, the principle of (Mshweshwe, 2020)reciprocity offered by *Qira'ah mubadalah* can be the normative basis for the formation of a more adaptive, inclusive, and gender-equitable family law without losing the roots of Islamic values that are its foundation (Kodir, 2021).

Women's Multidimensional Vulnerability as the Main Breadwinner and Its Impact on Family Resilience

The phenomenon of women as the main breadwinner in the family is a social reality that is increasingly found in contemporary society. This condition shows the increasing capacity and contribution of women in supporting the household economy. But behind this strategic role, there are various consequences that are not always seen directly. In many cases, women, who are the main source of family income, not only bear economic responsibilities, but are also burdened with the expectation of carrying out domestic functions and childcare (Mussida & Patimo, 2021). As a result, women are in a very vulnerable position because they have to carry out various roles at the same time. This vulnerability not only has an impact on itself, but also affects the quality of family relationships, child development, and overall household stability (Marchand et al., 2016).

From a physical aspect, women who are the main breadwinners face a higher risk of fatigue than other family members (Li & Yu, 2025). The demands of time- and energy-consuming work often have to be carried out in tandem with undiminished domestic work. Activities of working outside the home, taking care of family needs, preparing food, cleaning

the house, and taking care of children can cause physical fatigue that lasts continuously. In the long term, these conditions have the potential to cause health problems, decreased immunity, sleep disorders, and various diseases triggered by chronic fatigue (Artz et al., 2022). Not a few women end up neglecting their personal health because all their attention and energy is focused on fulfilling their work (Rosnia et al., 2023).

Prolonged physical fatigue ultimately has an impact on women's psychological and emotional state (Jang et al., 2021). A large economic burden, high job demands, and undiminished household responsibilities can trigger stress, anxiety, mental distress, and emotional *exhaustion* (Fauziah et al., 2026). Women are often in a dilemma between the demands of work and family needs. When focusing on work, feelings of guilt arise because they feel less present in the family. On the other hand, when more attention is paid to the family, concerns arise about the economic stability of the household. This kind of inner conflict can be persistent and reduce the quality of women's mental health in the long run (Rusu et al., 2025).

The next impact can be seen on the quality of the husband-wife relationship. Physical exhaustion and psychological stress often affect emotional stability in the household. Women who are constantly in a state of fatigue tend to experience emotional tension more easily, while husbands who are less involved in domestic work may be perceived as not providing adequate support. In conditions like this, family communication has the potential to decrease in quality (Abbas et al., 2019). Small misunderstandings can develop into larger conflicts as each side feels misunderstood or unappreciated for their contributions. If it lasts for a long time, this condition can reduce family harmony and weaken the emotional bond between husband and wife.

Vulnerability can also be felt by children. The limited time and energy of women who are the main breadwinners often affect the intensity of childcare and mentoring (Chesley & Flood, 2017). Although this is not always the case, in some cases children have the potential to experience reduced attention, supervision, and emotional assistance from parents. This situation can become more complex when the father does not take an active role in the upbringing as a form of compensation for the mother's busyness. As a result, children's psychological needs are not optimally met and can affect their emotional, educational, and social development. From a family resilience perspective, unbalanced parenting can have a long-term impact on the quality of the generations that grow up in the family.

From an economic perspective, household dependence on one source of income also creates its own vulnerability. When all the needs of the family are based on women's income, the economic risk becomes much greater. Job loss, decreased income, illness, or other emergencies can directly affect the family's economic sustainability (Laar et al., n.d.). In contrast to families that have a more balanced distribution of economic responsibilities, families that depend on one main breadwinner tend to have lower resilience to economic shocks (Deschênes et al., 2020). This condition can add to the psychological pressure of women because she feels responsible for the welfare of all family members.

In the context of marital relationships, the accumulation of physical, psychological, emotional, and economic stress can increase the risk of family disorganization that leads to divorce. Various family studies show that economic conflict is one of the dominant factors that trigger household disputes (Naâ€™mah et al., 2024). When women become the main breadwinners without a proportionate division of domestic responsibilities, feelings of injustice arise that can erode marital satisfaction (Fisher et al., 2025). On the other hand, some men can also experience an identity crisis due to their inability to carry out the economic role that has been attached to them by social construction (Manstead, 2018). A combination of role injustice, emotional conflict, economic pressure, and weak communication can be factors that accelerate the occurrence of household rifts that lead to divorce.

Therefore, the problem of women as the main breadwinner cannot be understood solely as an economic issue, but as a multidimensional family problem. The impact includes physical health, mental health, emotional stability, quality of childcare, domestic harmony, and marital resilience. In this context, the necessary solution is not to limit women's participation in the workforce, but to build a more equitable and collaborative system of family relations. When women contribute greatly to the economic needs of the family, they need to take an equally important role in domestic work, childcare, emotional support, and various other family activities. Only through a balanced division of responsibilities can families avoid the exploitation of roles, maintain the health of all its members, and maintain harmony and sustainability of the household in the long term.

Reformulation of Husbands' Rights in National Marriage Law *Qira'ah mubadalah* Perspective

The phenomenon of wives as the main breadwinner presents a number of legal implications that have not received adequate attention in national marriage law. So far, the

construction of Indonesian family law has been built on the assumption that the husband is the main breadwinner and the wife is responsible for domestic affairs. But when reality shows that wives are the main source of family income, even in many cases covering most of the household needs (K. Nasution, Ocktoberinsyah, & Mousa Alzaki, 2025), questions arise about the relevance of the various legal provisions that still maintain the traditional division of roles. This situation shows that the change in the economic role of the family not only has an impact on the social aspect, but also gives rise to legal consequences that require a rearrangement of the rights and obligations of husband and wife in the modern family.

One of the problems that emerged was the concept of the head of the family. Normatively, Article 31 paragraph (3) of the Marriage Law and Article 79 of the KHI place the husband as the head of the family without considering the actual economic conditions in the household. In practice, not a few families have all or most of their economic needs met by the wife, while the husband does not have a permanent job, experiences economic limitations, or carries out domestic roles (Junaidy et al., 2025). Under such conditions, the size of family leadership based solely on gender becomes less relevant to social reality. *Mubadalah's* perspective directs that family leadership should not be understood as a hierarchical status permanently attached to men, but rather as a collective responsibility to ensure the well-being of the family. Therefore, the concept of the head of the family needs to be interpreted functionally and participalistically, not solely based on gender identity.

Another very important issue is the position of income earned by the wife. In jurisprudence and positive law in Indonesia, the wife's income is in principle a private property that is under the full control of the wife (Milad et al., 2022). The economic contribution given to the family does not erase the right to property. However, in social practice it is often found that because the wife has worked and earned, the needs of the family are fully shared responsibilities without being followed by the redistribution of domestic responsibilities. As a result, women experience a paradoxical situation: their income is used to support the family, but at the same time they are still obliged to carry out all domestic work as traditional construction (Z. Nasution, Tanjung, & Matsum, 2025). This situation has the potential to give birth to injustice because women's economic contribution is materially recognized, but not followed by recognition of their rights in the division of family labor.

In line with the changes in contemporary family structure, national marriage law needs to move from a rigid paradigm of division of roles to a paradigm of shared

responsibility (Ecarius, 2022). The legal construction that places the husband permanently as the breadwinner and the wife as the household manager no longer fully reflects the social reality of Indonesian society. Because in fact, women not only contribute to household income, but are also the main source of family livelihood. This condition requires a reformulation of legal norms that recognize that the rights and obligations of husband and wife are built on the basis of partnership, not subordination. Therefore, national marriage law needs to adopt the principle of collective responsibility in meeting family needs, both economic and non-economic, so that the family is built on mutual cooperation (El Zein et al., 2019), so that every contribution made by the couple receives equal legal recognition and protection.

It is also important to strengthen these principles to affirm that the domestic role in the family is dynamic and can change according to the needs, capacities, and agreements of the parties. Childcare, household management, and care work should not be exclusively attached to women, but should be seen as family functions that can be carried out by anyone who has greater ability and opportunity to carry them out (Elsayed, 2024). With normative recognition of the flexibility of these roles, women who are socially and economically the main breadwinners will obtain juridical justice because the burden they carry is no longer considered a deviation from the norm of the ideal family. At the same time, men gain legal legitimacy to carry out domestic roles without being seen as diminishing their position in the family. This model of relationship allows for a more proportionate balance of rights and obligations, while presenting a family law system that is more responsive to social transformation and the demands of substantive justice.

Other implications to note are regarding post-divorce economic rights and the position of property acquired during the marriage. When wives have been the main breadwinners for many years, there is a need to review the legal protection mechanisms for the economic contributions that have been made. So far, various family law provisions are more oriented towards the protection of wives as parties who are economically dependent on their husbands (Fadil et al., 2024). In fact, in many contemporary families, the opposite condition occurs. Therefore, family law reform needs to pay attention to the real economic contribution made by each party in the household so that the distribution of joint property, post-divorce rights, and other forms of economic protection can be carried out more fairly and proportionately based on actual contributions, not solely based on predetermined gender assumptions (Abd Rouf, 2024).

Based on these various issues, the reformulation of the rights and obligations of husband and wife in the national marriage law is an urgent need. The provision that has been reading “the husband is the head of the family and the wife is the housewife” needs to be directed towards a formulation that is more in line with contemporary social reality, for example that “husband and wife are equal partners in building a family and are jointly responsible for the welfare of the family according to their respective abilities.” This reformulation is not intended to remove the responsibility for the maintenance of the husband which has become a basic principle in Islamic law, but rather to present legal recognition of women’s economic contribution while affirming the obligation of men to be actively involved in domestic work and childcare. With this approach, national marriage law no longer relies on a rigid division of roles based on gender, but moves towards a more adaptive, just, and harmonious family partnership model that is in line with the principle of reciprocity that is the spirit of *Qira’ah mubadalah*.

The Implementation of Modernist Values in Contemporary Gender and Family Relations in the Framework of *Qira’ah mubadalah*

Contemporary socio-economic transformation has reshaped patterns of family life without altering the normative foundations of Islamic family law. Rather than reflecting a shift from religious values, these changes require legal norms to respond more adequately to evolving social realities. Increased educational opportunities, broader participation of women in the labour market, and changing household economic conditions have contributed to more diverse family arrangements. In this study, a partnership-based family model refers to a marital relationship in which husbands and wives remain bound by their respective legal obligations while sharing family responsibilities through reciprocity, mutual agreement, and proportional contribution according to their capacities. Accordingly, family relations should be understood not through a rigid single-breadwinner model, but through a partnership framework that promotes substantive justice while preserving the husband’s legal obligation to provide maintenance (Herbell et al., 2024).

In contemporary gender studies, justice is no longer understood as absolute equalization, but rather as a proportionate distribution of responsibilities, opportunities, and benefits among family members (Fitriyati et al., 2025). The main issue that is often criticized by gender scholars is not the fact that men are breadwinners or women take care of the household, but when one of the parties bears a much greater burden without equal

recognition or support (Sear, n.d.). Therefore, the increasing number of working women requires adjustments in family relations so that there is no inequality in workload. When women take part or all of the family's economic responsibility, then logically domestic work and childcare should also be divided more evenly.

The modern gender perspective also highlights the importance of recognition of *unpaid care work*. So far, activities such as babysitting, cleaning the house, assisting children's education, caring for sick family members, and managing household needs are often considered natural women's jobs so they do not have economic or social value equivalent to work in the public sector (Meilianna et al., 2025). In fact, various studies show that domestic work has a great contribution to family sustainability and community economic productivity. In the context of families where the wife is the main breadwinner, recognition of domestic work becomes increasingly important because these activities can be carried out by the husband as a form of real contribution to the welfare of the family. Thus, family productivity is not only measured by who makes money, but also by who maintains the continuity of family functions.

Furthermore, the modern paradigm places men's involvement in domestic affairs as an indicator of the quality of healthy and egalitarian family relationships. Husbands who help take care of children, prepare household needs, accompany children's educational activities, drive and pick up work partners, or are involved in businesses run by their wives are not seen as losing their authority or masculine identity. Instead, it is understood as a form of social and emotional responsibility that strengthens family resilience. The involvement of fathers in parenting has even become one of the indicators of family well-being because it has been proven to improve the quality of partner relationships, children's psychological development, and overall household stability (Volling & Bornstein, 2025).

From a legal and public policy perspective, changes in the modern family structure demand regulations that are more responsive to social realities. Family regulations built on the assumption of men as the sole breadwinners have the potential to lose their relevance when most families have implemented a more flexible pattern of relationships. Therefore, family law is not enough to only provide protection for women's economic rights, but also to encourage a more equitable division of family responsibilities. Recognition of women's economic contributions needs to be followed by normative recognition of men's obligations to actively participate in domestic work and childcare. In this way, the law can function as an

instrument of social transformation that is able to respond to the changing times without eliminating the basic values of the family.

Within this framework, the implementation of modernist values is not intended to erase the biological identities or roles of men and women, but rather to build more adaptive, participatory, and equitable family relationships. Values such as partnership, reciprocity, shared responsibility, and appreciation for all forms of contribution of family members are important foundations in building contemporary families. In line with the principle of *Qira'ah mubadalah*, the relationship between husband and wife is no longer understood as a relationship that relies on the superiority of one party (Kodir, 2021), but as cooperation that strengthens each other for the sake of achieving family welfare. Thus, the ideal modern family is not a family that maintains a rigid division of roles, but a family that is able to adjust roles and responsibilities based on needs, abilities, and mutual agreements to realize social justice for all family members.

CONCLUSION

This study demonstrates that Indonesian marriage law contains an internal normative inconsistency. On the one hand, Article 31(1) of the Marriage Law and Article 79(2) of the Compilation of Islamic Law recognize the equal legal status of husbands and wives. On the other hand, Article 31(3) and Article 34 continue to assign economic and domestic responsibilities according to gender, thereby maintaining a hierarchical family structure that no longer fully corresponds to contemporary family realities. The study further finds that the principal weakness of the existing legal framework does not lie in preserving the husband's legal obligation to provide maintenance, but in its failure to recognize the legal implications of wives' economic contributions and to regulate reciprocal domestic responsibilities in families experiencing changing economic roles.

The theoretical contribution of this study lies in positioning *Qira'ah mubadalah* not merely as a method of interpreting Islamic texts or ethical principle governing gender relations, but as a normative framework for reconstructing positive marriage law. The novelty of this research is demonstrated by its systematic formulation of a legal reconstruction that bridges Islamic legal principles and contemporary family realities. Unlike previous studies that predominantly examined *Qira'ah mubadalah* within theological, interpretative, or sociological contexts, this research operationalizes the concept as a jurisprudential basis for

reformulating statutory norms governing spousal rights and obligations within Indonesian marriage law.

Accordingly, this study proposes three normative reconstructions. First, the concept of the husband as the head of the family should be reformulated toward a partnership-based legal relationship founded upon equal legal status and reciprocal responsibility. Second, the economic contribution of wives should receive explicit legal recognition as an integral component of family welfare without diminishing the husband's primary legal obligation to provide maintenance. Third, domestic work and childcare should be regulated as reciprocal legal responsibilities to be distributed proportionally through free and equitable mutual agreement while taking into account potential power imbalances, economic dependency, and social pressure. These reforms provide a normative direction for future amendments to the Marriage Law and the Compilation of Islamic Law so that Indonesian family law becomes more responsive to contemporary social transformation while remaining consistent with the principles of substantive justice and Islamic family law.

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