

The Transformation of the Dilemma of Role Exchange in the Household: Analyzed Gender in Family Resilience Discourse in National Law and Islamic Law

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ABSTRACT

This article analyzes the dilemma of changing roles in a household that is often unequal. Inequality occurs due to the wife's dominant role in meeting the family's needs; the wife bears a double burden compared to the husband. This study uses qualitative research with a literature research system through a formal juridical approach and gender analysis. The subject of this research refers to the articles in the Marriage Act and Compilation of Islamic Law. Researchers chose purposive sampling based on specific criteria and categories that can be described and analyzed. The findings of this study indicate the dilemma of relationships and roles in the household, where the ideal relationship within the family must be a provision for family resilience to realize national resilience. In addition, working women must be able to carry out their rights and obligations in a balanced way, even though information technology and the media are challenges to family life today. The optimization of the marriage guidance program and the reconstruction of Islamic Family Law and the Marriage Law must serve as an affirmation basis for the dynamics of marital relationship patterns. However, society must also understand that the social role of a partner is not absolute. His position can be exchanged as needed for the continuation of the marriage.

Keywords: Family Resilience; Household; Role Exchange.

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INTRODUCTION

This study is critical for building unequal marital relations and for married couples' dealing with conflict. Not all couples can understand healthy conflict management when dealing with family problems. Many influencing factors and efforts to build family resilience originate from small families in the community. Ardi et al. (2022) state that education positively and significantly affects family resilience. In contrast, religiosity and social support have a positive relationship and have no significant impact. In addition, the government can use it as a reference in making decisions to help the economic resilience of women heads of households by making programs to increase family resilience in the economic field. In line with Kustiawan & Kartini (2020) findings, social media can affect family resilience. Saefullah et al. (2019) stated that there is a positive and significant relationship between social support and family resilience. However, it is somewhat different from the tradition in Pariaman culture, which is close to Minangkabau, where the husband's position in making family decisions is only an input because the husband is considered a newcomer (Gustiana, 2020). This article aims to show that in state regulations, the position of husband and wife is transparent so that the division and exchange of roles are not absolute, flexible, and able to adjust to situations and conditions.

This practice does not only occur in parts of Indonesia. In several countries, they also pay attention. As Abu-Lughod writes, gender orientalism has taken on new life and new forms among our twenty-first-century feminists. However, Abu-Lughod highlights that the most basic conditions of women's lives determine political forces, which often come from national or international sources, even if they apply locally. Therefore, 'tradition' responds to war, uncertainty, economic and political upheaval, and instability. For example, in the debate on Afghanistan, there is an overemphasis on cultural practices and little discussion of the unfair effects of war and militarization. Against this broader geopolitical backdrop, she argues that concepts such as 'oppression,' 'choice,' and 'freedom' are blunt instruments for capturing Muslim women's dynamics and quality of life in these places (Abu-Lughod, 2013).. It is in Pakistan's South Punjab that traditional gender roles and relations have changed in the marriage system, which has changed roles. Predefined, structured roles are more influential and essential than individual choices (Zaman et al., 2013; Thakur, 2019).

It reveals the enduring tension between structural forces and individual agency. Disengaged individuals try to assert themselves and want to exercise their choices, but the structural pressures are extreme. The debate is ongoing between structural and individual agents for emancipation and the role of individual emancipation. One major factor, namely maximizing role benefits, is associated with choosing the role of the full-time housewife and dual roles when educated married women are free to choose (Mobley-Tanaka, 1990). In addition, Islary & Pandey (2019) supported social casework and social group work practice methods to strengthen resilience in families and individuals, ultimately leading to a

resilient society. Social work methods such as social casework and social group work are concerned with transactions between people, families, and the environment, and various assessment and intervention strategies can strengthen family resilience.

Family resilience in practice in Indonesia influenced the principle of marriage, which is described in a reciprocal relationship as stated in Article 31 paragraph (3) of Law No. 1 of 1974: "The husband is the head of the family and the wife of the housewife," and Article 34 paragraphs (1), (2), and (3) sequentially state: (1) The husband is obliged to protect his wife and provide everything the necessities of domestic life following his ability. (2) The wife is obliged to manage the household's affairs as well as possible. (3) If the husband or wife neglects their obligations, each can file a lawsuit with the court. Based on the exposure of the two articles, the logic of a simple interpretation is that the relationship between husband and wife is built on demanding rights and obligations (Nasution, 2009). Moreover, if the husband or wife feels that he has done his obligations but his partner has not, then he can immediately file a divorce lawsuit with the court. Furthermore, Article 34, paragraph (3), should not direct family problems towards divorce but provide counseling institutions to solve problems. This verse is vulnerable and tends to understand that the solution is divorce if there is a dispute (Na'mah, 2015).

It differs from what is regulated in the Compilation of Islamic Law, although it is still the same as stated in the Marriage Law. In Article 77, paragraph (5) Compilation of Islamic Law stated, "If the husband or wife neglects his obligations, each can file a lawsuit with the Religious Court" Only then in Article 79, paragraphs (1) and (2) stated respective as follows: (1) The husband is the head of the family and the wife of the housewife; and verse (2) "The right and position of the wife is balanced with the rights and positions of the husband in domestic life and the association of living together in society. Furthermore, it states in Article 80 paragraphs (2), (4), and (5): (2) "The husband is obliged to protect his wife and provide all the necessities of domestic life following his ability";(4) following his income the husband bears: a. a. living, kiswah and place of residence for the wife; b. household expenses, maintenance costs, and medical expenses for the wife and child; and c. the cost of education for children; and paragraph (5) of the husband's obligations to his wife as mentioned in paragraphs (4) a and b above come into force after there is a perfect tamkin from his wife. While Article 80, paragraph (6) explains that the rights and obligations of husband and wife can contextually, namely, "the wife can free her husband from obligations to her as mentioned in paragraphs (4) a and b. However, this explanation has no effect, even when unwittingly stuck to a transitional ideology (Abubakar, 2020).

The reality of applying marriage law is not as ideal as imagined (Nasution, 2012). The onslaught of globalization from the presence of sophisticated communication media has a significant impact (Na'mah, 2016) on people's

perceptions of building relationships in marriage. Marital relationships initially formed from the traditional perception that women have duties at home as housewives, then underwent a shift. This pattern of relationships in Marriage describes Ihromi (1999) in four patterns, namely as owner property (husband as the complete owner of wife), Head complement (wife as complement husband), Senior-Junior Partner (husband as the primary breadwinner, and wife also has his income but lower than the husband. This pattern of relationships in Marriage described by Ihromi (1999) in four patterns, namely as owner property (husband as the complete owner of wife), Head complement (wife as complement husband), Senior-Junior Partner (husband as the primary breadwinner, and wife also has his income but lower than the husband. This portrait depicts the indigenous people of Pariaman, known as the Bajapuik marriage. Some of the husband's rights and obligations control the mamak leader, who comes from the wife of the family (Gustiana, 2020).

Some forms of husband-and-wife relationship patterns in marriage ties, as various as they are, cannot fully build lasting relationships. Based on the statement of the Director General of Islamic Community Development, Ministry of Religious Affairs, Kamaruddin Amin (17/12/2020), an average of 300,000 (three hundred thousand) divorce cases are recorded every year. While marriage every year reaches the number of 2 million. As for tackling the occurrence of divorce in the hope that every married couple can maintain the marriage bond once and for all, the Director General of Islamic Community Development, Ministry of Religious Affairs, conducts pre-marriage provisions for brides-to-be and provides counseling on reproductive health. However, the 2 million existing weddings cannot fully be covered by the coaching and counseling program for brides-to-be (RZR & KID, 2020). It certainly brings challenges to building a strong society based on the function of the family as a minor institution in society.

So far, the legal basis in force should be a solution to creating a resilient family life against various threats. However, so far, the classical view, inspired by the legal basis of traditional Fiqh as contained in the Compilation of Islamic Law and the 1974 Law, has been able to answer the changes and challenges of the current family era. That change is a necessity that we cannot avoid anymore. It must face various new relational adjustment patterns (Pangaribowo et al., 2019). To maintain the contextualization of law as a source of the principles of a just and prosperous society, as well as being an inspiration for realizing a harmonious and sufficient social order based on the smallest organizational unit, namely the family (Na'mah, 2018).

This article analyzes the discourse on family resilience regarding the role of gender in national law and Islamic law in Indonesia. The two family law references do not explicitly regulate the role relations between husband and wife play, so they become one of the drivers of divorce cases. Concerning several cases at the religious courts in Depok and Bekasi, the analysis in this article aims to

formulate a formulation that can be used as a reference in reading family law formulations in Indonesia and the Muslim world.

METHODS

This research method is a normative and descriptive-analytical juridical method. Focus on data in narrative and word argumentation; library research is a way to collect data. So, in general, this study has data from the Compilation of Islamic Law, Marriage Law, Criminal Code, other regulations, books, and related journals.

RESULTS AND DISCUSSION

Family Resilience Discourse

As the smallest unit of society, the family has an essential role in human resource development that is personal, superior, and resilient. Its role as the smallest unit in the family community has several functions. Based on the Law of the Government of the Republic of Indonesia Number 21 of 1994, families have several functions that include meeting physical and non-physical needs, which include (1) religious functions; (2) socio-cultural functions; (3) the function of love; (4) the protection function; (5) the reproductive function; (6) the functions of socialization and education; (7) economic functions; and (8) environmental development functions. The family has a broad scope of individual and social functions, including primary and secondary moral, intellectual, and spiritual needs.

Optimization of family functions is an essential prerequisite for realizing a dynamic society as part of a small organizational unit. The family community also has a position of vulnerability (family vulnerability). Vulnerability refers to a variety of threats from within (internal) the family itself and from outside (external) that can interfere with the family's integrity, sustainability, and existence. Cracks and imbalances in the family make a family fall into a status of vulnerability (vulnerable family). Families in vulnerability are proclaimed as families that are considered problematic with special needs and encourage efforts to create social responsibility and professional support (Bauer & Wieszorek, 2016), both government and non-governmental support. Government support is provided through several functions of the system as well as several assistance programs and social assistance in the form of economic assistance and facilitation of the need for education. In addition, realizing social responsibility for vulnerable families can involve non-governmental institutions such as non-governmental organizations (NGOs) and social and religious institutions in the environment around the family residence.

The status of family vulnerability cannot be generalized between one family and another because each family has different characteristics and abilities to realize happiness by following its goals and ideals. However, the status of

vulnerable families can be categorized based on family responsibilities in raising and caring for children and includes how families support and care for each other (Bauer & Wieszorek, 2016).

Children prioritize measurements and indicators of the success of building a family. Because a child with good intellectual, social, and spiritual abilities cannot separate from the influence of the surrounding environment, mainly the family and, more specifically, the role of both parents, essential characteristics that need to be emphasized by parents in the child's educational process include three aspects: patience, perseverance, and a sense of gratitude (Tim Penyusun BKKBN, 2017).

Internal factors and divorce are factors that are part of the threat or vulnerability of the family. The cause of divorce is due to several factors, including infidelity, the practice of underage marriage, the age gap between the spouses (husband and wife) being too large, the existence of religious differences, acts of domestic violence, intellectual gaps with the existence of intellectual distance between couples that are too far away, social differences (status), economic factors, politics, differences in views and opinions, the existence of legal entanglements for one partner or both, and certain excisions that give rise to permanent disability (Kasim, 2017).

Family resilience describes, in a sense, the ability of the family to meet material and non-material needs and have tenacity and toughness in facing various problems in order to realize a family that can develop themselves independently, happily, and prosperously (Musfiroh et al., 2019). From this understanding, family resilience is a form of the family's ability to meet various primary and secondary needs and adjust to various social living conditions that exist in society to create prosperous living conditions socially, psychologically, economically, and so on.

The measurement of family resilience can be based on several indicators. The Central Statistics Agency (BPS) explained several indicators of family resilience in five items: (1) the attitude of serving each other as a sign of glory; (2) the existence of familiarity between husband and wife towards good marital quality; (3) parents who teach and train their children with a variety of creative challenges, consistent training, and developing skills; (4) the presence of a husband and wife who lead all members of their family with affection; and (5) children who obey and respect their parents (Badan Pusat Statistik, 2016). The picture of the indicator of family resilience at least illustrates the dimension of affection and education in the family that emphasizes the importance of maintaining the psychological condition of family members to create harmonious and creative relationships.

In general, the idea of family resilience becomes an essential part of the creation of national resilience. National resilience is a "dynamic condition of a nation containing tenacity and toughness that contains the ability to develop

national strength in facing and overcoming all challenges, threats, obstacles, and disturbances both coming from outside and from within, directly or indirectly endangering the identity, integrity, survival of the nation and state, and the struggle to pursue the goals of national struggle" (Sadewo, 2020). In line with the understanding of national resilience as a condition to create and maintain the sustainability of security conditions, comfort, and welfare in the national sphere, family resilience is a form of condition to realize security, comfort, and welfare in a smaller (micro) scope, namely the family.

Ideas about national and family resilience continue to develop following the changing conditions of the times. Therefore, various policies continue to develop according to needs. In 2019, there were at least two regions on a regional scale that issued provincial regulations in order to realize family resilience and welfare. The two regions that issued the Family Resilience Regulation are Bangka Belitung Islands Province and West Kalimantan Province. Bangka Belitung Islands Province issued a Regulation on Family Development and Welfare with Number 12 of 2019, and West Kalimantan Province issued Perda No. 10 of 2019 concerning the Implementation of Family Resilience Development. In general, both contain the same legal foundations and principles—only a few items are adapted to the context of each region. The two Perda describes the program's principles to realize family resilience based on religious norms: humanity; balance; benefits; protection; family; cohesion; participation; legality; and non-discrimination.

Meanwhile, the Perda issued by West Kalimantan Province provides an overview of the scope of the program's implementation, including quality families, prosperous families, pre-prosperous families, and vulnerable families. The two Perda describes the program's principles to realize family resilience based on religious norms: humanity; balance; benefits; protection; family; cohesion; participation; legality; and non-discrimination. Meanwhile, the Perda issued by West Kalimantan Province provides an overview of the scope of the program's implementation, including quality families, prosperous families, pre-prosperous families, and vulnerable families. Apart from the scope of the program, both the Perda issued by the Bangka Belitung Islands Province and West Kalimantan Province provide a foundation for several examples of the process of implementing the program, one of which is the provision of education about the understanding of gender in the household. The educational and socialization process of the family resilience program of the two Perda provides the same coverage, namely targeting family members, prospective married couples, and husband and wife. However, West Kalimantan Province provides more comprehensive coverage by including children and individuals who can also be involved in the program's implementation (Article 14).

The most crucial point that needs to be underlined from the policy of realizing family resilience is "couples who are about to get married." The mentoring program for couples getting married is one of the programs organized

by the Ministry of Religious Affairs (Kemenag) with the responsibility of the Directorate General of Community Guidance (Ditjen Binmas) Islam. Through the Marriage Guidance Program (Binwin), brides (*Catin*) or couples who are getting married give an understanding of the picture and how to realize the Sakinah family, prepare family psychology, manage conflicts, maintain family health, and make efforts to print quality generations. In 2018, this guidance program included 125,132 pairs. In practice, this number cannot include the entirety of the average number of marriages, which reach 2 million per year (Humas Kanwil Kemenag DI. Yogyakarta, 2019).

Materially, the Binwin *Catin* program has described the ideality of the stages of building a family that many couples desire. It is just that the limited number of programs covered provides obstacles to the successful implementation of the Binwin *Catin* program in quantity. This coverage figure certainly has its impact and challenges for the government (especially the Ministry of Agriculture) to expand the program's scope further, especially to build family resilience for national security. In addition, the community that will establish a marital relationship (*Catin*) also has obstacles and challenges after and during the marriage *mahligai* (Yusuf et al., 2022). In addition, the community that will establish a marital relationship (*Catin*) also has obstacles and challenges after and during the *mahligai*. Ultimately, the struggle over the values of tradition and culture that formed an understanding of the procedures for building good family relationships goes one way: from the subjective understanding of the bride-to-be. Of course, harmful content that can affect the sustainability of marriage ties becomes unfiltered. It is undoubtedly influenced by religious authorities (Nurlaelawati, 2016). The impact could affect the next generation, mainly because of the negative influence of the surrounding environment, so it is fatal for the continuity of the celebration, such as divorce. So many occur in Indonesia's Religious Court (Nurlaelawati, 2016). How many cases are in the decisions of the religious courts? We take as an example the decisions of the religious courts of Depok for the period 2011–2020, both in terms of the distribution of divorce according to the age of marriage. It shows that the divorce rate in Depok mainly occurs among women and men who marry in early adulthood (18–40 years). It happens because this is a productive age that is physically capable of working and continuing its life (Saadah, 2022). Of the 853 divorce decisions in PA Depok, the wife and the husband work productively.

The Bekasi Religious Court also found that in the divorce suit submitted to PA Bekasi on July 18, 2017, the identities of the parties stated as follows: The plaintiff is 27 years old, Muslim, D3 educated, works as a nurse, and lives in Bekasi City. While the defendant is 29 years old, has an Islamic high school education, is a police officer, and lives in Tangerang City (Direktori Putusan Mahkamah Agung RI, 2017), the problem of changing roles due to the economy does not only occur for women who are not working. Instead, there are many divorces in urban communities such as Bekasi due to economic factors carried out by working women. Goode gave an example, as quoted by Sa'adah, that in

modern times, parents, especially mothers, no longer carry out parenting. However, children can be entrusted to daycare because their parents work (Saadah, 2022).

Divorce and Barriers to the Realization of a Strong Family

In family life, so-called family conflict involves married couples, parents, children, and disputes between relatives. One side of the conflict has a negative impact that can result in stress, relationship splits (divorce), and even death. However, on the other hand, a healthy partner is one who can manage conflict well. The ability to manage conflict well is an initial educational process for children to learn to solve difficulties or problems they face (Harris, 2015). Therefore, parents have an essential role in understanding procedures and making efforts to manage conflict well to realize wholeness and happiness in the family.

Conflicts that do not resolve correctly or last for a long time can result in divorce. Divorce is the final decision because married couples can no longer find a way out of the problems they face. The background of divorce tends to vary, as do infertility, financial difficulties, poor communication between family members, and a lack of sexual satisfaction (Aye et al., 2016). The results of other studies mentioned that the cause of divorce is motivated by the level of education, type of work, economic level, moral crisis, domestic violence, and forced marriage (Subeitan, 2022).

To avoid the worst possibility of deciding to divorce, efforts to manage conflicts in the family are one alternative that can be considered. Efforts to manage conflicts include staying focused on facing existing problems, focusing on positive thinking, cooperating rather than controlling or blaming each other by correcting each other, approaching conflict by understanding each other, making efforts to resolve, and responding to the results of problem identification (Aye et al., 2016). Togetherness in the form of the cohesiveness of couples to be open to each other and receive input from each other becomes an essential point in resolving existing conflicts.

Divorce becomes a significant problem because it becomes a major threat to realizing the concept of family resilience. The pre-divorce assistance program, often called BP4 (Marriage Development Advisory Board and Preservation), is one of the divisions that focuses on mentoring couples who file for divorce. This program assists, negotiates, and guides prospective couples who will divorce to express their intentions and re-establish good relationships in marriage bonds. However, so far, the program implemented by BP4 is considered less effective. It is because of several reasons, including limited funding from BP4, limited socialization, and infrastructure, as well as professional personnel owned by BP4 in a region, the existence of a non-binding system in the form of not being obliged to follow the pre-divorce counseling held by BP4, and the absence of maximum involvement of community leaders (Romadon et al., 2017), that there are still

many people who do not know the program and role that become "tupoksi" from BP4. Therefore, the BP4 program tends not to run effectively.

Basically, in the implementation of the pre-divorce program conducted by BP4, there are several dilemmas faced. Among them are (1) there is no guarantee of a better relationship when couples about to divorce choose to maintain their relationship. (2) there is no offer of a solution that can solve the problems faced by a family, such as when facing the problem of economic pressure. (3) The sustainability of the assistance program is required if the married couple decides not to proceed with the divorce. It is an effort to monitor the development of family harmony that has succeeded through difficult times so that unraveling the problem to the root through guidance, mentoring, and facilitation efforts must involve many parties per the scope of each partner's problem.

Legal Principles and The Dilemma in the Household

The existence of law, both culturally based on community traditions and laws made and determined based on government policies, is a standard of foundation in people's lives. It also applies to family law issued by the government in Law No. 1 of 1974 on Marriage and in the Compilation of Islamic Law (Presidential Decree No. 1 of 1991) and several other family laws, such as the Family Resilience Law.

Some of the rules listed in the formal legal foundation of the Islamic family in several regulations issued by the government then became an essential reference for running the ideal family system, both in the eyes of the law and the understanding of society in general, as in Compilation of Islamic Law Article 77 about the Rights and Obligations of Husband and Wife. From there, it can be fundamentally understood that (1) the relationship between husband and wife is naturally based on mutual love to realize a family relationship: *sakinah*, *mawaddah*, and *rahmah*. (2) Husbands and wives should maintain their respective honors and family honors and are obliged to maintain and care for their children both physically (socially and intellectually) and spiritually (religious and spiritual). Moreover, (3) giving an idea of the discourse allowed him to break the bond relationship as husband and wife cannot carry out some of the mentioned recommendations or obligations. In principle, some of these regulations have given an idea of the partisanship of rights between parties, husbands, wives, and children in a bond called the ideal family and harmony in the eyes of religious and state law. The same thing is also mentioned in Article 33, paragraph 3, of the Marriage Law of 1974: that the marriage bond must be based on love and loyalty. Interestingly, this article lists respect and mutual help in birth and mind.

The legal basis in Article 77 of the Compilation of Islamic Law provides another basis for implications in running the family system. It is as stated in Article 79 concerning the position of husband and wife. Paragraphs 1–3 of Article 79 of the Compilation of Islamic Law mention that the husband is the head of the family and the wife acts as a housewife. However, both legally have the same

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internal family and social rights. At first glance, the relationship conditions stated in the article show inconsistency. Consistency is not visible from the information in paragraph 1 of Article 79, Compilation of Islamic Law, and Article 31, paragraph 3 of the Marriage Law of 1974, which mentions the husband's role as the head of the family and the wife's position as a housewife.

Moreover, paragraph 2 of Article 79, Compilation of Islamic Law, and Article 31, paragraph 1 of the Marriage Law of 1974, mention the pattern of balanced relations in the family and society. If the husband only owns the right to be the head of the family, it can lead to society's opinion that the wife does not have the right to be the head of the family. To the understanding of the general public so far, the reasonableness of being the head of the family is only on the side of men. The implication is that various authorities in decision-making regarding the family are more focused on the husband, and the wife tends to be a *makmum* (follower). Not only that, understanding the fairness of the position of the husband as the head of the family and the wife as a household often has an impact on the scope of the power of access of the wife (woman) in performance in the public space, such as women or wives who decide to work outside the home are not uncommonly stigmatized as a woman who does not perform her role well as a wife or mother for children at home. For this reason, understanding this legal foundation becomes a critical note to consider as the fabric of the balance of the husband-wife relationship in the eyes of the family and society.

The rule of law and legislation will likely include further clauses, as Article 79, for example, can strengthen the consistency of the balanced relationship between husband and wife by providing information that the wife can exchange roles with the husband if there are specific reasons.

Furthermore, in Compilation of Islamic Law Article 80, paragraphs 1–5, and Article 34, paragraph 1, of the Marriage Law of 1974 concerning the obligations of the husband, it is generally described that the ideal of the husband is to be a guide, protector, educator, and provider for his wife and children. By implication, this provides an understanding of one door of the learning process in the family through only one door, namely the husband. The picture of this law shows another form of imbalance, where the wife seems not to be allowed to participate in the process and learn from each other in establishing a husband and wife relationship and coordinating the running of the ship called the family. One party's learning process, led by the husband, can build a better family if the husband has sound principles, views, and character. However, on the other hand, the unilateral recognition of the husband's authority to provide education to the family can cause conflict and the formation of bad character if the husband does not have enough understanding and good character. In this case, for example, it is very vulnerable for the husband to commit domestic violence if there is the assumption that a wife does not obey the husband. Disobedience of the wife, for example, is often associated with the description of the form of the practice of wife obligations listed in Article 83, paragraphs 1–2, and Article 34, paragraph 2

of the Marriage Law of 1974, which contain the obligations of the wife to give full filial birth and mind to the husband and regulate various household affairs. Because the wife's obligations are described as being filial to the husband and managing household affairs, the reality in society is that the wife who does not carry out these roles is considered to have violated her nature as a wife. At the same time, the description of the reality of the reasons that allow the role of the wife to be replaced or exchanged is not mentioned in the legislation. The impact is that many women then bear much negative stigma from the construction of understanding the wife's obligations, as mentioned in Article 83 of the Compilation of Islamic Law (Bilalu et al., 2022).

The reality of the two articles in the Compilation of Islamic Law (Articles 79 and 83) can be seen based on a study conducted by Nasir (2012). The trend of divorce that occurred in his research area dominates couples with a background of husbands working as workers and wives working as private employees. Career women who try to pursue certain professions tend to face problems in the household compared to professional roles performed by husbands, who tend not to face obstacles. It is because the view of people with patriarchal cultural backgrounds in general is that women have a core role in managing homework, serving husbands, and taking care of children. However, the equality movement raised by feminists and the promotion of gender mainstream programs provide excellent opportunities for women to appear and have professional roles in the public domain. On the one hand, this provides fresh air for women to develop and achieve the level of well-being and independence expected. On the other hand, women's roles in public spaces become obstacles to caring for the house and educating children, which can lead to divorce. Because of the occurrence of talaq divorce in career women, the wife considers herself indifferent to children, does not respect the husband, has an affair, leaves the husband for no reason and is unaware of his existence, refuses to have sex, demeans the husband because the husband's income is lower than the wife's, tells family disgrace, treats the husband like a maid, and so on (Devy & Firdaus, 2019).

Suppose that since the emergence of family law, the foundation of the exchange of roles between husband and wife has occurred and been listed. In that case, it can open up opportunities for dynamic husband-and-wife relationships without legal friction, public opinion, or understanding. It is just like the number of divorce cases that occur. Among them is the clash of understandings that cannot be negotiated anymore by married couples, so alternative divorce becomes the only way out of the problems faced by the family.

Divorce is one form of threat to the continuity of the marriage bond, so the family's future becomes uncertain. In Indonesia, the number of divorces has increased from year to year. Based on information from the Family Activist Association (GiGa), there were at least 1,170 divorce cases per day, or about 49–50 cases per hour, in February 2020. That is up from 800 cases per day the

previous year. In general, 70–80 percent of divorces are filed by women (Ansyari & Darmawan, 2020).

The COVID-19 pandemic is one of the waves of divorce cases. The trend of increasing divorce cases occurs in Indonesia and several other countries, such as the United Kingdom, the United States, Sweden, and China. In general, the cause of divorce amid the COVID-19 pandemic is due to the increasing burden of household affairs. At the same time, some of the male partners do not receive equal attention (Savage, 2020). Increased stress that disrupts mental stability becomes the most crucial factor that can threaten the continuity of the marriage relationship. The suppression of the number of viruses spread causes the implementation of lockdown, which makes many parties unable to express themselves to unwind or fatigue. As a result, stress is unstoppable. Some other reasons that encourage divorce amid the onslaught of the COVID-19 pandemic are stress problems due to the impact of the economic crisis.

Before the COVID-19 pandemic, there was already a tendency to increase divorce rates. Based on BPS data, in 2014 there were 344,237 cases of marriage, in 2015 there were 347,256 cases, and in 2016 there was an increase to 365,633 cases (Badan Pusat Statistik, 2016). Divorce is the result of a family's inability to manage conflicts. Conflict itself is a natural condition that has become part of the dynamic processes of living things. Conflict itself is a natural condition that has become part of the dynamic processes of living things. By definition, conflict is the impact of the struggle over values and claims to exist status, power, and resources, especially in a scarcity of resources (Aye et al., 2016). One of the things that can cause conflict is the diversity of roles held by someone. Based on role theory, conflict can arise in four forms. (a) Intergender conflict is the emergence of conflict due to unfulfilled expectations of one role with another; (b) intra-sender conflict is a conflict that arises due to conflicting expectations in carrying out the same role. (c) Inter-role conflict is a clash of expectations of one role with another player by the same person, and (d) Person-role conflict is an expectation that conflicts with the intended person's needs, values, and ethical beliefs (Jones & Deckro, 1993). Some models of conflict based on roles can occur within the family sphere. Based on hopes or expectations, the decision is to build a family; if hope is achieved, great potential conflict arises.

If a man files for divorce for reasons other than his own, the wife's decision to be a career woman rather than stay at home and serve her husband and take care of children is considered natural in itself. Because the right to apply for talaq has been on the side of men, developments in gender understanding encourage women to dare to file for divorce in the Religious Court (Nurlaelawati & Salim, 2013). Based on the understanding of gender among women, many women who understand the meaning of marriage and its rights positively perceive women who work outside the home. Some influential factors in shaping the gender understanding of women who file for divorce are economic independence,

adequate education, the influence of the environment and workmates, and the advancement of information and technology (Andaryuni, 2017).

Women in the role of career women must face the conditions of dual roles between the professionalism of work and domestic affairs. However, on the one hand, it has a positive impact, namely supporting the family economy so that it is not caught in the economic crisis, helping to ease the burden on the family, and boasting about the family if successful in pursuing a career. On the other hand, it considers having a negative impact, namely lack of communication with children, inability to provide good service to the husband, and feeling that he has a higher status than the husband. The lack of women's role in the domestic (home) realm is considered to be the cause of broken relationships in households and can have an impact on divorce (Andriani, 2020). These views generally corner women, so there needs to be a process of recontextualizing the legal basis both within the scope of the state and Islamic-based (Fiqh) to ensure the law for women who decide to pursue a career in the public space (Na'mah, 2018).

From this reality, some opportunities arise, one of which is to develop the principle of building harmonious relationships in the family as an effort to overcome the rampant trend of divorce, for example, by developing articles and verses that provide an overview of "relationship interrelationships" in the family, as described in Article 77 paragraph 2 of the Compilation of Islamic Law and Article 33 paragraph 3 of the Marriage Law of 1974, which states that marriage ties are based on love and loyalty. It also provides a foundation for mutual respect and mutual help in birth and mind. Then Article 45, paragraphs 1–2, and Article 29, paragraphs 1–4, of the Marriage Law of 1974, concern the possibility of making a covenant in marriage. In the process of agreement, the wife can have the opportunity to submit some things that need to be agreed upon by the husband and family. Of course, the application for a marriage agreement must consider not being harmed by each other, with the hope of building a harmonious family in the future and for the good and integrity of the family.

CONCLUSION

Various existing programs, such as the premarital counseling program through Binwin Catin and pre-divorce assistance through the BP4 program, should be a medium of debriefing and strengthening to provide a comprehensive understanding of family living conditions and their challenges. In addition, material contextualization must adapt to changing conditions and the dynamics of the times. There is a need for a review of the Marriage Law and Compilation of Islamic Law regarding husband and wife relations for legal reconstruction that does not have multiple interpretations and provides opportunities for relationships that mention the balance of husband-wife relations and open recognition of the role of women in order to open people's understanding of dynamic marital relations following the times and family needs. In addition, as a worker's wife, it is essential to position herself as a solid partner for her husband so that she does

not get trapped in demanding rights. Further research can use field research and add comparison methods with other countries' more gender-responsive legislation.

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