



Examining Justice! The Double Burden of Women in Indonesia from the Perspective of The Compilation of Islamic Law

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Abstract

This study investigates the phenomenon of the double burden faced by women in Indonesia through the lens of the Compilation of Islamic Law (Kompilasi Hukum Islam, KHI). The double burden refers to the dual roles that women fulfill, balancing responsibilities within the household and in the public workforce. Utilizing a qualitative approach and document analysis, this research explores how the KHI addresses women's roles and responsibilities in both spheres. Real-life cases of Indonesian women are examined to assess how interpretations of the KHI impact their experiences. Findings indicate that while the KHI acknowledges women's participation in multiple facets of life, its implementation is often constrained by patriarchal interpretations that lack gender sensitivity. This has resulted in women bearing disproportionate responsibilities at home and work. The study underscores the need for a more progressive reinterpretation of the KHI to reduce the double burden on women, promoting gender equality and enhancing women's welfare in Indonesia. These insights are intended to inform strategies for advancing gender equity within the framework of the KHI, contributing to broader social and legal reforms.

Keywords: Double burden, women in Indonesia, Compilation of Islamic Law, Kompilasi Hukum Islam

Introduction

The phenomenon of double burden for women is a common condition in Indonesia. This double burden refers to the dual responsibilities that women must carry, namely the role in the household and the public role in the world of work. Women are often expected to fulfill a variety of responsibilities, which often causes severe pressure due to the obligation to carry out various roles expected by society (Baruch, Biener, & Barnett, 1987). Family roles include being the husband's partner, managing family affairs, assisting with children's education, and contributing to economic welfare through trade, farm labor, and regular stalls. This evidence indicates that they bear the double burden of performing a high level of domestic work. In the contemporary era, many women do not merely remain at home and engage in domestic activities. Nevertheless, a considerable proportion of women engage in activities outside the home or in the public sphere, either to work and earn additional income to meet their needs. This is influenced by a number of factors, including economic demands, high household needs, education, and so on. The prevailing cultural conditions remain unsupportive, as the prevailing culture continues to regard women's work as limited to domestic duties and responsibilities. This perception, in turn, leads to women who have the option of working or who are compelled to work outside the home (Firdaus, Mursal, Desminar, & Halim, 2024; Hidayati, 2015; Stockman, Bonney, & Sheng, 2016).

The Compilation of Islamic Law (Kompilasi Hukum Islam, KHI) in Indonesia explicitly outlines the rights and duties of husbands and wives within marriage, emphasizing traditional roles grounded in a patriarchal framework. According to the KHI, the husband is designated as the head of the family, bearing the primary responsibilities of protecting and providing for his wife and children. This obligation reflects the view that the husband is the main decision-maker and primary economic provider within the household. Conversely, the wife is assigned the role of household manager, expected to obey her husband, oversee domestic affairs, care for children, and maintain family harmony.

However, with social and economic developments, more women are participating in work outside the home. According to data from the National Statistics Agency (2024), over 30% of productive-age women in Indonesia now work in the formal sector. This dual role adds to their burden, as they are expected not only to fulfill traditional household duties but also to contribute significantly to the public and economic sectors. Consequently, women often experience a "double burden," balancing domestic and professional responsibilities. The KHI itself has yet to explicitly accommodate this dual role of women within a modern context, leading many women to feel strained by traditional expectations alongside increasing economic demands. This situation calls for greater attention to a more inclusive and gender-sensitive legal approach, allowing women's roles to be acknowledged in a balanced way without placing excessive pressure on them, which could impact their well-being.

Although the Compilation of Islamic Law is designed to safeguard the welfare of the family, traditional interpretations that are deeply entrenched in society tend to maintain inequality in the division of roles between husbands and wives. This ultimately reinforces the phenomenon of the double burden experienced by women in Indonesia. According to Hidayah (2023), gender-biased social structures can reinforce injustice in the household, which ultimately harms both parties, especially women.

This research emphasizes the need for a more progressive and inclusive reinterpretation of the Compilation of Islamic Law to reduce the double burden on women and promote gender equality in Indonesia. Consequently, the objective of this research is to provide a more profound comprehension to the general public, thereby enabling the design of more efficacious strategies to advance gender equality and women's welfare in accordance with the tenets of the Compilation of Islamic Law. Furthermore, this research endeavors to enhance awareness regarding the significance of gender equality and the necessity to eradicate patriarchal practices in the implementation of laws and social norms.

Methods

This study is a literature review research using qualitative analysis. Qualitative research is widely applied across various methods and approaches to uncover how people understand, experience, interpret, and create social realities (Hammersley, 2013). The data collection process involves categorizing regulations related to the rights and responsibilities of husbands and wives as outlined in the Compilation of Islamic Law (Kompilasi Hukum Islam). The primary data source for this study is the Compilation of Islamic Law itself. In addition to this, various secondary sources are used to support the analysis and findings, including books, scholarly articles, academic journals, news reports, papers, and other relevant documents. The researcher aims to describe the concept of gender by gathering data from various written sources related to the research topic. Once the data is collected, analysis is conducted using a gender-based approach. This approach allows the researcher to examine and evaluate the data by considering gender differences and how these differences influence the rights and responsibilities of husbands and wives as stipulated in the Compilation of Islamic Law.

Results

Overview of Women's Double Burden

The term *double burden* refers to a situation where one gender in this case, women must bear a heavier workload compared to men. Although the number of women working in the public sector has increased, their burden in the domestic sphere has not diminished. Responsibilities for household affairs still fall heavily on women's shoulders, even as they engage in work outside the home. Consequently, women face a dual burden, managing both

professional and household obligations (Biroli & Satriyati, 2021; Hidayati, 2015). The concept of cultural dualism describes women's dual roles, which involve a division between the domestic or household domain and the public domain. This double burden encompasses women's participation in both traditional and transitional roles. Traditional or domestic roles include duties as a wife, mother, and household manager. Meanwhile, transitional roles encompass women's roles as workers, community members, and contributors to societal development.

The concept of the double burden on women is reflected in two main aspects. First, the role of the housewife, which reflects the feminine role, is not directly compensated, yet it is a productive contribution to the household economy, supporting the husband (head of household) in generating income. Second, women also often take on the role of breadwinner, generating additional income or, in some cases, acting as the primary source of income for the family. In many societies, women are expected to fulfill two distinct roles: one within the domestic sphere, handling tasks such as cleaning, cooking, and childcare, and another in the public sector, where they may serve as primary income earners.

The concept of women's double burden is closely tied to the pervasive patriarchal culture shaping Indonesian society. Patriarchal culture is defined as a system where men hold dominant positions over women, and in such a society, women are often regarded as second-class citizens, confined to the domestic sphere (reproductive) while men occupy the public sphere (productive) (Allanana, 2013). When women engage in paid work or public activities to earn a living, they are still expected to perform domestic chores, as these responsibilities are traditionally viewed as women's obligations. The role of the housewife is considered absolute and indispensable within the patriarchal culture that dominates Indonesian society. In general, several factors contribute to women's decisions to enter the workforce:

- Economic factors are among the most significant influences on women's employment decisions. In many cases, the need to meet family needs that cannot be satisfied by the husband's income alone compels women to engage in paid employment.
- Educational and professional qualifications drive women with higher levels of education and expertise to participate actively in society. Their skills and educational backgrounds motivate them to play a prominent role within the broader community. Moreover, increasing job opportunities encourage these women to pursue careers.
- Social aspirations are another key factor, as many women desire to engage in an active and dynamic environment. Entering the workforce allows them to contribute to and benefit from rich social interactions.
- Cultural norms in some societies support shared economic responsibilities, where women are also anticipated to contribute to earning a living, rather than relying solely on men to fulfill family needs.

According to Aziz (2023), the double burden faced by women arises from a combination of domestic responsibilities and the demands of working in the public sector. This burden is often exacerbated by enduring patriarchal cultural norms, which require women to maintain their traditional roles at home, even while participating in work outside the home.

Rights and Obligations of Husband and Wife in the Compilation of Islamic Law

The *Compilation of Islamic Law* (Kompilasi Hukum Islam, KHI) in Indonesia defines and regulates the rights and obligations of husbands and wives to maintain balance and harmony within the marital relationship. This balance reflects broader constitutional principles in Indonesia, as outlined in Chapter X of the 1945 Constitution, which mandates that all citizens be treated equally before the law (*UUD 1945 & Amandemen*, 2020). Central to this balance is the mutual respect for rights and duties. According to the Big Indonesian Dictionary (KBBI), a “right” is authority or power granted by law, whereas an “obligation” is a serious responsibility that must be fulfilled (Badan Pengembangan dan Pembinaan, 2016). In marriage, this balance ensures that each partner’s rights are respected as they fulfill their respective duties (Nurani, 2021).

In the *Compilation of Islamic Law*, Chapter XII focuses specifically on the rights and responsibilities within marriage. Articles 77 and 78 discuss shared responsibilities, while Article 79 addresses the roles of husband and wife. Article 80 delineates the husband’s duties, and Articles 83 and 84 outline the wife’s responsibilities (Budiman, 2021). This research aims to examine these rights and duties in depth, specifically those outlined in Articles 79, 80, 83, and 84.

In Article 79, the KHI establishes the role of the husband as the head of the family and the wife as the housewife. It emphasizes that, while husbands traditionally hold this position of authority, both husband and wife are entitled to equal status within the household and society. Each spouse has the right to perform legal acts independently. This article thus provides a legal framework for gender roles within marriage, balancing traditional values with recognition of mutual rights.

Article 80 outlines the husband’s responsibilities in detail, designating him as the primary authority within the household. While he is tasked with guiding his wife and family, both spouses are encouraged to make joint decisions regarding major household matters. The husband is also obligated to protect his wife and provide for the family’s needs based on his means. This includes offering religious education, ensuring the well-being of his wife and children, and covering their basic needs such as maintenance, clothing, housing, and education expenses. The husband’s responsibilities toward his wife begin immediately after the marriage contract and are waived only in cases where the wife is deemed *nushūz* (disobedient). Notably, the wife can release the husband from certain obligations if mutually agreed upon.

Article 83 primarily defines the wife's obligation to show devotion to her husband within the boundaries of Islamic law. She is responsible for managing the household's daily needs and ensuring a harmonious home environment. Article 84 addresses instances of *nushūz*, where a wife is considered disobedient if she refuses to fulfill her duties as outlined in Article 83 without a valid reason. During periods of *nushūz*, the husband is not obligated to provide maintenance and support, except for the children. The husband's obligations resume once the wife's *nushūz* status is resolved. The determination of *nushūz* must be based on valid evidence, ensuring that this status is not assigned arbitrarily.

Discussion

The KHI's approach to marital obligations has implications for Indonesian women, particularly in the context of modern socioeconomic developments. As more women enter the workforce, balancing domestic and professional roles becomes challenging, creating a "double burden." While the KHI mandates duties for husbands and wives, it does not address the complexities that arise when women assume economic responsibilities in addition to their household roles. This gap highlights the need for a more nuanced, gender-sensitive interpretation of Islamic law that acknowledges the evolving roles of both spouses, particularly the contributions of women to both household and economic spheres.

Islamic teachings include numerous provisions and rules designed to benefit all aspects of nature, including humans, animals, plants, and the environment as a whole. These rules were revealed by Allah SWT and conveyed by His Messenger, Prophet Muhammad SAW, to provide a comprehensive guide to life. The primary objective of these rules is to ensure the well-being and happiness of humanity, both in this world and in the hereafter. These rules not only provide practical guidance for daily life, but also provide a strong moral and ethical foundation for Muslims. By following these rules, Muslims are expected to achieve a balanced, harmonious, and blessed life, and achieve eternal happiness in the hereafter. The purpose established by the Creator for individual well-being is the family, based on the relationship between a man and a woman (Kumo, 2018; Solikin, 2023). Family is the smallest unit in social life. The existence of a household will certainly have an influence on the formation of a society. Therefore, it is the duty of the husband and wife to uphold the household, which is the basis of the structure of a society.

Fadil (2024) explained that family resilience must be maximized by all family members. The roles of the husband and wife within the household are not identical, as they are largely determined by their respective abilities and resources. It is permissible to allocate specific functions to each partner, provided that such arrangements are beneficial and conducive to the overall well-being of the household. This approach can facilitate the creation of a harmonious and loving family environment.

The codification of Islamic family law has emerged as one of the most effective recent methods for administering Islamic law. This is evident from its numerous advantages, including the establishment of legal certainty and uniformity, as well as its alignment with contemporary societal needs, particularly in addressing the issues faced by Muslim women in modern families (Haneef, 2011; Zayyadi, 2023). The Compilation of Islamic Law (KHI) is a compendium of Islamic legal principles derived from various classical texts. It is applicable throughout Indonesia, providing a unified framework for the implementation of Islamic law. In a legal system, the presence of the Compilation of Islamic Law based rule serves as a means of achieving legal certainty (Zakaria, 2020).

In this context, a definitive decision must be made among the numerous options available to resolve the case at hand. However, the existence of the Compilation of Islamic Law also brings about negative consequences. The presence of a singular and uniform reference has, in fact, stifled or curtailed opportunities for judicial creativity (Rokhmad & Susilo, 2017). Given this limitation, it is crucial to thoroughly examine the dynamics of maintenance within the family by analyzing the concept of maintenance as outlined in the Compilation of Islamic Law. Additionally, the conditions under which wives can work as breadwinners must adhere to the requirements set forth in Islamic jurisprudence. Addressing these aspects will help mitigate the constraints imposed by the Compilation and ensure that both family maintenance and employment practices are aligned with the principles of Islamic law.

In this regard, the conditions under which wives can work as breadwinners must comply with the requirements established by Islamic jurisprudence, including:

- It is a fundamental tenet of Islamic law that a wife must obtain permission from her husband before engaging in any work outside the home.
- The work undertaken by the wife must conform to Sharia principles. This includes roles such as farming, tailoring, trading, midwifery, and factory work, which are traditionally deemed acceptable for women.
- Engaging in work outside the home does not absolve the wife of her duties as a homemaker. Every woman contributes to the success of her family unit. The phenomenon of wives being the primary breadwinners is influenced by various factors, including economic conditions, educational attainment, and individual skills.

In order for a wife to fulfill her family's livelihood, she may engage in a variety of occupations, including midwifery, trading, tailoring, farming, and factory work. These roles allow her to become the breadwinner when her husband is unable to earn a living due to illness or lack of skills and education.

The Islamic tradition has established a set of regulations governing the conduct of married life. These regulations are designed to facilitate the realization of the goals of marriage. Islam has delineated a number of obligations that are incumbent upon both the husband and the wife within the context of the family. As Allah SWT states in Surah Al-Baqarah verse 233:

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَالِدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُمْ بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

Meaning:

“Mothers may breastfeed their children two complete years for whoever wishes to complete the nursing [period]. Upon the father is the mothers’ provision and their clothing according to what is acceptable. No person is charged with more than his capacity. No mother should be harmed through her child, and no father through his child. And upon the [father’s] heir is [a duty] like that [of the father]. And if they both desire weaning through mutual consent from both of them and consultation, there is no blame upon either of them. And if you wish to have your children nursed by a substitute, there is no blame upon you as long as you give payment according to what is acceptable. And fear Allah and know that Allah is Seeing of what you do.” (Qs. Al-Baqarah: 233)

In addition to being addressed in the Qur'an, the obligation of maintenance by the husband is also addressed in the Compilation of Islamic Law (KHI) concerning Marriage in article 80, paragraph (2). This article states that the husband is obliged to protect his wife and provide all the necessities of household life according to his ability.

Islamic law mandates that a husband is obligated to ensure material security for the woman he has selected as his wife. Maintenance is regarded as one of the wife's rights, irrespective of her financial status. This is supported by various texts in the Quran and the Sunnah of the Prophet Muhammad (SAW), and is a consensus among different schools of Islamic jurisprudence (Chairina, 2021). Among the texts that serve as the legal basis for this issue is the verse from Surah At-Thalāq, verse 7, which states:

لِيُنْفِقَ ذُو سَعَةٍ مِّنْ سَعَتِهِ وَمَنْ قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا مَا آتَاهَا سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا

Meaning:

“Let a man of wealth spend from his wealth, and he whose provision is restricted – let him spend from what Allah has given him. Allah does not charge a soul except [according to] what He has given it. Allah will bring about, after hardship, ease.” (At-Thalāq: 7)

From the aforementioned explanation, it can be deduced that the husband is under an obligation to safeguard the family and provide financial support to meet their needs. This financial support encompasses:

- The husband is obliged to provide maintenance, appropriate clothing, and housing for his wife.
- The husband's financial obligations extend to household expenses, care expenses, and medical expenses for both his wife and children.
- The husband is also responsible for educational expenses for the children.

As Hermanto (2020) explains, Islam provides the ideal concept where the husband is the head of the household and the wife is the homemaker. However, this concept is no longer fully implemented by Muslims, leading to a perception that values of wisdom and justice are always relative. In today's society, the traditional roles within the family have become more fluid, especially when a family faces difficulties in meeting its needs over time. These difficulties, which can arise from factors such as job loss, illness, or challenging economic conditions, often necessitate a shift in responsibilities. In such circumstances, it is to be expected that the wife will assist in fulfilling the family's needs according to her abilities and capacities. This shift in roles, where the wife contributes to the family's financial needs, is still in accordance with the values espoused in Islam, reflecting the religion's adaptability and its emphasis on mutual support within the family.

One such value is the recommendation to assist one another in acts of goodness. This principle is elucidated in Surah Al-Maidah verse 2, which states:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ ۖ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ ۗ وَاتَّقُوا اللَّهَ ۖ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

Meaning:

“Cooperate with one another in goodness and righteousness, and do not cooperate in sin and transgression. And be mindful of Allah. Surely Allah is severe in punishment.” (Al-Māidah: 2)

The phenomenon of wives assuming the role of the breadwinner has a multitude of consequences, both positive and negative. One of the most significant positive outcomes of wives assuming this role is the enhancement of the family's ability to fulfill its economic needs. With additional income generated by the wife, the family can achieve greater economic stability, including improved housing conditions, more secure fulfillment of daily necessities, and the capacity to finance their children's education (Beneria & Sen, 1982).

However, the role of wives as the breadwinner also brings negative impacts that need to be considered. One significant drawback is the reduced intensity of time that can be spent with family. The wife's busy schedule at work often diminishes the time available to gather and interact with other family members. This reduction in quality time may lead children to feel a lack of attention and guidance from their mother, potentially affecting their emotional and social development. Despite these challenges, Ibrahim (2011) explains that the relationship between parents and children is an inescapable bond, suggesting that even with the pressures of work, the fundamental connection within the family remains strong.

The preceding analysis leads to the conclusion that the role of wives in fulfilling family livelihoods often occurs as a form of effort to avoid harm due to the husband's inability to meet the needs of daily life. The husband's inability to provide for the family can be caused by various factors, such as unemployment, low income, or health conditions that do not allow it (Chairina, 2021). In this context, wives are compelled to engage in remunerative work and contribute financially to ensure the family's survival and to ensure their children have basic needs, such as food, education, and health.

However, the burden does not end there, as women also need to fulfill their traditional role as housewives, which includes various domestic tasks and childcare. This dual burden presents its own challenges. Baruch (1987) explain that women face the same physical and mental demands as their male counterparts in the workplace, while also being expected to perform domestic tasks that are often viewed as their primary duty in patriarchal cultures.

This creates a situation where women face a significant workload, as they must balance professional responsibilities with domestic duties, often leading to physical exhaustion and emotional stress. The dual role of women as both breadwinners and household managers require greater collaboration between husbands and wives in meeting the needs of the family, both financially and in the division of household tasks (Rahmawati, 2020). Gender equality should be a priority within households and society at large, which can be achieved through the implementation of enhanced educational programs, the enactment of policies that prioritize

gender equality, and the dissemination of information on the importance of shared responsibility between spouses.

However, despite progress in Indonesian laws and regulations aimed at accommodating gender equality, classical fiqh norms still exert influence in social practices (Utsany, 2022). This influence is evident in the Compilation of Islamic Law (KHI), which, according to the author, does not fully support gender equality, particularly in the context of the dual roles women play within the family. The KHI, shaped by these norms, tends to maintain traditional approaches in addressing the responsibilities and rights of husbands and wives, which may limit the effectiveness of legal reforms intended to advance gender equality and alleviate the dual burden faced by women in Indonesian families.

Thus, it is important to recognize that while the KHI reflects certain patriarchal interpretations, these do not necessarily stem from the core principles of Islamic law itself. Instead, these interpretations are often shaped by specific historical and cultural contexts that have marginalized women's roles (Qadri, 2023). Understanding this distinction is crucial for advancing gender equality, as it underscores the potential for reinterpretation of Islamic legal sources in ways that can support more equitable practices within the framework of Islamic law.

Consequently, while the wife's role in providing for the family is often a pressing necessity to prevent harm, it is crucial to ensure that this responsibility does not fall exclusively on women. The continued influence of classical fiqh norms, as reflected in the KHI, highlights the importance of providing adequate support from both spouses and society to achieve a healthy balance. Altering the patriarchal mindset and promoting gender equality in all aspects of life are pivotal steps toward social justice and enhanced family well-being, ensuring that the dual roles women assume do not lead to undue strain on their physical and emotional health. In summary, the *Compilation of Islamic Law* lays a foundational framework for marital roles and responsibilities but leaves room for interpretation and adaptation, especially concerning the modern roles women occupy. A more inclusive approach to the application of these articles could help alleviate the double burden on women, promoting a more balanced distribution of rights and obligations within the family.

Conclusion

Islamic principles prioritize not only human welfare but also the preservation of ecological balance, viewing humans as stewards of nature with responsibilities toward environmental sustainability. Central to society, the family is seen as a foundational unit responsible for nurturing individuals with strong moral and spiritual values. Traditionally, the husband is tasked with providing for the family; however, in specific circumstances, the wife may take on the economic role under the principle of mutual support. This role-sharing can positively impact family finances but also presents challenges, such as reduced family time and the double burden

on wives who must juggle both professional work and domestic responsibilities. These dual roles often lead to physical and mental strain, highlighting the need for evolving social attitudes and structures that support gender equality. For a fairer and more balanced distribution of responsibilities, it is essential to foster supportive environments, including family and community backing, as well as policies promoting gender equality. These measures would help establish a harmonious and equitable family life, benefiting all members.

Future research should investigate strategies for mitigating the double burden faced by women, focusing on practical measures to redistribute household responsibilities equitably between spouses. Additionally, exploring the effectiveness of policy interventions designed to support gender equality within the family context could provide valuable insights. Research could also examine the influence of community and religious institutions in reshaping traditional views on gender roles, contributing to a more balanced and supportive environment for both women and men in fulfilling their family and professional roles.

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