

Domestic Roles, Gender Responsibility, and Justice in Islamic Law: The Position of Wives as Housewives

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Article info

Received: 24 Jul 2025

Revised: 15 Dec 2025

Accepted: 5 Jan 2026

DOI: <https://doi.org/10.31599/krtha.v20i1.3637>

Abstract : *This article recontextualizes the societal understanding of the role of wives as housewives within the framework of Islamic law, challenging perceptions that associate this role with oppression or injustice. The study employs a normative legal research method, using statutory analysis, Islamic legal sources (the Qur'an, Hadith, and fiqh doctrines), and conceptual-doctrinal interpretation to examine the legal construction of domestic roles. The findings demonstrate that the designation of a wife as a housewife is consistent with Islamic legal principles. However, the study identifies a critical tension arising from rigid, gender-based divisions of labor that dichotomize domestic and public spheres, often positioning domestic responsibilities exclusively upon wives while assigning public authority to husbands. The analysis shows that Islamic law conceptualizes the domestic sphere as a shared domain of responsibility between spouses, grounded in mutual leadership (jamā'iyah al-qiyādah al-ri'āyah), cooperation, and accountability, while also permitting wives' participation in public life under theonomic ethic and familial considerations. This article contributes to Islamic legal scholarship by offering a contextual reinterpretation of domestic norms that reconciles statutory family law with Islamic jurisprudence, promoting a justice-oriented, cooperative, and non-hierarchical model of family life.*

Keywords : *Housewife role; Islamic Law; gender justice.*

Abstrak : Artikel ini bertujuan untuk merekontekstualisasi pemahaman masyarakat mengenai peran istri sebagai ibu rumah tangga dalam kerangka hukum Islam, dengan membandingkan pandangan yang menyamakan peran tersebut dengan penindasan atau ketidakadilan. Penelitian ini menggunakan metode penelitian hukum normatif melalui analisis peraturan perundang-undangan, sumber-sumber hukum Islam (Al-Qur'an, Hadis, dan doktrin fikih), serta pendekatan konseptual dan doktrinal dalam mengkaji konstruksi hukum peran domestik. Hasil penelitian menunjukkan bahwa penetapan peran istri sebagai ibu rumah tangga sejalan dengan prinsip-prinsip hukum Islam. Namun demikian, penelitian ini mengidentifikasi adanya ketegangan akibat pembagian kerja berbasis gender yang kaku, yang mendikotomikan



ranah domestik dan publik serta cenderung membebankan tanggung jawab domestik secara eksklusif kepada istri, sementara otoritas publik dilekatkan pada suami. Analisis ini menegaskan bahwa hukum Islam tidak memposisikan ranah domestik sebagai domain eksklusif istri, melainkan sebagai ruang tanggung jawab bersama antara suami dan istri yang didasarkan pada kepemimpinan kolektif (*jamā'iyyah al-qiyādah al-ri'āyah*), kerja sama, dan akuntabilitas, serta tetap membuka ruang bagi partisipasi istri di ranah publik sepanjang sesuai dengan pertimbangan etika teonom dan keluarga. Artikel ini berkontribusi pada pengembangan kajian hukum Islam melalui reinterpretasi kontekstual terhadap norma domestik yang mengharmoniskan hukum keluarga positif dengan yurisprudensi Islam, serta mendorong model kehidupan keluarga yang berkeadilan, kooperatif, dan non-hierarkis.

Kata kunci : Ibu Rumah Tangga; Hukum Islam; keadilan gender.

Introduction

Humans, as inherently social beings, engage in interaction through various forms of association. Within these social relationships, shared standards, commonly referred to as norms, are necessary to regulate behavior, encompassing both religious and ethical dimensions. As a nation founded upon the principles of Pancasila, Indonesia recognizes norms that extend beyond religious beliefs to include ethical and social values. Accordingly, in addition to religious norms, Indonesia upholds other normative frameworks, such as norms of decency, morality, and law, many of which are derived from local customs and public policy. Through the integration of these diverse norms, Indonesia seeks to cultivate a society that harmonizes religious values with ethical conduct, thereby promoting social order and adherence to commonly accepted standards.

These norms influence both individual conduct and social life more broadly. Religious norms, which are aligned with the principles of living in accordance with divine guidance, shape the spiritual and moral dimensions of believers' lives. Moral norms contribute to the development of virtuous character, while norms of politeness foster social relationships grounded in mutual respect. Likewise, legal norms function to maintain social order and promote peace and stability within society.¹

Marriage in Indonesia is regulated by legal norms that, among other things, assign the role of housewife to the wife, as stipulated in Article 31 paragraph (3) of Law Number 1 of 1974 in conjunction with Law Number 16 of 2019. This provision reflects a state policy aimed at maintaining a social order that is consistent with religious values within society.² Accordingly, the expectation that a wife assumes the role of a housewife functions as a normative framework intended to preserve the institution of marriage, with the ultimate objective of achieving lasting harmony and happiness based on belief in the One and Only God.

¹ Jimly Ash-Shiddiqi, *Perihal Undang-Undang* (Jakarta: Rajawali Press, 2011), 3.

² Palmawati Taher Joko Sriwidodo, Dwi Andayani Budisetyowati, "Kebijakan Publik Yang Berbasis Hak Asasi Manusia," *Krtha Bhayangkara* Vol 17, no. 2 (2023): 256.

Nevertheless, the role of housewives is often subject to criticism. Some view this role as marginalizing women and reducing them to stereotypical functions, such as serving their husbands, caring for children, and being economically inactive.³

On the identification card (KTP) of an Indonesian citizen who is a non-working wife, the occupation field is typically recorded as “housewife.” As a result, the economic value of a wife’s activities is often assessed solely based on her role as a homemaker, particularly when contrasted with the husband’s income-generating work. This comparison tends to marginalize domestic labor by equating productivity exclusively with paid employment.⁴

The responsibilities associated with the role of a housewife, commonly assigned to wives, are frequently limited to practical tasks such as managing household chores, caring for children, attending to the needs of the husband, taking children to school, and performing other domestic duties. Unfortunately, this narrow understanding often gives rise to negative assumptions about wives who are also employed or engaged in business activities. When a wife combines paid work with domestic responsibilities, this situation is frequently described as a dual burden and is viewed as an indicator of gender inequality within the household.⁵

It is therefore essential to address and correct the negative perceptions surrounding the traditional role of the housewife, which is often regarded as inferior. Such clarification is particularly important for both husbands and wives who hold inaccurate or biased views of the wife’s role as a homemaker. Misinterpretation of this norm may lead to adverse consequences, including the failure to fulfill respective responsibilities appropriately and the emergence of unjust judgments between spouses.

The current situation raises concerns as to whether the traditional expectation of a wife assuming the role of a housewife, as stipulated in Law Number 1 of 1974, has become a problematic norm that potentially disadvantages wives or women who fulfill this role. However, such concerns can be addressed in the negative when the norm is properly understood and contextualized. In principle, the formulation of legal norms and regulations is intended to realize justice, benefit (*maṣlahah*), and legal certainty, which constitute the fundamental objectives of law.⁶

Accordingly, it is essential to provide a clear and comprehensive explanation of the normative role of the wife as a housewife to prevent misinterpretation that may render it oppressive or intimidating. Building upon this premise, this paper seeks to analyze the position of the wife’s role as a housewife from the perspective of Islamic law. Specifically, it examines Article 31 paragraph (3) of Law Number 1 of 1974 through the lens of *sharī’ah* and *fiqh*, with the aim of clarifying its normative meaning and addressing ambiguities that often give rise to misunderstanding.

³ Khomisah Nur Ajizah, “Az-Zahra : Journal Of Gender And Family Studies,” Vol : II 2021 (n.d.): 63.

⁴ Salmah Intan, “Kedudukan Perempuan Dalam Domestik Dan Publik Perspektif Gender,” *Jurnal Politik Profetik* Vol . : 3, no. No. 1 (2014).

⁵ Mansour Fakih, *Analisis Gender Dan Transformasi Sosial* (Yogyakarta: Insist Press, 2016), 8.

⁶ Satjipto Rahardjo, *Ilmu Hukum*, VIII. (Bandung: PT. Citra Aditya Bakti, 2014), 19.

The novelty of this study lies in its effort to reinterpret the statutory norm concerning the wife's role as a housewife by integrating positive law with Islamic legal principles, particularly those emphasizing ease, justice, and balance of responsibilities. Rather than framing the norm as inherently discriminatory, this paper offers a contextual and normative reading that highlights its intended function within the ethical and legal framework of Islamic law. Furthermore, this research contributes to the existing discourse by identifying practical challenges in the application of the norm and proposing a conceptual reconstruction that affirms the dignity, agency, and legal position of wives, while remaining consistent with both national law and Islamic legal values.

Methods

This study employs qualitative legal research with a normative juridical approach, aiming to examine legal norms governing the role of wives as housewives within the framework of Islamic law and Indonesian family law. The research is descriptive-analytical in nature, focusing on identifying, interpreting, and evaluating legal provisions and doctrinal principles relevant to domestic roles and responsibilities within marriage.

The primary legal materials consist of statutory regulations, including the Compilation of Islamic Law, Article 33 paragraph (3), and Law Number 1 of 1974 on Marriage as amended by Law Number 16 of 2019. These provisions are analyzed to assess their normative consistency with Islamic legal principles. Secondary legal materials include scholarly works, textbooks, and academic writings on Islamic law, family law, and gender roles, which are used to contextualize and critically assess the primary legal materials. Tertiary legal materials comprise the Qur'an, Hadith, and authoritative legal dictionaries, which serve to clarify key concepts and provide theological and terminological foundations.

Data analysis is conducted through systematic legal interpretation, including grammatical, systematic, and teleological interpretation. This interpretative approach enables a coherent understanding of the legal texts by situating specific provisions within the broader structure and objectives of Islamic law (*maqāṣid al-sharī'ah*), particularly principles of justice, balance, and mutual responsibility within the family.

Result And Discussion

The Concept of a Wife's Role as a Homemaker According to Islamic Law

Islam is a faith that bestows mercy upon the entire universe. Its teachings uphold and facilitate the fulfillment of human nature as intended by Allah SWT. In QS. *al-Anbiyā'* (21:107), Allah SWT declares: "*We have not sent you (O Prophet) except as a mercy to all the worlds.*" Likewise, in *Sūrah al-Baqarah* (2:185), Allah states: "*Allah intends for you ease and does not intend for you hardship.*"

Drawing upon the essence of these verses, several legal maxims have emerged, including the principle *al-mashaqqah tajlib al-taysir* (hardship begets ease).⁷

The concept of ease in the face of difficulty serves as a solution to human challenges. Throughout a person's lifetime, individuals encounter various forms of hardship that did not exist in earlier periods. Nevertheless, Muslims are encouraged to face the ever-changing dynamics of life with confidence rather than fear. *Sūrah al-'Aṣr* emphasizes that perseverance and faith enable believers to endure hardship and ultimately attain relief.

Hasbi As-Siddiqi argues that Islamic law encompasses the collective efforts of *fuqahā'* to apply and adapt Islamic principles to the needs of society.⁸ Similarly, Anwar Haryono views Islamic law as the product of human reasoning grounded in Islamic teachings.⁹ Accordingly, discussions of Islamic law are closely connected to both *sharī'ah* and *fiqh*.

Sharī'ah and *fiqh* are distinct yet closely related concepts. *Sharī'ah* refers to the fundamental teachings and divine principles of Islam, whereas *fiqh* denotes the human understanding and interpretation of those principles. Islamic scholars have consistently emphasized this distinction to prevent conceptual confusion between the two. This differentiation is firmly rooted in the Qur'an, which affirms that *sharī'ah* represents divine authority, while *fiqh* falls within the domain of human interpretation. This position is supported by the Qur'an, particularly *Sūrah Ash-Shūrā* (42:13), which underscores that *sharī'ah* is exclusively ordained by God.

"He has ordained for you of religion what He enjoined upon Noah and that which We have revealed to you, [O Muhammad], and what We enjoined upon Abraham and Moses and Jesus - to establish the religion and not be divided therein. Difficult for those who associate others with Allah is that to which you invite them. Allah chooses for Himself whom He wills and guides to Himself whoever turns back [to Him]."

However, the notion that *fiqh* belongs to the domain of human endeavor can be discerned from *Sūrah at-Tawbah* (9:122), which states:

"And it is not for the believers to go forth [to battle] all at once. For there should separate from every division of them a group [remaining] to obtain understanding in the religion and warn their people when they return to them that they might be cautious."

The verse from *Sūrah at-Tawbah* cited above indicates that *fiqh* is the result of human interpretation and understanding of Islamic law. The verse emphasizes the importance of *tafaqquh fi al-dīn* (deep understanding of religion), suggesting that not all believers are equally equipped with legal knowledge and that such understanding must be acquired through study, reflection, and intellectual effort. This implies that *fiqh* does not emerge directly as divine revelation, but rather as a systematic human endeavor to comprehend, interpret, and apply the divine guidance of the Qur'an and Sunnah to concrete social realities. Consequently, *fiqh* is dynamic and context-

⁷ Ahmad Mubaraok dan Agus Rouf Abdul Haq, *Formulasi Nalar Fiqh; Telaah Kaidah Fiqh Konseptual* jilid satu (Surabaya: Khalista, 2006), 173.

⁸ Mardani, *Hukum Islam, Pengantar Ilmu Hukum Islam Di Indonesia* (Yogyakarta: Pustaka Pelajar, 2010), 14.

⁹ Anwar Haryono, *Hukum Islam Dan Keadilannya* (Jakrta: Bulan Bintang, 1986), 19.

sensitive, allowing Islamic law to respond to changing circumstances while remaining rooted in the immutable principles of *sharī'ah*.

The term *sharī'ah* is a multifaceted concept with a range of meanings, including legislation, a spring or source of water, law, the straight path, and religious teachings. The understanding of *sharī'ah* as legislation is reflected in the Arabic-Indonesian dictionary *Al-Munawwir*, in which the word *syarī'ah* carries a legal connotation and is derived from the root *shara'a-yashra'u-shar'an*.¹⁰

Lisān al-'Arab defines *sharī'ah* metaphorically as a spring from which people draw and partake of knowledge. According to Ibn Manẓūr, *sharī'ah* signifies religious teachings that are intended to be practiced in daily life.¹¹ Furthermore, al-Jurjānī conceptualizes *sharī'ah* as a straight and unwavering path, as expressed in the phrase *ṭarīqah mustaqīmah*.¹²

In line with the views of Ibn Manẓūr and al-Jurjānī, Muḥammad 'Alī al-Shawkānī interprets *sharī'ah* as a body of regulations prescribed by the Lawgiver to govern the conduct of *mukallaf* (legally accountable individuals).¹³ Similarly, 'Abd al-Wahhāb Khallāf explains that Islamic law, or *sharī'ah*, consists of legal principles derived from the Qur'an and the Sunnah, which are intended to regulate human behavior.¹⁴

Although *al-fiqh* and *al-fahm* are often used synonymously, they carry distinct etymological nuances. Linguistically, *al-fiqh* denotes comprehension and understanding.¹⁵ Abū Zahrah explains that, in its etymological sense, *al-fiqh* refers to a deep and profound understanding of a subject matter.¹⁶

Al-Āmidī further argues that, from a linguistic perspective, *fiqh* may be understood as a synthesis of *al-fahm* (understanding) and *al-'ilm* (knowledge). According to al-Āmidī, *fiqh* represents knowledge derived through reasoning and rational analysis of *sharī'ah* rulings, particularly those relating to *furū'* (the subsidiary branches of Islamic jurisprudence).¹⁷ Similarly, 'Abd al-Wahhāb Khallāf defines *fiqh* as the study of *sharī'ah* law concerning human actions, examined through detailed and systematic legal reasoning.¹⁸ Meanwhile, 'Abd al-Wahhāb Ibrāhīm ibn Sulaymān describes *fiqh* as a discipline that examines *sharī'ah* in relation to the acts of the *mukallaf*, serving as guidance for compliance with its legal prescriptions.¹⁹

On this basis, the development of Islamic law in Indonesia is grounded in foundational knowledge of both *sharī'ah* and *fiqh*. It constitutes a distinct body

¹⁰ AW. Munawwir dan Muhammad Fairuz, *Kamus Al-Munawwir Indonesia - Arab Terlengkap* (Surabaya: Pustaka Progresif, 2007), 711.

¹¹ Muhammad Ibn Mukarran Ibn Manzur, *Lisan Al-Arab*, Vol 8. (Beirut: Dar al-Sadir, n.d.), 175-176.

¹² Syarif Ali Ibn Muhammad Al-Jurjaniy, *Mu'jam Al-Ta'rifat* (Beirut: Dar al-Ilmiyah, 1983).

¹³ Muhammad Ali Al-Syaukani, *Irshad Al-Fuhul Ila Tahqiq Min Ilm Al-Usul* (Beirut: ar al-Kutub al-Ilmiyyah, 1994), 7.

¹⁴ Abdul Wahab Kholaf, *Ilmu Ushul Fiqh* (Jakarta: Rineka Cipta, 1995), 10.

¹⁵ AW. Munawwir dan Muhammad Fairuz, *Kamus Al-Munawwir Indonesia - Arab Terlengkap*, 1067.

¹⁶ Muhammad Abu Zahrah, *Ushul Al-Fiqh* (Dar Al-Fikr Al-Arabi, n.d.), 6.

¹⁷ Ali Ibn Muhammad al-Amidi, *Al-Ihkam Fi Ushul Al-Ahkam* (Saudi Arabia: Dar al-Fikri, 2003), jilid 1, 19.

¹⁸ Abdul Wahab Kholaf, *Ilmu Usul Al-Fiqh* (Qohiroh: Maktabah Dar Al-Turats, 2009), 10.

¹⁹ Abdul Wahab Ibrahim Abu Sulaiman, *Al-Fikr Al-Ushuli, Dirasat Tahliliyati Naqdiyyah* (Dar al-Syuruq, 1986), 16.

of legal thought that responds to the specific social and legal needs of Indonesian society. Accordingly, Islamic law in this context should be understood not as identical with *sharī'ah* itself, but as a contextualized legal framework derived from *sharī'ah* principles to address practical issues within society.

Against this theoretical backdrop, an important question arises regarding the normative status of a wife fulfilling the role of a housewife and whether such a norm is recognized or justified within Islamic law. To address this issue, the analysis must begin by examining whether the concept of a wife as a housewife is explicitly mentioned or implicitly discussed in the Qur'an and the Ḥadīth.

In Indonesian usage, the term "housewife" is understood as a combination of the words "mother" and "household." The word "mother" refers to a woman who has given birth,²⁰ while "household" relates to matters involving activities and responsibilities within the domestic sphere.²¹ Accordingly, a housewife is commonly defined as a woman who is responsible for managing various household affairs.²²

The term "housewife" does not appear explicitly in the Qur'an or the Ḥadīth. Nevertheless, the Qur'an makes significant use of the term "mother" (*al-umm*), which carries profound normative and ethical meaning. This is evident in *Sūrah Luqmān* (31:14), where the role and dignity of the mother are emphasized:

"And We have enjoined upon man [care] for his parents. His mother carried him, [increasing her] in weakness upon weakness, and his weaning is in two years. Be grateful to Me and to your parents; to Me is the [final] destination."

Similarly, one of the ḥadīths emphasizes the profound importance of a mother's role in the life of a Muslim, as stated below:

Layth narrated that Hishām informed him, on the authority of 'Urwah, who reported from Asmā', that she said: "My mother came to me while she was still a polytheist." This occurred during the period when the Quraysh were dominant and had concluded a treaty with the Prophet Muhammad (peace be upon him). She arrived accompanied by her husband. I then sought a legal ruling from the Prophet by asking, "My mother has come to me, and she wishes to maintain good relations. Should I uphold ties of kinship with her?" The Prophet replied, "Yes, maintain ties with your mother."

The characterization of women in the Indonesian dictionary as individuals responsible for managing domestic affairs is reinforced by a ḥadīth concerning women's leadership, narrated by Imām al-Bukhārī, which states as follows:

"Every one of you is a leader, and each of you is responsible for what has been entrusted to you. A ruler is a leader over the people and is accountable for his leadership. A husband is a leader over his family and is responsible for those under his care. Likewise, a wife is a leader within her household and is responsible for what is under her care. Similarly, a servant who is entrusted with the property of his master is a leader and is

²⁰ Dendi Sugono, *Kamus Besar Bahasa Indonesia* (Jakarta: PT. Gramedia, 2008), 516.

²¹ Dendi Sugono, *Kamus Besar Bahasa Indonesia* 1188.

²² Dendi Sugono, *Kamus Besar Bahasa Indonesia* , , 516.

accountable for that trust. Indeed, each of you is a leader, and each of you will be held responsible for your leadership."

The understanding of the term "housewife" as a woman responsible for managing household affairs is supported by the authentic ḥadīth narrated by Imām al-Bukhārī, as discussed above. In this context, a housewife may be understood as a woman who oversees domestic responsibilities, which corresponds to the concept of *ra'iyatun fī bayti ba'lihā wa waladihā* (a guardian over her husband's household and children). Accordingly, the conventional expectation that a wife assumes the role of a housewife is recognized and legitimized within the Islamic legal framework.

Obstacles Affecting the Norm of Wives as Housewives

Obstacles may be understood as conditions or factors that hinder the realization of certain values or objectives.²³ Generally, obstacles emerge precisely when individuals or society possess the potential to achieve meaningful goals but face constraints in doing so.

Within the context of marital life, the expectation that a wife fulfills the role of a housewife represents an opportunity to uphold values that are considered noble within religious teachings. This norm has long been embedded as a respected social value within Indonesian society. The role of a housewife is associated with cultural practices that emphasize moral responsibility, as it reflects the philosophy of the wife assuming a central role in managing the household and nurturing the well-being and development of children.

The state has sought to formalize social values derived from religion through legal norms in order to ensure their continuity. Article 31 paragraph (3) of Law Number 1 of 1974 stipulates that the husband is positioned as the head of the family, while the wife is assigned the role of a housewife. This normative understanding of the wife's role also finds support in Islamic law, as reflected in the ḥadīth concerning women's leadership narrated by Imām al-Bukhārī, as previously discussed.

Nevertheless, various social developments have given rise to conditions that weaken the resilience and acceptance of the wife's traditional role as a homemaker. These societal symptoms can be identified as follows:

a. Restricting the Concept of the Domestic Sphere Solely to Housewives

The significance of a wife's role as a housewife is often diminished when it is narrowly associated with a rigid distinction between the domestic and public spheres of human activity. In common Indonesian usage, the term "*domestic*" refers to matters within the household, while "*public*" denotes activities conducted in the broader social or communal sphere. This dichotomy has contributed to a limited understanding of the role of housewives.²⁴

²³ Dendi Sugono, *Kamus Besar Bahasa Indonesia*, 478.

²⁴ Dendi Sugondo, *Kamus Besar Bahasa Indonesi*, 339 and 1110.

Various socio-scientific studies portray housewives as being confined primarily to the domestic sphere. Research by Darmin Tuwu, for instance, notes that women have long been closely associated with domestic tasks. This association has been transmitted across generations and has become embedded in cultural and social norms. As a result, women are often perceived as being responsible mainly for household duties, with limited opportunities to participate in activities beyond the home. Consequently, their contributions tend to be undervalued and restricted to domestic life.²⁵

In certain circumstances, this confinement of housewives to the domestic sphere leads to the devaluation of their role. Many housewives experience vulnerable and unfavorable conditions, as their work is frequently regarded as insignificant or equated with unemployment. Moreover, for wives who also engage in paid work outside the home, the expectation to simultaneously fulfill domestic responsibilities creates a dual burden, which may place considerable strain on them and affect their ability to balance family and professional obligations.²⁶

The persistent portrayal of housewives solely within the domestic sphere reinforces stereotypes that characterize them as passive or unproductive.²⁷ Such perceptions ultimately contribute to negative social attitudes toward women who choose to assume the role of a homemaker.

b. The Incidence of Domestic Violence (KDRT)

Another issue arising from the perception and role assigned to housewives within the domestic sphere is the increasing incidence of domestic violence (*Kekerasan Dalam Rumah Tangga* / KDRT), which is often used as a means of expressing dissatisfaction or exerting control over one's spouse. This phenomenon is not confined to a single country but has been observed globally. For example, reports indicate that cases of domestic violence in China tripled around 2019. Similarly, in Brazil, incidents of domestic violence reportedly increased by approximately 40–50 percent.²⁸ This raises an important question regarding the current situation in Indonesia.

In 2020, the Indonesian Ministry of Women's Empowerment and Child Protection (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, PPA) reported a significant rise in cases of violence against women. Offline cases recorded by the Ministry reached 184 incidents, representing a threefold increase compared to previous periods. In addition, reports of online-based violence from January to June 2020 reached approximately 3,000 cases. These included 853 cases of

²⁵ Darmin Tuwu, "Peran Pekerja Perempuan Dalam Memenuhi Ekonomi Keluarga: Dari Peran Domestik Menuju Peran Publik," *Al-Izzah* Vol : 13, no. No. 1 (2018): 63–64

²⁶ Heri Junaedi, "Ibu Rumah Tangga: Stereotype Perempuan Pengangguran," *An-Nisa Jurnal Jender Dan Anak* 12, no. No 1 (2017): 80.

²⁷ Heri Junaedi, "Ibu Rumah Tangga: Stereotype Perempuan Pengangguran," 82.

²⁸ Riezdhya Amalina F.Al-Husna Peter Hasudungan, "Work From Home Dan Peningkatan Jumlah Kekerasan Terhadap Perempuan," *Paradigma Jurnal Multidisipliner* 1, no. No 1 (2020): 48.

physical violence, 768 cases of psychological violence, and 1,848 cases of sexual violence.²⁹

Further evidence of the prevalence of domestic violence is found in reports published by the National Commission on Violence against Women (*Komnas Perempuan*), which documented 319 cases in 2020. Moreover, the Legal Aid Institute of the Indonesian Women's Association for Justice (*LBH APIK*) recorded 90 reported cases during the same period.³⁰

Reviving the Role of Wives as Housewives within the Context of Islamic Law

Etymologically, the term *norm* is derived from the Latin word *nomos*, which signifies value or standard.³¹ According to the *Kamus Besar Bahasa Indonesia*, a norm is defined as a fixed rule that binds individuals and functions as a benchmark for assessing actions, entities, or situations. In terminological usage, a norm serves as a guideline directing the behavior of individuals or groups within society.³²

The legal norm assigning the role of a housewife to a wife, as stipulated in Article 31 of Law Number 1 of 1974, constitutes a formal legal standard. Hans Kelsen, a leading legal theorist, distinguishes between legal norms and natural norms, while acknowledging their interrelationship. Legal norms represent prescriptive rules governing human behavior, whereas natural norms describe causal relationships observable in nature. In this framework, natural norms explain what *is*, while legal norms prescribe what *ought to be*. Thus, legal norms function as normative expectations directed at human conduct rather than empirical realities.³³

In contrast, Satjipto Rahardjo conceptualizes legal norms as cultural or social norms situated between moral norms and natural norms. According to him, legal norms are essentially moral norms that embody values and ideals considered desirable by society. Natural norms, by comparison, reflect existing conditions or factual circumstances. Cultural norms, as institutionalized through law, integrate both moral aspirations and situational realities.³⁴

Accordingly, the norm stipulating that a wife fulfills the role of a housewife reflects the State's ideal regarding the distribution of responsibilities within marriage. This norm shapes expectations that position wives as primary caretakers of household affairs. Linguistically, the term "*mother*" carries a

²⁹ I Riezdzqhy Amalina F.Al-Husna Peter Hasudungan, "Work From Home Dan Peningkatan Jumlah Kekerasan Terhadap Perempuan", 48.

³⁰ Maisandra Helena Lohy dan Aguz Machfud Fauzi, "Peningkatan Kekerasan Dalam Rumah Tangga (KDRT) Selama Pandemi Covid 19 Dalam Kacamata Sosiologi Hukum," *Res Judicata* 4, no. No. 1 (2021): 86.

³¹ Jimly Ash-Shiddiqi, *Perihal Undang-Undnag*, 1.

³² Purnadi Purwacaraka dan Soerjono Soekanto, *Perihal Kaidah Hukum* (Bandung: Alumni, 1982), 14.

³³ Hans Kelsen, *Teori Umum Tentang Hukum Dan Negara*, Penerjemah : Raisul Muttaqin (Bandung: Penerbit Nusa Media, 2018), 62–63.

³⁴ Rahardjo, *Ilmu Hukum*, 27.

central meaning, while “household” refers to domestic matters.³⁵ Thus, a housewife may be understood as the principal figure responsible for managing and sustaining the household.

Based on this interpretation, the norm of a wife assuming the role of a housewife within marriage should not be regarded as inferior or marginal. On the contrary, this role is imbued with dignity and honor and holds significant potential for fostering a harmonious and enduring family life, guided by divine principles as articulated in Article 1 of Law Number 1 of 1974.

Nevertheless, one factor that weakens the resilience of this norm is the misconception that the domestic sphere belongs exclusively to the wife, to the exclusion of the husband, who is legally recognized as the head of the household. Such a view is clearly misguided, as household responsibilities fundamentally require cooperation and shared accountability between spouses.

Therefore, it is essential to cultivate a perspective that positively embraces the role of a wife as a homemaker without isolating it from the shared responsibilities of marriage. This can be achieved by promoting awareness-oriented messages addressed to both husbands and wives, emphasizing the value of the household as a shared space of responsibility, care, and partnership. These messages may be articulated through the following slogans:

- a. Fulfilling Household Responsibilities in Accordance with Surah at-Tahrīm Verse 6

Husbands and wives are encouraged to fulfill their household responsibilities as instructed by Allah SWT in Surah at-Tahrīm (66:6):

“O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones, over which are angels, harsh and severe; they do not disobey Allah in what He commands them but do what they are commanded.”

This verse underscores the shared responsibility of family members in safeguarding the well-being of the household, both materially and spiritually. In this context, positioning the husband as the head of the family and the wife as a housewife reflects a complementary and balanced arrangement rather than a hierarchical inequality. The husband functions as the *rā'ī* (leader), while the wife assumes the role of *rā'iyyah* (guardian) within the household, each with distinct yet interconnected responsibilities.

The wife exercises leadership in managing household affairs and caring for the husband and children, whereas the husband's leadership role is manifested in broader responsibilities, including moral guidance, protection, and psychological support. In societal practice, housewives demonstrate substantial leadership capacity within the household, encompassing the ability to direct, manage, and supervise domestic life effectively.

³⁵ Dendi Sugono, *Kamus Besar Bahasa Indonesia*, 516 dan 1189.

To carry out this leadership role successfully, housewives require not only leadership aptitude but also a high level of competence grounded in relevant knowledge and experience. This competence enables them to guide their households holistically, addressing cognitive, emotional, and physical dimensions of family life.

Accordingly, housewives should not be viewed merely as technical operators within the family structure. The ultimate responsibility for household leadership rests with the head of the family. Nevertheless, the performance of technical domestic tasks by housewives is permissible, just as it is permissible for the head of the family to engage in such tasks. This is because technical household activities serve a functional purpose in meeting the needs of the family and ensuring daily continuity.

The leadership of a housewife is particularly evident in child-rearing and household management. It is commonly observed that wives who assume the role of homemakers exhibit deep affection toward their children. By acting as role models and actively participating in their children's education, mothers are able to express care while effectively supporting the learning process. A lack of affection or educational involvement by a mother is generally regarded as an exception rather than the norm, as it contradicts prevailing social and moral expectations.

Moreover, the role of a housewife may be understood as that of a household manager. In this capacity, a wife is expected to possess managerial skills, including planning, organizing, implementing, and evaluating household activities. Routine tasks such as doing laundry, washing dishes, sweeping, cooking, and taking children to school represent only a portion of household responsibilities. These tasks may be performed directly by the homemaker or delegated to children, husbands, or assistants, depending on the family's circumstances and arrangements.

b. Embracing Cooperation in the Public Sphere

Islamic law does not prohibit housewives from participating in activities within the public sphere. Junaedi, a researcher on women's issues, cites the view of Shaykh 'Abd al-'Azīz ibn Bāz, who affirms that Islam has never forbidden wives from engaging in employment.³⁶ This view is grounded in the teachings of the Qur'an, particularly *Sūrah at-Tawbah* (9:105) and *Sūrah an-Nisā'* (4:29), which support the permissibility of work and economic activity:

"And say, 'Do [good], for Allah will see your deeds, and [so will] His Messenger and the believers. And you will be returned to the Knower of the unseen and the witnessed, and He will inform you of what you used to do.'" (Qur'an 9:105)

"O you who have believed, do not consume one another's wealth unjustly, but only [in lawful] trade by mutual consent. And do not kill yourselves. Indeed, Allah is ever Merciful to you." (Qur'an 4:29)

³⁶ Heri Junaedi, "Ibu Rumah Tangga : Streotype Perempuan Pengangguran," 80.

The command in *Sūrah at-Tawbah* (9:105), expressed through the term *i'malū*, appears in the grammatical form of *jam' mudhakkār sālim*, which in Qur'anic usage denotes a general address that encompasses both men and women. Similarly, the directives and prohibitions in *Sūrah an-Nisā'* (4:29), articulated through the phrase *yā ayyuhā alladhīna āmanū lā ta'kulū*, are likewise formulated in *jam' mudhakkār sālim*, indicating their applicability to all believers, regardless of gender.

Accordingly, these Qur'anic injunctions apply equally to housewives and to household leaders, encouraging both to engage in lawful work and economic activity in accordance with their respective capacities. The encouragement for housewives to work and strive is intended not only to support their husbands when necessary but also to enable them to sustain themselves as individuals who, like others, benefit from economic security and independence.

Since Islamic law does not impose doctrinal or normative restrictions on housewives' participation in public life, there should be no social or psychological barriers preventing either husbands or wives from accepting this reality. Instead, cooperation between spouses in both the domestic and public spheres should be viewed as a natural and permissible expression of mutual responsibility within marriage.

c. Fostering a Culture of Mutual Respect within the Household

Appreciation reflects a mindset that recognizes the dignity, significance, and worth of others. Mutual appreciation between husband and wife fosters emotional well-being and strengthens marital harmony. Expressions of respect may take various forms, including praising one another, expressing gratitude, providing mutual support in all aspects of life, and maintaining loyalty within the marital relationship.

The recognition of the wife's traditional role as a homemaker is not a unilateral or arbitrary determination, but rather the result of careful consideration aimed at achieving domestic harmony grounded in the belief in the One and Only God, as affirmed in Article 1 of Law Number 1 of 1974 on Marriage. This normative understanding is also closely linked to the foundational values of Pancasila and the philosophical basis of Indonesian independence, as articulated in the Preamble of the 1945 Constitution of the Republic of Indonesia, which acknowledges that independence is attained by the grace of Almighty God (Allah SWT).

From a philosophical and normative perspective, the conceptualization of the wife's role as a housewife is further rooted in Islamic teachings, as reflected in the hadith narrated by Imam Bukhari. This hadith affirms the wife's responsibility and authority in managing the domestic affairs of her husband and children, underscoring her role as a steward (*ra'iyah*) within the household, as discussed in the preceding sections

Conclusion

The inclusion of the wife's role as a housewife in Article 31 paragraph (3) of the Marriage Law is not inherently contradictory to Islamic law. The normative problem does not lie in the recognition of domestic roles themselves, but rather in the interpretive practice that isolates domestic responsibility as an exclusive obligation of women, while neglecting the husband's accountability as the head of the family. Such a reductive interpretation distorts the ethical framework of Islamic law and produces structural consequences in the form of marginalization, gender stereotyping, domestic violence, and the disproportionate accumulation of unpaid labor borne by housewives.

Reaffirming the dignity and social value of the wife's role as a housewife therefore requires a conceptual reconfiguration of domestic responsibility. Household duties must be understood as a shared moral and functional obligation between the wife as *rā'iyah* and the husband as *rā'ī*, grounded in principles of justice (*'adl*), mutual assistance (*ta'āwun*), and contextual practicality. This redistribution is not a denial of role differentiation, but a correction of role absolutism that has obscured the reciprocal nature of leadership within the family.

Furthermore, safeguarding the dignity of housewives necessitates the recognition of their agency beyond the domestic sphere. Islamic law does not preclude wives from participating in public, economic, or social activities, and enabling such participation prevents the confinement of women to a single social function and mitigates the risk of excessive domestic burdens.

Accordingly, the revitalization of the wife's role as a housewife should be framed not as a reinforcement of traditional subordination, but as a call for shared responsibility within the household. In this context, the principle may be succinctly articulated as: *"Caring for the household is a shared responsibility."* This formulation captures the ethical essence of both Islamic law and constitutional values, emphasizing partnership rather than hierarchy as the foundation of family life.

Recommendation

Based on the foregoing conclusions, it is recommended that the interpretation and implementation of Article 31 paragraph (3) of the Marriage Law be carried out in a manner consistent with the principles of justice (*'adl*) and equality embedded in Islamic law. Interpretive practices should move beyond the assumption that domestic responsibilities are the exclusive obligation of wives, and instead advance a shared-responsibility framework that acknowledges the complementary and reciprocal roles of the wife as a housewife (*rā'iyah*) and the husband as the head of the family (*rā'ī*).

Policymakers, religious scholars, and community leaders are urged to encourage contextual and progressive reinterpretations of domestic roles that emphasize cooperation, mutual accountability, and practical balance within the household. This may be achieved through the integration of gender-responsive perspectives in legal drafting, religious guidance, and family-

related policies. In parallel, educational initiatives and public discourse should be strengthened to dismantle stereotypes that marginalize housewives and contribute to excessive domestic burdens, structural inequality, domestic violence, and discrimination.

Moreover, institutional mechanisms should be developed to ensure that housewives are afforded meaningful opportunities to participate in public, social, and economic activities without negating or devaluing their domestic roles. Such support is essential to safeguarding the dignity of housewives, preventing social marginalization, and fostering a family structure grounded in justice, partnership, and shared responsibility, in accordance with both Islamic legal principles and constitutional values.

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