

The Position of Husband and Wife in the Indonesian Marriage Law: Mubadalah Perspective

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Abstract: This article analyzes the rules on the position of husband and wife regulated in Article 31 of the Indonesian Marriage Law (UUP). The provisions of the position of husband and wife are allegedly gendered, because they place husbands and wives differently in the space of household relations, when read textually, it has implications for women's justice. The purpose of this article is to analyze the provisions of the position of husband and wife in the Indonesian Marriage Law from the perspective of Mubadalah. Mubadalah theory is used to analyze the equality of husband and wife in the household. The method used is qualitative, the type of this article is library research (library research), a normative approach with a focus on Article analysis. Data sources are obtained from related literature. The result of the research is that Article 31 of the UUP places the position of husband and wife differently, the husband as the head of the household while the wife is the housewife, this text can be gendered and seems masculine. Article 31 of the UUP is not in line with the values of justice relations in the mubadalah perspective. It is necessary to review Article 31, so that the realization of a maslahah family with the principle of mubadalah.

Keywords: Marriage, Mubadalah, Law Position of Husband and Wife

Abstract: Artikel ini menganalisis aturan tentang kedudukan suami istri yang diatur dalam Pasal 31 Undang-Undang Perkawinan (UUP) Indonesia. Ketentuan kedudukan suami istri tersebut disinyalir bisa gender, karena menempatkan suami dan istri berbeda dalam ruang relasi rumah tangga, ketika dibaca secara tekstual maka berimplikasi terhadap keadilan perempuan. Tujuan artikel ini adalah menganalisis ketentuan kedudukan suami istri dalam Undang-Undang Perkawinan Indonesia dilihat dari perspektif Mubadalah. Teori mubadalah digunakan untuk menganalisis kesetaraan suami dan istri dalam rumah tangga. Metode yang digunakan kualitatif, jenis artikel ini adalah library research (penelitian kepustakaan), pendekatan normatif dengan fokus analisis Pasal. Sumber data diperoleh dari literatur-literatur yang terkait. Hasil penelitian bahwa Pasal 31 UUP menempatkan posisi suami dan istri berbeda, suami sebagai kepala rumah tangga sedangkan istri sebagai ibu rumah tangga, teks ini bisa gender dan terkesan maskulin. Pasal 31 UUP tidak selaras dengan nilai-nilai relasi keadilan dalam perspektif mubadalah. Perlu peninjauan ulang terhadap Pasal 31 tersebut, agar termujudnya keluarga maslahah dengan prinsip mubadalah.

Keywords: Kedudukan Suami Istri, Mubadalah, Pasal 31 Undang-Undang Perkawinan

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Introduction

Islam describes humans to pay attention to the concepts of justice, balance, harmony, harmony and wholeness, both among human beings and with their natural environment. (Ardiansyah & Juwita, 2023). The concept of gender relations in Islam is more than just regulating gender justice in society, but theologically and teleologically regulates the pattern of relations between microcosm (humans), macrocosm (nature) and God. Only then can humans fulfill their function as caliphs, and only successful caliphs can achieve the true degree of abid. (Ferricha, 2010).

Gender justice and equality are based on principles that position men and women equally as servants of God. (Bukido et al., 2022). As the Word of God in the letter an-Nahl; [16]: 97, al-A'raf; [7]: 172, and the letter al-A'raf; [7]: 22 (Mahmudah et al., 2022). This verse hints at the concept of gender equality and justice and provides assertion that individual achievements both in the spiritual field and personal career matters, do not have to be monopolized by one gender alone. Men and women have the same opportunity to obtain optimal achievement (Habib Shulton Asnawi, 2022).

But until now, women in the domestic/family sphere still get a lot of gender injustice. Especially related to the rights and position of husband and wife in the family. This is due to many factors including the provisions of Article 31 (Paragraph c) UUP, namely "The *husband is the head of the family and the wife is the housewife*". This verse is widely interpreted by the community that the husband's position is higher than the wife in the household. Even though in Article 31 (Paragraph a) there is a provision "The *rights and position of husband and wife are balanced with the rights and position of the husband in the household and social life together in society*". The content of Article 31 (Paragraphs a and c) appears inconsistent, meaning that they contradict each other. In the first paragraph, it is stated that the position of husband and wife is balanced, both in domestic life and in society, but how can it be said to be balanced while in the next paragraph the husband's position has been pegged as the head of the household while the wife is a housewife. This means that the wife in the household is obliged to take care of everything related to domestic affairs. This provision is allegedly a gender-biased article. If it is interpreted textually, it is not impossible that it will give birth to views and practices of injustice against wives in the household, which have an impact on the wife's right to justice. (Habib Ismail, 2020).

Referring to feminist mufasirs, who state that the gender injustice that befalls women stems from the existence of gender inequality in various aspects of life, including the household. (Reni Nur Aniroh, Khoiruddin Nasution, 2018). This can be caused by the negative labeling of women as weak, which also stems from the myths that are built in a society. For example, the myth of sperm as the essence of life. Women do not have the core of life, they are only able to receive, so women are secondary and weak human beings (Subhan, 1999). Justification for authority can be born supported by social perceptions in the form of myths of the superiority of a man believed by certain communities. By using this line of thinking, the injustice that occurs is a type of injustice based on "Gender". Inequality is born due to differences in gender roles that are socially constructed where one party becomes subordinate to the other. (Ridwan, 2007).

From the literature review, there are several research articles that examine the position of husbands and wives in the family, (Anwar Al-Jundi, n.d.) (Anwar Al-Jundi, n.d.) explains that there is no true equality between men and women. Because in Islam, a man's role has been determined, as well as the role of a woman in Islam has been determined. There is a separation between the roles of men and women in Islam. The position of husband and wife is also

studied by (Soker, n.d.) which explains the rights of wives over husbands, and the rights of husbands over wives. In his research, it is explained that wives must obey their husbands, wives must maintain the glory of their husbands, protect their husbands' feelings, and wives are obliged to take care of and maintain the house and educate children. Research, (Wibowo, n.d.) This research explains that, between men and women are the same creatures. Between men and women are partners not the opposite sex. Between the two were created not to oppress but partners who need each other. Research, (Anwar, 2015) explains that the concept of gender equality is just a hope, delusion and injustice that must be made into a program and applied as an application of gender equality in the family. In addition, gender equality is an agenda that endangers family institutions. Furthermore, research, (Rahmawati, 2016) that the relationship between men and women in the family can create a gender partnership, as a partnership. In this study, it explains the importance of equality in roles and functions in domestic and public spaces and even in social society.

From the literature, the *novelty* and *GAP analysis* of this article is to examine the provisions of the marriage law, especially Article 31 (Paragraph c) which is analyzed from the perspective of mubadalah. From several previous studies, no studies have been found that focus on analyzing as this article, previous studies have analyzed many pros and cons related to the position and gender equality between men and women. So that in this article the formulation of the problem to be answered is how is the position of husband and wife in the household perspective mubadalah?

The contribution of this article is to offer reforms to the marriage law in Indonesia, especially Article 31 as above. There have been many legal theories that reveal the phenomenon of injustice in the public and domestic spheres. (Ibnu Elmi AS. Pelu, 2021). One of them highlights the role of the law which is felt to provide too much favoritism to certain groups, in its implementation the neutrality of the law still seems gender biased, which implies that it provides injustice to weak groups or individuals.

Methods

The method used in this article is qualitative, which emphasizes in-depth analysis related to the position of husband and wife in the household. The study of the article uses a normative approach, namely examining the provisions of Article 32 (Paragraph c) UUP. This provision is a normative regulation, so the author focuses on the norms in the provision. This normative approach is allegedly if interpreted textually will give birth to a masculine understanding that is gender biased, so the theory used to analyze the Article uses the theory of mubadalah. The mubadalah theory is used to examine the extent to which the provisions of Article 31 are equal in the context of marriage. The mubadalah theory was formulated by an expert in the field of mubadalah, Faqihuddin Abdul Kodir from IAIN Sheikh Nurjati Cirebon. This type of article is *library research* (library research). Sources of data are obtained from literature related to the justice of husband and wife in the household.

Research Results

The Position of Husband and Wife in Islam

Islam places the position between men and women as equal, both have the same number of rights and obligations. (Firdawaty et al., 2023). In the Word of Allah SWT. Q.S. Al-Hujurat: 13. Islam was revealed on earth proclaiming the humanity of women as complete human beings. Women are human beings who have dignity and glory equal to men. Al-Quran Surah An-Nisa' verse 1 confirms that both (women and men) were created from one element (*nafs wahidah*). Islam explicitly places women as equal partners with men as stated in al-Qur'am

Surat At-Taubah Verse 71. (Farid, 2019). Justice and equality are based on principles that position men and women equally as servants of God. The Islamic foundation that positions men and women cannot be denied, that Islam as a religion highly upholds the degree of humanity. (Asnawi, 2012c).

The stigma that sometimes still puts women in a lower position than men is a misconception and this is due to patriarchy. This patriarchal cultural construct has been in place for centuries, it is no longer considered an inequality, even this culture has been considered a scientific fact (Dzuhayatin, 1999). Patriarchal culture is built on a structure of domination and subordination that requires a hierarchy in which men and male views become the norm. The limitations and narrowness of women's movement are often justified by people's literal understanding of religious doctrine and the existence of laws that are still gender biased, this is also reinforced by gender-biased practices in the family. (Asnawi, 2011).

Historically, at the beginning of Islam, the culture of Arab society was a place of violence, injustice and discrimination. The pattern of life, which was dominated by the tribal system, in turn made society prone to conflict and division. So it became a common sight, where the strong oppressed the weak. Even women, slaves and children are weak groups of people who are always defeated in social life.

Islam came to improve the above order, treating human beings - men and women - with the spirit of justice, liberation, anti-oppression, and anti-discrimination. Rosulullah SAW as the Prophet of Islam is a role model for his people. Rosulullah SAW was a husband, father, and male figure who upheld the principles of justice and anti-violence that Rosulullah SAW practiced in the public and domestic spheres. Based on the narrative of his wives, Rosulullah SAW throughout his life never hit his family, either his wife, children, or maid. Rosulullah SAW also never said harsh words that hurt his wife's heart. If he was not pleased, he chose to be silent and alone. The Prophet also did not approve of discriminatory practices between men and women.

Rosulullah SAW's attention to his wife in turn made women free to express what was in their minds. Exemplary During the time of Rosulullah SAW, there was a community that voiced the aspirations of women with the spokesperson Asma' bin Yazid. Rosulullah SAW called for Islam to be present to defend oppressed groups, both structurally and culturally, which in the Qur'an is called *al-mustadh 'afin*. Among the *al-mustadh 'afin* groups who suffered the most at that time were women. (Mulia, 2014). No wonder the mission of Rosulullah SAW is closely related to efforts to defend, protect, respect and empower women. (Ghozali, 2015).

The construction of the position of men and women called for by Rosulullah SAW gave birth to the process of forming the concept of gender equality and justice in Islamic law, namely: (Ula, 2021)

1. Protection of women's rights through law, women cannot be treated arbitrarily by anyone because they are viewed equally before the law and applicable legislation that is different from the Jahiliyah period.
2. Improving family law, women get the right to determine a mate, get a dowry, inheritance rights, limit and regulate polygamy, file a talaq gugat, regulate the balanced rights of husband and wife, and childcare rights.
3. Women were allowed access to public roles, attending the mosque, receiving the right to education, participating in wars, migrating with the Prophet, performing bai'at in the presence of Rasullullah, and decision-making roles.

4. Women have the right to life by obtaining rules prohibiting the killing of girls which became the tradition of the Jahiliyah Arabs.

The Islamic construction that describes the position between men and women can be described in the form of a table as follows:

Table 1: Male and Female Constructions

01 Islam	Q.S. Al-Hujurat: 13 Q.S. An-Nisa': 1 Q.S. At-Taubah: 71	→ Constructing True EqualityMen and Women in Islam
02 Arabic Culture	Patriarchal Cultural Factors of the Arabian Jahiliyah PeriodImpact on Women	
03 Exemplary Rosulullah SAW	Positioning men and women as equalsRosulullah SAW set an example as a model husband in the household	
04 Islamic Law Reform	<ul style="list-style-type: none"> • Protection of women through law • Family law reform in some Muslim countries • Women's public and domestic access 	
Islamic Law Reform	Towards real justice in the household, reform of Article 31 of the Indonesian marriage law is needed	

From this table, it can be explained that Islam clearly regulates the position of men and women in Islam in an equal position. However, due to the jahiliyyah factor, namely the strength of patriarchal culture, the position of women in the public and domestic context experiences injustice. Rosulullah then fought and set an example as a husband in the household who respected his wife and all family members. This has implications for the world's Muslim countries to reform family law. The reform of Article 31 is important as an effort for true justice in the family. Because Islam rejects all forms of inequality and injustice, Islam calls for gender relations in the family.

The Urgency of Mubadalah Values in the Family

The Qur'an provides guidance to mankind, related to building a household on the basis of equality (Nurdin et al., 2021). In Islam, the concept of equality is "*mubadalah*". *Mubādalāh* means "to replace, change and exchange". The concept and word *mubadalah* has been mentioned 44 times with different forms and meanings. *Mubādalāh* means alternation (*mufa'alah*), and cooperation between two parties (*musyarakah*), or in other words, replacing each other, changing each other, or exchanging each other. *Mubādalāh* when translated into Indonesian means "interchangeability" which means "reciprocity". From the various meanings above, *mubādalāh* is then used as a perspective in relations between two parties that contain the spirit and principle of reciprocity. (Faqihuddin Abdul Kodir, 2019)

One of the legal bases for *mubādalāh* is found in Q.S. Al-Hujurat [49]:13, in this verse it is explained that Allah has created different humans, both different in gender, ethnicity, nation. the purpose is solely to get to know each other. In this verse Allah explicitly states that the most noble human being on the side of Allah is the most pious human being. This means that the degree of human glory does not lie in his gender, the color of his skin, his tribe, his wealth, his position or the high rank he holds. But what is judged is the most pious man.

The mubadalah framework has three basic meanings. *First*, that Islam exists for both men and women, so all its texts must also target both. *Second*, the principle of relations between the two is cooperation and interdependence, not hegemony and power, let alone authoritarianism. *Third*, the texts of Islamic law are open to reinterpretation to allow the two previous premises to be reflected in every work of interpretation.

Islamic texts are open to meaningful interpretation in an effort to find the idea of morality that lies behind the literal text. Interpretation of the text to find contextualization of the

understanding of the Qur'an. Interpreting the text is not changing or rejecting the text of the Qur'an, interpretation is only an effort to develop the interpretation of the Qur'an. The possibility of interpretation with consideration of *mashlahah* (human good). The flexibility of Islamic law in practice and enforcement of *ijtihad* activities (independent legal reasoning) is enough to indicate that Islamic law is *adaptable to social change* and the dynamics of space and time, so it is possible for a reform effort. (Asnawi, 2012b)

Through the three premises mentioned above, the basic understanding is that men and women are the subject of the purpose of the Qur'anic verse. So both men and women must accept the consequences of the laws that are raised. Of course, the law is not unequal or biased. The relationship that is built must be cooperative, no one is superior to the other. In the end, the interpretation of religious texts must be in line with the great purpose of Islam, namely as a religion of rahmatan for all nature, not only for one type of human being or certain groups.

The concept of mubadalah can be applied in everyday life in various aspects of life, such as social, household, economic and spiritual relationships. (Agus Hermanto, 2024) *Mafhūm* mubādalāh can also be developed as a node of teachings and laws related to issues of relations between men and women in Islam. This node is commonly known as the "Rule of Fiqh Law". Thus, the fiqh rule of mubādalāh can be formulated in the following sentence: "*What is maslahat (good) for one of the sexes must be brought in for both and what is mudarat (bad) for one of them must also be kept away from both*". (Ismail et al., 2020)

The application of the principle of mubadalah in the household aims to create a balanced household. Between husband and wife help each other, support each other, respect each other. The values of mubadalah applied by husband and wife in the household will provide a nuance that is harmonious, fair and soothing. A mubadalah-based household places the position of all members in the family in a balanced and equal position. There is no superiority or inferiority between husband and wife. (Habib Shulton Asnawi and M. Anwar Nawawi, 2022)..

The values of mubadalah are important to be the basis of household harmony, this concept is to dismiss the stigma that the wife is only tasked with being a housekeeper, the wife when married is not positioned as a housekeeper, who must take care of all household affairs. (Asnawi, 2018). In the perspective of mubadalah, all household affairs can be done simultaneously between all family members. What's more at this time, the role of women is no longer the second line, but also often the main line on several sides that occur in some households, such as the wife's career that is higher than the husband, so that the wife also supports household life. (Ismiyati Muhammad, 2019).

Table 2: How Mubadalah Works

Principles and values of mubadalah
It is reciprocal, because someone who loves also needs to be loved, and likewise the person who is loved has the responsibility to also love.
The relationship between women and men
The basis for the relation of mubadalah equivalence is Surah At-Taubah (9:71). Men and women are asked to be guardians of each other, which scholars interpret to mean protectors, helpers and responsible persons. This means that the relationship between them is one of mutual help, protection and cooperation. The perspective that men and women are each other's guardians is very important, to begin the relationship of interdependence in the family.
The mubadalah method of interpretation is based on three basic premises
1. Islam exists for both men and women, so its texts must also target both; 2. That the principle of the relationship between the two is cooperation and interdependence, not hegemony and power;

3. That Islamic texts are open to reinterpretation to allow the two previous premises to be reflected in every work of interpretation.

The term mubadalah is offered as an idea of the perspective of partnership and cooperation between men and women. In terms of terminology, it can be used more broadly for partnerships of all kinds of relations between two parties, between individuals, or between communities and societies. Whether at the local, national or global level. This includes relations of cooperation and interdependence between present and future generations, for example in the form of a commitment to preserve the environment and nature. That what the current generation receives from nature, the result of the commitment of the generation before them, must be turned into a commitment to give for the preservation of nature, whose benefits will be received by the next generation.

In addition, the term mubadalah is also used as a method of interpreting religious texts in order to harmonize with the perspective of the partnership, between men and women. This method works by exploring the meaning that can be applied to both of them from the text. If a text only addresses one of the sexes, then it is necessary to explore its meaning that addresses both. This method is offered to ensure that the perspective of mubadalah, or interconnection, is truly present in every interpretation of authoritative texts, whether in terms of religion, laws, policies, or social norms.

Discussion

The position of husband and wife which is regulated in Article 31 of Law Number 16 of 2019 amending Law Number 1 of 1974 concerning Marriage, explains that:

- a. The rights and position of husband and wife are equal to the rights and position of the husband in the household and social life together in society;
- b. Each party is entitled to perform legal acts;
- c. The husband is the head of the family and the wife is the housewife.

Quoting Musdah Mulia, the content of the three paragraphs in the article appears inconsistent, meaning that they contradict each other (Mulia, 2014). When viewed from the perspective of equality or mubadalah, the provisions regarding the position of husband and wife in the household appear contradictory. In the first two verses, it is stated that the position of husband and wife is balanced, both in household life and in society, but how can it be said to be balanced while in the next verse the husband's position has been pegged as the head of the household? (Santoso, 2019).

The use of the word "head", in explaining the position of the husband, contains connotations of power and is very authoritarian, so it is not wrong if ordinary people see the husband as identical to the ruler in the family scope, including requiring the wife to carry out all household tasks and serve all her needs and needs physically and mentally. (Asnawi, 2012c).

The question is where did the formulators of the law take references that legitimize the position of the husband as head of the family? While the wife's position is declared housewife, why not just say to the husband as the father of the household or father of the family? So that the position of both looks *equal* (equal) and complementary in accordance with the demands of the Qur'an "*hunna libasun lakum wa antum libasun lahunna* (the wife is a protector for the husband and vice versa, the husband is a protector for the wife).

Generally, the stereotypical view of the husband as the head of the family is based on the words of Allah SWT in an-Anisa 4: (34): *ar-rijalu qowwamuuna 'ala an-nisaa'* which is always translated: *men are leaders for women*. In relation to the verse, we must first explain the meaning of *qawwam*. Even if it is interpreted as "leader" then the leader that Islam calls for is

a democratic leader, full of compassion and understanding, not an authoritarian, coercive and arbitrary leader.

And more importantly, it must be understood that the position of *qawwam* for the husband is not automatic, but is very dependent on the two conditions described at the end of the verse, namely: (Iman et al., 2023)

- a. Must be of a higher quality than his wife, and that quality can be physical, moral, intellectual and financial.
- b. Must have fulfilled his obligation to provide for his family.

That is why in the verse the word *rijal* uses *alif lam* which in Arabic language rules means something *DIFINITIVE* or certain. This means that it does not refer to all husbands, but only "certain" husbands who have these two qualifications. (Munawaroh et al., 2022). The stigma that men are absolute as heads of households and wives as housewives, is not in line with the principle of mubadalah, as stated in Surah At-Taubah (9: 71) as the basic premise above, the meaning of this verse explains the relationship between them (husband and wife) is to help each other, protect, and cooperate in all matters both public and household. (Qodir, 2019).

The review as above, has similarities with the results of research conducted by (Wagianto, 2021), which explains that the principle of mu'is speaks of the principle of justice. Fair does not only mean equality or putting things in their place or not taking sides with certain people. Rather, how everyone can place that everyone has value. Holding on to the perspective of mubadalah, the principle of justice must be interpreted that each family member must be positioned to have all the value, so that no member feels considered useless for his existence in the family or there is no treatment that is not fair. With this mu'is principle, each family member will have the same opportunity according to their respective portions to be able to develop themselves without distinguishing gender status or sex or in other words that justice in the family is proportional.

The formulation of the Article on the position of husband and wife as above is not only contrary to the values of equality. But it is also not in line with the principles of human rights (HAM), as in Law. No. 39 of 1999 concerning Human Rights, in the Human Rights Law, the ninth section on Women's Rights Article 1 paragraph (1 and 2) explains that:

1. A wife during the marriage bond has the same rights and responsibilities as her husband on all matters relating to her marital life, relations with her children, and the right to ownership and management of joint property.
2. After the breakdown of a marriage, a woman has the same rights and responsibilities as her ex-husband over all matters relating to her children, with due regard to the best interests of the child.

Even the position of husband and wife regulated in Article 31 above, if understood deeply, is also not in accordance with the principles of CEDAW (*The Convention on the Elimination of All Forms of Discrimination against Women*) which has the aim of eliminating all forms of discrimination against women. Article 1 of the CEDAW Convention on the principles of non-discrimination and equality explains that.

"Discrimination against women" means any distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field on a basis of equality of men and women".

This is what is emphasized in the CEDAW Convention, namely the principle of equality and justice between husband and wife is a must. This is because the principle of justice and

equality between men and women is a manifestation of human rights owned by all people, especially women. (Asnawi, 2012a). Why the concept of human rights is very important in the Indonesian state, because Indonesia has proclaimed the concept of the rule of law (Asnawi, 2013). (Asnawi, 2013). The characteristics of a state of law include guarantees for the protection of human rights and upholding the principles of equality and justice (Hutabarat, 1985). (Hutabarat, 1985).

The principles of equality and justice in law contained in CEDAW as above, are in line with Indonesian constitutional law (UUD 1945). The 1945 Constitution explains the importance of upholding the principle of "*equality before the Law*". This principle is contained in Article 28B paragraphs (1) and (2) and Article 28D paragraph (1) which reads: "*Everyone is entitled to recognition, guarantees, protection, and certainty of a just law and equal treatment before the law*".

This is certainly in line with the principles of the rule of law which include 5 (five) things, one of which is the principle of *equality before the law (equality before the Law)* this principle in a state of law means that the government must not privilege certain people or groups of people, or discriminate against certain people or groups of people.

As the analysis above, the author can state that in the perspective of mubadalah, the provisions of Article 31 of the UUP have implications for the discrimination of the wife's role in the household, and are contrary to the noble values of Islam, namely equality and gender justice. Islam was revealed on earth calling for humanitarian justice between men and women, between the two of them have the same degree of glory Islam rejects all forms of inequality and injustice, especially in gender relations. The presence of Islam to erase the practice of patriarchy culture or jahiliyah culture and all tyrannical systems. Islam abolishes oppressive paradigms or systems that violate human values. Islam upholds the values of gender equality and universal human rights.

Conclusions

Islamic family law in Indonesia, which regulates the position of husband and wife in the household as in Article 31 of Law Number 16 of 2019 amending Law Number 1 of 1974 concerning Marriage if interpreted textually means gender bias. Article 31 paragraphs a and c appear inconsistent, contradicting each other. The use of the word "head", in explaining the position of the husband, contains connotations of power and is very authoritarian, so it is not wrong if ordinary people see the husband as identical to the ruler in the family scope, including requiring the wife to carry out all household tasks. The assumption that the husband is the absolute leader as the head of the household and the wife's position as a housewife, is not in line with the principles and values of equality in mubadalah, as stated in Surah At-Taubah (9: 71) the meaning of this verse explains the relationship between them (husband and wife) is to help each other, protect, and cooperate in all matters both public and household. As an effort to reform Islamic family law in Indonesia, it is necessary to take legal reform steps against Article 31, reforming marriage law that breathes justice and is based on mubadalah.

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