

# JURNAL-SEYBOLD-REPORT

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**Submission date:** 09-Sep-2022 03:54AM (UTC-0400)

**Submission ID:** 1895755311

**File name:** JURNAL-SEYBOLD-REPORT.pdf (265.75K)

**Word count:** 7125

**Character count:** 34362

## POSITION OF A WIFE IN THE MARRIAGE LAW SYSTEM IN INDONESIA

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### ABSTRACT

The position of a wife in marriage law in Indonesia is regulated in Law no. 1 of 1974 concerning Marriage in which the position of a wife and husband is balanced in domestic life and social life together in society. And each party has the right to take legal action. The husband is the head of the family in the household while the wife is the housewife. A husband is responsible for making a living for the survival of the household while a wife has the responsibility of taking care of the household including serving her husband and taking care of the children. With the social and economic developments in Indonesia, the position of a wife has a dual role in addition to being a housewife and also playing a role in earning a living. The research used in writing this article is normative legal research on the current marriage law where the position of a wife is as a housewife, but the reality that exists in society is that many wives are breadwinners as a social change from traditional society to modern society. The results of the research and analysis of the position of a wife show that many housewives have a dual role in addition to being housewives, they also have a role to earn a living, because labor conditions in Indonesia require a lot of female workers compared to male workers. So that it is difficult for a husband to get a job so that the position of the husband to earn a living is replaced by a wife.

**Keywords:** Wife's Position, Marriage Law, Indonesia

### A. INTRODUCTION

Marriage problems in Indonesia are regulated in Law Number 1 of 1974 concerning marriage, which in this law regulates issues related to the role and position of husband and wife in domestic life. The provisions contained in the marriage law are in reality not in line with the reality that occurs in the community, for example a husband in the provisions of the law is someone who has the position as the head of the family who is responsible for earning a living to meet the needs of life. As a family, fulfilling the obligation of a husband to earn a living is very difficult because male workers are less favored by the business world in Indonesia and prefer female workers, as a result, many men whose husband status is unemployed or do not have a job which results in a husband having no income. And automatically cannot provide for his family and the role of the head of the family has no function.

The number of women who have multiple roles is based on the increasingly difficult economic demands due to the increasing daily needs that must be met and the desire of every family to get a more established and better life. It is impossible for women in modern times to rely solely on a husband's income, the needs of daily living are increasing, of course, it will require high costs and husbands will not be able to bear the family's living expenses independently and the wives are forced to share the burden of responsibility. to earn a living for the family.

There are many jobs that can be done by women or wives, almost all sectors of work can be entered by women, both in the government agency sector or the private sector. In the

government agency sector, many housewives are civil servants, teachers, doctors, midwives, etc. Likewise in the business sector, many women or wives become employees of a company, bank employees, company secretaries, and even become company directors. The education factor also affects the wives to work outside the household, most of the wives who have higher education tend to earn their own income, do not expect from their husbands' income.

A woman or a working wife often has a debate in the community. Some argue that women are obliged to stay at home, take care of the household. Working (earning a living) is the obligation of the husband or guardian. Another opinion states that advanced women are synonymous with having their own income. Especially those who are highly educated. If you choose to be a housewife, you will become a strange creature, because it is considered that high education does not work. (Linda, 2008)

There are career women who still take care of the family even though they are busy. In between busy career women are able to spend a little time to take care of her husband and children. Career women have a sufficient salary, career women who want to take care of their own family without using domestic servants, their family will become a harmonious family. Unlike a career woman who pays for a housemaid, her family will not be a harmonious family. Because career women are more concerned with their careers than the main task of being a housewife. Desire is a condition of life for a well-to-do and poor family, and naturally family life will be very difficult to meet this demand, which is not supported by some thoughts of social life, but solely by pure selfish desires. (Perquin-Russen, 1982)

Desire and selfishness will also affect the family being able to become a harmonious or disharmonious family. A selfish career woman is concerned with her own desires for the sake of pursuing her career without caring about her family, the family will not become a harmonious family, and it will even become a collapsed family. In contrast to career women whose desires and selfishness are not too high to pursue their careers but prioritize their families, their families will become harmonious families because career women are able to withstand their desires and selfishness to prioritize their careers and prioritize their duties as housewives. In fact, now many figures of a housewife are becoming career women, for example housewives who work in garments, as teachers, and many others, but the figure of a career woman will never be separated from the family, because after all the woman is required to be able to perform duties as a wife accompanying her husband, as a household manager, as the successor of her descendants, and as the mother of her children.

In the perception of western world thought, career women are also the basis for the division of tasks and responsibilities that are socially and culturally determined, where in the western world men and women have the same rights to be everything they want according to their talents to be able to have a career with men. -men, as well as to be the Leader. (Yahya, 2000a). As a career woman, she has multiple responsibilities to her family, besides being a housewife who takes care of and cares for her children, she is also responsible for earning a living and supporting her family. For women, housewives, the responsibility of earning a living and supporting the family is the responsibility of the man or husband. At this time, the responsibility for earning a living imposed on men or husbands is less able to meet the needs of the family

besides a husband it is difficult to find work to provide for his family so that a woman or wife appears to make a living as a career woman.

Career women are adult women or adult women who are engaged or working and do work or work at home or outside the home under the pretext of wanting to achieve progress, development and position in their lives.(Nurliana, 2003).

In Indonesian marriage law as regulated in Law no. 1 of 1974 concerning Marriage, which is regulated in Article 31 paragraph 3, contains provisions: the husband is the head of the family and the wife is a housewife. From the provisions of this law it can be concluded that the husband or man is responsible for earning a living to support his wife's family and children because the husband is the head of the household, matters relating to family economic problems, spending money, school fees, and the family's operating money is the full responsibility of a husband. While a wife in this law is a housewife which means that a wife is responsible for household arrangements including taking care of and caring for children, preparing food for her husband and children, educating children is the responsibility of a wife.

In Article 41 b of Law no. 1 of 1974 concerning Marriage contains provisions; the father is responsible for all the costs of maintenance and education needed by the child; if the father is in fact unable to fulfill the obligation, the Court may determine that the mother is also responsible for the costs. From this provision, it can be concluded that a husband is not absolutely responsible as the head of the family to earn a living, if indeed a husband does not have the ability to earn a living, then by a court decision a wife will share in the costs of the child's election and education.

If we observe the social conditions in Indonesian society at this time, a man who is legally married is the head of the family who is responsible for making a living, in reality it is difficult to find work in the field to earn money to support the family of his children and wife. This is due to the large number of job vacancies filled by women both in the government sector, such as teachers, nurses, and health workers and others as well as in the private sector such as banking, company employees. As a result, many men do not get jobs or are unemployed due to not being able to compete with women in terms of getting a job.

Such conditions make the marriage law regulated in Law no. 1 of 1974 concerning Marriage, is less effective because of the social changes that occur in Indonesian society, where women are now the backbone of the family's livelihood even though they are formally the responsibility of men. By looking at the social conditions of women in Indonesia today, the author wants to find out more about the problems of career women, so the author conducts research on the topic of the Position of a Wife in the Marriage Law System in Indonesia.

## **B. METHOD**

The research method used in this article uses a normative legal research method, which is based on juridical analysis and sociological analysis of the provisions stipulated in Law no. 1 of 1974 concerning Marriage, this law regulates normatively the rights and obligations of husband and wife in domestic life, where a husband is the head of the family and the position of a wife as a

housewife. In this study, sociological analysis was also studied with a qualitative juridical approach related to marriage law that applies in Indonesia, where between the legal rules contained in Law no. 1 of 1974 concerning Marriage, the reality in society has changed and is less effective, this is because many married women continue to carry out their jobs as working women who actually help their husbands in earning a living, and in the field there are many job vacancies filled by women. As a result, men do not get the opportunity to work so that the position to earn a living is replaced by a wife which in Indonesian marriage law is the responsibility of the husband.

### C. RESULTS AND DISCUSSION

#### The Role of the Wife in Indonesian Society and Culture

Basically the concept of an ideal husband and wife relationship is the concept of parallel partnership or an equal relationship. However, the concept of equality or partnership in a husband and wife relationship is not easily applied in everyday reality. In fact, there are many obstacles to realizing these ideal values. Every human being has limitations from each other. The ability of one human to another human also has different levels. Therefore, it is natural that at one time the superior male had the right to hold a position as a leader, because in the past it was men who had the advantage, making it possible for him to earn a living. While the women at that time in the opposite condition. Now women have the same opportunities as men to excel in various fields of life, even economically they are no longer dependent on men. The relationship between men and women is no longer as leaders and those who lead, but more as partners. This means that if men do not have advantages, including not being able to support their families, then their role as family leaders will fall. Because as a human being, the man has no advantage over his wife. On the other hand, if it is a woman who has the advantage, then it is the woman who becomes the leader of the family, because it is the woman who has the advantage over her husband. (Munti, 1999). This concept of partnership or equality, if a family is able to carry out the concept well, as if a husband and wife work hand in hand in household work and produce something positive, then the family will become a harmonious family.

In marriage law in Indonesia, the responsibility of providing a living for his wife and children is the husband, because the husband is difficult to get a job, he is replaced by a wife who acts as a career woman. Indeed, the law and the social reality that exist in society are very different, nowadays women are required to earn a living, because if they only rely on their husbands, there will be a shortage of funds in managing their household life.

Along with the development of modern times, the role of a woman who used to often stay at home to take care of various household needs and serve her husband, has now shifted and tends to be independent as a career woman. Many of us find women who are no longer involved with the affairs of the kitchen, wells and mattresses that used to be identical as women's duties, but more tend to take care of their personal work, ranging from bank employees, policewomen, flight attendants, artists, even politicians and various other positions. Strategic position both in the world of bureaucracy and self-employment. This phenomenon is inversely proportional to

the role of women in the past, many ancient women chose not to work outside, but preferred to serve their husbands and take care of all their household needs.

The role of women as wives is very important because happiness and misery that occurs in family life is largely determined by the wife, a wise wife can make her household the safest and most pleasant place for her husband, she can make herself a good friend who gives peace and happiness to her husband, she can soothe the heart of a husband who is hot and she can make herself a place for shedding all emotions that please her husband's chest, so that the turmoil of anger, upset, disappointment or sadness of her husband can be heard, understood and felt so that the peace of the husband's soul will recover.(Zakiah, 1992)

Against the image of women, there is often a wrong picture, reinforced by local traditions and culture, people tend to place women as second-class citizens which are then arranged in an almost standard division of tasks, men are tasked with earning a living and are free to enjoy life outside their homes. Meanwhile, women stay at home, taking care of children, washing and cooking. This view seems discriminatory, then the concept of equality in the family emerges, men and women are seen as having the same potential, the existence of women in this concept is more stable. Due to economic pressure, the wife helps find work, in order to keep pace with the growing modern lifestyle. The husband also does not mind if the wife helps to work, women's work patterns affect the family structure, the positive is clear, the family increases in income.

Considering that the establishment of a prosperous household is a shared responsibility, such a heavy function of the mother needs to be divided equally between husband and wife, because both of them work together. The task of educating, for example, focuses not only on the shoulders of the mother, but also the father. A job that used to be taboo for husbands, such as washing and cooking, could one day be done by men.

With such a division of labor, it will be able to lighten the heavy burden on mothers who are multi-position and dual-function. Currently it is no longer relevant if one restricts women who want to develop a career, the important thing is how women and men alike can divide their time between their duties inside and outside the home

#### **The position and obligations of a husband in domestic life**

In general, a husband acts as the head of the family in charge of earning a living to meet the needs of clothing, food and shelter. The husband also acts as the wife's partner, being a loyal friend who is fun and always there in times of joy and sorrow by always providing time to talk and spend free time with his wife. As a husband, you must also play a role in protecting or guiding your wife so that she always stays on the right path. In addition to being a good partner for his wife, the husband can also help ease his wife's duties, such as inviting the children to play or recreation and providing quality free time for the children in between the husband's busy life in earning a living. In addition to the husband's role, the wife also has a very important role, namely as a husband's companion at all times and a mother who is ready to look after and guide her children. Just like husbands, wives also act as partners or partners who are good and fun for their life partners. Wives can be invited to discuss various kinds of problems that occur

and also talk about light things. The wife as a motivator and encouragement for the progress of her husband in the field of work. (W. H. ; Daldiyono Hardjodisastro, 2010)

In the marriage law regulated by Law no. 1 of 1974 concerning Marriage, that marriage is a bond between a man and a woman to form a happy household based on the One Godhead. This means that marriage between a woman and a man is an engagement or agreement that is civil in nature, where between husband and wife there is a relationship of rights and obligations. This is regulated by Article 30 of Law Number 1 of 1974 (hereinafter referred to as the Marriage Law) and Articles 77 to 84 of the Compilation of Islamic Law. (Ali, 2012)

In Law No. 1 of 1974 concerning Marriage and Compilation of Islamic Law (KHI) (Abdurrahman, 1995). Article 77 Paragraph (1) contains the following provisions:

Article 30: husband and wife bear a noble obligation to uphold the household which is the basic foundation of the structure of society.

Article 77: husband and wife bear a noble obligation to uphold a sakinah, mawaddah, and rahmah household which is the basis of the composition of society.

After the marriage, husband and wife have the responsibility and maintain the household. If one husband and wife neglect their responsibilities, then the situation in the household from day to day will be gloomier, no longer shining. The household will be broken, not harmonious anymore. (Ali Hasan, 2006). Each husband and wife have rights over the other. This means that if the wife has rights from her husband, then her husband has an obligation to his wife. Likewise, the husband has rights from his wife, and the wife has obligations to her husband.

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The obligations of husband and wife are contained in Article 34 of the Marriage Law No.1 of 1974 which determines:

(1) The husband is obliged to protect his wife and provide all household needs according to his ability.

(2) The wife is obliged to manage the household as well as possible.

(3) If the husband or wife neglects their respective obligations, they can file a lawsuit to the court

As for the purpose of article 34 paragraph 1, it seems that the husband is the one who pays for the household life and is obliged to provide for the wife. But in this case there is an exception, namely in the husband providing the necessities for his household must be in accordance with his ability. As for the meaning of the word ability, it means that according to the condition of the husband, the amount of living that will be given depends on the wealth of the husband, if

the husband is rich then in giving everything must be in accordance with his wealth. Likewise in the husband providing a place to live for his wife, in this case the husband must provide a proper place to live and according to his abilities. If the house where they live is an inappropriate place, the wife has the right to determine their place of residence, because in accordance with Article 32 of the Marriage Law No.1 of 1974 in paragraphs (1) and (2) states that:

(1) Husband and wife must have a permanent residence.

(2) The residential house as referred to in paragraph (1) of this article shall be determined jointly by husband and wife.

So the husband must have a permanent residence, and in determining the place of residence must be determined by the husband and wife. The husband is obliged to protect his wife, meaning that the husband is responsible for the safety of his wife's body and soul, the husband is obliged to guide and lead his wife well, to keep his wife from deviating from the purpose of the marriage, and the husband to maintain the dignity and worth of his wife in the eyes of the community. So in this case the husband is obliged to protect his wife and provide all the necessities of household life according to his abilities, because this is in accordance with the purpose of marriage, which is to build a happy household filled with an atmosphere of love.

As for the purpose of Article 34 paragraph 2, which is that the wife is obliged to manage the household as well as possible, because the wife plans and carries out everything needed in the household. The wife must have skills and expertise in educating children, so that children become the hope of the Nusa and the Nation. A wise wife is one who participates in fostering a prosperous and happy household.

The law strengthens what is supposed to be the obligation of husband and wife. A husband who neglects to provide the necessary things to his wife, it can be forced through the courts. The wife who leaves the house without valid reasons, then she loses the right to provide maintenance. If the husband/wife neglects their respective obligations, they can file a lawsuit.

### **The Position of a Wife in Social Changes in Modern Society**

A harmonious and happy household can be said to be an ideal household. Everyone who is married always craves an ideal household in which there is harmony between family members, peace, tranquility, wholeness and harmony. Harmony in the household is very relevant to the interactivity between the two married couples.(H.M.A. Tihami, 2013)

Technological developments and advances in the current era of globalization have made information very important, along with the presence of communication media, especially television, which is known as audio-visual, racing in conveying information and messages related to all aspects of human life, including the economic and professional fields. Advances in technology and culture have greatly supported the progress of the nation and the world community. Especially in Indonesia, the career field requires all groups to take part in all aspects of life, both at home and in politics, and in government institutions. The equality of



demands from gender shows that women feel they have equal rights with men, so that many women pursue careers according to their profession.

Career women are also the basis for the division of responsibilities that are socially and culturally determined, where in the western world men and women have the same rights to be everything they want according to their talents to be able to have a career with men, as well as to become a career woman. Leader.

Career women are also the basis for the division of responsibilities that are socially and culturally determined, where in the western world men and women have the same rights to be everything they want according to their talents to be able to have a career with men, as well as to become a career woman. leader.(Yahya, 2000). Women who have the status of career women are their responsibility as mothers in fostering the education of their children in the family environment, especially in the development of children's religion, because fathers and mothers are the parents of the children as the main and first educators who are responsible for physical and psychological development. Career women are women. adults or adult women who work or work and do work or work at home or outside the home on the pretext of wanting to achieve progress, development and position in their lives.(Ikhsa, 1998)

According to Soerjono Soekanto, role is a dynamic process of individual status. If a person carries out his rights and obligations according to his position, then he has carried out a role.(Soekanto, S., & Sulistyowati, 2017). The role can be a framework within which activities in society, organizations, and groups are organized and acquire meaning and by which individuals organize and understand the meaning of their own behavior and the actions of others.(“Handb. Sociol. Theory,” 2001). From this explanation, it can be understood that the role is a pattern of behavior of people who occupy certain statuses. The role is needed by someone, in order to achieve the goals that have been determined together in the life of the community. This fact shows that the family forms a pattern of division of roles. Society has its own pattern of division of gender roles in its economic, social and cultural life.(Satria, 2015)

In this context, men seem to be culturally obliged to do domestic work, on the other hand, women take care of work outside the home. The wife has her own initiative so that the job of making a living does not always depend on the hands of the man (husband). The decisions on the division of roles taken are very closely intertwined with their cultural basis in social life. The role played by the wife is a form of mutual cooperation between the wife and the husband in order to meet the socio-economic needs of a larger family.

In Javanese culture, the ideal image of women is to have a gentle, obedient nature, not to argue and not to exceed men. So the roles that are considered ideal are managing the household, supporting the husband's career, a wife who is obedient to her husband and a mother for her children. Meanwhile, men are portrayed as “all-knowing figures, as role models for women, rational and aggressive. The ideal role for the ideal man according to the image is as the head of the family who is responsible for making a living for the family, protector, and protector.(Sari Anggreni, 2014)

Based on the view of Traditional Javanese culture, the power of a wife in traditional Javanese society is limited to domestic matters such as cooking and washing. Meanwhile, the husband has to work to earn a living. However, in the life of modern Javanese society in married life, a husband and wife must respect each other and share roles and do not let one party dominate or obey his wishes and want to win on his own. Husbands and wives work together in making decisions in the family but husbands tend not to think about daily expenses, such as spending money, because it is a wife's job.(W. H. Daldiyono Hardjodisastro, 210 C.E.). With the progress of the times and the existence of the gender equality movement, there are more opportunities for women to receive better education and work in the public sector so that women have equal rights with men

In the past half century, the typical lifestyle of a married couple was described as an ideal situation in which each partner has an unwritten role that results in marital harmony. At that time the husband was responsible for providing for his wife and family while the wife was responsible for taking care of the house and children. Along with the times and more modern lifestyles, there is a shift in gender roles from traditional to more egalitarian which means that men and women are the same in all domains.(Botkin, D. R., Weeks, M. O., & Morris, 2000)

Meanwhile, husbands who have a modern view of gender roles believe that men and women are equal and that there is a flexible power sharing structure between women and men. Therefore, husbands are more able to adjust to the role of their wives in the house compared to husbands who have a traditional gender role view, so that with this modern view, husbands are willing to accept greater responsibility in household activities. (Putri & Lestari, 2015)

#### **The Position and Rights of a Wife in Indonesian Marriage Law**

The balance of position between husband and wife is defined as everything in married life that must be negotiated and decided jointly by the husband and wife concerned. In the household, although physically men are generally stronger than women, they are the same. Their position is the same, in the sense that each of them has obligations that must be fulfilled, and both have rights that cannot be ignored. Negligence on the one hand means neglecting the rights of the other party which in turn will lead to rifts in the household and divorce.(Anwar, 2021)

To get a harmonious, happy, harmonious, peaceful and intact household, it is possible that the economy of an affluent household is not followed. Because sometimes economic problems are also one of the triggers for a lack of harmony in the household. One of the main factors causing the low economy in the household is, the husband's small income cannot meet household needs, and the husband does not work and always relies on his wife. Even though it is clear in Islam that a husband has the task of providing a living for the family, fulfilling all household needs, and fulfilling all causes of family comfort.

Things like that then encourage a wife to work to help the household economy or indeed before getting married a wife is already working (a career woman). When a wife has decided to work either working outside the home or inside the house (having a business) it will certainly have an influence on her household.(Firdaus et al., 2020)

The implications for domestic harmony arising from a working wife can be positive or negative. It can be said to be positive if a working wife can meet the criteria as a career woman, where the wife can divide her time between household work and her personal work, and there is an understanding between the two partners who prioritizes understanding from the husband when the wife decides to work. It can be said to be negative when a wife begins to be careless about her duties as well as her role as a housewife and a lack of understanding from a husband who always relies on his wife in household matters.(Nurlaila & Mohunggo, 2017)

In Article 34 of Law No. 1 of 1974 concerning Marriage, it is stated that a man as a husband is responsible for earning a living in order to fulfill the needs of his household or family. For this purpose, men usually have to work outside the home or in the public/external sector, which in turn has the consequence of not having to take care of the domestic/internal household. On the other hand, the wife is declared obliged to manage household affairs or domestic affairs as well as possible. Actually, Article 34 of the 1974 Marriage Law is related to Article 31 which states that the husband is the head of the family and the wife is the housewife.

As a consequence of all this, women are not allocated time to take part outside the household, or at the public/external level. Even if men and women do not carry out their obligations according to their roles and obligations according to the law, then they can be subject to legal sanctions, because they can be sued in the State Court (paragraph 3).

When examined from a feminist perspective, Article 34 of the Marriage Law cannot be taken for granted. Liberal feminist groups assume that the subordination of women is rooted in legal constraints that exclude or hinder the full and equal involvement of women in the public arena.

The goal that liberal feminists want to achieve is equality of opportunity (Clifford, 2001). This is something that does not exist in the 1974 Marriage Law as a legal regulation in marriage. Equality of opportunity will not occur if the subordination contained in the 1974 marriage law still prevents women from getting equal opportunities in their involvement in the public sphere. When adjusting to the views of this Liberal Feminist group, it seems that changes are needed in the first and second paragraphs of article 34 of the 1974 Marriage Law, because the existing division of roles and work is a form of limiting opportunities for women and men. In addition, it is also possible to open opportunities for the subordination of women.

Radical feminists have the same opinion. Although in general the views of Radical Feminists are almost the same as Liberal Feminists, however, Radical Feminists voice it louder. Radical Feminists claim that the patriarchal system is characterized by power, domination, hierarchy and competition.

The patriarchal system apparently cannot be reformed, but must be awakened and renewed from its roots and branches. This means that not only patriarchal legal and political structures must be repealed, but also social and cultural institutions, especially families, churches and academic institutions so that it is possible to provide a way for women's liberation.(Tong, 2017). The notion of patriarchy as reflected in Article 34 of the Marriage Law, which has been shackled to the freedom of both Indonesian men and women should have begun to be removed.

In the study of the Marxist Socialist Feminist theory, it can be revealed that the 1974 Marriage Law, article 34 paragraphs 1, 2 and 3, is actually full of oppression of women. The Marxist Feminist view assumes that the source of oppression of women is capitalism, which causes a division of roles between men and women, men in the public sphere while women in the domestic sphere.

In addition, the cause of oppression of women is not class or sex, but a very complicated relationship between capitalism and patriarchy. The oppression of women is the result and the social, political and economic structure in which the individual resides. The division of labor arises in the family because of the understanding of capitalism and patriarchy, where women are considered as the proletariat, and men as the bourgeoisie. (Effendi, 2003). The proletariat (women) cannot control the sources of production, it can only cultivate those resources under the bourgeoisie (men).

In the Indonesian context, the position between a man or a husband and a woman is balanced in accordance with the provisions stipulated by Law no. 1 of 1974 concerning Marriage, the position of the husband as the head of the family is responsible for earning a living to support household needs, which means that the husband must have a job and have an income. Likewise, a wife has a position as a housewife and has responsibility for the needs and needs of the family, including serving her husband and caring for children. In the marriage law, it is regulated regarding the position of husband and wife in a marriage, where the rights and obligations of husband and wife in domestic life are clearly regulated. The rights and obligations of husband and wife in marriage law in Indonesia, among others.

1. Husband and wife bear a noble obligation to uphold a *sakinah*, *mawaddah*, and *rahmah* household which is the foundation and structure of society.
2. Husband and wife are obliged to love each other, respect, and respect, be faithful and provide physical and spiritual assistance to one another
3. Husband and wife bear the obligation to care for and care for their children both in terms of physical and spiritual growth as well as intelligence and religious education.

#### D. CONCLUSION

The position of the wife in the legal system of marriage in Indonesia is balanced in accordance with the provisions stipulated in Law No. 1 of 1974 concerning marriage, especially the provisions in Article 31 paragraph (1) where the rights and position of the wife are balanced with the rights and position of the husband in home life. Ladder and the association of living together in society. The husband is the head of the household and the wife is the housewife. The provisions contained in the Act, the reality that occurs in modern society is currently undergoing a fundamental change, and the husband who used to be the breadwinner has been replaced by many wives, because of the many dual roles of the wife, besides being a housewife who takes care of the house. Household as a breadwinner as a support for family life.

This shift of position and responsibility is due to the social changes that occur in Indonesian society from traditional society to modern society. So that the position of the husband who was previously the breadwinner has been replaced by the role and position of the wife. This shift in position and responsibility is caused by the difficulty of husbands in finding work compared to wives, which results in wives having a dual role, in addition to being housewives as well as breadwinners. Although in the Act the position of husband and wife is balanced, but with social development, the role of the wife is heavier than the role of the husband, a wife besides being a housewife is also a breadwinner in family life in Indonesia

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